



# **School-Based Management And Accountability Procedures Manual**

**Public Schools of North Carolina  
North Carolina Department of Public Instruction  
Curriculum and School Reform Services  
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## **Evolution of the ABCs**

### **1995**

The General Assembly directed the State Board of Education (SBE) to develop a restructuring plan for public education. The State Board conducted an in-depth study involving public hearings, surveys and interviews; reviewed current mandates and operating procedures; and undertook a major organizational analysis to relate all education operations to the mission. In May 1995, the New ABCs of Public Education outlined the framework for a dramatic restructuring.

### **1995-1996**

One hundred eight schools in ten school districts piloted The New ABCs of Public Education. The systems were Albemarle, Alleghany, Asheville City, Elizabeth City-Pasquotank, Duplin, Halifax, Lexington, McDowell, Bladen and Lincoln.

### **1996**

The General Assembly approved the State Board's plan and put into law the School-Based Management and Accountability Program (the ABCs of Public Education).

### **1996-1997**

- ABCs implementation began for schools with grades K-8.
- DPI communicated ABCs procedures to principals and teachers.
- Assistance teams were formed and trained, and assistance was offered to schools by request and on a voluntary basis.
- The Steering Committee for Assessment and Accountability was established by the SBE to develop the High School Model.
- The Compliance Commission for Accountability was established by the SBE to advise on testing and other issues related to school accountability and improvement. The commission was to be composed of two members from each of eight educational districts and four at-large members to represent parents, business, and the community.
- The first ABCs Report was submitted to the State Board of Education in August.
- All schools achieving exemplary growth standards received incentive awards (\$1,000 for certified staff; \$500 for teacher assistants).

### **1997-98**

- Schools designated as low-performing schools received mandated assistance teams.
- The next phase of Statewide reform was implemented with the high school accountability

model. It was considered a “work in progress” with re-examination, changes and adjustments to come.

- The model included results on five mandated end-of-course tests (EOCs), a high school writing test (English II – time was extended to allow students 100 minutes); percentages completing College Prep/CollegeTech Prep (based on a year to year change); SAT scores and participation rates were reported.
- Two measures, the passing rates on the high school competency tests and dropout rates, were scheduled for implementation for the 198-99 (competency) and 2000-02 (dropouts).
- The Comprehensive Test in Reading and Mathematics was administered to determine cohort growth from grade 8 to grade 10. This was to satisfy the Senate Bill 1139 legislation that called for measuring student growth (for high schools). Initially, results were to “count” for the accountability year, but it was decided to delay inclusion of these data in the growth composite for high schools until the following year.
- Growth for K-8 schools was computed using both the “old” *unmatched* grade 3 parameters, and the “new” (1996-97) *matched* group grade 3 parameters. The higher of the two growth computations was used in the final computations for growth.
- Seventh grade Writing was included in computing growth. Since this was the third year of data collection, it had previously been used only in the performance composite.
- Algebra I scores from grades prior to the ninth grade were included in the computations for performance composite for high schools.
- A confidence band for the performance composite was computed for identifying low-performing schools; this allowed schools a safety margin for sampling errors. Schools could be slightly below 50% at or above grade level and not be penalized.
- The ABCs status label *No Recognition* was changed to *Adequate Performance*.
- Charter schools were included in the ABCs reporting for the first time.
- A Comprehensive Model was defined for schools that had grades included in both the K-8 and high school configurations. The school faculty voted on whether the Comprehensive Model would be used to evaluate the school for the accountability year, and the vote was to be reflected in the school improvement plan.
- Alternative schools were asked to submit proposals of better ways to be evaluated in subsequent accountability years.
- Reporting guidelines were developed to accommodate feeder patterns for special education schools, alternative schools and K-2 feeder schools; high schools with major demographic shifts were accommodated under special conditions; reporting accommodations were implemented for schools with insufficient data and guidelines were developed to handle senior high schools under the ABCs.
- It was decided that during this accountability year, no alternative schools or special schools were to be identified as low-performing.
- EOC test scores of students in middle grades were used in the high school portion of the performance composite score but not the gain composite score.
- K-8 and high school results under the ABCs were reported in A Report Card for the ABCs of Public Education, Volume I.
- All schools making Expected or Exemplary Growth/Gain were awarded incentives per the Excellent Schools Act, enacted by the General Assembly (\$1500 for certified staff,

\$500 for teacher assistants in schools making Exemplary Growth/Gain; schools making Expected growth/gain received \$750 for certified staff; \$375 for teacher assistants).

- A Report Card for the ABCs of Public Education was made available on the DPI web site.

### **1998-99**

- The SBE increased the membership of the Compliance Commission for Accountability from the original 20 members to 22 members to include an SBE member and an additional at-large business member.
- The Comprehensive Model was applied to all schools.
- Five additional EOC tests were added to the performance composite score.
- The High School Comprehensive Test growth parameters were approved; the growth component was included in the high school growth/gain computations.
- The change in the competency passing rate was implemented in the high school.
- EOC scores for middle grades counted toward the schools' growth/gain and performance at high schools.
- Data collection guidelines and procedures were documented in an Accountability Processing Checklist to incorporate roles of LEA, regional coordinators and the agency staff.
- An insufficient data rule was documented for high schools (less than 30 students in a given course for a given year of the three years data).
- Dual enrollment policies were documented and disseminated.
- Membership rule for Comprehensive Tests was approved (160 days).
- Third grade parameters were revised and applied to the grade 3 growth computations.
- A Report Card for the ABCs of Public Education, Volume 2, included ABCs dropout data.
- Alternative schools with sufficient data were included in the ABCs on the basis of their data; schools with insufficient data were awarded prorated incentives based on the feeder schools.
- The labels *Top 10/25 Schools* and *Adequate Performance* were changed to *Most Improved 10/25* and *No Recognition*, respectively.

### **1999-2000**

- A rule for dropping courses in high school (10/20 Day Rule) was implemented.
- Alternative schools were included in the ABCs under HSP-C-013. Web interface was developed for data collection for alternative schools to enter local option data online.
- Department of Health and Human Services (DHHS) and Office of Juvenile Justice (OJJ) schools were included in the ABCs.
- Schools were given test administration options for fall English II Tests due to catastrophic weather.
- The SBE appointed a Writing Assessment Task Force.
- Full ABCs documentation was made available on the Accountability web site.

## 2000-01

- EOC prediction formulas for 10 multiple-choice EOCs were implemented; this fully addressed concerns related to comparing different cohorts over time at the high school level.
- The change in dropout rates was implemented as a component to the growth computations in high schools.
- Computer Skills testing results at grade 8 were added to the performance composite.
- EOC prediction formulas' exemplary growth standard was set at 3% more than the expected growth standard.
- Weighting the ABCs growth composites was adopted by the SBE in part to eliminate concern over small groups of students having the same impact as large groups of students in the determination of whether the school met growth standards.
- The North Carolina Alternate Assessment Portfolio (NCAAP) was added to the performance composite.
- Writing at fourth and seventh grades was removed from the growth composites, but remained a part of the performance composite.
- The North Carolina Alternate Assessment Academic Inventory (NCAAAI) and the Computerized Adaptive Testing System were approved by SBE to be pilot tested and included in ABCs Volume II Report.

## 2001-02

- The State Board of Education approved revisions to the ABCs classifications for the 2001-2002 school year.
- The term **high** growth replaced *exemplary* growth, and the term “growth” replaced “growth/gain” in all designations of meeting or exceeding growth or gain standards.
- Three tests were eliminated for the 2001-2002 school year: Iowa Tests of Basic Skills, Open-ended Assessments in fourth and eighth grades, and the High School Comprehensive Tests in Reading and Mathematics at grade 10. (Only the latter had been included in the ABCs.)
- English II was suspended and will not be included in the ABCs until new tests are developed.
- DPI revised the format for reporting data in ABCs Volume II, and changed the name to *Reports of Supplemental Disaggregated State, District and School Performance Data for 2000-2001*.
- SBE approved the revised achievement levels determined from the Summer of 2001 equating study for student reporting, student accountability standards gateways, student competency standard and ABCs reporting (performance composites).
- Two ABCs reporting categories were added: Schools of Progress (schools that make at least expected growth and have a performance composite of at least 60%) and Priority Schools (schools that have less than a 60% performance composite and are not low performing).



### **2002-03**

- ABCs 91-Day Rule for Growth Calculations changed to 140-Day Rule to align with NCLB full academic year (FAY) requirement.
- The 98% participation rule for third through eighth grades under the ABCs was changed to 95% to conform with NCLB 95% tested requirement.
- No exclusions allowed.
- Adequate Yearly Progress (AYP) was added as a “closing the gap component” of the ABCs to meet requirements of General Statute G. S. 115C-105.35.
- North Carolina Alternate Assessment Portfolio (NCAAP) scoring revised to yield reading and mathematics scores.
- The ABCs Report, The ABCs of Public Education 2002-2003 Growth and Performance of North Carolina Schools, was made available in electronic format on DPI website. No hardcopy reports were published.

### **2003-04**

- No U.S. History tests were administered in 2003-04. Economic, Legal and Political Systems (ELP) tests were administered for transfer students, students who previously failed the course and students in tenth through twelfth grades who needed the course for graduation. U.S. History and ELP data will be excluded from the ABCs data analysis for 2003-04 and 2004-05 school years. New EOC tests in these subjects are under development for administration during the 2005-06 school year.
- Alternative schools’ accountability policy was revised to prescribe eight (8) local options; these revisions were optional for the 2003-04 school year, and mandatory in 2004-05.
- Certain charter schools became eligible to participate in the ABCs of alternative schools as per SBE policy.
- The Occupational Course of Study (OCS) graduates were subtracted from the denominator of diploma recipients in computing College University Prep/College Tech Prep component.
- Writing results were not included in the ABCs in 2003-04; results at grades 4, 7 and 10 will be included in the performance composite for 2004-05.
- SBE approved a change in weighting the dropout component of the ABCs to  $\frac{1}{4}$  membership, making it comparable to English I weight; this will be applied to the changes in dropout rates reported in the 2004-05 ABCs.
- The SBE approved adding a recognition category for Schools of Excellence that meet AYP. The new category was named Honor Schools of Excellence.

## **Mission of the Public School Community**

**G.S. 115C-105.20** states that the primary goal of the **School-Based Management and Accountability Program** is improving student performance.

The General Assembly believes that all children can learn. With this as a guiding mission, the State Board of Education was charged with developing a school-based management and accountability program with improving student performance as the primary goal.

**The mission of the public school community is to challenge with high expectations each child to learn, to achieve, and to fulfill his or her potential.**

From the mission, several principles were developed to guide the School-Based Management and Accountability Program (the ABCs).

- The ABCs sets standards for student performance and growth in the basics that are the foundation for further learning and achievement.
- The accountability system in the ABCs plan is designed to result in improved student performance.
- Schools and districts are accountable for the education of all students.
- The ABCs should provide instructional, programmatic and financial flexibility for schools and school systems that meet standards for performance and growth.
- The ABCs relies on local schools and school districts to involve all parents, teachers and community representatives in the planning process and to develop and implement local accountability and program evaluation systems that complement the state ABCs plan.
- The ABCs recognizes the public's right to know the performance of local schools and school districts. School report cards will include summary data about the status of all schools on indicators in the ABCs. Data is reported to the State Board of Education and made available to parents and the general public.

## Major Implementation Components

**G.S. 115C-105.20** of the **School-Based Management and Accountability Program** directs the State Board of Education to adopt guidelines to support local boards of education and schools in implementing the ABCs.

As **required by legislation**, the State Board of Education adopted guidelines to

- assist local boards and schools in the development and implementation of school-based management;
- recognize the schools that meet or exceed their goals;
- identify low-performing schools, and create assistance teams that the State Board of Education may assign to these low-performing schools;
- include on the assistance teams currently practicing teachers and staff, representatives of institutions of higher education, school administrators, and others the State Board of Education considers appropriate;
- enable assistance teams to make necessary recommendations; and
- establish a process to provide for the final resolution of disputes between local boards and schools in the development and implementation of school improvement plans.

As stated in the law, all LEAs are **required to participate** in the School-Based Management and Accountability Program. The program is based on four processes that hold each school and the school's personnel accountable for improved student performance in the school. The processes are accountability, recognition, assistance, and intervention.

The School-Based Management and Accountability Program provides for increased local control of schools. Local boards of education

- are allowed increased flexibility in the expenditure of state funds, in accordance with budget flexibility guidelines; and
- may be granted waivers of certain laws, regulations, and policies that may inhibit their ability to reach local accountability goals, as outlined in G.S. 115C-105.21B.

## **Budget Flexibility**

**Note: This information does not pertain to charter public schools.**

**G.S. 115C-105.25, Budget Flexibility**, provides for maximum flexibility in the use of funds. When a school improvement plan is accepted under G.S. 115C-105.22, the local board of education may transfer and approve transfers of funds between funding allotment categories, subject to the limitations outlined below.

### **Teacher Assistants**

No waiver is required to transfer state funds appropriated for teacher assistants in grades K-3 to teacher positions, if included in the school improvement plan. Only vacant positions may be transferred. Grade placements cannot be waived.

An LEA may request a waiver to place teacher assistants who are primarily assigned to grades K-3 and provide other services supporting the whole school. Interpreting the meaning of a primary assignment must be decided by each local board of education. Logically, the primary assignment would be at least 51% of the workday.

### **Classroom Materials/Instructional Supplies/Textbooks**

No waiver is required to transfer state funds allotted for classroom materials instructional supplies/equipment to textbooks, if this is included in the school improvement plan.

### **Textbooks**

No waiver is required to transfer state funds allotted for textbooks to classroom materials/instructional supplies/equipment, if this is included in the school improvement plan.

### **Noninstructional Support Personnel**

No waiver is required to transfer state funds allotted for noninstructional support personnel (clerical, custodians, and substitute pay) to teacher positions (any grade), if included in the school improvement plan. **No other waiver/transfer of these funds is allowed.**

### **Central Office Administration**

Funds cannot be transferred into the central office administration category.

### **Exceptional Children/Driver Education**

Funds allotted for exceptional children, including behavioral support funds, cannot be

transferred. Driver education funds may not be transferred.

### **Classroom Teachers**

Classroom teacher funds **can only be transferred** for classroom/instructional supplies/equipment, exceptional children teachers, at-risk teachers, and textbooks.

### **Vocational Education**

State funds allotted for vocational education may be transferred.

### **Career Development**

Career development funds cannot be transferred.

## State Public School Fund FY 2004-20045 ABC Transfer Policies

|  |                |
|--|----------------|
| <b>General Policy:</b>   | <b>Revised</b> |
| <p><b>State Board waivers are not required for financial transfers.</b> The only transfers required to be in a school improvement plan are the following categories: Academically Gifted Students (some transfers), Classroom Materials/Instructional Supplies/Equipment, Noninstructional Support Personnel, Teacher Assistants and Textbooks. Details of the transfer policies are outlined below.</p> |                |

**NOTE: Final date for receipt of ABCs Transfers at the N. C. Department of Public Instruction is Friday, May 27, 2005.**

| Allotment Category  | ABC Transfer Policy  |
|---|--|
| <b>ABC Incentive Award</b>  | No transfers are allowed.  |
| <b>Academically or Intellectually Gifted Students</b>   | Funds can be transferred to other categories if in a school's improvement plan and if all academically or intellectually gifted students are appropriately served. Funds may be transferred into this category.  |
| <b>At-Risk Student Services/<br/>Alternative Schools</b><br>Funds are available from July 1 - August 31 of the next fiscal year.  | Funds cannot be transferred out of this category. Funds can be transferred into this category.   |
| <b>Central Office Administration</b>  | Funds cannot be transferred into this category. Funds can be transferred out for any other purpose.  |
| <b>Children with Disabilities</b><br>Includes behavioral support funds  | Funds may not be transferred out of this category. Funds may be transferred in from any category.  |
| <b>Classroom Materials/<br/>Instructional Supplies/<br/>Equipment</b>   | Transfers to textbooks are allowed if included in a school's improvement plan. No other transfers are allowed.   |
| <b>Classroom Teachers*</b><br>The State does not allot dollars to hire teachers. The State pays the salary cost of the State paid teachers that a local system employs. | Funds can only be transferred for classroom materials/ instructional supplies/equipment, exceptional children teachers, at-risk teachers, or textbooks. Funds transferred are based on the Statewide average salary for teachers, including fringe benefits. |
| <b>Driver's Education</b>   | No transfers are allowed.  |

| <b>Allotment Category</b>  |
|--|
| <p><b>Improving Student Accountability</b><br/>Funds are available from July 1 - August 31 of the next fiscal year.</p>  |
| <p><b>Instructional Support Personnel*</b><br/>The State does not allot dollars for this category. The State will pay the salary cost of the State paid positions that a local system employs.</p> |
| <p><b>Intervention/ Assistance Team Funding</b></p>  |
| <p><b>Limited English Proficiency.</b></p>   |
| <p><b>Noninstructional Support Personnel</b><br/>Includes clerical support, custodians and substitutes</p>   |
| <p><b>School Building Administration*</b><br/>The State does not allot dollars for this category. The State will pay the salary cost of the State paid positions that a local system employs</p>   |
| <p><b>School Technology</b><br/>Funds are available until expended.</p>  |
| <p><b>Staff Development</b><br/>Funds are available July 1 – December 31 of the next fiscal year.</p>  |
| <p><b>Supplemental Funding</b></p>   |

| <b>ABC Transfer Policy</b>  |
|---|
| <p>Funds may not be transferred out of this category. Funds may be transferred in from any category.</p>  |
| <p>Funds can be transferred for any purpose. <u>Can be used for teachers in any grade without a transfer.</u> Funds are based on the Statewide average salary for instructional support, including fringe benefits.</p>   |
| <p>No transfers are allowed.</p>  |
| <p>No transfers are allowed.</p>  |
| <p>Transfers are allowed only for teachers (any grade) if in a school's improvement plan. Three percent (3%) of these funds may be transferred for staff development. No other transfers are allowed.</p>   |
| <p>Funds can be transferred for any purpose. Funds transferred are based on the Statewide average salary for principals, including fringe benefits and assistant principals including fringe benefits. Waivers for placement of principals on the salary schedule for low-performing schools must be approved by the State Board.</p> |
| <p>No transfers are allowed.</p>  |
| <p>Funds can be transferred for any purpose. LEAs must allot 75% of funds to schools.</p>   |
| <p>No waivers are allowed.</p>  |

| <b>Allotment Category</b>    | <b>ABC Transfer Policy</b>  |
|------------------------------|---|
| <b>Teacher Assistants</b>    | Transfers allowed only for teachers in grades K-3 if in a school's improvement plan. Positions must be vacant to transfer. Grade placement may be waived if in a school's improvement plan to serve students primarily in grades K-3 when the personnel are assigned to an elementary school to serve the whole school.   |
| <b>Textbooks</b>             | Transfers to Classroom Materials/Instructional Supplies/ Equipment are allowed if included in a school's improvement plan. No other transfers are allowed. LEAs will not have to obtain a waiver to purchase off the State-adopted list.  |
| <b>Transportation</b>        | Funds can be transferred. Transfers will impact efficiency ratings.   |
| <b>Vocational Education*</b> | Funds can be transferred between vocational education categories. Limited transfers for other purposes are based on promulgated rules established by the State Board to comply with these regulations. The limit for FY 2003-04 is the legislative increase times the allotted months of employment minus the adjustment for charter schools. Funds transferred are based on the Statewide average salary for vocational educational including fringe benefits. |

\*Refer to the most recent Statewide Average Salary document for this year.



## Waivers of State Laws, Rules or Policies

**G.S. 115C-105.26, Waivers of State Laws, rules or policies**, specifies that waivers may be submitted by local boards of education when included as part of an accepted school improvement plan. Waivers will be granted only for the specific schools for which they are requested and must be used only under the specific circumstances for which they are requested.

**Local boards of education** may request waivers of state laws, rules or policies on the behalf of specific schools using the following procedures:

- Identify the school.
- Describe what inhibits the school's ability to improve student performance.
- Identify the waiver requested.
- Specify how the waiver will be used.
- Explain how the waiver will permit the school to improve student performance.

When the superintendent and the local board of education have approved school improvement plans, waivers that require approval by the State Board of Education should be summarized on the *School-Based Management and Accountability Program Summary of School-Based Waiver Requests* form and submitted for review to

Dr. Elsie C. Leak, Associate State Superintendent  
Office Curriculum and School Reform Services  
North Carolina Department of Public Instruction  
6307 Mail Service Center  
Raleigh, NC 27699-6307

The Office of Curriculum and School Reform Services (CSRS) will determine if identified laws, rules, or policies, should be waived and to what extent. The recommendation will then be sent to the State Board of Education for acceptance or rejection. Plans for the 2002-2005 cycle should have been developed and submitted to the local board of education prior to the 2002-2003 school year. If new waivers are needed each year, the plan and the waivers must be submitted to the local board for approval. The local board of education sets the due date for school improvement plans.

The State Board of Education will approve or reject the request for waivers submitted by CSRS for the specific schools with justification to the local superintendent.

Upon notification of approval, the local school system must complete a *Transfer of Funds* form for approved waivers. A copy of the waiver request form is included in the appendices

of this document. The completed form must be submitted to

Office of Financial and Business Services  
School Allotment Section  
North Carolina Department of Public Instruction  
6313 Mail Service Center  
Raleigh, NC 27699-6313

Local school systems are then responsible for ensuring that the approved transfer goes to the specific school that requested it.

Waivers may be granted in the following areas:

- class size in grades fourth through twelfth grades (this excludes class size limitations in grades K-3),
- requests must be made to provide financial incentives to encourage principals to accept employment in schools identified as low-performing under G.S. 115C-105.30 and
- state rules and policies.

Waivers will not be granted in the following areas:

- salary schedules and employee benefits;
- instructional program required under the Basic Education Program (BEP);
- system of employment for public school teachers and administrators under G.S. 115C-287.1 and G.S. 115C-325;
- health and safety codes;
- compulsory attendance;
- minimum lengths of the school day and year;
- Uniform Education Reporting System; and
- G.S. 115C-12(16)b regarding the placement of state-allotted office support personnel, teacher assistants, and custodial personnel on the salary schedule adopted by the State Board of Education.

School systems may request waivers of state laws, rules, or policies that affect the organization, duties and assignment of central office staff only. **None of the central office duties to be performed under G.S. 115C-436 may be waived.**

## **School Improvement Teams and Parent Participation on Teams**

**G.S. 115C-105.27, Development and approval of school improvement plans**, requires each school to develop a school improvement plan that takes into consideration the annual performance goals for that school that are set by the State Board of Education under G.S. 115C-105.35.

### **Stakeholders' Involvement in the Plan**

A **school improvement team**, made up of the principal and representatives of assistant principals, instructional personnel, instructional support personnel (such as media specialists, counselors and physical activities specialists) and teacher assistants assigned to the school building and parents of children enrolled in the school, will develop a school improvement plan to strengthen student performance. G. S. 115C-105.27 requires that "representatives of the assistant principals, instructional personnel, instructional support personnel and teacher assistants be elected by their respective groups by secret ballot."

G.S. 115C-288(l) requires the principal to ensure that a school improvement team is established for the purpose of developing, reviewing and revising a school improvement plan. Further, G.S. 115C-47, section 38 requires local boards of education to "...adopt a policy to ensure that each principal has established a school improvement team" under G.S. 115C-105.27 and in accordance with G.S. 115C-288(l). Local boards of education are required to direct the superintendent or his/her designee to "provide appropriate guidance to principals to ensure that these teams are established" and that principals work together with these teams to develop, review and amend school improvement plans."

### **Parents As Team Members**

Parent representatives on the team must reflect the racial and socio-economic composition of the student population. Also, school improvement team meetings must be held at times that are convenient for parents to attend.

A three-year term may be too long to ask a parent to serve on a school improvement team. Some may be hesitant to serve if the term is that long. In addition, that would make all parents with children in the last two years of a school ineligible to serve. Having only parents of first-year students in a three-year middle school, for example, is not a good representation of parents, nor is it in the best interest of the school or students.

The law requires that parent members of school improvement teams be elected by the parents. Those parents who have children attending the school are eligible to vote for the parent team members just as they are eligible to serve as parent team members with authority to vote on decisions made by the team.

## **Qualifications to Consider for Parent Members**

The following are some suggested questions to consider when selecting parents to serve on the school improvement teams:

- Is this person committed to improving education for ALL children in the school?
- Will the person attend all team meetings and thoroughly prepare for them?
- Will the person participate as an equal member of the team?
- Will the person commit to attend regular meetings of the PTA and other parent-teacher organizations to keep parents informed?
- Will the person commit to working with the PTA and other parent-teacher organizations to establish methods of soliciting parent input before decisions are made by the team?
- Is the person someone who does not have a personal agenda or single issue/reason for participating?
- Will the person participate in continuous training in consensus-building, problem-solving and group dynamics?
- Does the person believe that community support and involvement contribute to the continuous improvement of the school?
- Is the person aware of the School-Based Management and Accountability legislation?
- Does the person have a keen understanding of issues facing schools today?

## **Authority of School Improvement Teams**

School improvement teams for school-based management (SBM) aim to decentralize decision making by transferring authority and resources from state education agencies and LEAs to units such as governance councils, committees, or teams located at an individual school. Site-based management is an approach to educational reform that allows an individual school to make its own decisions related to finances and curriculum. A leadership team council, which typically consists of the principal, teachers and parents, determines the policy direction for the school.

School improvement teams may deal with issues directly or indirectly related to instruction, student performance and the school environment/improvement. Decisions should be made by consensus whenever possible, with a fallback option. What will happen if the team cannot reach consensus? Decisions are binding on the school, provided the decision is within the authority of the school. The LEA should decide, to the extent practicable, the areas over which school teams will have final authority and the areas in which the school improvement team will serve in an advisory capacity. The LEA, with parental involvement, should define the roles, rules and responsibilities for administrators, teachers, students and parents if the team is to be successful in improving student performance and school reform. Through the implementation of school improvement teams, parents and other community members can participate in the decision-making process. Parents provide valuable insight about how the schooling process can be improved to better educate the children in the community. Teams may be one of three (3) types.

1. Serving in an advisory capacity, the team provides input, but the final decision is made elsewhere.
2. In consensus decision-making, all team members agree 100% to support the decision.
3. In the constituency consensus process, each constituency has one vote and agrees 100% to support the decision. The constituency votes as directed by the majority of members in that constituency.

All schools within the district would then adhere to the LEA policy. For example, the LEA may establish regulations in which

- the school principal retains authority over day to day operations of the school.
- decisions on new hires and transfers are made by the school principal, superintendent and local board of education.
- the final selection of a school principal would be made by the superintendent and local board of education. The final selection of other administrators would be made by the principal, with advice from the school improvement team.

- decisions regarding the hiring of teachers are made by the school principal, superintendent and local board of education. The local board may choose to receive input from parents on who should work at the school, but the final decision lies with the local board of education.
- decisions regarding school curriculum, budget, school climate, parent involvement and other such issues may be made by the school improvement team.

## **School Improvement Teams and the Open Meetings Law**

**G.S. 143-318.9, Public policy**, states that public bodies that administer the legislative functions of North Carolina exist solely to conduct the people's business and that it is the public policy of North Carolina that these actions be conducted openly.

### **Open Meetings Law**

Meeting schedules should be set by the school improvement team, but are subject to North Carolina's Open Meetings Law which protects the public's right to know about and attend meetings where government decisions are discussed and made. The law applies to school improvement teams because the teams are defined as "public bodies;" they involve more than two members and serve in an advisory capacity or administrative role.

To comply with the law, the public must be notified of meetings. The law further requires different types of notification for the four different types of meetings: regular, special, emergency, and recessed. Only "regular" and "special meetings" are likely to apply to school improvement team meetings.

### **Regular Meetings**

If the school improvement team holds regular meetings at a set day, time, and place each month, then it is considered a "regular" meeting. The only required notification by law is to file a notice of the day, time, and place of the regular meetings in a central place, such as the principal's office or the LEA central office, or both. If the regular meeting time is changed, a notice of the new schedule must be filed at least seven days before the first meeting under the new schedule.

### **"Special" Meetings**

Meetings that are held on different days and at different times or places during the year are considered "special" meetings. Changes in the regular meeting schedule or additional meetings are also considered "special" meetings. There are two methods of notifying the public of special meetings: post a notice, and mail or deliver a notice to every person who has requested it.

In both cases, the notice must be given 48 hours prior to the meeting, and the notice must state the time, place, and location of the meeting. A notice may be posted on a centrally located bulletin board or on the door of the meeting site. If notices are mailed or delivered to interested persons, the intent is to provide at least 48 hours notice.

## **Minutes of Meetings**

The law requires that full and accurate minutes be kept of all official meetings of the school improvement team. The minutes should reflect all action taken, whether by vote or consensus and all subjects that were discussed. They may be audio or videotaped. An accurate set of minutes should include

- the date, time, and place of the meeting as per the meeting notice, and the time the meeting was called to order;
- a statement of the approval of the minutes from the previous meeting;
- a list of all committees, sub-groups, and individuals who gave reports and any recommended action;
- a list of all individuals and groups who addressed the school team;
- a list of all decisions reached by consensus and all motions approved or defeated by vote; this should include the exact wording of any motions;
- items that were placed on the agenda for the next meeting and
- the time the meeting was adjourned.

The team should appoint someone to act as secretary. The secretary can be a team member or someone who attends the meeting to take minutes.

## **Committee Meetings**

Any committee or subcommittee meetings of the school improvement team is also subject to the Open Meetings Law.



## **Development and Approval of School Improvement Plans**

**G.S. 115C-105.27, Development and approval of school improvement plans**, requires each school to develop a school improvement plan that takes into consideration the annual performance goals for that school that are set by the State Board of Education under G. S. 115C-105.28.

### **Strategic Priorities**

It is recommended that school improvement plans be organized around the State's five strategic priorities, provided they complement the LEA's goals and objectives. The five priorities are

1. High Student Performance;
2. Healthy Students in Safe, Orderly and Caring Schools;
3. Quality Teachers, Administrators and Staff;
4. Strong Family, Community and Business Support; and
5. Effective and Efficient Operations.

By using these priorities, schools can address local needs while working for continuous improvement in the areas the State has identified as critical. For example, high student performance would address moving students at Levels I and II to Levels III or higher in reading, writing and mathematics; closing achievement gaps by race/ethnicity, addressing obesity and other health needs of students; gender and socio-economic status; and continuing the growth of students currently performing at Levels III and IV, including those students who are academically and intellectually gifted. The second strategic priority would include the school's safe school plan and issues related to healthy schools and students. The school's required staff development plan would be a component of the Quality Teachers, Administrators and Staff priority. Parent involvement and community/business partnerships would be addressed under Strong Family, Community and Business Support. Financial flexibility and waivers would be included under Effective and Efficient Operations since the rationale for waivers is to allow the schools to be more effective in serving the needs of every student.

### **School Improvement Plans**

The school improvement plan should be based on a comprehensive needs assessment and should address a few critical areas of the school, including reading, writing, mathematics, and safe schools. A few goals and objectives will help maintain focus on critical needs and direct resources to these needs. The school improvement plan must include a plan for the use of **staff development funds**. The funds may be used to address the critical needs as identified in the school improvement plan and in accordance with G.S. 115C-105.21.A.

Each school improvement plan should describe how character education will be incorporated

into the curriculum. Character education should address the following traits: courage, good judgment, integrity, kindness, perseverance, respect, responsibility, self-discipline. Schools are also encouraged to include the following responsibilities: respect for school personnel, responsibility for school safety, service to others, and good citizenship.

The school improvement plan shall, if the school serves students in kindergarten or first grade, include a plan for preparing students to read at grade level by the time they enter second grade. The plan shall require kindergarten and first grade teachers to notify parents or guardians when their child is not reading at grade level and is at risk of not ready at grade level by the time the child enters second grade. The plan may include the use of assessments to monitor students' progress in learning to read, strategies for teachers and parents to implement that will help students improve and expand their reading, and provide for the recognition of teachers and strategies that appear to be effective at preparing students to read at grade level.

Schools with kindergarten or first grade should review their school improvement plans carefully to ensure that this legislation is addressed appropriately and that the school has a process in place to notify parents or guardians when the child is not reading at grade level or may not be reading at grade level when s/he enters second grade. This requirement would be included under the High Student Performance strategic priority.

In February 2003, the State Board of Education passed HSP-S-000, Healthy Active Children (HAC). A copy of that policy is included in the appendices of this document. The policy may also be accessed online at [www.sbpolicy.dpi.state.nc.us](http://www.sbpolicy.dpi.state.nc.us). For reporting purposes, each school improvement plan shall describe how the school is meeting the Healthy Active Children policy. The school should submit this information to the central office, not directly to DPI. Each LEA central office will summarize school reports to submit to Raleigh. The plan must include time allotted for physical education (with a physical education specialist); procedures to assure that recess is not being taken away as punishment from children and that "appropriate" amounts of physical activity are being provided. For 2004, 2005 and 2006, this information will be extracted from the school improvement plans and sent to the Department of Public Instruction.

HSP-S-000 was in effect immediately following approval of the State Board of Education (January 9, 2003) but does allow time for implementation through the 2006-07 school year. Action plans will need to be submitted by July 15, 2004 and progress reports are due to the Department of Public Instruction by July 15 of 2005 and 2006. Beginning with the 2006-07 school year, school improvement plans will include health concerns related to students as part of their plans and will no longer be submitted to the Department of Public Instruction.

In order for this policy to be fully implemented by the 2006-07 school year, LEAs should

- establish and maintain School Health Advisory Councils to represent the eight components of a coordinated school health program. Additional information

- about the school health councils can be found at [www.nhealthyschools.org](http://www.nhealthyschools.org) and submit summary reports of HAC policy to Raleigh.

School should

- conduct a needs assessment on health services and programs. Sample assessments may be found at [www.nhealthyschools.org](http://www.nhealthyschools.org) or [www.cdc.gov/nccdphp/dash/SHI/index.htm](http://www.cdc.gov/nccdphp/dash/SHI/index.htm).
- provide an action plan to the LEA.
- provide progress reports to the LEA.
- submit an annual report that includes information on the number of minutes provides for children in physical education and in physical activity yearly.

Each school district shall require students enrolled in pre-kindergarten, kindergarten and grade levels up to middle school to participate in physical activity as part of the district's physical education curriculum.

- Elementary schools should consider the benefits of having 150 minutes per week, and secondary schools should consider the benefits of having 225 minutes per week of physical activity that will include a minimum of every other day of physical education throughout the 180-day school year. North Carolina has demonstration schools and other models for schools to refer to for ideas.
- The physical education course is defined and should be the same class size as other regular classes.
- Appropriate amounts of recess and physical activity will be provided for students and for duration sufficient to provide a significant health benefit to students.

**Structured recess and other physical activity shall not be taken away as a form of punishment.**

The State Board of Education shall make available to each school district a coordinated school health model and training opportunities that provide for coordinating the eight (8) components of a comprehensive plan.

1. Safe Environment,
2. Physical Education,
3. Health Education,
4. Staff Wellness,
5. Health Services,
6. Mental and Social Health,
7. Nutrition Services and
8. Parent/Family Involvement.

Reports on implementation of the Healthy Active Children policy should be submitted to

Dr. Elsie C. Leak, Associate State Superintendent

Curriculum and School Reform Services  
6307 Mail Service Center  
Raleigh, NC 27699-6307

Questions regarding HSP-S-000 should be directed to

- Kymm Ballard, Healthful Living Consultant at 919.807.3858 or [kballard@dpi.state.nc.us](mailto:kballard@dpi.state.nc.us) or
- Paula Hudson Collins Senior Advisor for Healthy Schools at 919.807.3859 or [pcollins@dpi.state.nc.us](mailto:pcollins@dpi.state.nc.us).

### **Conflict Resolution Programs**

In accordance with G. S. 115C-105.32, schools are encouraged to include a "...comprehensive parental involvement program as part of its school improvement plan..." Likewise, schools are encouraged to review the need for a comprehensive conflict resolution program as a part of the development of the school improvement plan. "If a school determines that this program is needed, it may select from the list developed by the State Board of Education ... or may develop its own materials and curricula to be approved by the local board of education."

### **Teacher Assistants**

Certified staff and teacher assistants are included when allotments are sent to LEAs; however, the allotment is different for certified staff and teacher assistants. If a school has teachers and/or teacher assistants paid from local funds, incentive funds must be paid from the same funding source as the salary. **State funds for incentive awards are provided only for State paid certified staff and teacher assistants.** Public law specifies that incentive award funds must be distributed to certified staff and teacher assistants.

### **Staff Approval of the School Improvement Plans**

The principal of the school must present the proposed school improvement plan to all principals, assistant principals, instructional personnel, instruction support personnel, and teacher assistants assigned to the building for their review and vote. The vote must be by secret ballot. The proposed plan must have the approval of a majority of the staff who voted on it. A majority is one more than ½ of the number of staff who voted.

A school staff may amend the school improvement plan at any time. Changes, however, must follow the same process as the initial school- and district-level approvals.

### **Action by the Local Board of Education**

The local board of education shall accept or reject the school improvement plan. The local board cannot make any changes in a school improvement plan that it accepts. If the local

board of education rejects the school improvement plan, then

- it must state specifically why the plan was rejected; and
- the school improvement team may prepare another; plan, present it to the school staff for approval, and then submit it to the local board of education to accept or reject it.

### **Suggested Issues for the Local Board of Education to Consider**

- A local board of education should accept responsibility for providing a forum for the school's staff to report progress and goals.
- A local board of education must lead by establishing a visionary statement and by setting goals that stretch the abilities of the school's staff.
- A local board of education should accept a coordinating role that focuses on results rather than on process.

### **Resolution of Disagreements**

If no school improvement plan is accepted by the local board of education within 60 days after its initial submission, the school or the local board may ask to use the process to resolve disagreements that is recommended in the guidelines adopted by the State Board of Education under G.S. 115C-105.20(b)(5).

- If a request is made, both the school and the local board must participate in the process to resolve disputes.
- If there are no requests to use this process, then the local board of education may develop a school improvement plan for the school.

### **Process to Resolve Disagreements**

When the local board of education does not accept a school's improvement plan within 60 days of its initial submission, the local board or the school may request the State Board of Education to mediate the disagreement. The following guidelines will apply:

- The principal of the school or the local board of education must submit a request for mediation to the Office of Curriculum and School Reform Services.
- The request must include a summary of the disputed issues and be signed by both the school principal and chair of the local board of education. A copy of the appropriate form, *Request for Mediation*, is located in the appendices of this manual.
- The Office of Curriculum and School Reform Services will review the request and inform the principal and local board of education of the location and time for the mediation.

- Individuals selected as assistance team members under G.S. 115C-105.31 will serve as mediators.
- Each of the parties will be encouraged by the mediator to fully explain their positions/perspectives.
- The disputants will be encouraged to talk to one another to identify their priority of underlying needs and to brainstorm some ways of meeting the needs of both.
- The mediator will help the disputants identify options for solving the disagreement.
- The mediator will determine if the disputants can come to an agreement. If so, the mediator will suggest language and write the agreement; however, the parties involved must agree on each part.
- The agreement will be signed by each party and become part of the school improvement plan. The plan must then be approved by the local board of education.
- In the event the disputants cannot come to an agreement, the local board of education must develop the school improvement plan.

### **Duration, Amendments and Revisions to the Plan**

A school improvement plan will remain in effect for no more than three years; however, the school improvement team may amend the plan as often as necessary or appropriate. The local board of education may vacate relevant portions of the school improvement plan that are unlawful and/or impede student performance at a school and direct the school to revise those portions. Amendments and revisions to the plan must follow the same procedures as those for the initial approval.

### **Availability of the Plan**

As required in G.S. 115C-288(h), the principal must maintain a copy of the school's current budget and school improvement plan. Parents and other interested persons must be allowed to review and obtain copies of these documents in accordance with Chapter 132 of the General Statutes.

### **Plans at the School Level**

To facilitate the plan approval process, the school improvement team may distribute plans prior to voting for school staff to review and study.

### **Suggested Actions for Development of the School Improvement Plan**

Goals other than annual performance goals may contribute to the general improvement of the school and student performance and may be included in the school improvement plan (see *Strategic Priorities*). Schools are encouraged, however, to focus on a small number of

critical goals and objectives. Although schools are not required to follow a specific format for school improvement plans or a specific planning process, they may choose to follow processes delineated in earlier reform initiatives such as Effective Schools, Site-Based Management, Southern Association of Colleges and Schools or Total Quality Management.

All of these programs contain some version of the following generic planning cycle:

- Assess needs.
- Seek information (including relevant data).
- Establish priorities.
- Develop plan.
- Approve plan.
- Implement plan.
- Evaluate plan.
- Review plan (annually, if not sooner).
- Communicate results.

## **Professional Development**

**G.S. 115C-105.30, Distribution of Staff Development Funds**, requires the local board of education to distribute 75% of the state staff development funding allotment to the individual schools for use in accordance with their school improvement plans.

### **Use of Funds**

Any state funds the local board of education makes available to an individual school must be used to implement the school improvement plan. The overall school improvement plan must include a plan for the use of staff development funds.

### **Disclosure of Use of Funds**

By October 1 of each year, the principal must disclose to all affected school personnel the total allocation of all funds available to the school for staff development. The superintendent must disclose to all affected personnel the total allocation of all funds available at the system level for staff development.

### **Disbursement Report**

At the end of the fiscal year, the principal must make available to all affected personnel a report on all disbursements from the school's staff development funds. The superintendent must make available to affected personnel a report of all disbursements of staff development funds at the system level.

### **Resources for Professional Development**

The State Board of Education, through the work of the North Carolina Professional Development Committee, adopted a mission, vision and standards for professional development in North Carolina. The State's standards are based on the NSDC's standards with indicators revised to be more relevant to North Carolina. Excerpts from the report follow. The entire report can be viewed online by going to the Human Resource Management web page and clicking on <http://www.ncpublicschools.org/HumanRsrcs/prodevreport/report.pdf>. Schools and LEAs should use these standards when designing and implementing professional development to improve student achievement.

No format or process for the development of the staff development plan is specified in the School-Based Management and Accountability legislation. Schools, however, may wish to use procedures explained at the Standards for Staff Development developed by the National Staff Development Council (NSDC) in cooperation with national education organizations. The standards describe research-based practices that will enable a school to establish a cohesive and comprehensive program.



The demand for reform in public education includes the call for highly-qualified, caring teachers in every classroom. Mounting research, which has revealed the ineffectiveness of past professional development efforts, documents the relationship between sustained, on-the-job professional development and increased student achievement. In the current climate, the State and its partners (Office of the Governor, Education Cabinet, State Board of Education, Department of Public Instruction, Center for School Leadership Development, colleges, universities, community colleges, regional education service alliances, local education agencies and professional organizations) have the responsibility for delivering high quality professional development to ensure that all educators have the knowledge, skills and attitudes to work with diverse student learning needs. In addition, while there will always be a place for dissemination of research findings and best practices, the focus of professional development must switch from a concentration on short-term, quick fix information, dissemination to building content knowledge, teaching skills, change of work behaviors and maintenance of those skills and behaviors. The traditional isolated array of unrelated activities cannot support or bring about educational reform. Professional development must go beyond providing courses and workshops to earn continuing education units (CEUs) for license renewal. Instead, it must be seen as an ongoing process that builds deep content knowledge and related instructional practices. It must also be a valued expectation of teachers and school leaders. Professional development is also the primary vehicle for providing and retaining quality teachers who meet the core standards identified by the North Carolina Professional Teaching Standards Commission (NC PTSC). These standards can be found in Appendix 1, page 17. As supported by the proposed standards, the NC PTSC standards and A Profession in Jeopardy, professional development in a fundamental, job-embedded requirement for teachers and school leaders.

The Department of Public Instruction and State Board of Education, in partnership with schools, districts, legislators, Center for School Leadership Development, regional education service alliances, community colleges, colleges and universities, are committed to providing quality teachers and other leaders in the school systems as well as effectively using of limited State dollars. Thus, in July 2002, the State Board and State Superintendent moved to convene a Statewide committee to examine issues related to professional development in North Carolina. The Committee was specifically charged with developing

1. a clear vision and conceptual framework for professional development activities;
2. standards for professional development based on the vision and conceptual framework;

3. a rubric for evaluating the quality of professional development activities based on the standards;
4. specific topics to be covered and delivery strategies to be used for professional development;
5. an assessment of the resources and providers available to support the plan;
6. strategies and a timetable for implementing the plan;
7. policy changes that would be needed to implement the plan and
8. a system for evaluating the impact of the plan on the quality of professional development.

The document addresses the outcomes of the Committee's work between September 4, 2002 and November 13, 2002. While a tremendous amount of work was accomplished during this time period, there is a great deal of work remaining to be done. This is addressed through recommendations reflecting the need for future action.

North Carolina has established goals challenging education professionals to lead in unprecedented efforts to become First in America in education by 2010. Meeting that goal will require an investment in the knowledge and skills of teachers and school leaders.

While research confirms high quality professional development as a powerful intervention, there are several critical attributes of successful offerings. These include, but are not limited to, clear goals, alignment with standards guiding content, process, context (the organization that must be in place for learning to occur) and the development of the vision and process for professional development.

“Professional development is only as good as the outcomes it pursues. High standards give educators a focus for their work. A system that sets high standards will seek powerful strategies for achieving them.”<sup>1</sup> It is critical to ensure alignment among critical contributors -- schools, districts, state, legislators, State Board of Education, Department of Public Instruction, Center for School Leadership Development, regional education service alliances, community colleges, colleges and universities. This alignment will serve as a means of ensuring that professional development results in an increased ability for teachers and school leaders to implement Statewide student standards successfully. In addition, teachers and school leaders will be able to serve the diverse range of students in North Carolina's classrooms.

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<sup>1</sup> Stephanie Hirsch, Deputy Executive Director. National Staff Development Council, Oxford, Ohio.

## **Beliefs about Professional Development**

As adopted by the State Board of Education in March 2003, the following beliefs establish the foundation for professional development in North Carolina.

### Professional development

- will result in improved student achievement.
- is based on standards for teacher quality developed by the NC PTSC that were adopted by the State Board of Education and adapted for teachers and school leaders at different levels of skill and knowledge.
- is embedded in educators' work.
- is an ongoing process that is sustained over time, not a single event.
- occurs within a learning community founded on a sense of collegiality and collaboration among teachers and school leaders.
- must be evaluated and modified based on whether or not it enhances teaching in the classroom and improves student achievement.
- is structured to include a system of accountability at every level for providing high quality learning experiences for teachers and school leaders.
- uses the resources and expertise of school staffs, Department of Public instruction, Center for School Leadership Development, regional education service alliances and consortia, faculty and staff of the State's community colleges, colleges and universities in a collaborative effort.
- benefits teachers, school leaders and students.
- is essential for everyone who affects student learning.
- is the responsibility of all teachers and school leaders.
- is a vital component of teacher retention.

## **The Vision for Professional Development**

A critical component of the work of the Professional Development Committee was to develop a vision for professional development in North Carolina. That vision was adopted by the State Board of Education in March 2003.

Classroom practice and school leadership in North Carolina will be improved through tailored, intensive professional development that includes follow-up, support, practice, feedback and evaluation.<sup>2</sup> It is a collaborative effort that

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<sup>2</sup> Adapted from Hayes Mizell, Edna McConnell Clark Foundation. "What Key Reformers Have Learned About Reform." Presented at the National Staff Development Council conference and reported on in *Grantmakers for Education*, January 2000.

provides every student access to a competent, caring and highly-qualified teacher. All fiscal and human resources within the educational community support classroom instruction and interactions that prepare students to thrive and contribute to a complex, dynamic, global and multicultural society. Activities result in implementation of classroom practices that lead to improved student achievement.

## **Standards for Professional Development**

Adapted from the work of the National Staff Development Council, North Carolina's standards speak to the content (what), context (where) and process (how) for delivering high quality professional development that results in improved student achievement.

The National Staff Development Council (NSDC) provides standards for professional development for all those who work with students and clearly articulates the intended outcome of all professional development should be improved student achievement. The 12 standards are research-based and organized around three broad areas to support the research.

- 1. Context standards** address the organization, system and culture in which the new learning will be implemented. They describe the structures that must be in place for successful learning to occur.
- 2. Process** refers to the “how” of professional development. It describes the learning processes used in the acquisition of new knowledge and skills. Process standards address the use of data, evaluation and research.
- 3. Content** refers to the “what” of professional development. Content decisions begin with an examination of what students must know and be able to do. Professional development content addresses the knowledge and skills that ensure all students are successful.

Context, process and content standards are all necessary to ensure that professional development improves student learning. If one dimension is ignored, the intended results are far less likely to be achieved. <sup>3</sup>

NSDC standards served as the beginning point for the development of standards for North Carolina. As a result of the Committee's work, the standards and indicators in the following pages were adopted for North Carolina.

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<sup>3</sup> Adapted from *Standards for Staff Development: Revised*. National Staff Development Council. 2001, Oxford, Ohio.

## **Context Standards**

### **Learning Communities**

Professional development that improves the learning of all students organizes adults into learning communities whose goals are aligned with those of the school and district.

- a. Small learning teams may be composed of teachers, administrators, non-teaching staff, parents, representatives of community colleges and colleges and universities, regional education service alliances, policy makers and community members. The teams are a primary component of the staff development plan.
- b. All teachers are part of ongoing, school-based learning teams that meet as needed to plan instruction, examine student work, and/or solve problems. School faculties and learning teams focus on school and district goals and State professional development beliefs.

### **Leadership**

Professional development that improves the learning of all students requires skillful school and district leaders who guide continuous instructional improvement.

- a. School calendars, daily schedules and incentive systems support professional development.
- b. Leaders recognize and advocate for professional development as a key strategy for supporting significant improvements in student achievement.
- c. Administrators and teachers develop knowledge and skills necessary to be leaders in professional development.
- d. Administrators model practices consistent with the professional development plan of the school, the LEA and the State.

### **Resources**

Professional development that improves the learning of all students requires resources to support adult learning and collaboration.

- a. Collaboration among colleagues should be made available primarily during the school day.
- b. Significant fiscal resources are dedicated to professional development.
- c. A significant amount of time in educators' workday is used for professional development.

## Process Standards

### Data-Driven

Professional development that improves the learning of all students uses disaggregated student data<sup>4</sup> to determine adult learning priorities, monitor progress and help sustain continuous improvement.

- a. Data on student learning provide focus of staff development efforts.
- b. Teachers gather evidence of improvements in student learning in their classrooms to determine the effects of their professional development on their students.
- c. Data are disaggregated to ensure equitable treatment of all subgroups of students.
- d. Professional development is aligned with the school improvement plan and supported by school data.
- e. Professional development is focused on helping teachers and school leaders access, understand and use a variety of data to improve learning for all students.

### Evaluation

Professional development that improves the learning of all students uses multiple sources of information to guide improvement and demonstrate its impact.

- a. Evidence is used to improve the quality of professional development (formative evaluation).
- b. Evidence is used to determine whether professional development achieved its intended outcomes (summative evaluation).
- c. The evaluation of professional development consistently includes all of the following: qualitative and quantitative data indicating knowledge gained by participants, level of implementation and improvement in student learning.

### Research-Based

Professional development that improves the learning of all students prepares educators to apply research to decision making.

- a. Professional development prepares educators to be skillful users of educational research and technology.
- b. Researchers and practitioners methodically collaborate to align strategic

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<sup>4</sup> “Data” includes classroom, school, district, State and national sources.

- priorities of the State Board of Education with improvement strategies.
- c. Pilot studies and action research are used when appropriate to test the effectiveness of new approaches when research is contradictory or does not exist.

## **Design**

Professional development that improves the learning of all students uses learning strategies appropriate to the intended goal.

- a. Teachers and school leaders participate in a variety of strategies to achieve professional development goals that focus on student learning.
- b. Technology supports educators' adult learning styles.
- c. Professional development is differentiated for teachers and school leaders based on individualized plans for personal and professional growth.
- d. Major change initiatives are supported by a variety of timely follow up activities.<sup>5</sup>

## **Learning**

Professional development that improves the learning of all students applies knowledge about human learning and change.

- a. Professional development demonstrates learning methods that mirror, as closely as possible, the methods participants are expected to use with their students.
- b. Professional development offers opportunities to practice new skills and receive feedback on the performance of those skills.
- c. Professional development leaders use feedback about professional development initiatives to design interventions and follow up strategies.

## **Collaboration**

Professional development that improves the learning of all students provides educators with the knowledge and skills to collaborate.

- a. Professional development prepares educators to be skillful members of various stakeholders' groups<sup>6</sup>
- b. Professional development provides educators with opportunities and skills necessary to manage conflict and challenges productively.

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<sup>5</sup> Examples of appropriate follow up activities include reflection, classroom application, assessment of student work, coaching, etc.

<sup>6</sup> Examples of stakeholder groups include school improvement teams, grade-level teams, district and State groups, community groups, youth-serving organizations and research teams.

- c. Professional development prepares educators to use technology to collaborate.
- d. Professional development occurs within a broad-based learning community and enhances educators' skills to use online tools and resources to advance knowledge.



## **Content Standards**

### **Equity**

Professional development that improves the learning of all students prepares educators to understand and appreciate all students; create safe, orderly, caring and supportive learning environments and hold high expectations for their academic achievement.

- a. Educators participate in cultural diversity training and create school-wide practices that convey respect for all students, their families and their cultural backgrounds.
- b. Professional development prepares educators to establish learning environments that communicate high expectations for the academic achievement of all students.
- c. Educators learn how to adjust instructional and assessments to match the learning requirements of individual students.

### **Quality Teaching**

Professional development that improves the learning of all students deepens educators' knowledge, provides them with research-based instructional strategies to assist students in meeting rigorous academic standards and prepares them to use various types of classroom assessments appropriately.

- a. Professional development offers many opportunities for teachers to develop deep knowledge of their content.
- b. Professional development expands teachers' instructional methods appropriate to specific content areas.
- c. Professional development addresses a variety of classroom assessment tools that are integrated into the instructional process and allow teachers to regularly monitor gains in all student learning.

### **Family Involvement**

Professional development that improves the learning of all students provides teachers and school leaders with knowledge and skills to involve families and other stakeholders appropriately.

- a. Professional development prepares leaders to build consensus among educators and community members concerning the overall mission and goals for professional development.
- b. Professional development prepares educators to establish positive relationships with families to support student learning.

- c. Professional development enables educators to communicate with families and the community through various means, including technology.

### **No Child Left Behind (NCLB) Requirements**

The NCLB legislation requires each state to show an increase in the number of teachers in core areas who participate in high quality professional development. The legislation states professional development includes activities that

- improve and increase teachers' knowledge of the academic subjects that teachers teach, and enable teachers to become highly qualified;
- are an integral part of the broad schoolwide and districtwide educational improvement plans;
- give teachers, principals and administrators the knowledge and skills to provide students with the opportunity to meet challenging State academic content standards and student academic achievement standards;
- improve classroom management skills;
- are high quality, sustained, intensive and classroom focused in order to have a positive and lasting impact on classroom instruction and the teacher's performance in the classroom; and are not one-day or short-term workshops or conferences;
- support the recruiting, hiring and training of high quality teachers, including teachers who become highly qualified through State and local alternative routes to certification;
- advance teacher understanding of effective instructional strategies that
  - i. are based on scientifically-based research,
  - ii. strategies for improving student academic achievement or substantially increasing the knowledge and teaching skills of teachers; and
  - iii. are aligned with and directly relate to State academic content standards, student academic achievement standards and assessments;
- are developed with extensive participation of teachers, principals, parents and administrators of schools served under NCLB;
- are designed to give teachers of limited English proficient children, and other teachers and instructional staff the knowledge and skills to provide instruction and appropriate language and academic support services to those children, including the appropriate use of curricula and assessments;
- to the extent appropriate, provide training for teachers and principals in the use of technology so that technology and technology applications are effectively used in the classroom to improve teaching and learning in the curricula and core academic subjects in which the teachers teach;
- as a whole, are regularly evaluated for their impact on increased teacher

- effectiveness and improved student academic achievement, with the findings of the evaluations used to improve the quality of professional development;
- provide instruction in the methods of teaching children with special needs;
  - include instruction in the use of data and assessments to inform and instruct classroom practice; and
  - include instruction in ways that teachers, principals, pupil services personnel and school administrators may work more effectively with parents.

The legislation further states that professional development activities may include activities that

- involve the forming of partnerships with institutions of higher education to establish school-based teacher training programs that provide prospective teachers and beginning teachers with an opportunity to work under the guidance of experienced teachers and college faculty;
- create programs to enable paraprofessionals (assisting teachers employed by a local education agency receiving assistance from Title I to obtain the education necessary for those paraprofessionals to become certified and licensed teachers and
- provide follow-up training to teachers who have participated in activities that are designed to ensure that the knowledge and skills learned by the teachers are implemented in the classroom.

### **Planning for Professional Development**

A generic process for determining professional development content, process and context parallels the planning process for improvement plans. Most planning processes contain some combination of the following elements:

- objectives,
- activities,
- strategies,
- needed resources,
- time lines,
- persons responsible and
- evaluation procedures.

In addition, the *Standards for Staff Development* provide research-based information on models of professional development that expand options for activities beyond workshops and beyond traditional "training," the most prevalent form of professional development. Other models include

- individually-guided,

- observation and assessment,
- development and improvement activities, and
- inquiry.

These models address long-term professional development focused on skill building, change of work behaviors and maintenance of those skills and behaviors. In addition, results-driven education and professional development, systems thinking and constructivism are impacting and altering the shape of schools and professional development.

## **Safe Schools Plans**

**G.S. 115C-105.47** requires LEAs to develop and implement a local plan to provide that every school in the local administrative unit is safe, secure and orderly, that there is a climate of respect in every school and that appropriate personal conduct is a priority for all students and public school personnel. The local board shall include parents, the school community, representatives of the community and others in the development or review of the plan.

### **LEA Plans**

The safe schools law requires local boards of education to develop plans for maintaining safe and orderly schools and to have implemented the plans by the beginning of the 1998~99 school year. The State Board of Education adopted guidelines for developing local plans and provided technical assistance regarding the development, implementation and evaluation of these plans. Local boards of education must also provide annual information to the State Board on how the At-Risk Student Services/Alternative Schools Funding allotment is being used to prevent academic failure and promote school safety.

### **School Plans**

The legislation directs that each local school improvement plan to address school safety concerns in accordance with the LEA's safe schools plan.

### **Definition of A Safe School**

A safe school is one where

- identified or specified problems or incidents of disruption, crime, and violence are progressively decreased to zero;
- any increase in reported incidents can be related to either improved detection and reporting or specified acts or efforts to improve strategies to prevent or reduce such acts;
- a clear majority, at least 75%, of major stakeholders (students, educators, parents) perceive the school to be orderly, disciplined, and safe while the school strives for 100% of stakeholders with this perception;
- a clear majority of occupants feels safe and secure at all times, while the school strives for 100 percent who feel safe and secure;
- absences, inadequate academic performance, dropouts, withdrawals, or transfers due to feeling afraid in school is progressively decreased to zero; and
- those factors known to contribute to these outcomes are developed and nurtured.

## **Physical Environment Standards**

A safe school should have

- well-maintained facilities, grounds and perimeters;
- controlled access to each facility and surrounding grounds;
- signage that controls access and directs visitors/occupants around the school property and
- well-lighted and sighted accesses and traffic areas.

## **Surveillance Support**

For surveillance support, safe schools should have

- built-in or mobile security or detection devices;
- staff prepared to monitor security and detection devices and to respond to alarms or detection of security threats or violations;
- a cadre of law enforcement officers and trained staff/volunteers to patrol school property; and
- essential, accessible and functional communication devices for various users' support of security.

## **Safe Schools Policies and Procedures**

Safe schools should also have policies that

- guide, direct, and limit access to and movement about school property and
- guide responses to security violations.

Schools should refer to the DPI publication, *Guidelines for Safe Schools Facilities*, from the Division of School Support.

## **Social/Cultural Environmental Standards**

These standards should include statements of expectations for behavior and conduct by students and school personnel:

- written expectations of behavior and conduct for all school participants;
- written consequences for inappropriate behavior and conduct for all school participants;
- established procedures for clear, consistent, and equitable enforcement of policies and
- personnel who are informed and prepared to implement such procedures.

The climate in a safe and effective school

- operates on the basis of total quality concepts (meaningful involvement and empowerment of all stakeholders);
- promotes mutual respect, acceptance, and affiliation among all stakeholders;
- creates an environment that is free of threats and intimidation;
- is welcoming and inviting and
- does not tolerate or enable subtle forms of disruption, crime, or violence.

### **Academic and Special Programs Standards**

Safe and effective schools provide curriculum and instruction that has

- curriculum goals, integrated curricula and educational programs that promote character education, effective social skills, problem solving and decision making, anger management, conflict resolution, and good citizenship;
- instruction that is tailored to student needs and interests and
- an alternative learning program for students whose needs are not being met in the regular classroom based on North Carolina's Alternative Learning Program Manual: Policies and Procedures for Programs and Schools Grades K-12.

### **Parent and Community Involvement**

Parental support and involvement are integral components of safe and effective schools. Safe, orderly and caring schools have

- effective communication between parents and educators;
- parents who participate in their child's school and his/her overall development and performance (academic, character, and conduct);
- shared responsibility between parents and the school for student safety, discipline and positive involvement in school and
- effective educational programs to support communication, participation and responsibility.

To facilitate community support and involvement, safe and effective schools

- establish lines of communication with all relevant community agencies/organizations such as law enforcement, mental health, social services, public health, and juvenile justice;
- broker quality supervised care and recreation for students outside of regular school hours;
- access essential data and information on health and welfare of the community

which can be used to identify critical needs of students and plan for related programs and interventions and

- participate and cooperate with relevant community agencies to facilitate strategic planning, policy, and program development.

### **State Board of Education Responsibilities**

The safe schools legislation states that the State Board of Education

- shall adopt guidelines for development of local/alternative education/safe schools plans;
- shall provide, in cooperation with the Board of Governors of the University of North Carolina, ongoing technical assistance to local school administrative units in the development, implementation, and evaluation of their safe schools plan and
- may levy sanctions when any administrator or employee of a local administrative unit delays or refuses to prepare and implement a safe school plan.

### **Responsibilities of Local Boards of Education**

According to law, the local board of education shall

- conduct a needs assessment that addresses all schools in the unit;
- develop an alternative education/safe schools plan that ensures that every school in the unit is safe, secure, and orderly, has a climate of respect, and promotes appropriate personal conduct for all students and school personnel;
- submit one (1) copy of the completed LEA plan to the State Board of Education by June 30 of each designated year;
- determine methods to communicate the plan;
- ensure that the plan is available and accessible to parents and the school community and
- keep the plan current.

The local board's safe schools plan will serve as a guide for the development of each individual school's plan. The unit's central office will provide technical assistance to each school's improvement planning committee as members consider the special safety needs and conditions at their school. Committees will incorporate into their school improvement plans components of the local plan that will assist their school to become safe and orderly.



## **LEA Safe Schools Planning Process**

The following planning process should/must be considered when developing a safe schools plan:

- Establish a committee to oversee the implementation of a needs assessment for the unit and to assist with the development of the LEA safe schools plan. The committee shall include parents, representatives from the school community and relevant others (required action).
- Conduct a comprehensive review of relevant policies, procedures, plans, and statements adopted by the local board of education to determine if they
  - a. are effective,
  - b. meet the current needs of each school in the LEA,
  - c. address the components required in the safe schools statute or
  - d. need to be revised in order to comply with the safe schools statutes (optional).
- Develop strategies for ensuring that the safe schools plan is available and accessible to parents and the school community (required action).
- Conduct and report to the State Board of Education an annual accounting on how the At-Risk Student Services/Alternative Schools and Learning Programs Funding Allotment has been used to prevent academic failure and promote school safety (required action).
- Develop procedures for amending the safe schools plan as necessary or appropriate (required action).

## **Developing the Safe Schools Plan**

The plan should include provisions for

- safe and orderly learning environments;
- positive school climate;
- system for managing emergency situations (e.g., hazardous weather, riots, violent assaults); and
- safety of physical facilities, including buildings, grounds and school buses.

## **Needs Assessment**

The first step in safe schools planning is to determine the condition of the school with regard to discipline and safety issues, including violence, and intimidation, weapons and firearms in schools, gangs, substance abuse, fights and affrays, harassment and other behaviors such as bullying and name calling -- behaviors that are documented as forerunners of potentially

more serious and dangerous behavior. The needs assessment will involve, as a minimum, the following components:

- a comprehensive and systematic crime reporting process through which written records are maintained of incidents involving violation of the Code of Conduct, unethical and/or illegal behavior, disruptive and/or dangerous behavior, and incidents involving crime and violence. This information will form the basis for making required reports on crime and violence to law enforcement officials, informing the school community, parents, and others about the status of safety and order in the schools, and completing the Annual Report on School Crime and Violence required by the State Board of Education;
- site reviews to ensure that each school meets the guidelines in the Department's *Safe School Facilities Planner* document and the North Carolina Safe, Orderly and Caring Schools Assessment Inventory and
- annual surveys of teachers, students, parents, and staff members regarding school perceptions of climate and safety issues.

### **Components of the LEA Plan**

Specific components should be addressed and included when developing the LEA's safe schools plan. If these components are addressed in local policies, student handbooks or other documents, these references may be cited in the plan, with either a copy of each attached, or their intent, purpose or general orientation.

The plan should include the following:

- strategies for maintaining a safe, orderly and caring learning environment that includes physical, social, emotional and other safety-related needs of students and staff;
- positive school climate policies and practices that result in students/staff being free of fear and intimidation through language and/or other overt actions of others;
- a management system designed to prepare for crisis readiness and interventions relative to emergency situations (e.g., threats of terrorism, hazardous weather conditions, violence);
- a safety and security component that includes the inside and outside of the physical;
- an appropriate staff development training packet to support safety initiatives;
- psychological and emotional strategies for handling trauma associate with a crisis and that impacts students, staff and the community;

- goals to address each strategy, policy and practice;
- measurable objectives for improving school safety and order;
- strategies and activities to implement the objectives;
- person(s) responsible for implementing the strategies;
- time lines for implementing strategies;
- resources needed to implement strategies and
- evaluation measures that will assess how well the goals and objectives of the plan are being carried out and
- procedures for alternative learning programs or schools.

### **Duration, Amendments and Revision of Safe Schools Plans**

A safe schools plan will remain in effect for no more than three (3) years; however, the school improvement team may amend the plan as often as necessary or appropriate. The local board of education may vacate relevant portions of the safe schools plan that change and/or impede student performance or school safety and direct schools in the unit to also revise those sections in their plans. Amendments and revisions to the plan must follow the same procedures as those followed for plan approval. Substantive changes in local safe schools plans must be submitted to the State Board of Education by April 30 of each affected year.

### **Protocol for Preparation of LEA Alternative Education/Safe School Plan**

Local boards may use the protocol established by the Department of Public Instruction, or a comparable one of their choosing, to develop and report the local administrative unit's safe schools plan. The components listed below are those required to be in safe schools plans by G.S. 115C-105.46, Local Plans for Maintaining Safe and Orderly Schools, . regardless of the format used. Local boards of education should attach to their safe schools plan a summary of the needs assessment data that served as the basis for development of the safe school plan.

### **Policies and Procedures**

The plan should include a list of district policies, position statements, plans and procedures that promote safe and orderly schools, and provide assistance for students who are at risk of academic failure or of engaging in disruptive and disorderly conduct. If the policies, plans, and procedures are included in student handbooks or other documents, copies of those documents may be attached, or a summary of their intent, purpose, and general orientation may be included with the list.

### **Parent and Community Involvement**

The plan should describe the methods by which parents and other members of the community will be represented in the development and/or review of the safe school plan.

## **Standards for Students**

List the standards of behavior for students that clearly define the behavioral expectations for all groups of students in the school, as well as consequences for failing to adhere to the standards. If policies related to behavior or conduct are referenced, attach copies of the policies or summarize their intent, purpose, and general orientation in this section of the plan.

## **Assaults by Students Under Age 13**

Define the consequences for students under the age of 13 who physically assault and seriously injure a teacher or other individual on school property or at a school-sponsored or school-related activity.

## **Standards for School Personnel**

List the standards of behavior for school personnel that clearly define behavioral expectations for teachers, school administrators, support personnel and others in the school as well as consequences for failing to adhere to the standards. If policies related to conduct are referenced, attach copies of the policies or summarize their intent, purpose and general orientation in this section of the plans.

## **Responsibilities of Other School Personnel**

The plan should outline responsibilities of school personnel, including school principals, other school administrators, teachers, other school personnel (e.g., student services), central office staff and others who are involved in the development and implementation of the safe schools plan for the unit. Include possible disciplinary action for failure to carry out responsibilities.

## **Identifying and Serving At-Risk Students**

Describe the unit's procedures for identifying and serving students at risk of academic failure or disruptive behavior. This description should include the mechanisms for assessing the needs of disruptive and disorderly students, and of providing services to assist them in achieving academically and in modifying their behavior. Efforts to assist at-risk students should be evaluated regularly for effectiveness.

Prior to referring a student to an alternative school/program, the referring school must

- document the procedures that were used to identify the student as at risk,
- provide the reasons for referring the student and
- provide the alternative school/program all relevant student records, including anecdotal information.

When a student is placed in an alternative school/program, the appropriate alternative staff must meet to review the records from the referring school and to determine the support services and intervention strategies recommended for the student. The parents must be encouraged to provide input regarding the student's needs.

### **Working with Law Enforcement**

Include, or describe in detail, the unit's plan for working effectively with local law enforcement and court officials to ensure that schools are safe and that laws are enforced. The plan should address the goals and objectives to be met through this collaborative effort, as well as evaluation measures for determining the effectiveness of such collaborations on decreasing the incidents of disruptive behavior, crime, and violence in the schools.

### **Implementation, Monitoring and Coordination**

Describe the strategies that will be used to inform the school community, parents and the local community about the ongoing implementation and monitoring of the plan, and the integration of the safe schools planning with overall school improvement planning and other services for students.

### **Instruction/Technical Assistance**

Describe the instruction/technical assistance that will be provided to school improvement teams to assist them in considering any special conditions/needs at their schools and in incorporating into their school improvement plans appropriate components of the LEA plan for maintaining safe and orderly schools.

### **Funding**

The plan must include a detailed budget for the planned use of local state, and federal funds allocated for at-risk students and alternative schools, or both.

### **Planning**

Resources for developing alternative education/safe schools plans can be found on the web at [www.ncpublicschools.org/schoolimprovement/alternative](http://www.ncpublicschools.org/schoolimprovement/alternative) or by contacting the Alternative and Safe Schools/Instructional Support Section of the Division of School Improvement at 919.807.3942.

### **Staff Development Plans**

Schools should complete a staff development plan that includes strategies and activities for teachers and other school personnel that are aligned to the goals and objectives of the unit's safe schools plan. See the attached form Staff Development Plan in the Appendices. Make

as many copies of the form as needed. The staff development for safe schools should be included in the overall staff development plan for the school.

### **Additional Information**

Provide any additional information that the local board wishes to submit to the Department as a part of the safe schools plan.

### **Person Responsible**

Include the name and position of the person responsible for implementing the safe schools plan.

### **A Safe School**

The school must have a comprehensive plan for a safe school that, where appropriate, contains the components designated by G. S. 115C-105.47:

- a student code of conduct and designated consequences for violating the code;
- roles and responsibilities of all school personnel in maintaining a safe and orderly learning environment;
- procedures for identifying and serving the needs of students at risk of academic failure or engaging in disorderly or disruptive behavior;
- mechanisms for assessing the needs of disruptive and disorderly students, providing services to them and removing them from the classroom when necessary;
- measurable objectives for improving school safety and order;
- professional development clearly matched to the objectives for improving school safety and order;
- plans to work with local law enforcement and court officials to ensure safety;
- a clear and detailed statement of the planned use of federal, state and local funds allocated for at-risk students and alternative school, or both, and
- methods of communicating the plan with the internal and external school community.

## **Annual Performance Goals**

**G.S. 115C-105.35, Annual Performance Goals**, requires the State Board of Education to set annual performance standards for each school.

### **Focus on Student Performance**

As **required by law**, the focus on student performance in elementary and middle schools is on reading, writing and mathematics. At the secondary level, the focus shall be on student performance in the courses required for graduation and on other measures in the high schools as defined by the State Board of Education.

The State Board of Education approved a high school accountability model for implementation in 1997-98. Beginning with the 2000-2001 school year, high schools were held accountable for student improvement in Algebra I; Algebra II; Biology; Chemistry; Economic, Legal and Political Systems in Action (ELPS); English I and II; Geometry; Physical Science; Physics and U.S. History. Other measures approved by the State Board of Education hold high schools accountable for the percentage of students completing either the College/University Prep or College/Tech Prep course of study, the passing rate on the competency test in grade 10 (as compared to grade 8), and the school's dropout rate.

**NOTE: For the 2003-04 school year, there are three (3) major changes to the ABCs:**

- 1. No U. S. History End-of-Course tests will be administered.**
- 2. End-of-course tests in Economic, Legal and Political Systems (ELP) will be administered for transfer students, students who have previously failed the course and students in grades 10 through 12 who need the course for graduation. However, ELP data will be excluded from the ABCs data analysis for the 2003-04 school year.**
- 3. Writing results are not included in the ABCs for 2003-04.**

Each **school** is held accountable for the progress of its students. Therefore, the accountability system established by the State Board sets annual performance goals for each school in the state and to measure the growth (gain) in performance of students **in each individual school**.

### **Criteria for Standards**

There are four criteria for setting performance standards using state-mandated tests.

1. Student growth standards should result in increased numbers of students at or above grade level.
2. Standards should be challenging, rewarding high levels of performance and growth.
3. Standards should be reasonable and achievable.

4. Standards should be fair.

### **Types of Standards**

The State Board of Education features performance and growth standards.

- Growth standards are benchmarks set annually to measure a school's progress toward increasing the percentage of students at or above grade level.
- Performance standards are set to measure the percent of students in a school at or above grade level. The State Board of Education established Achievement Level III as the standard for grade proficiency for all K-8 schools, and Achievement Level III as the standard for at or above grade level for high schools. Student performance at or above grade level means that students' scores on end-of-grade (EOG) or end-of-course (EOC) tests fall within Achievement Level III or IV.

### **Exemptions from Testing**

The No Child Left Behind (NCLB) legislation does not allow for any exclusions from testing. K-8 schools that test fewer than 95 percent of eligible students may not receive incentive awards. This is referred to as the 95 percent rule. High schools that test fewer than 95 percent of enrolled students may not receive incentive awards. Prior to NCLB, the testing rule was 98%. However, to conform to NCLB, the percent of students tested was changed from 98% or 95%.

Students and schools are accountable for the performance of students and their achievement. All students should be given the opportunity to receive K-8 instruction that will allow them to perform successfully on all state required tests.

### **Completion of Answer Sheets**

An answer document must be completed for every student in membership in grades three through eight.

In high schools, an answer sheet must be completed for every student enrolled in a course for which an EOC test is given, except English II and the competency test, **including those students who are absent from testing.**



## State-Mandated Tests

The chart below lists the State-mandated tests for grades 3-8 as of 2004-05.

| Grade Level | Pre-test of reading and math | Reading Comprehension | Math | Writing | Computer Skills Multiple Choice | Computer Skills Performance | NAEP |
|-------------|------------------------------|-----------------------|------|---------|---------------------------------|-----------------------------|------|
| 3           | √                            | √                     | √    |         |                                 |                             |      |
| 4           |                              | √                     | √    | √       |                                 |                             | √    |
| 5           |                              | √                     | √    |         |                                 |                             |      |
| 6           |                              | √                     | √    |         |                                 |                             |      |
| 7           |                              | √                     | √    | √       |                                 |                             |      |
| 8           |                              | √                     | √    |         | √                               | √                           | √    |

Ninth grade students may have to be administered the following tests if they have not met the graduation standard.<sup>7</sup>

- North Carolina Test of Computer Skills – Multiple Choice
- North Carolina Test of Computer Skills – Performance
- North Carolina Competency Test in reading
- North Carolina Competency Test in mathematics

The eighth grade End-of-Grade test in reading comprehension provides the first opportunity to meet the competency graduation standard for reading. The end-of-grade test in mathematics offers the first opportunity to meet the competency graduation standard in mathematics.

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<sup>7</sup> Students with disabilities may show computer skills proficiency for graduation by meeting the standard for the North Carolina Tests of Computer Skills (multiple choice and performance) or the computer skills portfolio accommodation. Students with disabilities who are following the Occupational Course of Study are to fulfill computer proficiency as specified in the IEP. Students following the Occupational Course of Study are not required to meet the graduation standard for the North Carolina Competency Tests.

## ABCs Program 2003 - 04

| Components  | ABCs Growth | Performance Composite | Adequate Yearly Progress |
|---|-------------|-----------------------|--------------------------|
| <b>End of Grade Tests</b>                                     |             |                       |                          |
| Reading   | ✓           | ✓                     | ✓                        |
| Mathematics   | ✓           | ✓                     | ✓                        |
| <b>End of Course Tests</b>                                    |             |                       |                          |
| Algebra I   | ✓           | ✓                     |                          |
| Algebra II  | ✓           | ✓                     |                          |
| Biology   | ✓           | ✓                     |                          |
| Chemistry   | ✓           | ✓                     |                          |
| English I   | ✓           | ✓                     |                          |
| Geometry  | ✓           | ✓                     |                          |
| Physical Science  | ✓           | ✓                     |                          |
| Physics   | ✓           | ✓                     |                          |
| <b>High School Comprehensive Tests</b>                        |             |                       |                          |
| Reading   |             |                       | ✓                        |
| Mathematics   |             |                       | ✓                        |
| <b>North Carolina Alternate Assessment Portfolio</b>          |             |                       |                          |
| Reading   |             | ✓                     | ✓                        |
| Mathematics   |             | ✓                     | ✓                        |
| <b>North Carolina Alternate Assessment Academic Inventory</b> |             |                       |                          |
| Reading   |             | ✓                     | ✓                        |
| Mathematics   |             | ✓                     | ✓                        |
| <b>Drop Out Rate</b>  |             |                       |                          |
| Grades 9-12   | ✓           |                       |                          |
| <b>Graduation Rate</b>  |             |                       |                          |
| Grade 12  |             |                       | ✓                        |
| <b>Attendance Rate</b>  |             |                       |                          |
| All Grades 3 – 8  |             |                       | ✓                        |
| <b>Computer Skills</b>  |             |                       |                          |
| Grade 8   |             | ✓                     |                          |
| <b>Competency Passing Rate</b>                                |             |                       |                          |
| Grade 10  | ✓           |                       |                          |
| <b>College University Prep/College Tech Prep</b>              |             |                       |                          |
| Grade 12  | ✓           |                       |                          |

## National Assessment of Educational Progress Schedule of Assessments

Approved Unanimously, August 2, 2003  
National Assessment Governing Board

| Year | National  | State   |
|------|---|---|
| 2000 | Mathematics<br>Science<br>Reading (4)                                       | Math (4, 8)<br>Science (4, 8)                                 |
| 2001 | U.S. History<br>Geography   |   |
| 2002 | Reading<br>Writing  | Reading (4, 8)<br>Writing (4, 8)                              |
| 2003 | Reading (4, 8)<br>Mathematics (4, 8)  | Reading (4, 8)<br>Math (4, 8)                                 |
| 2004 | <b>FOREIGN LANGUAGE (12)*</b><br><b>[POSTPONED]***</b><br>Long-term trend** |   |
| 2005 | Reading<br><b>MATHEMATICS*</b><br>Science                                   | Reading (4, 8)<br><b>MATH (4, 8)</b><br>Science (4, 8)        |
| 2006 | U.S. History<br>Civics<br><b>ECONOMICS (12)*</b>                            |   |
| 2007 | Reading (4, 8)<br>Mathematics (4, 8)<br>Writing (8, 12)                     | Reading (4, 8)<br>Math (4, 8)<br>Writing (8)                  |
| 2008 | <b>ARTS (8)</b><br>Long-term trend**  |   |
| 2009 | <b>READING</b><br>Mathematics<br><b>SCIENCE</b>                             | <b>READING (4, 8)</b><br>Math (4, 8)<br><b>SCIENCE (4, 8)</b> |
| 2010 | <b>WORLD HISTORY (12)</b><br><b>GEOGRAPHY</b>                               |   |
| 2011 | Reading (4, 8)<br>Mathematics (4, 8)<br><b>WRITING</b>                      | Reading (4, 8)<br>Math (4, 8)<br><b>WRITING (4, 8)</b>        |
| 2012 | <b>CIVICS</b><br>Foreign Language (12)<br>Long-term trend**                 |   |

\* Framework for foreign language approved by Governing Board May 2000; updates to mathematics framework approved November 2001; economics framework approved August 2002.

\*\* Long-term trend assessments are at ages 9, 13, and 17 and are conducted in reading and mathematics.

\*\*\* The Governing Board postponed the Foreign Language assessment on March 6, 2004. A Board resolution adopted on August 7, 2004 provides, in part, that “the Governing Board schedule the 12<sup>th</sup> grade Foreign Language assessment to be conducted after 2006.”

Notes:

- (1) Grades tested are 4, 8, and 12 unless otherwise indicated.
- (2) Subjects in **BOLD ALL CAPS** indicate the years in which a new framework is planned for implementation.
- (3) In the case of subjects for which frameworks are already adopted (i.e., reading, writing, math, science, the arts, U.S. history, geography, and civics) **BOLD ALL CAPS** indicates the assessment year for which the Board will decide whether a new or updated framework is needed.
- (4) **Action of the National Assessment Governing Board could result in an updated Schedule of Assessments. The most recent administrative schedule is always available at [www.nagb.org](http://www.nagb.org).**

## Composite Scores

For the accountability model, a method was needed to combine components fairly to reach a bottom line on measuring student performance. Actually three different composites are calculated:

1. The expected growth composite indicates whether or not a school made the standard for growth in reading and mathematics in grades 3-8 (some middle school students also take EOC tests) and factors in the following components at the 9-12 level:
  - a. College/University Prep/College Tech Prep,
  - b. Change in passing rate of competency test, and
  - c. The dropout rate.

The goal is for every school to reach its expected growth. All students enrolled in a public school in North Carolina during the previous year are expected to have pretest scores.

2. The high growth composite shows which schools exceeded their growth standards. This standard is defined as approximately 10 percent above expected growth for grades 3-8 and approximately 3 percent above expected growth in selected high school courses.
3. The performance composite shows the percentage of students at or above Achievement Level III. The goal is to have as many students as possible Statewide performing at Achievement Levels III or IV, the two highest achievement categories. In grades 3-8, this figure examines how well students are performing in reading, mathematics (including alternate assessments) and the Computer Skills Test at grade 8. In 2004-05, writing will also be included.

## Determining Composite Scores in the ABCs Model Revised 07-19-04

**Note for 2003-04: ELP (Economic, Legal, and Political Systems) and U.S. History EOC (End-of-Course) Tests and Writing are NOT included in the ABCs computations for the 2003-04 accountability year.**

In the ABCs, a school's growth and performance are summarized using composite scores. There are two types of composite scores: growth, and the performance composite.

There are two growth composites—one for expected growth and one for high growth. These growth composites summarize a school's growth over all grade levels and subjects included in the accountability model. The two composites indicate whether or not a school makes expected or exemplary growth, respectively. The growth composite scores allow a school to fall short of expected or exemplary growth in some areas but exceed it in others and still reach the growth standard overall. If the expected growth composite equals or exceeds zero, the school makes the goal of expected growth. Similarly, if the high growth composite equals or exceeds zero then the school makes the goal of exemplary growth.

The performance composite summarizes the performance of students in the school with respect to attaining Achievement Level III. It tells the percent of student test scores at or above Achievement Level III (consistent mastery of subject/course content matter) in the subjects taught in the school and included in the accountability model.

The performance composite and the expected growth composite are used when determining which schools may need special assistance (i.e., Priority schools and Low-performing schools). A school with an expected growth composite that is negative (less than zero) and a performance composite less than 50 (fewer than 50% of scores were at Level III or above) is identified as a low-performing school.

An outline of the process for determining these composite scores, using the accountability formulas follows. Necessary constants and parameters are summarized on the following pages. The formula used in the calculations for End-of-Grade (EOG) tests is published in the Accountability Brief "Setting Annual Growth Standards: *The Formula*," first published September 1996, revised March 2003. The formulas used in the calculations for the end-of-course (EOC) tests are published in the "*EOC Prediction Formulas*," revised March 2003. These documents are available on the DPI web site ([www.ncpublicschools.org/accountability/reporting/index.html#ABC](http://www.ncpublicschools.org/accountability/reporting/index.html#ABC)). From the Reporting Section homepage, scroll down and click on ABCs of Public Education Program Information. (Please keep in mind that ABC Tools software, provided to all LEAs by the Division of Accountability Services, performs these calculations automatically).

# Calculating Expected Growth

## Grades Three through Eight

To calculate expected growth for grades three through eight, follow the following process:

1. Determine the actual growth in reading and mathematics at each grade level in the school, using data on **matched** group of students (i.e., students with both reading and mathematics “pretest” and “posttest” scores). Subtract the mean pretest score (use pretest score for grade three, use previous year’s EOG for grades four through eight) from the mean posttest score (current year’s EOG) at each grade level to find actual growth.
2. Determine the expected growth for reading and mathematics at each grade level. For an example of these computations, see the Accountability Brief, Setting Actual Growth Standards: The Formula, available on the web.
3. Subtract the expected growth from the actual growth in reading and mathematics at each grade level.
4. Divide the difference (at each grade level) by the associated standard deviation. *This step is very important. By dividing by the standard deviations, the resulting numbers are standardized to accommodate the different score distributions.* The quotient is labeled “standard expected growth.”
5. For each component (subject/grade), divide the number of scores/students by the total number of scores/students across all components. The quotient is the weight.
6. For each component, determine the weighted standard expected growth by multiplying the weight times the standard expected growth composite.

## End-of-Course

For the EOC tests, an equation is used to calculate an ABCs goal (or expected score) for each school on each EOC test. Each expected score is based on the proficiency of the students when they were in previous grades or courses. Proficiency is determined by students’ performance average (scores) on the North Carolina End-of-Grade or End-of-Course tests which serve as predictors of the same students’ performance in courses in which they are currently enrolled. For additional details, see the Accountability Brief The EOC Prediction Formulas. For example, the equation used to compute the expected score for Algebra I is

$$\text{Algebra I Expected Score} = b_0 + (b_{\text{IMP}} \times \text{IMP}),$$

- where  $b_0$  is the State average performance of schools (scale score) for the EOC = 60.4;
- $b_{\text{IMP}}$  is the value used to estimate the effect of the school’s average math

- proficiency on the expected average EOC test score = 0.88;
- IMP is the index of mathematics proficiency [it equals the school's average EOG grade 8 math scale score for students in Algebra I minus 176.1, (the State's average scale score in Algebra I)]. [Second edition mathematics scores are converted to first edition mathematics scale for use with the EOC prediction formulas).

Substituting the values from the Prediction Formula Parameters for end-of-course performance,

$$\text{Algebra I Expected Score} = 60.4 + [0.88 \times (\text{Math} - 176.1)]$$

Follow the steps listed below.

1. Identify a group of students currently enrolled in Algebra I with predictor scores. In the example, the group of students must have scores on EOG math from eighth grade. There are several important considerations when selecting a matched set of students. For a number of reasons, some students currently enrolled in Algebra I may not have an eighth grade math end-of-grade score. There may be students who have transferred to other states or a student may have been absent and failed to complete a make-up test. Enrollment can change daily due to the addition of new students, transfers and withdrawals. This makes it impossible to compute a totally accurate target score until the current enrollment is "captured" on the first day of testing for Algebra I.
2. Find the average EOG math (grade 8) score for the matched group of students; using this average in the equation, determine the expected Algebra I score. As an example, use 178 as the average EOG math score for this group.

$$\text{Algebra I Expected Score} = 60.4 + [0.88 \times (178 - 176.1)]$$

$$\text{Algebra I Expected Score} = 60.4 + 1.672 = 62.072^* \text{ or } 62.1 \text{ (rounded)}$$

This means that to reach the expected score for the expected growth, the school must have an average Algebra I EOC score that equals or exceeds 62.1.

\*This sum reflects full precision carried throughout each computation and does not reflect the sum of the rounded numbers shown in the example.



## **Computing the College University Prep/College Tech Prep Component at the High School Level**

To calculate the College/University Prep/College Tech Prep (CUP/CTP), follow the steps listed below.

1. Calculate the percent of current accountability year diploma recipients who completed either the college university prep or the college tech prep course of study for the three most recent years. Beginning in 2003-04, subtract Occupations Course of Study graduates from the denominator before computing the percent. *Students are counted only once if they complete both courses of study.*
2. Add the average of the two prior years' percent of graduates that received diplomas and completed either course of study and divide by two.
3. Subtract the baseline from the current year's percent.
4. Subtract 0.1, *unless the percentages are both 100, in which case the standard growth is set to zero.*
5. Divide by the associated standard deviation. The result is the standard expected growth for the College University Prep/College Tech Prep component. There is no high growth component for College University Prep/College Tech Prep. The standard expected growth is used in computing the expected growth composite AND the high growth composite.
6. Repeat steps 5-6 on page two to determine the weighted growth

The procedures outlined below should be used for calculating the competency passing rate.

1. Find the tenth grade competency passing rate and the eighth grade competency passing rate on a matched set of students. (All current tenth graders in membership that were enrolled in a NC public school in eighth grade).
2. Subtract the eighth grade rate from the tenth grade rate.
3. Subtract 0.1 so that zero represents growth. (If the eighth grade competency passing rate and the tenth grade passing rate are 100%, then do not subtract 0.1.)
4. The result is the expected growth component for the competency passing rate.
5. Repeat steps 5-6 on page two to determine the weighted growth.

## **Dropout Rate**

The ABCs dropout rate is based on dropouts in grades nine through 12 rather than seven through 12 that have been adjusted to take into account schools' compliance with the Safe Schools Act and efforts to handle chronic behavior problems. The ABCs dropout rate is

expressed as a percentage.

To calculate the ABCs dropout rate, follow the procedure outlined below.

1. The ABCs dropout numerator is the total number of dropouts in grades nine through 12, minus the total number of long-term suspensions in grades nine through 12 **and** minus the total number of students incarcerated in an adult facility in grades nine through twelve.
2. The ABCs dropout membership figure is the 20<sup>th</sup> day of previous year's membership in grades nine through 12, plus the 20<sup>th</sup> day membership in grades nine through 12 of the current year. Divide by two.
3. Calculate the dropout rate using the formula below:

$$\text{ABCs dropout rate equals } \frac{100 * \text{ABCs dropout numerator}}{\text{ABCs dropout membership} + \text{ABCs dropout numerator}}$$

4. Average the ABCs dropout rates (expressed as percentages) for previous two years to form a baseline. Subtract the accountability year's dropout rate from the baseline ABCs dropout rate (percentage).
5. Divide the difference by the standard deviation. This yields the standard expected growth.
6. Multiply the standard expected growth by  $\frac{1}{4}$  membership of current accountability year.
7. Divide the product by the total number (N) across all components. This yields the weighted standard expected growth for the ABCs dropout component.

### **Completing Calculations for Expected Growth**

Sum the standard expected growth for reading and mathematics in grades three through eight. In high school, sum the standard expected growth for EOC, change in College University Prep/College Tech Prep competency passing rate and change in ABCs dropout rate. If the sum equals or is greater than zero, the school has made expected growth.

## Calculating High Growth

### Third through Eighth Grades

For the end-of-grade tests in grades 3 through 8, follow the steps outlined below:

1. Use actual growth calculated at each grade level in reading, math and Algebra I as computed for expected growth.
2. Determine the high growth goal for each grade level. (The  $b_0$  in the K-8 growth formula is multiplied by 1.1 in these calculations.)
3. Subtract the high growth goal from the actual growth in reading and mathematics at each grade level.
4. Divide the difference in growth for reading and mathematics at each grade level by the standard deviation. The quotient is the standard high growth.
5. Repeat steps 5-6 on page two to determine the weighted growth composite.

### Calculating High Growth in Grades Nine through Twelve

For high growth, the same EOC prediction formulas are used. However, the State average performance is multiplied by 1.03. This means that the high growth standard is approximately 3% greater than the expected EOC growth standard.

The formula for high growth in Algebra I is:

$$\text{Algebra I High Growth} = (b_0 \times 1.03) + (b_{\text{IMP}} \times \text{IMP}).$$

From the earlier example for Algebra I, computations for determining high growth would follow the two steps below.

1. Multiply  $b_0 \times 1.03$ . ( $60.4 \times 1.03 = 62.21$ )
2. Substitute the appropriate values in the formula and complete the calculations.

$$62.21 + [0.88 \times (178 - 176.1)]$$

$$62.21 + 1.672 = 63.88^*, \text{ or } 63.9 \text{ (rounded).}$$

This means that to reach the high growth, the school's average performance on Algebra I EOC tests must equal or exceed 63.90.

\*This sum reflects full precision carried throughout each computation, and does not reflect the sum of the rounded numbers shown in this example.

### Completing the Calculations for High Growth

To complete the calculations for high growth, add the standard high growth in reading and math in grades three through eight; EOC; expected growth in College University Prep/ College Tech Prep, Competency Passing Rate and ABCs Dropout Rate. The sum is the high growth composite.

## The Performance Composite

To determine the composite

1. Compute the percent of students who score at or above Achievement Level III on reading and mathematics EOG tests, Computer Skills at grade eight, writing at grades 4 and 7 (beginning in 2004-05), all EOC tests given at the school, the North Carolina Alternate Assessment Portfolio, and the North Carolina Alternate Assessment Academic Inventory (NCAAAI). *EOC subjects are included with the EOG reading and mathematics in elementary/middle schools where the subjects are offered. EOC in 2004-05 includes all state tested subjects: Algebra I, Biology, English I, Algebra II, Geometry, Chemistry, Physics and Physical Science and writing.*
  - a. Sum the scores at or above Achievement Level III on each of the tests.
  - b. Divide this sum by the total number of valid scores on each of the tests.

## EOG Parameters and Other Constants Used in the ABCs Growth Model for 2002-2003

Using 2<sup>nd</sup> Edition EOG Mathematics Scores for Grade 3 Pretest and Posttest and Equipercentile Equating for Grades 4-8

| Grade<br>"pre" | Grade<br>"post" | B <sub>0</sub> | b <sub>1</sub> | b <sub>2</sub> | Centering Mean | Standard Deviation for<br>composite component |
|----------------|-----------------|----------------|----------------|----------------|----------------|---|
| Reading        |                 |                |                |                |                |   |
| Pre3           | 3               | 8.0            | 0.47           | - 0.98         | 139.1          | 1.645731                                      |
| 3              | 4               | 5.2            | 0.22           | - 0.60         | 143.4          | 1.283104                                      |
| 4              | 5               | 4.6            | 0.22           | - 0.60         | 147.6          | 1.215183                                      |
| 5              | 6               | 3.0            | 0.22           | - 0.60         | 152.4          | 1.270763                                      |
| 6              | 7               | 3.3            | 0.22           | - 0.60         | 154.5          | 1.105819                                      |
| 7              | 8               | 2.7            | 0.22           | - 0.60         | 158.1          | 1.197829                                      |
| Mathematics    |                 |                |                |                |                |   |
| Pre3           | 3               | 14.3           | 0.20           | - 0.58         | 236.4          | 1.675164                                      |
| 3              | 4               | 7.3            | 0.26           | - 0.58         | 141.2          | 2.065777                                      |
| 4              | 5               | 7.4            | 0.26           | - 0.58         | 147.9          | 1.989928                                      |
| 5              | 6               | 7.1            | 0.26           | - 0.58         | 154.4          | 2.130592                                      |
| 6              | 7               | 6.5            | 0.26           | - 0.58         | 160.2          | 1.966777                                      |
| 7              | 8               | 4.9            | 0.26           | - 0.58         | 166.0          | 1.730942                                      |

## Prediction Formulas for End-of-Course Performance

Revised March 24, 2002

$$\text{Predicted School Algebra I Mean} = 60.40 + [0.88 \times (\text{Math} - 176.10)]$$

$$\text{Predicted School Biology Mean} = 55.20 + [0.710 \times (\text{Reading} - 161.30)] + [0.318 \times (\text{Math} - 172.00)] + [-0.013 \times (\text{Math} - 172.00)^2] + [-0.002 \times (\text{Math} - 172.00)^3]$$

$$\text{Predicted School English I Mean} = 53.30 + [1.01 \times (\text{Reading} - 161.00)]$$

$$\text{Predicted School Algebra II Mean} = 59.30 + [0.43 \times (\text{Reading} - 164.70)] + [0.89 \times (\text{Alg} - 60.00)]$$

$$\text{Predicted School Chemistry Mean} = 56.90 + [0.18 \times (\text{Alg} - 59.90)] + [0.51 \times (\text{Bio} - 59.70)] + [0.27 \times (\text{Eng} - 58.10)]$$

$$\text{Predicted School Geometry Mean} = 58.50 + [0.42 \times (\text{Reading} - 164.50)] + [0.39 \times (\text{Math} - 176.70)] + [0.43 \times (\text{Alg} - 59.70)]$$

$$\text{Predicted School Physical Science Mean} = 53.80 + [0.58 \times (\text{Reading} - 160.70)] + [0.34 \times (\text{Math} - 171.60)]$$

$$\text{Predicted School Physics Mean} = 56.10 + [0.28 \times (\text{Math} - 182.00)] + [0.66 \times (\text{bio} - 63.70)] + [0.32 \times (\text{Eng} - 61.60)]$$

where

|         |  |
|---------|--|
| Reading | EOG Reading mean for all students in the school with scores for the predicted EOC and all other EOG/EOC tests used as predictors |
| Math    | EOG Math mean for all students in the school with scores for the predicted EOC and all other EOG/EOC tests used as predictors    |
| Alg     | Algebra I mean for all students in the school with scores for the predicted EOC and all other EOG/EOC tests used as predictors   |
| Bio     | Biology mean for all students in the school with scores for the predicted EOC and all other EOG/EOC tests used as predictors     |
| Eng     | English I mean for all students in the school with scores for the predicted EOC and all other EOG/EOC tests used as predictors   |

## **2003-2004 Constants Used in the ABCs Gain Model for High Schools**

| Component of Growth Composite                  | Standard Deviation of<br>change for expected growth<br>composite | Standard Deviation of<br>change for high growth<br>composite |
|--|--|--|
| College University Prep/College Tech<br>Prep % | 10.0   | 10.0   |
| Competency Passing Rate                        | 12.8   | 12.8   |
| ABCs Dropout Rate                              | 2.1  | 2.1  |



## **Testing Students Identified as Limited English Proficient (LEP) Students**

North Carolina State Board policy mandates that all students identified as limited English proficient (LEP) must have been assessed using the state-identified language proficiency test, IDEA Proficiency Tests (IPT), at initial enrollment. In addition, students identified as LEP must be assessed using the IPT annually thereafter during the window of February 1–April 30.

All eligible students are to participate in the North Carolina statewide testing program. Effective in the 2002–2003 school year, HSP-C-005 was revised per the following information: students identified as limited English proficient (LEP) shall be included in the statewide testing program.

There are three ways in which students identified as LEP may participate in the North Carolina statewide testing program:

- *Standard test administration;*
- *Standard test administration with accommodations:* On a case-by-case basis and where appropriate documentation exists, students identified as LEP may receive testing accommodations. The need for accommodations must be documented in the student's appropriate LEP documentation. The accommodations must be used routinely during the student's instructional program and similar classroom assessments; and
- *North Carolina Alternate Assessment Academic Inventory (NCAAAI):* The North Carolina Alternate Assessment Academic Inventory (NCAAAI) is a yearlong or course-long formative and summative assessment in which teachers utilize a checklist to evaluate student performance in the areas of reading and mathematics at grades 3–8 and 10, writing at grades 4, 7, and 10, and in high school courses in which an end-of-course test is administered. LEP students who meet eligibility criteria as set forth in state policy may participate in the NCAAAI instead of taking the multiple-choice test.

In March 2004, the State Board of Education adopted a temporary rule to make the following changes with respect to limited English proficient students during their first year in U.S. schools.\*

\*Note: First year of enrollment in U.S. schools refers to the first school year that a student has been enrolled in a U.S. school. It does not refer to a 12-month period. If a student has been enrolled in any U.S. school prior to this school year, the student, regardless of his/her enrollment period would be expected to be assessed in reading and mathematics

Schools shall:

- continue to administer state reading and mathematics tests for LEP students who score at or above Intermediate High on the reading section of the language proficiency test during their first year in U.S. schools. Results from these assessments will be included in the ABCs and AYP.
- not require LEP students (who score below Intermediate High on the reading section of the language proficiency test) in their first year in U.S. schools to be assessed on the reading End-of-Grade tests, High School Comprehensive Test in Reading or the NC Alternate Assessment Academic Inventory (NCAAAI) for reading.
- for purposes of determining the 95% tested rule in reading, use the language proficiency test from the spring administration for these students.
- not count mathematics results in determining AYP or ABCs performance composite scores for LEP students who score below Intermediate High on the reading section of the language proficiency test in their first year in U.S. schools.

### **Testing Accommodations**

Students identified as LEP may need to have special testing accommodations. Any special arrangements or accommodations must be in accordance with rules and procedures that protect test standardization procedures and the validity of the assessment. Special arrangements or accommodations must never be used for score enhancement. The use of testing accommodations should be consistent with those accommodations used during instruction and classroom tests. Accommodations that are not routinely used during the instructional day and during classroom testing are not appropriate during state-mandated testing.

Students who score Superior on the state-identified language proficiency test must participate in the standard test administration without accommodations. If, during the annual administration of the state-identified language proficiency test, the student scores at or above Superior, the student must participate in the standard test administration without accommodations.

### **North Carolina Alternate Assessment Academic Inventory (NCAAAI)**

There are various criteria which determine a student's eligibility for the NCAAAI. Students identified as LEP who have been assessed on the state-identified language proficiency test as below Intermediate High in reading may participate for up to 2 years (24 months) in U.S. schools in the NCAAAI as an alternate assessment in the areas of reading and mathematics at grades 3–8 and 10 and in high school courses in which an end-of-course (EOC) test is administered. Students identified as LEP who have been assessed on the state-identified language proficiency test as below Superior, per HSP-A-011, in writing may participate in the NCAAAI in writing for grades 4, 7, and 10 for up to 2 years (24 months) in U.S. schools. Students identified as LEP who are administered the NCAAAI shall not be assessed off-grade level.

Students identified as LEP who will reach their 24-calendar-month deadline prior to the administration of an end-of-course test should not participate in the NCAAAI because students will be required to take the next state-mandated test based on their 24-month deadline. If, during the annual administration of the state-identified language proficiency test, an LEP student scores at or above Intermediate High in the reading section, the student will participate in the next state-mandated end-of-grade (EOG), EOC, or high school comprehensive test administration (with or without accommodations). If, during the annual administration of the state-identified language proficiency test, the student scores at or above Superior in the writing section, the student must participate in the standard administration (with or without accommodations) of the writing assessment.

## Testing Students with Disabilities

Per HSP-C-005 all students with disabilities including those identified under Section 504 in membership in grades 3–8 and 10 and in high school courses in which an end-of-course test is administered shall be included in the statewide testing program through the use of state tests with or without accommodations or an alternate assessment. The student's IEP team shall determine whether a testing accommodation is appropriate for the student's disability or whether the student should be assessed using a state-designated alternate assessment: the NCAAAI or the NCAAP.

North Carolina's statewide testing policy, effective with the 2000-01 school year, requires all students with disabilities to participate in the statewide testing program. There are four ways students with disabilities may participate in the North Carolina statewide testing program:

- *Standard test administration;*
- *Standard test administration with accommodations;*
- *North Carolina Alternate Assessment Academic Inventory (NCAAAI); or*
- *North Carolina Alternate Assessment Portfolio (NCAAP).*

### **Standard Test Administration with Accommodations**

Standardized test procedures for students with disabilities require that testing accommodations and administrative procedures be developed and implemented to assure that individual student needs are met and, at the same time, maintain sufficient uniformity of the test administration to maintain test validity, and to fulfill the requirements of testing for accountability. One of the purposes of the state tests is to generate information for the purpose of accountability. State tests are not designed to provide comprehensive diagnostic information at the individual student level.

Among the accommodations students with disabilities may need are (a) modified test formats, (b) assistive technology devices/special test arrangements, and/or (c) a different test environment. A student may require the use of any number of these accommodations in order to obtain access to a given test. Accommodations designated for the tests should be consistent with the accommodations used routinely during classroom instruction and similar classroom assessments.

For any State-mandated test, the accommodation must (1) be documented in the student's current IEP or Section 504 Plan and (2) the documentation must reflect routine use during instruction and similar classroom assessments that measure the same construct. It is vital for students with disabilities to receive accommodations on State-mandated tests that allow them to demonstrate their true abilities; however, students must not receive unnecessary or inappropriate accommodations. Recommendations for the use of accommodations during test administrations based solely on the potential to enhance student performance beyond

providing equal access and opportunity to perform are not appropriate.

Accommodations that alter the content of the test, interfere with the measurement of the construct or provide inappropriate assistance to the student within the context of the test invalidate the results from the test. Use of accommodations for state-mandated tests that are not specified by the North Carolina Department of Public Instruction may invalidate the results from a given test. Some examples of accommodations that invalidate the results of tests are (1) test administrator read aloud a reading test designed to measure reading comprehension and (2) interpreter/translator signs/cues a reading comprehension test designed to measure reading comprehension.

### **North Carolina Alternate Assessment Academic Inventory (NCAAAI)**

Students with disabilities who have a current IEP may participate in the NCAAAI instead of taking the multiple-choice test, as stated in State Board policy HSP-C-005. The NCAAAI is the state-mandated alternate assessment required of eligible students who do not participate in statewide test administrations of (1) the North Carolina Pretest at Grade 3 for Reading Comprehension and/or Mathematics, (2) the North Carolina End-of-Grade Tests of Reading Comprehension and/or Mathematics at Grades 3–8, (3) the North Carolina High School Comprehensive Test of Reading and Mathematics at Grade 10, (4) the North Carolina Writing Assessment at Grades 4, 7, or 10, and/or (5) any North Carolina End-of-Course Test.

The NCAAAI is an academic measurement that requires a yearlong data collection process that (1) involves a representative and deliberate collection of student work/information, (2) allows the assessor to make judgments about what a student knows and is able to do, and (3) measures student progress based on specific objectives from the North Carolina *Standard Course of Study*. The assessor completes the inventory three times per year. Baseline scores are documented during the first month of student participation. The assessor must determine the interim date for data collection. Interim scores must be documented during a month halfway between the first month of data collection and the last month of school. Final scores are reported during the final month of participation. Student profiles are completed during the baseline and final scoring periods. Assessors must maintain a compilation of student work throughout the year that may be presented upon request.

Students with disabilities may participate in the NCAAAI instead of taking the multiple-choice tests, as stated in State Board policy HSP-C-005. Students with disabilities may be assessed below their assigned grade level using the NCAAAI as an alternate assessment to the end-of-grade tests of reading and/or mathematics in grades 3-8 and the high school comprehensive tests of reading and/or mathematics in grade 10. Students may not be assessed below their assigned grade level for the writing assessment at grades 4, 7, and 10.

## **North Carolina Alternate Assessment Portfolio (NCAAP)**

The NCAAP is a yearlong, performance-based assessment process that involves a representative and deliberate collection of student work and information that allows the user(s) to make judgments about what a student knows and is able to do and the progress that has been made in relation to the goals specified in the student's IEP. The purpose of the NCAAP is to measure student performance and progress on tasks, which are related to goals specified in the current IEP, that are aligned with the Essences of the North Carolina Standard Course of Study. The NCAAP addresses the areas of reading, math, and for grades 4, 7, and 10 it also addresses writing. Throughout the school year, data is collected to show student performance and progress in these academic areas.

The IEP team determines whether the disability is severe enough to require that the student not participate in the statewide test administrations or the NCAAAI. The IEP team also determines whether the severity of the disability is such that the student must participate in the NCAAP. Documentation for the basis of the decision using current and longitudinal data and performance of skills across settings must exist in the IEP.

## **Failure to Meet Testing Requirements**

Several consequences will result if schools fail to comply with the testing requirements, including ineligibility for incentive awards and certain categories of recognition.

- K-8 schools that test fewer than 95 percent of eligible students may not receive school incentive awards. K-8 schools that test fewer than 95 percent of eligible students for two consecutive years may be designated a low performing by the State Board of Education.
- High school that test fewer than 95 percent of students subject to EOC tests and the NC Comprehensive Test may not receive incentive awards. High schools that test fewer than 95 percent of enrolled students for two consecutive years may be designated as low-performing by the State Board of Education.
- Schools are required to make public the percent of eligible students tested. Results for schools not meeting the percent eligible requirement will be noted in public reports.

**Note: Prior to the 2002-03 school year, the required percentage of testing was 98%. However, this was changed to align with testing requirements under No Child Left Behind.**

## Alternative and Special Schools

In September 2003, the State Board of Education (SBE) approved revisions to HSP-C-013, the policy that incorporated alternative and special schools into the ABCs. This revised policy is optional for the 2003-04 school year, but will be mandatory for all alternative schools in 2004-05. The new accountability model for alternative schools is based on achievement and the degree of success that the school has in meeting certain objectives contained in its school improvement plan. The plan must contain certain elements and be approved by the superintendent and local board of education.

There are two major changes from the previous policy.

- The SBE approved a prescribed menu of eight (8) local options for alternative schools. From this menu, alternative schools are required to choose three (3) different local options. However, schools must choose **at least one** (1) measure of student achievement, Higher Expectations for Student Achievement (#4) or Student Progress and Proficiency (#5). This choice is optional for the 2003-04 school year, but mandated for 2004-05.
- The timeline for local boards of education to approve the alternative schools' plans for local options. If alternative schools choose to follow the new policy, they must have their plans approved by the local board of education by November 15. If they do not follow the revised policy, the plans must be approved by December 15, 2003.

### Two Components of Accountability

There are two components of accountability for alternative schools/programs based on the State testing program.

1. For high schools only, schools must use end-of-course test results and the change in the competency passing rate from the end of the eighth grade to the end of tenth grade.
  2. For schools with a combination of high school and lower grades, schools must use end-of-course and end-of-grade test results and the change in the competency passing rate from the end of the eighth grade to the end of the tenth grade.
  3. Schools with grade eight or lower should use end-of-grade tests and end-of-course tests results, and they shall count twice.
- B. The performance composite shall be reported when applicable.
- C. The local accountability options are listed below and numbered one (1) through eight (8). An alternative school will select three different local options, one of which must be the number four (4) or five (5).



1. **Attendance Goal:** The attendance rate was \_\_\_\_\_ and will increase to \_\_\_\_\_. Factors to consider when addressing this goal include absences, unexcused absences and violations of the LEA attendance policies.
2. **Dropout Goal:** The dropout rate was \_\_\_\_\_ and will decrease to \_\_\_\_\_. Factors that should be considered are students who were counted as dropouts returning to school, students making successful transitions to the traditional schools or other positive settings.
3. **School Safety/Student Conduct Goal:** The percentage of students receiving discipline referrals was \_\_\_\_\_ and will decrease to \_\_\_\_\_. When addressing this goal, consider reportable criminal offenses, students receiving long and/or short-term suspensions and acceptable inspection reports.
4. **Higher Expectations for Student Achievement Goal:** The percentage of students making better grades and/or enrolled in higher-level courses was \_\_\_\_\_ and will increase to \_\_\_\_\_. Consider the students enrolled in higher-level courses, students whose grade point average for the year improved by at least one (1) letter grade and students promoted at the end of the school year.
5. **Student Progress and Proficiency Goal:** The percentage of students making measurable progress was \_\_\_\_\_ and will increase to \_\_\_\_\_. Factors to be considered are students moving up to then next EOG or EOC level, students scoring at proficiency on EOC and/or EOGs and student passing other required tests.
6. **Parent Involvement Goal:** The percentage of parents actively involved now is \_\_\_\_\_ and will increase to \_\_\_\_\_. Factors to consider include parents participating in referral/placement decisions, the exit/transition process and in student/school activities.
7. **Community Involvement Goal:** The number of community members involved in the school is \_\_\_\_\_ and will increase to \_\_\_\_\_. Consider students completing community-based activities, students engaged with mentors/tutors and volunteer contact hours.
8. **Customer Satisfaction Goal:** The percentage of students, parents and staff expressing satisfaction with the school was \_\_\_\_\_ and will increase to \_\_\_\_\_. When addressing this goal, consider responses to an annual climate survey, parents and students expressing satisfaction and staff expressing satisfaction.

## **Rewards and Sanctions**

Alternative schools rewards/sanctions are based on the following criteria:

- Meeting 5 of 5 components is analogous to High Growth.
- Meeting 3 of 5 or 4 of 5 components is analogous to Expected Growth.
- Meeting 2 of 5 components is analogous to No Recognition.
- Meeting 1 of 5 or below is analogous to Low Performing status.

Alternative schools must also report the following information to their local boards of education:

- number and percentage of students referred to the alternative schools by each sending school (calculated by month),
- demographic information of students referred to the alternative school by each sending school (calculated by month),
- number and percentage of students who return to their home school (calculated by month),
- demographic information on students who return to their home school (calculated by month) and
- any other information that the local board of education deems necessary and pertinent to assess the success of students placed at risk.

## **Special Schools**

The category of “special schools” includes career centers, vocational schools and hospital schools. These schools will receive incentive awards based on the feeder patterns for the schools. The feeder pattern allows special schools that do not have sufficient data to be included in the ABCs to receive incentive award based on the performance of the students in the schools they serve.

The awards for special schools will be based on the percentages of sending schools that receive awards. For example, a special school that serves six (6) schools will receive 1/6 of its eligible amount for every sending schools that makes expected or high growth. Special schools will not receive an ABCs status or recognition and be eligible for identification as low-performing.

## **Special Education Schools**

Special education schools are those that exclusively serve students with disabilities who are following the *North Carolina Standard Course of Study* and take State tests or who follow extensions of the *North Carolina Standard Course of Study* and take alternate assessments.

These schools will receive incentive awards based on the feeder patterns for the schools and their performance composite will be based on State tests and alternate assessments. Special education schools will not receive an ABCs status or recognition or be eligible for identification as low-performing.

## **Appeal of Growth Standards**

In the event of compelling, catastrophic conditions within a school, the school may appeal growth standards to the State Board of Education. This appeal will require very specific reasons that the school's growth goals are unreasonable. The State Board of Education appointed a Compliance Commission for Accountability comprised of principals, teachers, central office staff, superintendents, and local school board members to review written appeals from schools.

- Appeals must clearly document the circumstances that make the goals seem unrealistic.
- The Compliance Commission will review all appeals and make recommendations to the State Board of Education. The State Board will make the final decision on the reasonableness of the growth goals.

## Performance Recognition

**G.S. 115C-105.36, Performance Recognition**, requires the State Board of Education to set the performance standard that schools must reach in order to receive financial incentives and to make financial incentive awards to schools that achieve that standard.

The General Assembly provides funds to award incentives of up to \$1500 for teachers and certified personnel and \$500 for teacher assistants in schools that achieve higher than expected improvements and incentives of up to \$750 for teachers and certified personnel and \$375 for teacher assistants in schools that meet expected improvement.

### **ABCs Recognition Categories**

***Honor Schools of Excellence*** are schools that made at least expected growth, had at least 90% of their students' scores at or above Achievement Level III, and made AYP. These schools receive banners and certificates. They receive incentive awards for expected or high growth.

***Schools of Excellence*** are schools that made at least expected growth and had at least 90% of their students' scores at or above Achievement Level III. These schools receive banners, certificates, and incentive awards for expected or high growth.

***Schools of Distinction*** are schools that made at least expected growth and had at least 80 percent of their students' scores at or above Achievement Level III (but were not Schools of Excellence). They receive plaques, certificates, and incentive awards for expected or high growth.

***Schools of Progress*** are schools that made at least expected growth and had at least 60% of their students' scores at or above Achievement Level III (but were not Schools of Excellence or Distinction). They receive certificates and incentive awards for expected growth.

***Schools Receiving No Recognition*** did not make their expected growth standards but have at least 60% of their students' scores at or above Achievement Level III.

***Priority Schools*** are schools that have less than 60% of their students' scores at or above Achievement Level III, irrespective of making their expected growth standards, and are not Low-Performing Schools.

***Low-Performing Schools*** are those that failed to meet their expected growth standards and have significantly less than 50% of their students performing at or above Achievement Level III.

| <b>Performance Level</b>   | <b>Academic Growth</b>                        |  |
|--|---|--|
| Based on Percent of Students' Scores at or Above Achievement Level III | Schools Making Expected Growth or High Growth | Schools Making Less than Expected Growth |
| 90% - 100%   | Met AYP*                                      | Honor Schools of Excellence              |
|  | AYP* Not Met                                  | School of Excellence                     |
|  | Schools of Distinction                        |  |
|  | Schools of Progress                           |  |
|  | Priority Schools                              |  |
| 80% - 89%  | No Recognition                                |  |
| 60% - 79%  |   |  |
| 59% - 59%  |   |  |
| Less than 50%  | Priority Schools                              | Low-Performing Schools                   |
| <b>Additional Recognitions</b>   |   |  |
| 25 Most Improved K-8 Schools   |   | 10 Most Improved High Schools            |

The 25/10 Most Improved Schools in Academic Growth are those schools that attain the State's highest values on the high growth composite.

**\*Adequate Yearly Progress**

Adequate yearly progress (AYP) is required by the No Child Left Behind Act (NCLB) of 2001 and is defined in the North Carolina's Consolidated State Application Workbook (April 22, 2003). See <http://www.ncpublicschools.org/nclb/consapplications.html>.

**Sanctions**

The term "low performing," required by G. S. 115 C-105.37, applies to a school that does not meet the expected growth standard and has a performance composite less than 50%. Such schools are subject to the statutory requirements regarding parental notification, State assistance, personnel and other matters.

## **Financial Incentives**

State laws require the State Board of Education to set standards for schools to be eligible for financial incentives. Schools and personnel that meet expected and high growth are not required to apply for incentive funds.

### **Personnel Eligible for Incentive Pay**

All certified staff and teacher assistants in K-12 schools making expected or high growth are eligible to receive cash incentive awards provided by the General Assembly.

Certified personnel includes

- teachers;
- assistant principals;
- principals; and
- instructional support specialists (guidance, social workers, media specialists, etc.).

Funds allotted for teacher assistants also include technology assistants.

### **Schools That Make High Growth**

Schools that make high growth will receive a certificate and school incentive awards. Eligible personnel at schools that make high growth will receive gross pay of up to

- \$1,500 bonus, plus benefits, for teachers and other certified personnel, excluding principals and assistant principals and up to
- \$500 bonus, plus benefits, for teacher assistants.

### **Schools That Make Expected Growth**

Schools that make expected growth will receive a certificate of recognition. They will also receive incentive funds that are appropriated by the General Assembly. Eligible personnel at schools that make expected growth will receive incentive pay of up to

- \$750 bonus, plus benefits, for teachers and other certified personnel, excluding principals and assistant principals and up to
- \$375 bonus, plus benefits, for teacher assistants.

## **Prekindergarten Teachers and Assistants**

Prekindergarten certified personnel and teacher assistants are eligible as long as they are assigned to a public school prekindergarten program that is located within a public elementary school that is designed to prepare students for kindergarten at that school.

### **“Unassigned” Personnel**

Eligible personnel not assigned to a school that meets expectations or a school that is classified as high growth will not receive funding from the state for incentive awards.

### **Part-time Personnel**

Eligible personnel assigned part-time to a school that meets expectations or a school that is classified as high growth will receive state funding based on the individual’s percent of time assigned to the school.

### **Availability of Incentive Funds**

Senate Bill 1139 (Chapter 716 of the 1996 Session Law) requires that incentive funds be made available to schools for expenditure on July 1 of each fiscal year. Funds will be allotted to the LEA in August and will remain available until November 30 of the subsequent fiscal year.

Once all test scores have been verified by the Division of Accountability Services, staff from that division will notify the School Allotment Section who will then determine the total number of staff statewide who are eligible to share in the incentive funds. The total amount of available funds will be divided by the number of eligible staff. The per person amount of the incentive award will then be multiplied by the number of eligible staff in each LEA. The School Allotment Section will forward an allotment for this amount to the LEA to be distributed to staff.

The allotment to the LEA will include an attachment which will identify the level of funding for certified personnel and teacher assistants for each school that meets expected and high growth expectations.

### **Distribution of Incentive Funds**

Several factors impact the distribution of incentive funds.

- Actual distribution of incentive awards within schools is not necessarily based on how the state distributes resources.
- Public school law specifies the distribution of award funds to certified staff and teacher assistants.
- Eligible state and local personnel receive their incentive awards from



Program Report Code 33, object code 183, by November 30. Any funds not spent by November 30 revert to the state.

- LEAs have two options for issuing incentive awards. The federal Circular E publication allows two tax deduction options for payroll and other compensation. Option one states the incentive award may be an addition to employees' regular paychecks. Option two states the funds may be paid as a separate payment using the withholding rates of 28 percent federal and 6% state. These are the only two options allowed by federal regulations.

### **Additional Requirements**

In addition to the previous criteria for the awards, schools must also meet the following criteria in order to qualify for any type of state recognition:

- IEPs for students with disabilities must be appropriate and up-to-date based on state and federal standards.
- IEPs must meet audit standards that describe the testing standards for students with disabilities.
- The school tested 95 percent of eligible students in grades three through eight. High schools must test 95 percent of enrolled students.
- The school honored the *Testing Code of Ethics* and the *Rules and Procedures of the State Testing Program*, and has not exempted alternative, exceptional, or limited English proficient students from testing in order to enhance scores.

## Identification of Low-Performing Schools

**G.S. 115C-105.37, Identification of Low-Performing Schools**, requires the State Board of Education to identify low-performing schools.

The State Board of Education is **required by law** to implement a procedure to identify low-performing schools each year. Both performance and growth standards are used in identifying low-performing schools. Low-performing schools are those that fail to meet the minimum growth standards, as defined by the State Board of Education and have a majority of students performing below grade level.

These standards have been defined by the State Board of Education to include those schools in which more than 50% of students are performing below grade level and are not making expected growth. Further, the State Board of Education will designate, by name, those schools that are low-performing.

The **ABCs law requires** that a school designated as low-performing provide specific information to the parents of students in the school. The information should include, but is not limited to

- a statement that the school has failed to meet the expected growth standard and that a majority of students are performing below grade level, and
- information about the plan developed to improve the school and a description of any additional steps the school is taking to improve student performance.

## Assistance Teams

**115C-105.38. Assistance teams; review by State Board**, required the State Board of Education to identify low-performing schools and to assign assistance teams to those schools, giving priority to those low-performing schools where the educational performance of students is declining.

As **required by law**, The State Board of Education will create assistance teams that consist of

- currently practicing teachers and staff,
- representatives of higher education,
- school administrators and
- others the State Board of Education considers appropriate.

In addition to appropriate licensure and a minimum of four (4) years of successful teaching experience, each team member possesses a high degree of knowledge and skills in the following areas:

- school leadership,
- curriculum and instruction,
- classroom management and discipline,
- academic assessment,
- home-school relations and
- evaluation and research.

Assistance teams will be assigned based on locations of low-performing schools. Typical teams will have three to five members and will, whenever possible, include educators from the same service area as the low-performing school. Except in unusual situations, team members will not be assigned to a low-performing school in a system where they have been recent employees.

When assigned by the State Board, assistance teams will serve schools where student achievement is declining (identified as low-performing) or any other school that requests an assistance team and that the State Board feels would benefit from services.

### Assistance Team Training

In addition to expertise and experience as classroom teachers or administrators, team members also receive extensive training to prepare them to help low-performing schools improve student achievement. Various local, State, nation and international educational experts provide the training. Topics for training include, but are not limited to,

- the ABCs law;
- the school improvement planning process and developing an improvement plan;
- conducting a comprehensive needs assessment;
- the Teacher and Principal Performance Appraisal systems and personnel evaluation;
- Effective Schools Correlates and “excellence without excuses;”
- team-building, mission of the teams and code of conduct for assistance team members;
- continuous assessment and improvement;
- effective curriculum and instructional strategies;
- bringing about systemic change;
- team-school relations and home-school relations;
- designing and implementing high quality professional development;
- analyzing, reporting and using data for school improvement;
- media relations;
- application of learning new learning to a case study of a low-performing school;
- exceptional children issues and programs;
- early childhood initiatives;
- mediation and facilitation;
- mentoring;
- media and technology resources;
- integrating the use of technology into classroom instruction;
- accountability and testing issues;
- brain research; and
- writing rubrics.

### **Assistance Team Responsibilities**

The ABCs legislation requires that assistance teams carry out six major functions:

- review and investigate all facets of school operations and assist in developing recommendations for improving student performance at that school;
- evaluate at least semiannually the personnel assigned to the school and make findings and recommendations concerning their performances;
- collaborate with school staff, central offices, and local boards of education in the design, implementation, and monitoring of a plan that, if fully implemented, can reasonably be expected to alleviate problems and improve student performance at that school;
- make recommendations as the school develops and implements this plan;
- review the school’s progress; and

- report, as appropriate, to the local board of education, the community, and the State Board on the school's progress. If an assistance team determines that an accepted school improvement plan developed under G.S. 115C-105.22 is impeding student performance at a school, the team may recommend to the local board that it vacate the relevant portions of that plan and direct the school to revise those portions.

If a school fails to improve student performance after assistance is provided, the assistance team may recommend that the assistance continues or that the State Board take further action under G.S. 115C-105.32.

### **Program Review**

The assistance teams are **required by law** to review and investigate all facets of school operations and assist in developing recommendations for improving student performance at that school.

Information about the school may be gathered through

- surveys;
- classroom observations;
- questionnaires;
- focus group interviews with students, parents, staff and/or community members;
- historical student achievement data and goal summaries;
- previous school improvement plans;
- student promotion data;
- attendance, discipline, and school violence reports;
- dropout data; and
- other data as may be available and relevant.

A comprehensive review may include, but is not limited to,

- curricula and program offerings,
- instruction and scheduling,
- student services,
- school-community relations,
- school climates,
- achievement results,
- staff development opportunities,
- school improvement planning process,
- school-based management practices and
- human and fiscal resources.

Once the assistance team and the school improvement team have carefully reviewed all available data, the assistance team will recommend specific actions that will improve student achievement at that school.

### **Collaboration with School and LEA Staff**

The assistance team is specifically **required by law** to collaborate with school staff, superintendent, central office, and local board of education in designing, implementing, and monitoring a plan that, if fully implemented, can be expected to alleviate problems and improve student performance.

After a comprehensive review of the school, the assistance team will work collaboratively with the school and central office staff to determine and prioritize needs, plan appropriate strategies to address the identified needs, and develop the school improvement plan.

### **Developing Improvement Plans**

The assistance team is **required by law** to make recommendations as the school develops and implements the school improvement plan. The team and school staff may decide to accept the school's original plan or develop a new, more focused plan. Continuous assessment will allow the team and school staff to identify jointly areas of the plan for adjustment. The plan should be modified as necessary to serve as a working guide for the school improvement process.

### **Review Progress**

G.S. 115C-105.31 **requires** the assistance team to review the school's progress. In addition to the final, measurable criteria, each improvement plan should include benchmarks for improvement that can be measured throughout the year. All measures should directly relate to improved student achievement, and reviews should be conducted monthly.

## **Report Progress**

The assistance team is **required by law** to report, as appropriate, to the local board of education, the community, and the State Board of Education on the school's progress.

Monthly reports are to be submitted by team leaders to the director of the School Improvement Division. These reports will be share with the principal and staff of the school, the superintendent or his/her designee and the local school board chair.

Periodic reports are made to the State Board of Education. Information included in the reports includes, but is not limited to,

- identified challenges and needs;
- recommendations; and
- level of cooperation exhibited by the principal, school staff and superintendent.

The team should provide feedback to the school at least monthly. This information should include, as a minimum, a status report on benchmarks findings, and recommendations.

## **Plans Vacated**

As **required by law**, the assistance team may determine that an accepted school improvement plan is impeding student performance at that school. The team may then recommend to the local board that it vacate the relevant portions of the plan and direct the school to revise those portions that are no longer appropriate.

The assistance team is responsible for continuous evaluation of the improvement plan and the school's progress and for working with the school improvement team to insure that the plan is current and accurately reflects the goals and objectives of the school. On rare occasions, the assistance team and the school improvement team may have a difference of opinion on the relevance of the plan. If that disagreement cannot be resolved at the school level, the assistance team may request assistance from the local board of education. In such a situation, the local board of education is encouraged to make a judgment that is in the best interest of the children in that school and includes strategies that have the greatest impact on student achievement.

## **Lack of Progress**

As **required by law**, if a school fails to improve student performance after assistance is provided as outlined in the law, the assistance team may recommend that assistance continue, or that the Board take further action. Additional interventions may include termination of the administration's contract, appointment of an interim superintendent (when more an of schools are designated as low-performing), and/or suspension of the powers and duties of the local board of education.

## **Role of DPI Staff**

The Division of School Improvement will serve as staff for the assistance teams and serve schools in voluntary assistance. The Division includes several sections and areas of expertise:

- core curriculum areas of English Language Arts, science, mathematics and social studies;
- effective practices;
- teacher development;
- safe and alternative schools/instruction support services such as alcohol and drug defense programming, safe and drug free schools, school counseling and psychological services, and school social work; and
- compensatory education Section to support Title I and Migrant Education initiatives.

This will facilitate a comprehensive review and assessment of schools. In addition, Division staff provide direct services to schools who may request assistance.



## Evaluation of School Personnel

Assistance teams are required by law to evaluate personnel assigned to the school and make recommendations concerning their performance. Also, the law specifies that the State Board will dismiss a teacher, assistant principal, director, or supervisor when the State Board receives two consecutive evaluations that include written findings and recommendations regarding that person's inadequate performance from the assistance team. These findings and recommendations shall be substantial evidence of the inadequate performance of the teacher or school administrator. In addition, law requires that teachers' general knowledge to be assessed throughout the year.

### Evaluation of Personnel

The assistance team is **required by law** to evaluate personnel assigned to the school at least semiannually and to make recommendations concerning their performance. Evaluations of staff will be made using the Teacher Performance Appraisal Instrument (TPAI) developed and approved by the State Board of Education. Assistance team members have extensive training in the evaluation process and are required to have in-depth knowledge of the appraisal process. Appropriate forms are used for each category of personnel; i.e., teachers, support personnel, and administrators. Assistance team members provide feedback to school staff on their strengths and areas for improvement. Findings from the performance evaluations will be shared with the principal.

Evaluation information may be used in the dismissal of staff as outlined in State statute. When performing these duties, each assistance team shall act in an advisory capacity to local school personnel, local school boards and the State Board of Education.

### Evaluation Procedures

When conducting evaluations of school personnel, the assistance team must adhere to the requirements listed below.

- Assistance teams will use uniform performance standards and criteria developed by the State Board of Education when conducting performance evaluations of personnel assigned to low-performing schools.
- Each member of an assistance team will possess in-depth knowledge of the performance evaluation process before conducting a performance evaluation.
- The assistance team will use the appropriate form(s) of the uniform performance standards and criteria for the category of personnel being evaluated such as teachers, support personnel, and administrators.

- The assistance team will share its evaluation and recommendations with each employee and the employee's supervisor.
- When an employee receives two consecutive evaluations by an assistance team that include findings and recommendations regarding the employee's inadequate performance, the assistance team will notify the State Board of Education of the evaluations.
- The State Board may, in its review of evaluations, deem all evaluations of the assistance team to supersede previous evaluations of an employee.
- An assistance team that is assigned by the State Board of Education to a low-performing school may, at any time, recommend to the State Board that teacher, assistant principal, director, and/or supervisor be dismissed or demoted for one or more grounds established in State law.
- Teachers' general knowledge will be assessed throughout the years.

Evaluation of certified staff is a required responsibility of the assistance team. However, this requirement **does not** replace the principal's responsibility for observing and evaluating his or her staff. It does require a careful and thorough explanation to staff members and a coordination of schedules. The information gathered will be shared with the principal throughout the year and all personnel paperwork will be turned over to the principal before June 30 of the year in which the team is placed in the school.

### **Evaluation of Administrators<sup>1</sup>**

By **October 16**, the assistance team leader (may include one or more team members) will conduct an initial or pre-conference with the principal and the superintendent to review the Principal Performance Appraisal Process (PPAP) and to determine whether the superintendent has conducted the **initial goal-setting conference** with the principal.

If not, the team leader will set up a goal-setting conference by **October 30**. If the superintendent has conducted the initial goal-setting conference, the team leader will review the work plan developed by the principal as a result of the conference.

Throughout the year, the principal and the assistance team will collect information concerning the principal's performance and abilities in the domains of *instructional leadership, organizational leadership, managerial leadership and moral/ethical leadership*. The team leader shall set up a folder for collection of documentation in each domain.

The assistance team will also collect information regarding the principal's general knowledge as it relates to the ability to fulfill his or her professional obligations.

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<sup>1</sup> Dates reported in this section may vary depending upon the release of the ABCs results and the time teams enter the schools.

Methods of collecting information may include (but are not limited to) written documents; observations, interactions with the principal, parents and teachers; and other activities reasonably related to the collection of reliable information about the principal's performance and abilities.

- The assistance team will document observed or reported deficiencies in the principal's performance and share those observations and reports with the principals. The deficiencies should be organized by domain.
- Prior to **January 31**, the team leader will conduct a mid-year conference that will include a discussion of the principal's performance in the four (4) domains up to that time. The team leader shall invite the superintendent to participate in the conference and may include other team members in the conference, and the director of the Division of School Improvement may participate at his or her discretion. If the assistance team has assessed the principal's performance as **inadequate** in one or more domains of the Principal Performance Appraisal Instrument-Revised (PPAI-Revised), the team leader will present the findings in the discussion with the principal. By **February 14**, the findings shall also be submitted to the principal and the superintendent in writing as well as a copy to the director of the Division of School Improvement.
- Within five (5) school days (but no later than **February 7**) of the mid-year conference, the team leader will (a) provide a written summary of the conference and (b) assist the principal in developing an action plan to address the domain(s) assessed as inadequate. The team leader shall invite the superintendent to participate in developing the action plan. During the five (5) days, the principal should reflect on strategies or support that would be helpful to him or her as the deficiencies are addressed.
- The team leader will meet with the principal to review his or her compliance with the action plan **at least monthly**. The team leader may include other assistance team members in these meetings.
- If the principal's performance is **satisfactory** in all domains, his or her evaluation process is carried out by the superintendent. The superintendent should receive a copy of the notification that informs the principal of his or her status and is issued by **February 14**.
- By **May 15**, the team leader will provide the principal a written *summary* that summarizes the year's assessment of the principal's performance. The *summary* should be 1-2 pages in length and acknowledge the discussion held in the *summative* conference. The report should also include major points of agreement, any significant points of disagreement, and potential areas for continuing growth.
- The team leader's *summary and the principal's executive summary* make up the Summative Evaluation Document. A principal may

submit a *rebuttal* if there is one or more areas of serious disagreement. The *rebuttal* then becomes part of the Evaluation Document also. The team leader will send a copy of the Summative Evaluation Document to the principal, the superintendent, the director of the Division of School Improvement and the State Board of Education.

- If at any time the assistance team determines that the principal's performance is impaired by his or her *lack of general knowledge* (p. 13), the team leader shall notify the State Board of Education of that determination by **March 15**. A *lack of general knowledge* includes behaviors depicting a lack of knowledge in reading, math and/or written and oral communication skills.
- If at any time the team leader determines that a principal is continually uncooperative, defiant, negative or is an obstructionist, he or she may recommend dismissal to the State Board of Education. The principal should receive a verbal warning that is documented and reported to the superintendent and the director of the Division of School Improvement. If the behavior continues, the team leader shall document each occurrence and issue a written warning that is copied to the superintendent. After the third occurrence, the team leader shall promptly recommend dismissal to the State Board through the director of the Division of School Improvement.

The assistant principal(s) will be evaluated using the same process as principals.

### **Evaluation of Teachers**

Assistance team members who use the Teacher Performance Appraisal Instrument-Revised (TPAI-Revised) to evaluate classroom teachers in designated low-performing schools must have successfully completed the appropriate training. Itinerant teachers who spend 50% or more of the school day at the school and instructional support personnel will also be evaluated. The Formative Observation Data Instrument (FODI) contains the raw data transcribed during the observation. These data are analyzed and a summary analysis is written on the Formative Observation Data Analysis (FODA) form. The team members utilize these data when completing the TPAI-Revised for the semi-annual or annual summative evaluations. Additionally, the teachers' command of *general knowledge* will be assessed throughout the year.

New and experienced teachers will be evaluated using the TPAI-Revised.

### **TPAI-Revised**

Assistance teams will use the TPAI-r as approved by the State Board of Education. Several key facts will be considered in the evaluation process.

- Each of the eight (8) functions will be evaluated.
- All functions are rated for each observation.
- Additional practices/indicators are included.
- The rating scale ranges from one (1) to four (4).
- Team members must honor a specific protocol for pre-conferences.
- Additional artifacts may be used.

### **The Pre-Conference**

The team member will give the teacher a pre-conference form and the pre-conference expectations **at least five (5) school days in advance** of the pre-conference date. The team member will **document** the events of the pre-conference in order to rate or score the pre-conference evidence shared by the *experienced* teacher. The scoring will occur after the pre-conference and before the classroom observation takes place. **Scoring of the pre-conference form is not applicable to initially licensed teachers (ILT).**

### **Classroom Observations**

- At least two (2) classroom observations will be conducted and will last one full class period for initial data gathering.
- After teachers are placed in categories based on a combination of full class-period observations and snapshot visits will be utilized.
- Immediately after the observation is conducted, the team member will give the teacher a checklist of additional items/artifacts that will be needed. The teacher should assemble these items and submit them to the team member by the next morning.

### **Post-conference**

- The team member using the raw data and the collection of artifacts will develop the FODA to share with the teacher during the post conference.
- During the conference discussion, the team member may record editing comments on the FODA. If this is done, the team member and the teacher shall initial each recorded comment.

### **The Evaluation Process<sup>2</sup>**

Phase I, the Initial Evaluation Process, will be conducted between late-September and late-October. Teams will follow the steps listed below:

---

<sup>2</sup> Dates reported in this section may vary depending upon the release of the ABCs results and the time teams enter the schools.

- All certified staff will have one announced and one unannounced observation during this time frame by individual team members, as assigned by the team leader. (This time frame may be extended when the staff is larger).
- Team members will analyze the results of the initial two observations and will place teachers into one of the categories defined below.
  - ✓ Category 1 teachers are those who demonstrate *standard* or *above* performance on the eight (8) functions of the TPAI-Revised. Once a teacher has been designated as Category 1, all future responsibility for observations and evaluations will be assumed by the local school administration as required by G.S. 115.326. This enables the principal to be knowledgeable about the teacher's performance as s/he collaborates with the team. This collaboration is extremely important when teachers are being categorized and when action plans are being developed. The assistance team members will continue to visit these teachers periodically. If performance declines, a teacher may be recategorized.
  - ✓ Category 2 are those whose performance is *below standard* or *unsatisfactory* on one or more of eight (8) functions of the TPAI-Revised or whose performance is inconsistent.

Phase II, Identification of Assistance Category, occurs between late-October and late-November and is a three-step process:

- Teachers placed in *Category 2* will be observed on at least one other occasion by a different team member. The observation may be announced or unannounced.
- The team members will analyze the results of at least three observations (the recent one along with the two prior observations) to determine whether the teacher consistently demonstrates at *standard*, *above* or *below standard* or *unsatisfactory* performance on the eight (8) functions of the TPAI-Revised.
- All teachers whose performance is at *standard* or *above* on the eight (8) functions on the TPAI-Revised are designated as *Category 1* teachers. All teachers whose performance is *below standard* or *unsatisfactory* on one or more of the eight functions of the TPAI-Revised are designated as *Category 3* teachers. At this point, *Category 2* is dissolved.

Phase III, Ongoing Assistance to Designated Teachers, occurs following the completion of Phase II.

There is a defined process for the assistance team to follow for teachers in Category 2 or 3.

- Teachers designated as *Category 2* by the two initial observations will receive at least one additional observation by **November 30**.
- By November 30, the assistance team will designate each *Category 2* teacher as either *Category 1* or *Category 3* and implement the observation schedule as appropriate for that designation.
- Each *Category 3* teacher will meet with at least one team member. The team member will explain the law and process to be followed as it relates to teachers in designated low-performing schools. An action plan will be developed to assist the designated teacher in improving performance. A team member will be assigned as mentor to the designated teacher.
- Observations for *Category 3* teachers shall be both announced and unannounced and shall occur as follows, unless circumstances justify deviation from this schedule.
- The first two observations occur during the first third of the first semester and in no event later than **October 31**.
- The third confirming observation shall occur no later than **November 30**.
- The first semi-annual summative evaluation shall be completed prior to **January 15** and will address all functions on the TPAI-Revised.
- The first round of observations shall occur no later than **February 15**.
- The second round of observations shall occur no later than **March 15**.
- The third round of observations shall occur no later than **April 15**.
- The final evaluation packet must be completed by **April 30**. It will include the first semi-annual summative evaluation completed by **January 15**, the second semi-annual summative evaluation completed by **April 15** and the action plan.

Phase IV, Preparation of Recommendations, requires assistance teams to review the final evaluation packet and prepare its recommendation(s) for the State Board of Education and district personnel. Recommended options include

- dismissal, if below standard ratings remain;
- continuation of an action plan under the guidance of the principal and local personnel director; or
- placement in Category 1, if standard or above ratings are attained.

#### **License Revocation 115C-296(d)**

In accordance with G. S. 115C-296(d), the State Board has adopted rules to establish the reasons and procedures for the suspension and revocation of certificates. The State Board shall revoke the certificate of a teacher or school administrator if the State Board receives

notification from a local board or the Secretary of Health and Human Services that a teacher or school administrator has received an **unsatisfactory** or **below standard** rating under G.S. 115-C-333(d). In addition, the State Board may revoke or refuse to renew a teacher's or school administrator's certificate when

- the Board identifies the school in which the teacher is employed as low-performing under G.S. 115C-105.37 or G.S. 143B-146.5 and
- the assistance team assigned to that school makes the recommendation to revoke or refuse to renew the teacher's certificate for one or more reasons established by the State Board in its rules for certificate suspension or revocation. The State Board may issue subpoenas for the purpose of obtaining documents or the testimony of witnesses in connection with proceedings to suspend or revoke certificates.

### **Non-Productive Behavior**

Teachers may be referred to the principal and superintendent for appropriate action immediately if they

- are persistently negative,
- are uncooperative or
- hinder or undermine the work of the assistance team and the school staff.

**Special note:** Itinerant personnel who spend 50% or more of their time at the school will be observed and evaluated by the assistance team. Assistant principals and instructional support personnel (counselors, media specialists, etc.) will be observed and evaluated by the team leader and/or review team members who have served as principals.

### **Other Personnel Evaluated by the Assistance Team**

In addition to teachers and administrators, instructional support (media specialist, counselors) are also evaluated by the assistance team.



## General Knowledge Testing

If at any time the assistance team determines that the principal's or a teacher's performance is impaired by his or her *lack of general knowledge*, the team leader shall notify the State Board of Education of that determination by **March 15**. A *lack of general knowledge* includes behaviors depicting a lack of knowledge in reading, mathematics and/or written and oral communication skills. The observer will look for and document patterns or consistency in behaviors depicting a lack of general knowledge.

The certified staff member would must have been on the payroll for five pay periods prior to the administration of the student tests, and the person would have had to spent at least 75% of the instructional day at the school.

### Skills or Knowledge Indicators

### Evidence Sources

#### Reading:

- |  |  |
|--|--|
| ❖ Comprehend, interpret and analyze reading selections and current information | Oral discussions<br>Lesson presentations |
| ❖ Read fluently  |  |
| ❖ Pick out main idea   |  |
| ❖ Summarize material after reading   |  |
| ❖ Seek, retrieve and analyze data from a variety of sources                    |  |
| ❖ Be familiar with various genre   |  |
| ❖ Have knowledge of literacy terminology                                       |  |

#### Written/Oral Communication Skills:

- |   |  |
|---|--|
| ❖ Edit sentences  | Lesson plans                                     |
| ❖ Compose well-written sentences                          | Bulletin boards                                  |
| ❖ Use capitalization when appropriate                     | Writing on                                       |
| ❖ Use punctuation correctly                               | blackboard/overhead                              |
| ❖ Can plan, draft, revise and proofread one's own writing | Written feedback given to students               |
| ❖ Spell correctly   | Notes on report cards                            |
| ❖ Use proper subject-verb agreement                       | Newsletters, letters and memos                   |
| ❖ Write coherently  | Conversations                                    |
| ❖ Address appropriate audiences                           | Oral Presentations<br>Discussions<br>Conferences |

North Carolina will administer the Florida College-Level Academic Skills Test (CLAST) in two portions: reading (50 minutes) and an essay (60 minutes). The mathematics portion of CLAST is not given.

## **Remediation**

Certified staff who do not acquire a passing score on the test must have a remediation plan based upon the deficiencies identified by the test, an assistance team or a principal. The plan must consist of up to a semester of university or community college training or course work or other similar activity to correct the deficiency. The remediation must be developed by the State Board of Education in consultation with the Board of Governors of the University of North Carolina. The State Board is responsible for any tuition or fees incurred the remediation.

After the staff member has completed the remediation plan, s/he must take the test a second time. If the staff member fails the test a second time, the State Board must, by law, begin a dismissal proceeding under G. S. C-325(q)(2a). Failure to meet the general knowledge standard after one retest shall be considered substantial evidence of inadequate performance of the certified staff member.

## **Right to Appeal**

Within 30 days of any dismissal, the certified staff member may request a hearing before a panel of three members of the State Board of Education. The State Board must adopt procedures to ensure that due process rights are afforded to certified staff.

## **Assessment Teams**

G.S. 115C-334, Assessment Teams, requires that assessment teams be created and assigned to every low-performing school in a LEA that does not have an assistance team.

Local boards of education are charged with identifying and forming local assessment teams to support personnel in low-performing schools. Specific duties of the team include

- conducting evaluations of certified employees;
- providing technical assistance and training to principals, assistant principal, and superintendents; designees who conduct evaluations of certified employees;
- developing action plans for certified employees and
- assisting principals, assistant principals, and others in the development and implementation of action plans.

Local boards must ensure that assessment teams are trained in the proper use of evaluation instruments used in the LEA.

If service on an assessment team is an additional duty for an employee, the local board may pay the employee for that additional work.

### **Selecting Assessment Team Members**

Candidates for local assessment teams must be recognized leaders with the knowledge and skills to observe, assess, conference, and coach colleagues.

It is suggested that local boards consider the following process for selecting assessment team members.

- Establish a rigorous application (or nomination) process that includes letters of recommendation from peers, supervisors, parents, and students.
- Interview candidates by a panel of peers that are representative of the various levels (elementary, middle and high school) and include representation from
  - teachers;
  - administrators;
  - school board members; and
  - the business community.
- Conduct a personal skills reference check of applicants.

## **Criteria for Selection**

Candidates for assessment teams should demonstrate high levels of expertise in

- instruction and assessment,
- classroom climate,
- analytical/problem-solving skills,
- interpersonal/leadership skills and
- communicating with a variety of audiences.

In addition, LEAs should identify teams by appropriate grade levels (elementary, middle and high school specialty teams). Likewise, the collective skills of the team(s) should reflect all of the criteria for selection.

## **Instruction and Assessment**

Assessment team members should have knowledge and skill in the following areas related to instruction and assessment:

- in-depth knowledge of the *North Carolina Standard Course of Study*,
- broad knowledge of content or discipline to be observed,
- pedagogy (instructional strategies),
- differentiated instructional strategies and
- in-depth knowledge of effective formal and informal classroom assessment strategies.

## **Classroom Climate**

Knowledge and skill in three areas related to classroom climate should be considered when selecting team members:

- classroom management,
- classroom organization and
- motivational strategies for students.

## **Analytical/Problem-solving Skills**

Team members should demonstrate skill in problem-solving and in linking remediation/acceleration strategies to the identified problem(s).

## **Interpersonal/Leadership Skills**

The following interpersonal/leadership skills are critical to successful assessment team members:

- peer coaching/mentoring;
- sensitivity to the feelings and experiences of other (gender, ethnicity, culture, personality, etc.); and
- instructional leadership at the classroom or school level and working with and through others.

## **Communication Skills**

Assessment team members will be required to communicate effectively with a variety of audiences, both orally and in writing (including grammar, spelling, syntax, etc.). They should also demonstrate an understanding of and skill in training other adults.

## **ABCs Plan/Consequences for Principals**

State law requires local boards of education to identify low-performing schools based on preliminary test data, develop a plan to assist and school(s) and outlines four possible consequences for principals that may be taken by the local superintendent.

### **Identification as Low-Performing**

As required by law, each LEA is required to do a preliminary analysis of test results to determine which of its schools the State Board of Education may identify as low-performing. This preliminary determination must occur by July 10 of each year.

### **Plan to Address School Needs**

Within 30 days of the initial identification as low-performing by the LEA or by the State Board of Education (whichever comes first) the superintendent must submit to the local board a preliminary plan for addressing the needs of the school.

### **Plan Approval**

Within 30 days of receiving the plan, the local board must vote to approve, modify, or reject this plan. Prior to voting, the local board must make the plan available to the public and allow for written comments. The plan must be made available to personnel assigned to that school and the parents and guardians of the students assigned to that school.

Within five days of the board's vote, the local board must submit the plan to the State Board of Education. The State Board, in turn, must review the plan expeditiously and, if appropriate, may offer recommendations to modify the plan. The local board must consider any recommendations made by the State Board of Education.

### **Status of School Principal**

Within 30 days of the initial identification of a school as low-performing (whether by the LEA or State Board of Education), the superintendent must make one of the following recommendations to the local board concerning the principal:

- remain in the same position,
- remain in the same position with a plan of remediation developed for the principal,
- transferred, or
- proceed to dismiss or demote the principal.

## Special Considerations

Several special conditions must be considered when deciding upon a course of action for the principal of a low-performing school.

- The principal may be retained in the same position without a plan for remediation only if s/he was in that position for no more than two years before the school was identified as low-performing.
- The principal may not be transferred to another principal position unless
  - a. it is in a school classification in which the principal previously demonstrated at least two years of success,
  - b. there is a plan to evaluate and provide remediation to the principal for at least one year following the transfer to assure that the principal does not impede student performance at the school to which the principal is transferred **and**
  - c. the parents of the students at the school to which the principal is being transferred are notified.
- The principal may not be transferred to another low-performing school in the LEA.
- The superintendent must notify the local board of education if s/he intends to recommend demotion or dismissal of the principal.

## Notification to State Board of Education

The local board of education must send written notification to the State Board of Education of the action taken and the basis for that action. This notification to the State Board must occur within 15 days of

- the time the local board receives notification that the superintendent intends to recommend demotion or dismissal, **or**
- the local board's decision concerning the superintendent's recommendation.

However, the local board's written notification to the State Board of Education must occur no later than September 30.

## Action by the State Board of Education

If the superintendent proceeds to dismiss the principal, the State Board of Board Education will take no further action. The assignment of an assistance team to a school does not impact the local superintendent's authority to dismiss or demote the principal.

If the superintendent does not take action to dismiss or demote the principal **and** an assistance team is assigned to the school, the State Board of Education must vote to accept, reject, or modify the local board's recommendations. The State Board is also required to notify the local board of its action with five days.

If the State Board of Education rejects or modifies the local board's recommendations but does not recommend dismissal of the principal, the State Board's notification must include recommended action concerning the principal's assignment or terms of employment.

### **Local Board Response to State Board Action**

The local board is required to implement the State Board's recommended action concerning the principal's assignment or terms of employment **unless** the local board asks the State Board of education to reconsider the original recommendation.

If this occurs, the State Board must provide an opportunity for the local board to be heard prior to voting to affirm or modify its original recommended action. The State Board has five days to notify the local board of its action.

When the local board receives the State Board's notification, the local board must implement the State Board's final recommended action concerning the principal's assignment or terms of employment.

### **School With Assistance Teams**

If the State Board of Education rejects or modifies the local board's action and recommends dismissal of the principal, the State Board must adhere to the following guidelines for low-performing schools to which an assistance team is assigned. The State Board of Education through its designee

- may, at time, recommend the dismissal of any principal who is assigned to a low-performing school to which an assistance team has been assigned.
- will recommend the dismissal of any principal with the State Board receives two consecutive evaluations that include written findings and recommendations regarding the principal's inadequate performance.

### **Due Process/ Suspension**

If the State Board of Education recommends dismissal of a principal, the principal must be suspended with pay pending a hearing before a three-member panel of the State Board



of Education. The hearing must be held within 60 days after the suspension and will determine whether the principal should be dismissed.

The panel of the State Board must review available information, including findings of the assistance team. If the panel finds the low performance of the school is due to inadequate performance of the principal, the panel must order his/her dismissal.

### **Dismissal of the Principal**

The three-member panel of the State Board of Education may order dismissal of the principal if

- it determines the school has not made satisfactory improvement after the assistance team has been assigned **and**
- the assistance team makes the recommendation to dismiss the principal for one or more of the reasons established in G.S. 115C-325(e)(1) for dismissal or demotion of a career employee.

### **Dismissal Prior to Evaluation by Assistance Team**

If the State Board of Education or its designee recommends the dismissal of a principal before his/her evaluation by an assistance team, the panel may order the dismissal of the principal if the panel determines from other available information that the low performance of the school is due to the principal's inadequate performance.

### **Burden of Proof**

In all hearing regarding dismissal of principals, the burden of proof is on the principal to establish that the factors leading to the school's low performance were not due to the principal's inadequate performance.

## **Evaluation of Superintendents**

**G.S. 115C-333, ... Annual Evaluations of Certified Public School Employees, ...** requires that local boards of education evaluate superintendents annually based on the number of low-performing schools in the LEA and report the results of that evaluation to the State Board of Education.

### **Evaluations Submitted to State Board of Education**

The superintendent' annual evaluation must be submitted to the State Board of Education if

- one or more schools are designated as low-performing in a LEA that has no more than 10 schools,
- two or more schools are designated a low-performing in a LEA that has no more than 20 schools, or
- three or more schools are designed at as low-performing in an LEA that has more than 20 schools.

### **Components of the Evaluation**

The evaluation of these superintendents must include the following:

- Performance Standards for Superintendent Evaluation adopted by the State Board of Education in May 1998;
- indicators of effective student performance as defined by the ABCs model, the *North Carolina Standard Course of Study*, and the alignment of curriculum and instruction;
- indicators of the effectiveness of safe school environments, including a review of the districts' safe schools plan, an analysis of the results by school, enforcement of student discipline, and a plan for improvement where needed; and
- other criteria or standards as agreed to by the local board of education and the superintendent.

### **Removal of Superintendent**

The State Board of Education may appoint an interim superintendent in an LEA

- when more than one-half of the schools in the LEA are designated as low-performing (viewed as the superintendent's being unable to perform the duties of the office), or

- upon the recommendation from an assistance team assigned to a low-performing school. The recommendation must be based on findings that the superintendent has failed to cooperate with the assistance team or otherwise hindered the LEA's and/or school's ability to improve.

### **State Board Authority**

The State Board may assign any of the powers and duties of the local superintendent and local finance officer to an interim superintendent if the State Board considers the transfer necessary or appropriate to improve student performance in the LEA. The interim superintendent will perform all duties as assigned.

The State Board may also terminate the contract of any superintendent entered into on or after July 1, 1996, when an interim superintendent is appointed. The Administrative Procedures Act applies to that decision, and neither party to that contract is entitled to damages.

The State Board of Education may revoke the superintendent's certificate, dismiss the superintendent, or take any combination of these actions, if the State Board identifies more than half the schools in an LEA as low-performing. The Board must make written findings to support any of the actions taken.

### **Superintendent's Right to Appeal**

If the State Board of Education appoints an interim superintendent, revokes his/her license, or dismisses the superintendent according to G.S. 115-32(c), the superintendent will not have the right to a hearing. S/he will have the right to file a contest case petition according to the provision of Chapter 150B of the General Statutes.

## **Removal of Board Members; Suspension of Duties by State Board**

**G.S. 115C-39, Removal of board members; suspension of duties by State Board,** outlines those conditions under which the State Board of Education may suspend the powers and duties of a local board of education and recommend changes in governance of the local education agency.

### **Suspension of Local Board**

The State Board of Education may suspend the powers and duties of the local board of education if the State Board determines that the local board has

- failed to cooperate with the interim superintendent, or
- otherwise hindered the LEA's ability or any school's ability to improve student performance.

The State Board may suspend any powers and duties it feels necessary to improve student performance in the LEA.

### **State Board Responsibilities**

Before the State Board of Education suspends any of the powers and duties of the local board of education, according to G.S. 115C-32(d) and 115C-39(b), the State Board must provide written notice to the local board of the reasons for which it is considering suspending those powers and duties. If the local board fails to remedy the reasons presented to it by the State Board within 60 days after receiving the notice, the State Board will enter an order that incorporates the reasons for suspending the powers and duties, the efforts made to remedy those reasons, and the period of time during which those powers and duties will be suspended.

If the State Board suspends any of the local board's powers and duties, then the State Board will perform those duties and powers for a length of time specified by the Board.

### **Change in Governance**

If the powers and duties of a local board have been suspended by the State Board of Education and the Board later determines it is necessary to change the governance of the LEA in order to improve student performance, then the State Board may recommend this change to the General Assembly. The General Assembly will consider this action at its next session.

# Appendices

**School-Based Management and Accountability Program  
Summary of School-Based Waiver Requests for 2002-2005**

LEA: \_\_\_\_\_

LEA Code: \_\_\_\_\_

| <b>School Codes</b>   | <b>Requests for Waivers</b>  |
|---|--|
| Please enter the codes of all schools requesting the waiver described on this form. | <ol style="list-style-type: none"> <li>1. Describe the waivers you are requesting.</li> <li>2. Identify the law, regulation, or policy from which an exemption is being requested.</li> <li>3. State how the waiver will be used.</li> <li>4. State how the waiver will promote achievement of performance goals.</li> </ol> |

\_\_\_\_\_  
Superintendent's Signature

\_\_\_\_\_  
Date

**School-Based Management and Accountability Program  
Central Office Waiver Requests for 2002-2005**

LEA: \_\_\_\_\_

LEA Code: \_\_\_\_\_

**Requests for Waivers**

1. Describe the waivers you are requesting.
  
2. Identify the law, regulation, or policy for which exemption is requested.
  
3. State how the waiver will be used.
  
4. State how the waiver will promote achievement of performance goals.

\_\_\_\_\_  
Superintendent's Signature

\_\_\_\_\_  
Date

**School Improvement Plan for \_\_\_\_\_ - \_\_\_\_\_**

LEA: \_\_\_\_\_

School: \_\_\_\_\_

**Strategic Priority:**

School Improvement Objective:

| Strategies | Resources Required | Time Line | Person(s) Responsible | Means of Evaluation |
|------------|--------------------|-----------|-----------------------|---------------------|
|            |                    |           |                       |                     |

\_\_\_\_\_  
Signature of Principal/Date Signed

\_\_\_\_\_  
Signature of SIT Chair/Date Signed



**Staff Development Plan for \_\_\_\_\_ - \_\_\_\_\_**

**LEA:** \_\_\_\_\_

**School:** \_\_\_\_\_

| <b>School Improvement Goal</b> | <b>Staff Development Activity</b> | <b>Resources Required</b> | <b>Time Line</b> | <b>Person(s) Responsible</b> | <b>Evaluation</b> | <b>Funding Required/ Budgeted</b> |
|--------------------------------|-----------------------------------|---------------------------|------------------|------------------------------|-------------------|-----------------------------------|
|                                |                                   |                           |                  |                              |                   |                                   |

\_\_\_\_\_  
Signature of Principal/Date Signed

\_\_\_\_\_  
Signature of SIT Chair/Date Signed

**School Improvement Plan for \_\_\_\_\_ - \_\_\_\_\_**  
**(and Action Plan for Healthy Students in Safe, Orderly and Caring Schools)**

LEA: \_\_\_\_\_

School: \_\_\_\_\_

**Strategic Priority: Healthy Students in Safe, Orderly and Caring Schools**

School Improvement Objective: \_\_\_\_\_

*Please record your action steps.*

| <b>Strategy</b>  | <b>Not Yet Addressed<br/>(What is your plan?)</b> | <b>In Progress<br/>(Please describe.)</b> | <b>Need Assistance<br/>(Please describe.)</b> | <b>NA<br/>(Provide explanation.)</b> |
|--|---|---|---|--------------------------------------|
| Ensure all students have recess during the school day and that it is not taken away as punishment. Indicate if this is in progress or not yet addressed. |   |   |   |                                      |

| <b>Strategy</b>   | <b>Yes</b>           | <b>No</b>         | <b>Time over 180 days</b> |   |
|---|----------------------|-------------------|---------------------------|---|
| Provide physical education for every student taught by a physical education teacher. Check the appropriate “yes” or “no” box and list the exact number of minutes in PE over the 180-day school year. |                      |                   |                           |   |
| Provide physical activity and/or recess for every student. List the exact number of minutes provided for recess and/or physical activity over the 180-day school year.                                |                      |                   |                           |   |
| Implement a coordinated school health program. Indicate if this is in progress or not yet addressed by the school.  |                      |                   |                           |   |
|   | <b>At Our School</b> | <b>In Our LEA</b> | <b>Unsure</b>             | <b>Need Assistance (Please describe.)</b> |
| We have a School Health Advisory Council. Check all that apply.   |                      |                   |                           |   |

|  | <b>At Our School</b> | <b>In Our LEA</b> | <b>Unsure</b> | <b>Need Assistance<br/>(Please describe.)</b> |
|--|----------------------|-------------------|---------------|---|
| What other areas of Coordinated School Health Programs are you working on implementing in your school? Please explain. |                      |                   |               | <b>Need Assistance<br/>(Please describe.)</b> |

**Summary due dates:**

- July 15, 2004**      **Summary of School Action Plans. School action plans should be available upon request.**
- July 15, 2005**      **Summary of School Progress Reports due in Raleigh.**
- July 15, 2006**      **Summary of School Progress Reports due in Raleigh.**
- July 15, 2007**      **Summary of Schools' Completion of Implementation of the HSP-S-000**

**School Improvement Plan for \_\_\_\_\_ - \_\_\_\_\_  
 (and Action Plan for Healthy Students in Safe, Orderly and Caring Schools)**

LEA: \_\_\_\_\_

Strategic Priority: Healthy Students in Safe, Orderly and Caring Schools

School Improvement Objective: \_\_\_\_\_

*Please summarize your action plans from each school by listing the school and check or comment below. **School action plans should be available upon request.***

| Name of School   |                         |             |                  |                         |             |                  |                         |             |                  |
|--|-------------------------|-------------|------------------|-------------------------|-------------|------------------|-------------------------|-------------|------------------|
|  | Not Yet Addressed or NA | In Progress | Needs Assistance | Not Yet Addressed or NA | In Progress | Needs Assistance | Not yet addressed or NA | In Progress | Needs Assistance |
| Ensure all students have recess during the school day and that it is not taken away as punishment. Indicate if in progress or not addressed. |                         |             |                  |                         |             |                  |                         |             |                  |

| <b>Name of School</b>  |            |           |                           |            |           |                           |            |           |                           |
|--|------------|-----------|---------------------------|------------|-----------|---------------------------|------------|-----------|---------------------------|
|  | <b>Yes</b> | <b>No</b> | <b>Time over 180 days</b> | <b>Yes</b> | <b>No</b> | <b>Time over 180 days</b> | <b>Yes</b> | <b>No</b> | <b>Time over 180 days</b> |
| Provide physical education for every student taught by a physical education teacher. By each school, list the exact number of minutes provided in PE over the 180 day school year. |            |           |                           |            |           |                           |            |           |                           |

| Name of School   |     |    |                    |     |    |                    |     |    |                    |
|--|-----|----|--------------------|-----|----|--------------------|-----|----|--------------------|
|  | Yes | No | Time over 180 days | Yes | No | Time over 180 days | Yes | No | Time over 180 days |
| Provide physical activity/ or recess for every student. Under each school, check yes or no and list the exact number of minutes provided for recess and/or physical activity, such as intramurals, over the 180 day school year. |     |    |                    |     |    |                    |     |    |                    |

| Name of School  |                         |             |                  |                         |             |                  |                         |             |                  |
|---|-------------------------|-------------|------------------|-------------------------|-------------|------------------|-------------------------|-------------|------------------|
|   | Not Yet Addressed or NA | In Progress | Needs Assistance | Not Yet Addressed or NA | In Progress | Needs Assistance | Not Yet addressed or NA | In Progress | Needs Assistance |
| Implement a coordinated school health program Indicate if in progress or not yet addressed by school. |                         |             |                  |                         |             |                  |                         |             |                  |



| <b>LEA as a Whole</b>  | <b>Not Yet Addressed or NA</b> | <b>In Progress</b> | <b>Needs Assistance</b> | <b>Not Yet Addressed or NA</b> | <b>In Progress</b> | <b>Needs assistance</b> | <b>Not yet addressed or NA</b>            | <b>In Progress</b> | <b>Needs Assistance</b> |
|--|--------------------------------|--------------------|-------------------------|--------------------------------|--------------------|-------------------------|---|--------------------|-------------------------|
| The LEA has a school health plan.  |                                |                    |                         |                                |                    |                         |   |                    |                         |
| The LEA has a School Health Advisory Council.  |                                |                    |                         |                                |                    |                         |   |                    |                         |
| The LEA has conducted a Coordinated School Health Program assessment.  |                                |                    |                         |                                |                    |                         |   |                    |                         |
| What other areas of Coordinated School Health Programs are you working on implementing in your school? Please explain. |                                |                    |                         |                                |                    |                         | <b>Need Assistance (Please describe.)</b> |                    |                         |

### Summary Due Dates

| <b>Due Date</b> | <b>Information to be Submitted</b>   |
|-----------------|--|
| July 15, 2004   | Summary of school action plans. School action plans should be available upon request.  |
| July 15, 2005   | Summary of school progress reports due in Raleigh.                                     |
| July 15, 2006   | Summary of school progress reports due in Raleigh.                                     |
| July 15, 2007   | Summary of schools completion for implementation of HSP-S-000, Healthy Active Children |

### Questions

If you have questions, please contact the appropriate person listed below.

- Paula Hudson Collins – Coordinated School Health Programs and School Health Advisory Councils – 919-807-3859
- Kymm Ballard – Physical Education and Recess – 919-807-3858

### Submitting Reports

Please submit all reports to

Dr. Elsie C. Leak, Associate State Superintendent  
Curriculum and School Reform Services  
6307 Mail Service Center  
Raleigh, NC 27699-6307

## Individual Growth Plan -- Initial Review

Teacher: \_\_\_\_\_

Academic Year: \_\_\_\_\_

**1. Teacher's Strategies**

| Teacher's Goals from School Improvement Plan | Teacher's Strategies | Expected Outcomes | Target Date |
|--|----------------------|-------------------|-------------|
|  |                      |                   |             |

**2. Personal/Professional Goals**

| Strengths | Areas to be Strengthened | Personal Enrichment Goals |
|-----------|--------------------------|---------------------------|
|           |                          |                           |

**3. Evaluation** (To be completed by Peer and Administrator)

|  | Peer Review | Principal/Principal Designee Review |                     |
|--|-------------|-------------------------------------|---------------------|
|  |             | Acceptable                          | Modification Needed |
| 1. The teacher's strategies support the school improvement plan.   |             |                                     |                     |
| 2. The expected outcomes are measurable and related to the teacher's strategies.   |             |                                     |                     |
| 3. The teacher has identified personal/professional strengths, areas to be strengthened, and personal/professional enrichment goals. |             |                                     |                     |

**4. Narrative**

| Teacher's Comments:                                     | Peer's Comments:                                     | Administrator's Comments:                                     |
|---|--|---|
| <b>Teacher's Signature:</b> _____<br><b>Date:</b> _____ | <b>Peer's Signature:</b> _____<br><b>Date:</b> _____ | <b>Administrator's Signature:</b> _____<br><b>Date:</b> _____ |

## Individual Growth Plan -- Mid-Year Review

Teacher: \_\_\_\_\_

Academic Year: \_\_\_\_\_

**5. Evidence of Progress or Completion towards School Improvement Plan**

|  |
|--|
|  |
|--|

**6. Evidence of Progress or Completion of Personal/Professional Goals**

|  |
|--|
|  |
|--|

**7. Evaluation**

|   | Peer Review | Administrator Review (Optional) |                |                   |                    |
|---|-------------|---------------------------------|----------------|-------------------|--------------------|
|   |             | Above<br>Standard               | At<br>Standard | Below<br>Standard | Unsatisfactor<br>y |
| 1. The teacher has provided evidence that supports progress towards expected strategy outcomes, and/or has modified goals with proper justification and approval. |             |                                 |                |                   |                    |
| 2 The teacher has made consistent progress towards personal/professional enrichment goals   |             |                                 |                |                   |                    |

**Narrative**

|   |  |   |
|---|--|---|
| <b>Teacher's Comments:</b>                              | <b>Peer's Comments:</b>                              | <b>Administrator's Comments (Optional):</b>                   |
| <b>Teacher's Signature:</b> _____<br><b>Date:</b> _____ | <b>Peer's Signature:</b> _____<br><b>Date:</b> _____ | <b>Administrator's Signature:</b> _____<br><b>Date:</b> _____ |

**Individual Growth Plan -- End-of-Year Review**

Teacher: \_\_\_\_\_

Academic Year: \_\_\_\_\_

**9. Evidence of Progress toward or Completion of Teacher's Goals**

**10. Teacher's Analysis, Interpretations and Reflection**

**11. Evidence of Progress or Completion of Personal/Professional Goals**

**12. Next Year's Focus**

**Number of license Renewal Credits completed:** \_\_\_\_\_ (Please attach a list of license Renewal Credits or a Staff Development Activity Sheet)

### Individual Growth Plan -- End-of-Year Review

#### 13. Evaluation

|  | Peer Review (Optional) | Principal/Principal Designee Review |             |                |                |
|--|------------------------|-------------------------------------|-------------|----------------|----------------|
|  |                        | Above Standard                      | At Standard | Below Standard | Unsatisfactory |
| 1. The teacher has successfully achieved or has consistently shown progress towards system/school/classroom goals. |                        |                                     |             |                |                |
| 2. The teacher has successfully achieved or has consistently shown progress towards personal enrichment goals.     |                        |                                     |             |                |                |
| 3. The teacher has used the information from this year's personal goals and decided on next year's focus.          |                        |                                     |             |                |                |
| 4. The number and list of License Renewal Credits are provided.  |                        |                                     |             |                |                |



**14. Policies and Procedures**

|  | <b>At/Above Standard</b> | <b>Below Standard</b> |  | <b>At/Above Standard</b> | <b>Below Standard</b> |
|--|--------------------------|-----------------------|--|--------------------------|-----------------------|
| Compliance with school policies and procedures |                          |                       | Compliance with attendance at school functions |                          |                       |
| Compliance with employee attendance policy     |                          |                       | Compliance with record keeping                 |                          |                       |

**15. Narrative**

|  |   |  |
|--|---|--|
| <p><b>Teacher's Comments:</b></p><br><br><br><br><br><br><br><br><br><p><b>Teacher's Signature:</b> _____<br/><b>Date:</b> _____</p> | <p><b>Peer's Comments (Optional):</b></p><br><br><br><br><br><br><br><br><br><p><b>Peer's Signature:</b> _____<br/><b>Date:</b> _____</p> | <p><b>Administrator's Comments:</b></p><br><br><br><br><br><br><br><br><br><p><b>Administrator's Signature:</b><br/>_____<br/><b>Date:</b> _____</p> |
|--|---|--|

## Individual Growth Plan -- Revised Initial Review

*This form is used if the Initial Review requires modification.*

Teacher: \_\_\_\_\_

Academic Year: \_\_\_\_\_

### 1. Teacher's Revised Strategies

| Teacher's Goals from School Improvement Plan: | Teacher's Strategies | Expected Outcomes | Target Date |
|---|----------------------|-------------------|-------------|
|   |                      |                   |             |

### 2. Personal/Professional Goals

| Strengths: | Areas to be Strengthened: | Personal Enrichment Goals: |
|------------|---------------------------|----------------------------|
|            |                           |                            |

### 3. Revised Evaluation (To be completed by Peer and Administrator)

|  | Peer Review | Principal/Principal Designee Review |                     |
|--|-------------|-------------------------------------|---------------------|
|  |             | Acceptable                          | Modification Needed |
| 1. The teacher's strategies support the school improvement plan.   |             |                                     |                     |
| 2. The expected outcomes are measurable and related to the teacher's strategies  |             |                                     |                     |
| 3. The teacher has identified personal/professional strengths, areas to be strengthened, and personal/professional enrichment goals. |             |                                     |                     |

**4. Narrative-Revised**

|                                   |                                |   |
|-----------------------------------|--------------------------------|---|
| <b>Teacher's Comments:</b>        | <b>Peer's Comments:</b>        | <b>Administrator's Comments:</b>        |
| <b>Teacher's Signature:</b> _____ | <b>Peer's Signature:</b> _____ | <b>Administrator's Signature:</b> _____ |
| <b>Date:</b> _____                | <b>Date:</b> _____             | <b>Date:</b> _____                      |

## Scoring Rubric for Individual Growth Plan

| <b>Initial Review of IGP</b>  |   |
|---|---|
| <b>1. The teacher's strategies support the school improvement plan and classroom goals.</b>   |   |
| <b>Acceptable</b>   | <b>Modification Needed</b>  |
| All strategies are aligned with the goals and support the school improvement plan.  | Some strategies are not related to the goals.   |
| <b>2. The expected outcomes are measurable and related to the teacher's strategies.</b>   |   |
| <b>Acceptable</b>   | <b>Modification Needed</b>  |
| The outcomes are measurable and related to specific strategies.   | The outcomes are poorly defined and difficult to link to identified strategies.   |
| <b>3. The teacher has identified personal/profession strengths, areas to be strengthened, and personal/professional enrichment goals.</b>   |   |
| <b>Acceptable</b>   | <b>Modification Needed</b>  |
| The teacher has identified personal strengths and areas to be strengthened. The personal enrichment goals are related to the teacher's overall performance on previous evaluations and/or school improvement goals. | The teacher has identified personal strengths, areas to be strengthened, and personal enrichment goals that are unrelated to the teacher's overall performance on previous evaluations and/or school improvement goals. |

| <b>Mid-Year Review of IGP</b>  |   |  |  |
|--|---|--|--|
| <b>1. The teacher has provided evidence that supports progress towards expected strategy outcomes, and/or has modified goals with proper justification and approval.</b>   |   |  |  |
| <b>Above Standard</b>  | <b>At Standard</b>  | <b>Below Standard</b>                                    | <b>Unsatisfactory</b>                                |
| The teacher has provided evidence that supports progress towards goals. If evidence indicates the goals may not be met, the teacher provides modifications that should be approved in advance. Progress towards goals relates to <u>leadership roles</u> or <u>initiatives</u> is evident. | The teacher has provided evidence that supports progress towards goals. If evidence indicates the goals may not be met, the teacher provides modifications that were approved in advance. | The teacher has provided minimal progress towards goals. | No evidence of progress towards goals has been made. |

| <b>The teacher has made consistent progress towards personal/professional enrichment goals.</b>   |  |   |  |
|---|--|---|--|
| <b>Above Standard</b>   | <b>At Standard</b>   | <b>Below Standard</b>   | <b>Unsatisfactory</b>  |
| The teacher has provided evidence that supports progress towards personal/professional enrichment goals. If evidence indicates the goals may not be met, the teacher provides modifications that were approved in advance. <u>Expertise</u> development is evidenced by products or presentations that are <u>shared</u> with colleagues. | The teacher has provided evidence that supports progress towards personal/professional enrichment goals. If evidence indicates the goals may not be met, the teacher provides modifications that were approved in advance. | The teacher has provided evidence of minimal progress towards personal/professional enrichment goals. | No evidence of progress towards personal/professional enrichment goals is indicated. |

| <b>End-Of-Year Review of IGP</b>  |  |   |  |
|---|--|---|--|
| <b>1. The teacher has successfully achieved or has consistently shown progress towards school improvement plan.</b>   |  |   |  |
| <b>Above Standard</b>   | <b>At Standard</b>   | <b>Below Standard</b>                                       | <b>Unsatisfactory</b>                                  |
| The teacher has provided evidence that supports <u>consistent</u> progress towards or achievement of goals. If evidence indicates the goals were not met, the teacher justifies modifications needed and suggestions for next year's strategies. Evidence is provided for assistance given to colleagues in personal and/or school goal attainment. | The teacher has provided evidence that supports <u>consistent</u> progress towards or achievement of goals. If evidence indicates the goals were not met, the teacher justifies modifications. | The teacher has evidence of minimal progress towards goals. | The teacher has no evidence of progress towards goals. |

| <b>2. The teacher has successfully achieved or has consistently shown progress towards personal/professional enrichment goals.</b>  |  |   |  |
|---|--|---|--|
| <b>Above Standard</b>   | <b>At Standard</b>   | <b>Below Standard</b>                                       | <b>Unsatisfactory</b>                                  |
| The teacher has provided evidence that supports <u>consistent</u> progress towards or achievement of personal/professional enrichment goals. If goals were not met, the teacher justifies modifications needed and suggestions for next year's strategies. Products or presentations that are <u>shared</u> with colleagues evidence expertise development. | The teacher has provided evidence that supports <u>consistent</u> progress towards or achievement of goals. If evidence indicates the goals were not met the teacher justifies modifications needed. | The teacher has evidence of minimal progress towards goals. | The teacher has no evidence of progress towards goals. |

|   |   |   |   |
|---|---|---|---|
| <b>3. The teacher has used the information from this year's personal/professional goals and decided on next year's focus.</b>   |   |   |   |
| <b>Above Standard</b>   | <b>At Standard</b>  | <b>Below Standard</b>   | <b>Unsatisfactory</b>   |
| The teacher has used the experience from this year to plan next year's focus. The focus is related to the teacher's position. Additionally, the teacher has plans for direct leadership responsibility or initiative for the upcoming year.   | The teacher reports next year's focus, which is related to this year's performance and/or next year's school improvement goals.   | The teacher reports next year's focus but it does not relate to this year's performance and/or next year's school improvement goals.              | The teacher does not report next year's focus.  |
| <b>4. The number and list of license renewal credits are provided.</b>  |   |   |   |
| <b>Above Standard</b>   | <b>At Standard</b>  | <b>Below Standard</b>   | <b>Unsatisfactory</b>   |
| License renewal credits are sufficient for continued employment and staff development completed relates directly to professional, personal and/or school improvement goals. Additionally, the teacher has shown initiative in accomplishing school improvement goals, has conducted workshops, training, or served as a mentor. | License renewal credits are sufficient for continued employment and staff development completed relates directly to professional, personal and/or school improvement goals. | License renewal credits are sufficient for continued employment but have no direct relationship to teaching assignment or self-improvement goals. | License renewal credits are insufficient for continued employment and/or not in keeping with agreed upon improvement goals. |

**Department of Public Instruction  
Assistance and Assessment Team Action Plan**

Name: \_\_\_\_\_ Grade/Subject Area: \_\_\_\_\_ School: \_\_\_\_\_

Date of Action Plan: \_\_\_\_\_ Licensure: Initial  Continuing

Major Functions \_\_\_\_\_ I. Program Planning \_\_\_\_\_ IV. Coordinating  
 \_\_\_\_\_ II. Counseling \_\_\_\_\_ V. Student Appraisal  
 \_\_\_\_\_ III. Consulting \_\_\_\_\_ VI. Professional Practices and Development

| Area(s) Needing Improvement | Strategies | Resources | Person Responsible | Evidence(s) | Checkpoint Dates |
|-----------------------------|------------|-----------|--------------------|-------------|------------------|
|                             |            |           |                    |             |                  |

| Accomplishments                                   | Date | Observer's Comments | Counselor's Comments |
|---|------|---------------------|----------------------|
| _____ Full<br>_____ Partial<br>_____ Not Complete |      |                     |                      |
| _____ Full<br>_____ Partial<br>_____ Not Complete |      |                     |                      |
| _____ Full<br>_____ Partial<br>_____ Not Complete |      |                     |                      |

Initial Conference \_\_\_\_\_

Observer's Signature/Date

Counselor's Signature/Date

Review \_\_\_\_\_

Observer's Signature/Date

Counselor's Signature/Date

Review \_\_\_\_\_

Observer's Signature/Date

Counselor's Signature/Date



**Department of Public Instruction  
Assistance and Assessment Team Action Plan**

Name: \_\_\_\_\_ Grade/Subject Area: \_\_\_\_\_ School: \_\_\_\_\_

Date of Action Plan: \_\_\_\_\_ Licensure: Initial  Continuing

- |                 |       |                                     |       |   |
|-----------------|-------|-------------------------------------|-------|---|
| Major Functions | _____ | I. Management of Instructional Time | _____ | V. Instructional Feedback                             |
|                 | _____ | II. Management of Student Behavior  | _____ | VI. Facilitating Instruction                          |
|                 | _____ | III. Instructional Presentation     | _____ | VII. Communicating within the Educational Environment |
|                 | _____ | IV. Instructional Monitoring        | _____ | VIII. Performing Non-instructional Duties             |

| Area(s) Needing Improvement | Strategies | Resources | Person Responsible | Evidence(s) | Checkpoint Dates |
|-----------------------------|------------|-----------|--------------------|-------------|------------------|
|                             |            |           |                    |             |                  |

| Accomplishments                                   | Date | Observer's Comments | Counselor's Comments |
|---|------|---------------------|----------------------|
| _____ Full<br>_____ Partial<br>_____ Not Complete |      |                     |                      |
| _____ Full<br>_____ Partial<br>_____ Not Complete |      |                     |                      |
| _____ Full<br>_____ Partial<br>_____ Not Complete |      |                     |                      |

|                    |                           |                          |
|--------------------|---------------------------|--------------------------|
| Initial Conference | _____                     | _____                    |
|                    | Observer's Signature/Date | Teacher's Signature/Date |
| Review             | _____                     | _____                    |
|                    | Observer's Signature/Date | Teacher's Signature/Date |
| Review             | _____                     | _____                    |
|                    | Observer's Signature/Date | Teacher's Signature/Date |

**Department of Public Instruction  
Assistance and Assessment Team Action Plan**

Name: \_\_\_\_\_ Grade/Subject Area: \_\_\_\_\_ School: \_\_\_\_\_

Date of Action Plan: \_\_\_\_\_ Licensure: Initial  Continuing

Major Functions \_\_\_\_\_ I. Planning and Facilitating Teaching and Learning  
 \_\_\_\_\_ II. Planning and Facilitating Information Access and Delivery, Evaluation, and Use  
 \_\_\_\_\_ III. Planning and Facilitating Program Administration

| Area(s) Needing Improvement | Strategies | Resources | Person Responsible | Evidence(s) | Checkpoint Dates |
|-----------------------------|------------|-----------|--------------------|-------------|------------------|
|                             |            |           |                    |             |                  |

| Accomplishments                                   | Date | Observer's Comments | Counselor's Comments |
|---|------|---------------------|----------------------|
| _____ Full<br>_____ Partial<br>_____ Not Complete |      |                     |                      |
| _____ Full<br>_____ Partial<br>_____ Not Complete |      |                     |                      |
| _____ Full<br>_____ Partial<br>_____ Not Complete |      |                     |                      |

|                    |                           |                              |
|--------------------|---------------------------|------------------------------|
| Initial Conference | _____                     | _____                        |
|                    | Observer's Signature/Date | Coordinator's Signature/Date |
| Review             | _____                     | _____                        |
|                    | Observer's Signature/Date | Coordinator's Signature/Date |
| Review             | _____                     | _____                        |
|                    | Observer's Signature/Date | Coordinator's Signature/Date |

**Department of Public Instruction  
Assistance and Assessment Team Action Plan**

Name: \_\_\_\_\_ Grade/Subject Area: \_\_\_\_\_ School: \_\_\_\_\_

Date of Action Plan: \_\_\_\_\_ Licensure: Initial  Continuing

- Major Functions \_\_\_\_\_ I. Planning and Facilitating Teaching and Learning  
 \_\_\_\_\_ II. Planning and Facilitating Information Access and Delivery  
 \_\_\_\_\_ III. Planning and Facilitating Program Administration

| Area(s) Needing Improvement | Strategies | Resources | Person Responsible | Evidence(s) | Checkpoint Dates |
|-----------------------------|------------|-----------|--------------------|-------------|------------------|
|                             |            |           |                    |             |                  |

| Accomplishments                                   | Date | Observer's Comments | Counselor's Comments |
|---|------|---------------------|----------------------|
| _____ Full<br>_____ Partial<br>_____ Not Complete |      |                     |                      |
| _____ Full<br>_____ Partial<br>_____ Not Complete |      |                     |                      |
| _____ Full<br>_____ Partial<br>_____ Not Complete |      |                     |                      |

|                    |                           |                              |
|--------------------|---------------------------|------------------------------|
| Initial Conference | _____                     | _____                        |
|                    | Observer's Signature/Date | Facilitator's Signature/Date |
| Review             | _____                     | _____                        |
|                    | Observer's Signature/Date | Facilitator's Signature/Date |
| Review             | _____                     | _____                        |
|                    | Observer's Signature/Date | Facilitator's Signature/Date |

**Department of Public Instruction  
Assistance and Assessment Team Action Plan**

Name: \_\_\_\_\_ Grade/Subject Area: \_\_\_\_\_ School: \_\_\_\_\_

Date of Action Plan: \_\_\_\_\_ Contract: \_\_\_\_\_ Tenure: \_\_\_\_\_

Major Functions \_\_\_\_\_ I. Instructional Leadership \_\_\_\_\_ III. Ethical and Moral Leadership  
 \_\_\_\_\_ II. Organizational Leadership \_\_\_\_\_ IV. Managerial Leadership

| Area(s) Needing Improvement | Strategies | Resources | Person Responsible | Evidence(s) | Checkpoint Dates |
|-----------------------------|------------|-----------|--------------------|-------------|------------------|
|                             |            |           |                    |             |                  |

| Accomplishments                                   | Date | Observer's Comments | Counselor's Comments |
|---|------|---------------------|----------------------|
| _____ Full<br>_____ Partial<br>_____ Not Complete |      |                     |                      |
| _____ Full<br>_____ Partial<br>_____ Not Complete |      |                     |                      |
| _____ Full<br>_____ Partial<br>_____ Not Complete |      |                     |                      |

|                    |                           |  |
|--------------------|---------------------------|--|
| Initial Conference | _____                     | _____  |
|                    | Observer's Signature/Date | Principal's/Assistant Principal's Signature/Date |
| Review             | _____                     | _____  |
|                    | Observer's Signature/Date | Principal's/Assistant Principal's Signature/Date |
| Review             | _____                     | _____  |
|                    | Observer's Signature/Date | Principal's/Assistant Principal's Signature/Date |



Public Schools of North Carolina  
 North Carolina Department of Public Instruction  
**ABCs Transfer of Funds Request – Fiscal Year 2004-05**

LEA#                      LEA Name  
 Select LEA #                      ▼  
 Date  
 9/22/2004

School #(s)  
 \_\_\_\_\_  
 Comments  
 \_\_\_\_\_

**Section 1: Positions or Months of Employment Allotments to be Transferred**

|       | PRC#        | CAT# | Description | MOE or Position               | Statewide Salary | Amount Transferred |
|-------|-------------|------|-------------|-------------------------------|------------------|--------------------|
| FROM: | Select PRC# |      | ▼           | 0.00                          | \$               |                    |
|       |             |      | ▼           | Negative Number               | Base Salary      | \$                 |
|       |             |      |             |                               | Social Security  | \$                 |
|       |             |      |             |                               | Retirement       | \$                 |
|       |             |      |             |                               | Hospitalization  | \$                 |
|       |             |      |             | <b>Total Transferred From</b> |                  | \$ _____           |
|       |             |      |             | Difference of From and To     |                  | 0                  |

|     |      |      |             |                             |                 |          |
|-----|------|------|-------------|-----------------------------|-----------------|----------|
|     | PRC# | CAT# | Description |                             |                 |          |
| TO: |      |      | ▼           |                             | Positive Number | \$ _____ |
| TO: |      |      | ▼           |                             | Positive Number | \$ _____ |
|     |      |      |             | <b>Total Transferred to</b> |                 | \$ _____ |
|     |      |      |             | Difference of From and To   |                 | 0        |

**Section 2: Dollar Allotments to be Transferred**

|       |             |   |  |                               |  |          |
|-------|-------------|---|--|-------------------------------|--|----------|
| FROM: | Select PRC# | ▼ |  | Negative Number               |  | \$ _____ |
|       |             |   |  | <b>Total Transferred From</b> |  | \$ _____ |
| TO:   |             | ▼ |  | Positive Number               |  | \$ _____ |
| TO:   |             | ▼ |  | Positive Number               |  | \$ _____ |
| TO:   |             | ▼ |  | Positive Number               |  | \$ _____ |
|       |             |   |  | <b>Total Transferred to</b>   |  | \$ _____ |
|       |             |   |  | Difference of From and To     |  | 0        |

The signatures below verify the requested transfer is in accordance with the school(s) improvement plan, if applicable.

\_\_\_\_\_  
Signature of Superintendent

\_\_\_\_\_  
Signature of Finance Officer

|   |  |
|---|--|
| <b>Questions:</b> Call the School Allotment Section 919.807.3732. | <b>Or Mail:</b> Department of Public Instruction, Office of Budget Management, School Allotment Section, 6313 Mail Service |
|---|--|

*Fax:* After completing the form, please fax a signed copy to: 919.807.3740.

Center, Raleigh, NC 27699-6313

|               |                      |                   |                                    |
|---------------|----------------------|-------------------|------------------------------------|
| Clear Entries | Enter to Summary Log | Enter to ABC Form | Calculate Total Transferred Amount |
|---------------|----------------------|-------------------|------------------------------------|

## ABCs Transfer – Calculating Total Transferred Amount

This sheet allows ABC transfer request by school and summarizes the results.

This sheet is **NOT** required to be submitted with ABC's transfer.

*Select LEA#*

|                              |                      |                                |                         |
|------------------------------|----------------------|--------------------------------|-------------------------|
|                              | <i>Select LEA#</i>   |                                | Amount Transferred      |
| From:                        | <input type="text"/> | <input type="text"/>           | \$ <input type="text"/> |
|                              | <input type="text"/> | <input type="text"/>           |                         |
|                              | <input type="text"/> | <b>Total Transferred From:</b> | \$ <input type="text"/> |
| To:                          | <input type="text"/> | <input type="text"/>           | \$ <input type="text"/> |
| To:                          | <input type="text"/> | <input type="text"/>           | \$ <input type="text"/> |
| To:                          | <input type="text"/> | <input type="text"/>           | \$ <input type="text"/> |
| <b>Total Transferred To:</b> |                      |                                | \$ <input type="text"/> |
| Difference of From and To    |                      |                                | 0                       |

| School # | Amount \$ |
|----------|-----------|
|          |           |
|          |           |
|          |           |
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|          |           |
|          |           |

**Steps**

1. Select your transfer From: and To:
2. Enter Position or MOE for Pos/MOE allotment.
3. Enter School # and Amount \$ for each school.
4. Click on the **“Calculate Total”** button. This will summarize the total school.
5. Reconcile any differences in the amounts.
6. Click on **“Enter to ABC”** button to enter into the ABCs Transfer Form.
7. Click on **Enter to Summary”** button to enter into the Summary Log sheet.
8. Click on **File, Print** to print, sign and then to fax or mail to School Allotment Section.
9. Click on **“Clear Entries”** button.
10. Click on **File, Save** to save the Summary Log.

**You may skip this calculation sheet completely and take the following steps:**

1. Enter information directly into ABC's Transfer Form.
2. Then complete steps 7-10 above.

## **Signatures**

Signatures of both the Superintendent and Finance Officer are required to process the transfer of funds. **These signatures verify the requested transfer is in accordance with the school improvement plan(s), if applicable.**

## **Return to**

The completed form should be mailed to

Office of Financial and Business Services  
School Allotment Section  
6313 Mail Service Center  
Raleigh, NC 27699-6313

## **Questions**

Questions about the transfer of funds should be addressed to the School Allotment Section at 919.807.3732.

# LAWS RELATING TO ABCS PROGRAM

## ARTICLE 8B.

### *School-Based Management and Accountability Program.*

#### Part 1. Implementation of Program.

#### **§ 115C-105.20. School-Based Management and Accountability Program.**

(a) The General Assembly believes that all children can learn. It is the intent of the General Assembly that the mission of the public school community is to challenge with high expectations each child to learn, to achieve, and to fulfill his or her potential. With that mission as its guide, the State Board of Education shall develop a School-Based Management and Accountability Program. The primary goal of the Program shall be to improve student performance.

(b) In order to support local boards of education and schools in the implementation of this Program, the State Board of Education shall adopt guidelines, including guidelines to:

- (1) Assist local boards and schools in the development and implementation of school-based management under Part 2 of this Article.
- (2) Recognize the schools that meet or exceed their goals.
- (3) Identify low-performing schools under G.S. 115C-105.37, and create assistance teams that the Board may assign to schools identified as low-performing under G.S. 115C-105.37. The assistance teams should consist of currently practicing teachers and staff, representatives of institutions of higher education, school administrators, and others the State Board considers appropriate.
- (4) Enable assistance teams to make appropriate recommendations under G.S. 115C-105.38.
- (5) Establish a process to resolve disputes between local boards and schools in the development and implementation of school improvement plans under G.S. 115C-105.27. This process shall provide for final resolution of the disputes. (1989, c. 778, s. 3; 1991 (Reg. Sess., 1992), c. 900, s. 75.1(a); 1993, c. 321, s. 144.2(a); 1995, c. 272, s. 1; 1995 (Reg. Sess., 1996), c. 716, ss. 2, 3.)

#### **§ 115C-105.21. Local participation in the Program.**

(a) Local school administrative units shall participate in the School-Based Management and Accountability Program.

(b) The School-Based Management and Accountability Program shall provide increased local control of schools with the goal of improving student performance. Local boards of education:

- (1) Are allowed increased flexibility in the expenditure of State funds, in accordance with G.S. 115C-105.25; and
- (2) May be granted waivers of certain State laws, regulations, and policies that inhibit their ability to reach local accountability goals, in accordance with G.S. 115C-105.26.

(c) The School-Based Management and Accountability Program shall be based upon an accountability, recognition, assistance, and intervention process in order to hold each school and the school's personnel accountable for improved student performance in the school. (1989, c. 778, s. 3; 1991, c. 331, s. 1; 1993, c. 263, s. 1; c. 522, s. 3; 1995, c. 272, s. 2; c. 450, s. 12; 1995 (Reg. Sess., 1996), c. 716, ss. 2, 3.)

**§§ 115C-105.22 through 115C-105.24.** Reserved for future codification purposes.

#### Part 2. School-Based Management.

#### **§ 115C-105.25. Budget flexibility.**

(a) Consistent with improving student performance, a local board shall provide maximum



flexibility to schools in the use of funds to enable the schools to accomplish their goals.

(b) Subject to the following limitations, local boards of education may transfer and may approve transfers of funds between funding allotment categories:

- (1) In accordance with a school improvement plan accepted under G.S. 115C-105.27, State funds allocated for teacher assistants may be transferred only for personnel (i) to serve students only in kindergarten through third grade, or (ii) to serve students primarily in kindergarten through third grade when the personnel are assigned to an elementary school to serve the whole school. Funds allocated for teacher assistants may be transferred to reduce class size or to reduce the student-teacher ratio in kindergarten through third grade so long as the affected teacher assistant positions are not filled when the plan is amended or approved by the building-level staff entitled to vote on the plan or the affected teacher assistant positions are not expected to be filled on the date the plan is to be implemented. Any State funds appropriated for teacher assistants that were converted to certificated teachers before July 1, 1995, in accordance with Section 1 of Chapter 986 of the 1991 Session Laws, as rewritten by Chapter 103 of the 1993 Session Laws, may continue to be used for certificated teachers.
- (2) In accordance with a school improvement plan accepted under G.S. 115C-105.27, (i) State funds allocated for classroom materials/instructional supplies/equipment may be transferred only for the purchase of textbooks; (ii) State funds allocated for textbooks may be transferred only for the purchase of instructional supplies, instructional equipment, or other classroom materials; and (iii) State funds allocated for noninstructional support personnel may be transferred only for teacher positions.
- (2a) Up to three percent (3%) of State funds allocated for noninstructional support personnel may be transferred for staff development.
- (3) No funds shall be transferred into the central office allotment category.
- (4) Funds allocated for children with special needs, for students with limited English proficiency, and for driver's education shall not be transferred.
- (5) Funds allocated for classroom teachers may be transferred only for teachers of exceptional children, for teachers of at-risk students, and for authorized purposes under the textbooks allotment category and the classroom materials/instructional supplies/equipment allotment category.
- (6) Funds allocated for vocational education may be transferred only in accordance with any rules that the State Board of Education considers appropriate to ensure compliance with federal regulations.
- (7) Funds allocated for career development shall be used in accordance with Section 17.3 of Chapter 324 of the 1995 Session Laws.
- (8) Funds allocated for academically or intellectually gifted students may be used only (i) for academically or intellectually gifted students; (ii) to implement the plan developed under G.S. 115C-150.7; or (iii) in accordance with an accepted school improvement plan, for any purpose so long as that school demonstrates it is providing appropriate services to academically or intellectually gifted students assigned to that school in accordance with the local plan developed under G.S. 115C-150.7.
- (9) Funds allocated in the Alternative Schools/At-Risk Student allotment shall be spent only for alternative learning programs, at-risk students, and school safety programs. (1995 (Reg. Sess., 1996), c. 716, s. 3; 1996, 2nd Ex. Sess., c. 18, s. 18.24(h)-(k); 1998-212, s. 9.20(b); 1999-237, s. 8.25(c); 2001-424, s. 28.22.)

**§ 115C-105.26. Waivers of State laws, rules, or policies.**

(a) When included as part of a school improvement plan accepted under G.S. 115C-105.27, local boards of education shall submit requests for waivers of State laws, rules, or policies to the State Board of Education. A request for a waiver shall (i) identify the school making the request,

(ii) identify the State laws, rules, or policies that inhibit the school's ability to improve student performance, (iii) set out with specificity the circumstances under which the waiver may be used, and (iv) explain how the requested waiver will permit the school to improve student performance. Except as provided in subsection (c) of this section, the State Board shall grant waivers only for the specific schools for which they are requested and shall be used only under the specific circumstances for which they are requested.

(b) When requested as part of a school improvement plan, the State Board of Education may grant waivers of:

- (1) State laws pertaining to class size, teacher certification, and the duty-free period for classroom teachers under G.S. 115C-301.1; and
- (2) State rules and policies, except those pertaining to public school State salary schedules and employee benefits for school employees, the instructional program that must be offered under the Basic Education Program, the system of employment for public school teachers and administrators set out in G.S. 115C-287.1 and G.S. 115C-325, health and safety codes, compulsory attendance, the minimum lengths of the school day and year, and the Uniform Education Reporting System.

(c) The State Board also may grant requests received from local boards for waivers of State laws, rules, or policies that affect the organization, duties, and assignment of central office staff only. However, none of the duties to be performed under G.S. 115C-436 may be waived.

(c1) The State Board also may grant requests received from local boards for waivers of State laws, rules, or policies that require that each local school administrative unit provide at least one alternative school or at least one alternative learning program.

(d) Notwithstanding subsections (b) and (c) of this section, the State Board shall not grant waivers of G.S. 115C-12(16)b. regarding the placement of State-allotted office support personnel, teacher assistants, and custodial personnel on the salary schedule adopted by the State Board.

(e) Notwithstanding subsection (b) of this section, the State Board may grant requests received from local boards for waivers of State laws, rules, or policies pertaining to the placement of principals on the State salary schedule for public school administrators in order to provide financial incentives to encourage principals to accept employment in a school that has been identified as low-performing under G.S. 115C-105.37. The State Board shall act on requests under this subsection at the first Board meeting following receipt of each request.

(f) Except as provided in subsection (e) of this section, the State Board shall act within 60 days of receipt of all requests for waivers under this section.

(g) The State Board shall, on a regular basis, review all waivers it has granted to determine whether any rules should be repealed or modified or whether the Board should recommend to the General Assembly the repeal or modification of any laws. (1995 (Reg. Sess., 1996), c. 716, s. 3; 1999-237, s. 8.25(b).)

#### **§ 115C-105.27. Development and approval of school improvement plans.**

In order to improve student performance, each school shall develop a school improvement plan that takes into consideration the annual performance goal for that school that is set by the State Board under G.S. 115C-105.35. The principal of each school, representatives of the assistant principals, instructional personnel, instructional support personnel, and teacher assistants assigned to the school building, and parents of children enrolled in the school shall constitute a school improvement team to develop a school improvement plan to improve student performance. Representatives of the assistant principals, instructional personnel, instructional support personnel, and teacher assistants shall be elected by their respective groups by secret ballot. Unless the local board of education has adopted an election policy, parents shall be elected by parents of children enrolled in the school in an election conducted by the parent and teacher organization of the school or, if none exists, by the largest organization of parents formed for this purpose. Parents serving on school improvement teams shall reflect the racial and socioeconomic

composition of the students enrolled in that school and shall not be members of the building-level staff. Parental involvement is a critical component of school success and positive student achievement; therefore, it is the intent of the General Assembly that parents, along with teachers, have a substantial role in developing school improvement plans. To this end, school improvement team meetings shall be held at a convenient time to assure substantial parent participation. The strategies for improving student performance:

- (1) Shall include a plan for the use of staff development funds that may be made available to the school by the local board of education to implement the school improvement plan. The plan may provide that a portion of these funds is used for mentor training and for release time and substitute teachers while mentors and teachers mentored are meeting;
- (1a) Shall, if the school serves students in kindergarten or first grade, include a plan for preparing students to read at grade level by the time they enter second grade. The plan shall require kindergarten and first grade teachers to notify parents or guardians when their child is not reading at grade level and is at risk of not reading at grade level by the time the child enters second grade. The plan may include the use of assessments to monitor students' progress in learning to read, strategies for teachers and parents to implement that will help students improve and expand their reading, and provide for the recognition of teachers and strategies that appear to be effective at preparing students to read at grade level.
- (2) Shall include a plan to address school safety and discipline concerns in accordance with the safe school plan developed under Article 8C of this Chapter;
- (3) May include a decision to use State funds in accordance with G.S. 115C-105.25;
- (4) Shall include a plan that specifies the effective instructional practices and methods to be used to improve the academic performance of students identified as at risk of academic failure or at risk of dropping out of school;
- (5) May include requests for waivers of State laws, rules, or policies for that school. A request for a waiver shall meet the requirements of G.S. 115C-105.26.

Support among affected staff members is essential to successful implementation of a school improvement plan to address improved student performance at that school. The principal of the school shall present the proposed school improvement plan to all of the principals, assistant principals, instructional personnel, instructional support personnel, and teacher assistants assigned to the school building for their review and vote. The vote shall be by secret ballot. The principal shall submit the school improvement plan to the local board of education only if the proposed school improvement plan has the approval of a majority of the staff who voted on the plan.

The local board of education shall accept or reject the school improvement plan. The local board shall not make any substantive changes in any school improvement plan that it accepts. If the local board rejects a school improvement plan, the local board shall state with specificity its reasons for rejecting the plan; the school improvement team may then prepare another plan, present it to the principals, assistant principals, instructional personnel, instructional support personnel, and teacher assistants assigned to the school building for a vote, and submit it to the local board to accept or reject. If no school improvement plan is accepted for a school within 60 days after its initial submission to the local board, the school or the local board may ask to use the process to resolve disagreements recommended in the guidelines developed by the State Board under G.S. 115C-105.20(b)(5). If this request is made, both the school and local board shall participate in the process to resolve disagreements. If there is no request to use that process, then the local board may develop a school improvement plan for the school. The General Assembly urges the local board to utilize the school's proposed school improvement plan to the maximum extent possible when developing such a plan.

A school improvement plan shall remain in effect for no more than three years; however, the school improvement team may amend the plan as often as is necessary or appropriate. If, at any

time, any part of a school improvement plan becomes unlawful or the local board finds that a school improvement plan is impeding student performance at a school, the local board may vacate the relevant portion of the plan and may direct the school to revise that portion. The procedures set out in this subsection shall apply to amendments and revisions to school improvement plans. (1989, c. 778, s. 3; 1991 (Reg. Sess., 1992), c. 900, s. 75.1(b); 1993, c. 38, s. 1; c. 263, s. 2; c. 321, s. 144.2(b); 1995, c. 272, s. 3; c. 450, s. 13; 1995 (Reg. Sess., 1996), c. 716, ss. 2, 3; 1997-159, s. 1; 1997-443, s. 8.29(r)(2); 1999-271, s. 1; 1999-397, s. 1; 2000-67, s. 8.1; 2001-424, s. 28.30(c).)

**§§ 115C-105.28, 115C-105.29:** Repealed by Session Laws 1995 (Regular Session, 1996), c. 716, s. 3.

**§ 115C-105.30. Distribution of staff development funds.**

Any funds the local board of education makes available to an individual school building to implement the school improvement plan at that school shall be used in accordance with that plan.

Each local board shall distribute seventy-five percent (75%) of the funds in the staff development funding allotment to the schools to be used in accordance with that school's school improvement plan. By October 1 of each year, the principal shall disclose to all affected personnel the total allocation of all funds available to the school for staff development and the superintendent shall disclose to all affected personnel the total allocation of all funds available at the system level for staff development. At the end of the fiscal year, the principal shall make available to all affected personnel a report of all disbursements from the building-level staff development funds, and the superintendent shall make available to all affected personnel a report of all disbursements at the system level of staff development funds. (1993, c. 321, s. 144.2(c); 1995 (Reg. Sess., 1996), c. 716, ss. 2, 3.)

**§ 115C-105.31. Creation of the Task Force on School-Based Management.**

(a) There is created the Task Force on School-Based Management under the State Board of Education.

The Task Force shall be composed of 21 members appointed as follows:

- (1) The Superintendent of Public Instruction;
- (2) One member of the State Board of Education, one parent of a public school child, and two at-large members appointed by the State Board of Education;
- (3) Two members of the Senate appointed by the President Pro Tempore of the Senate;
- (4) Two members of the House of Representatives appointed by the Speaker of the House of Representatives;
- (5) One member of a local board of education appointed by the President Pro Tempore of the Senate after receiving recommendations from The North Carolina State School Boards Association, Inc.;
- (6) One member of a local board of education appointed by the Speaker of the House of Representatives after receiving recommendations from The North Carolina State School Boards Association, Inc.;
- (7) One local school superintendent appointed by the President Pro Tempore of the Senate after receiving recommendations from the North Carolina Association of School Administrators;
- (8) One local school superintendent appointed by the Speaker of the House of Representatives after receiving recommendations from the North Carolina Association of School Administrators;
- (9) One school principal appointed by the President Pro Tempore of the Senate after

receiving recommendations from the Tar Heel Association of Principals/Assistant Principals and the Division of Administrators of the North Carolina Association of Educators;

- (10) One school principal appointed by the Speaker of the House of Representatives after receiving recommendations from the Tar Heel Association of Principals/Assistant Principals and the Division of Administrators of the North Carolina Association of Educators;
- (11) One school teacher appointed by the President Pro Tempore of the Senate after receiving recommendations from the North Carolina Association of Educators, Inc., the North Carolina Federation of Teachers, and the Professional Educators of North Carolina, Inc.;
- (12) One school teacher appointed by the Speaker of the House of Representatives after receiving recommendations from the North Carolina Association of Educators, Inc., the North Carolina Federation of Teachers, and the Professional Educators of North Carolina, Inc.;
- (13) One representative of business and industry appointed by the Governor;
- (14) One representative of institutions of higher education appointed by the Board of Governors of The University of North Carolina;
- (15) One county commissioner appointed by the State Board of Education after receiving recommendations from the North Carolina Association of County Commissioners; and
- (16) The Secretary of Health and Human Services or the Secretary's designee.

Members of the Task Force shall serve for two-year terms.

All members of the Task Force shall be voting members. Vacancies in the appointed membership shall be filled by the officer who made the initial appointment. The Task Force on School-Based Management shall select a member of the Task Force to serve as chair of the Task Force.

Members of the Task Force shall receive travel and subsistence expenses in accordance with the provisions of G.S. 120-3.1, G.S. 138-5, and G.S. 138-6.

(b) The Task Force shall:

- (1) Advise the State Board of Education and Secretary of Health and Human Services on the development of guidelines for local boards of education and schools to implement school-based management as part of the School-Based Management and Accountability Program;
- (2) Advise the State Board of Education and the Secretary of Health and Human Services on how to assist the public schools and residential schools so as to facilitate the implementation of school-based management;
- (3) Advise the State Board of Education and Secretary of Health and Human Services about publications to be produced by the Department of Public Instruction on the development and implementation of school improvement plans;
- (4) Report annually to the State Board of Education on the implementation of school-based management in the public schools on the first Friday in December. This report may contain a summary of recommendations for changes to any law, rule, and policy that would improve school-based management.

(c) The Department of Public Instruction shall, with the approval of the State Board of Education, provide staff to the Task Force at the request of the Task Force.

(d) The State Board of Education shall appoint a Director of the Task Force on School-Based Management. (1991 (Reg. Sess., 1992), c. 900, s. 76(a); 1993, c. 321, s. 144.2(d); 1993 (Reg. Sess., 1994), c. 677, s. 7; 1995, c. 324, s. 17.8(a); 1995 (Reg. Sess., 1996), c. 716, ss. 2, 3; 1998-131, s. 9.)

**§ 115C-105.32. Parent involvement programs and conflict resolution programs as part of**

### **school improvement plans.**

A school is encouraged to include a comprehensive parent involvement program as part of its school improvement plan under G.S. 115C-105.27. The State Board of Education shall develop a list of recommended strategies that it determines to be effective, which building level committees may use to establish parent involvement programs designed to meet the specific needs of their schools. The Board shall make the list available to local school administrative units and school buildings by the beginning of the 1994-95 school year.

A school is encouraged to review its need for a comprehensive conflict resolution program as part of the development of its school improvement plan under G.S. 115C-105.27. If a school determines that this program is needed, it may select from the list developed by the State Board of Education under G.S. 115C-81(a4) or may develop its own materials and curricula to be approved by the local board of education. (1993, c. 509, ss. 2, 3; 1995 (Reg. Sess., 1996), c. 716, ss. 2, 3.)

### **§ 115C-105.33. Safe and orderly schools.**

A school improvement team or a parent organization at a school may ask the local board of education to provide assistance in promoting or restoring safety and an orderly learning environment at a school. The school improvement team or parent organization shall file a copy of this request with the State Board. If the local board fails to provide adequate assistance to the school, then the school improvement team or parent organization may ask the State Board to provide an assistance team to the school.

The State Board may provide an assistance team, established under G.S. 115C-105.38, to a school in order to promote or restore safety and an orderly learning environment at that school if one of the following applies:

- (1) The local board of education or superintendent requests that the State Board provide an assistance team to a school and the State Board determines that the school needs assistance.
- (2) The State Board determines within 10 days after its receipt of the request for assistance from a school improvement team or parent organization of a school that the school needs assistance and that the local board has failed to provide adequate assistance to that school.

If an assistance team is assigned to a school under this section, the team shall spend a sufficient amount of time at the school to assess the problems at the school, assist school personnel with resolving those problems, and work with school personnel and others to develop a long-term plan for restoring and maintaining safety and an orderly learning environment at the school. The assistance team also shall make recommendations to the local board of education and the superintendent on actions the board and the superintendent should consider taking to resolve problems at the school. These recommendations shall be in writing and are public records. If an assistance team is assigned to a school under this section, the powers given to the State Board and the assistance team under G.S. 115C-105.38 and G.S. 115C-105.39 shall apply as if the school had been identified as low-performing under this Article. (1997-443, s. 8.29(a)(2).)

**§ 115C-105.34.** Reserved for future codification purposes.

### **Part 3. School-Based Accountability.**

### **§ 115C-105.35. Annual performance goals.**

The School-Based Management and Accountability Program shall (i) focus on student performance in the basics of reading, mathematics, and communications skills in elementary and middle schools, (ii) focus on student performance in courses required for graduation and on other measures required by the State Board in the high schools, and (iii) hold schools accountable for the educational growth of their students. To those ends, the State Board shall design and

implement an accountability system that sets annual performance standards for each school in the State in order to measure the growth in performance of the students in each individual school. For purposes of this Article, beginning school year 2002-2003, the State Board shall include a "closing the achievement gap" component in its measurement of educational growth in student performance for each school. The "closing the achievement gap" component shall measure and compare the performance of each subgroup in a school's population to ensure that all subgroups as identified by the State Board are meeting State standards.

The State Board shall consider incorporating into the School-Based Management and Accountability Program a character and civic education component which may include a requirement for student councils. (1995 (Reg. Sess., 1996), c. 716, s. 3; 2001-424, s. 28.30(a); 2003-284, s. 7.40(c).)

**§ 115C-105.36. Performance recognition.**

(a) The personnel in schools that achieve a level of expected growth greater than one hundred percent (100%) at a level to be determined by the State Board of Education are eligible for financial awards in amounts set by the State Board. Schools and personnel shall not be required to apply for these awards. For the purpose of this section, "personnel" includes the principal, assistant principal, instructional personnel, instructional support personnel, and teacher assistants (i) serving students in one or more of the grades kindergarten through 12 or (ii) assigned to a public school prekindergarten program that is located within a public elementary school and is designed to prepare students for kindergarten at that school.

(b) The State Board shall establish a procedure to allocate the funds for these awards to the local school administrative units in which the eligible schools are located. Funds shall become available for expenditure July 1 of each fiscal year. Funds shall remain available until November 30 of the subsequent fiscal year for expenditure for awards to the personnel. Each local school administrative unit is encouraged to make these awards to each eligible person no later than the first regular teacher payroll following the local unit's receipt of the funds, and shall make these awards to each eligible person no later than the second regular teacher payroll following the local unit's receipt of the funds. (1995 (Reg. Sess., 1996), c. 716, s. 3; 1997-443, s. 8.14; 1998-220, s. 2.)

**§ 115C-105.37. Identification of low-performing schools.**

(a) State Board of Education shall design and implement a procedure to identify low-performing schools on an annual basis. Low-performing schools are those in which there is a failure to meet the minimum growth standards, as defined by the State Board, and a majority of students are performing below grade level.

(a1) By July 10 of each year, each local school administrative unit shall do a preliminary analysis of test results to determine which of its schools the State Board may identify as low-performing under this section. The superintendent then shall proceed under G.S. 115C-105.39. In addition, within 30 days of the initial identification of a school as low-performing by the local school administrative unit or the State Board, whichever occurs first, the superintendent shall submit to the local board a preliminary plan for addressing the needs of that school, including how the superintendent and other central office administrators will work with the school and monitor the school's progress. Within 30 days of its receipt of this plan, the local board shall vote to approve, modify, or reject this plan. Before the board makes this vote, it shall make the plan available to the public, including the personnel assigned to that school and the parents and guardians of the students who are assigned to the school, and shall allow for written comments. The board shall submit the plan to the State Board within five days of the board's vote. The State Board shall review the plan expeditiously and, if appropriate, may offer recommendations to modify the plan. The local board shall consider any recommendations made by the State Board.

(b) Each school that the State Board identifies as low-performing shall provide written

notification to the parents of students attending that school. The written notification shall include a statement that the State Board of Education has found that the school has "failed to meet the minimum growth standards, as defined by the State Board, and a majority of students in the school are performing below grade level." This notification also shall include information about the plan developed under subsection (a1) of this section and a description of any additional steps the school is taking to improve student performance. (1995 (Reg. Sess., 1996), c. 716, s. 3; 1997-221, s. 20(b); 1997-443, s. 8.45; 1998-59, s. 1; 2001-424, s. 29.4(a).)

**§ 115C-105.37A. Continually low-performing schools; definition; assistance and intervention; reassignment of students.**

(a) Definition of Continually Low-Performing Schools. – A continually low-performing school is a school that has received State-mandated assistance and has been designated by the State Board as low performing for at least two of three consecutive years. If the State Board identifies a school as continually low performing, the school improvement team at that school shall review its school improvement plan to ensure consistency with the plan adopted pursuant to G.S. 115C-105.38(3).

(b) Assistance to Schools That Are Low Performing for Two Years. – If a school that has received State-mandated assistance is designated by the State Board as low performing for two consecutive years or for two of three consecutive years, the State Board shall provide a series of progressive assistance and intervention strategies to that school. These strategies shall be designed to improve student achievement and to maintain student achievement at appropriate levels and may include, to the extent that funds are available for this purpose, assistance such as reductions in class size, extension of teacher and assistant principal contracts, extension of the instructional year, and grant-based assistance.

(c) Intervention in Schools That Are Low Performing for Three or More Years. – The State Board of Education shall develop and implement a series of actions for providing assistance and intervention to schools that have previously received State-mandated assistance and have been designated by the State Board as low performing for three or more consecutive years or for at least three out of four years. These actions shall be the least intrusive actions that are consistent with the need to improve student achievement at each such school and shall be adapted to the unique characteristics of each such school and the effectiveness of other actions developed or implemented to improve student achievement at each such school. (2001-424, s. 29.3.)



**§ 115C-105.38. Assistance teams; review by State Board.**

(a) The State Board of Education may assign an assistance team to any school identified as low-performing under this Article or to any other school that requests an assistance team and that the State Board determines would benefit from an assistance team. The State Board shall give priority to low-performing schools in which the educational performance of the students is declining. The Department of Public Instruction shall, with the approval of the State Board, provide staff as needed and requested by an assistance team.

(b) When assigned to an identified low-performing school, an assistance team shall:

- (1) Review and investigate all facets of school operations and assist in developing recommendations for improving student performance at that school.
- (2) Evaluate at least semiannually the personnel assigned to the school and make findings and recommendations concerning their performance.
- (3) Collaborate with school staff, central offices, and local boards of education in the design, implementation, and monitoring of a plan that, if fully implemented, can reasonably be expected to alleviate problems and improve student performance at that school.
- (4) Make recommendations as the school develops and implements this plan.
- (5) Review the school's progress.
- (6) Report, as appropriate, to the local board of education, the community, and the State Board on the school's progress. If an assistance team determines that an accepted school improvement plan developed under G.S. 115C-105.27 is impeding student performance at a school, the team may recommend to the local board that it vacate the relevant portions of that plan and direct the school to revise those portions.

(b1) Report to the State Board of Education if a school and its local board of education are not responsive to the team's recommendations. A copy of that report shall be made available to the local board, and the local board shall have an opportunity to respond. Notwithstanding G.S. 115C-36 and other provisions of this Chapter, if the State Board confirms that the school and local board have failed to take appropriate steps to improve student performance at that school, the State Board shall assume all powers and duties previously conferred upon that local board and that school and shall have general control and supervision of all matters pertaining to that school until student performance at the school meets or exceeds the standards set for the school. The State Board may, as it considers appropriate, delegate any powers and duties to that local board or school before the school meets or exceeds those standards.

(c) If a school fails to improve student performance after assistance is provided under this section, the assistance team may recommend that the assistance continues or that the State Board take further action under G.S. 115C-105.39.

(d) The State Board shall annually review the progress made in identified low-performing schools. (1995 (Reg. Sess., 1996), c. 716, s. 3; 2002-178, s. 7.)

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

(a) General Knowledge Test. –

- (1) Each assistance team assigned to a low-performing school during the 1997-98 school year shall review the team's evaluations of certified staff members to determine which staff members have been designated by the team as Category 3 teachers. The assistance team shall then determine whether lack of general knowledge contributed to the Category 3 designation. If the assistance team determines that a certified staff member's lack of general knowledge contributed to that staff member being designated as a Category 3 teacher, the assistance team shall submit the staff member's name to the State Board. Upon receipt of the notification, the State Board shall require that the certified staff members identified by the assistance teams demonstrate their general

knowledge by acquiring a passing score on a test designated by the State Board. The State Board shall administer the general knowledge test required under this subdivision at the end of the 1997-98 school year.

- (2) During the 1998-99 school year and thereafter, either the principal assigned to a low-performing school or the assistance team assigned to a low-performing school may recommend to the State Board that a certified staff member take a general knowledge test. A principal or an assistance team may make this recommendation if the principal or the assistance team determines that the certified staff member's performance is impaired by the staff member's lack of general knowledge. After receipt of the notification, but prior to the end of the fiscal year, the State Board shall require that all certified staff members identified under this subdivision demonstrate their general knowledge by acquiring a passing score on a test designated by the State Board.

(b) Repealed by Session Laws 1998-5, s. 1.

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

(d) Retesting; Dismissal. – Upon completion of the remediation plan required under subsection (c) of this section, the certified staff member shall take the general knowledge test a second time. If the certified staff member fails to acquire a passing score on the second test, the State Board shall begin a dismissal proceeding under G.S. 115C-325(q)(2a).

(e) Repealed by Session Laws 1998-5, s.1.

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

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

(g) Repealed by Session Laws 1998-5, s. 1. (1997-221, s. 3(a); 1998-5, s. 1.)

### **§ 115C-105.39. Dismissal or removal of personnel; appointment of interim superintendent.**

(a) Within 30 days of the initial identification of a school as low-performing, whether by the local school administrative unit under G.S. 115C-105.37(a1) or by the State Board under G.S. 115C-105.37(a), the superintendent shall take one of the following actions concerning the school's principal: (i) recommend to the local board that the principal be retained in the same position, (ii) recommend to the local board that the principal be retained in the same position and a plan of remediation should be developed, (iii) recommend to the local board that the principal be transferred, or (iv) proceed under G.S. 115C-325 to dismiss or demote the principal. The principal may be retained in the same position without a plan for remediation only if the principal was in that position for no more than two years before the school is identified as low-performing. The principal shall not be transferred to another principal position unless (i) it is in a school

classification in which the principal previously demonstrated at least 2 years of success, (ii) there is a plan to evaluate and provide remediation to the principal for at least one year following the transfer to assure the principal does not impede student performance at the school to which the principal is being transferred; and (iii) the parents of the students at the school to which the principal is being transferred are notified. The principal shall not be transferred to another low-performing school in the local school administrative unit. If the superintendent intends to recommend demotion or dismissal, the superintendent shall notify the local board. Within 15 days of (i) receiving notification that the superintendent intends to proceed under G.S. 115C-325, or (ii) its decision concerning the superintendent's recommendation, but no later than September 30, the local board shall submit to the State Board a written notice of the action taken and the basis for that action. If the State Board does not assign an assistance team to that school or if the State Board assigns an assistance team to that school and the superintendent proceeds under G.S. 115C-325 to dismiss or demote the principal, then the State Board shall take no further action. If the State Board assigns an assistance team to the school and the superintendent is not proceeding under G.S. 115C-325 to dismiss or demote the principal, then the State Board shall vote to accept, reject, or modify the local board's recommendations. The State Board shall notify the local board of its action within five days. If the State Board rejects or modifies the local board's recommendations and does not recommend dismissal of the principal, the State Board's notification shall include recommended action concerning the principal's assignment or terms of employment. Upon receipt of the State Board's notification, the local board shall implement the State Board's recommended action concerning the principal's assignment or terms of employment unless the local board asks the State Board to reconsider that recommendation. The State Board shall provide an opportunity for the local board to be heard before the State Board acts on the local board's request for a reconsideration. The State Board shall vote to affirm or modify its original recommended action and shall notify the local board of its action within five days. Upon receipt of the State Board's notification, the local board shall implement the State Board's final recommended action concerning the principal's assignment or terms of employment. If the State Board rejects or modifies the local board's action and recommends dismissal of the principal, the State Board shall proceed under G.S. 115C-325(q)(1).

(b) The State Board shall proceed under G.S. 115C-325(q)(2) for the dismissal of teachers, assistant principals, directors, and supervisors assigned to a school identified as low-performing in accordance with G.S. 115C-325(q)(2).

(c) The State Board may appoint an interim superintendent in a local school administrative unit:

- (1) Upon the identification of more than half the schools in that unit as low-performing under G.S. 115C-105.37; or
- (2) Upon the recommendation from an assistance team assigned to a school located in that unit that has been identified as low-performing under G.S. 115C-105.37. This recommendation shall be based upon a finding that the superintendent has failed to cooperate with the assistance team or has otherwise hindered that school's ability to improve.

The State Board may assign any of the powers and duties of the local superintendent and the local finance officer to the interim superintendent that the Board considers are necessary or appropriate to improve student performance in the local school administrative unit. The interim superintendent shall perform all of these assigned powers and duties. The State Board of Education may terminate the contract of any local superintendent entered into on or after July 1, 1996, when it appoints an interim superintendent. The Administrative Procedure Act shall apply to that decision. Neither party to that contract is entitled to damages.

(d) In the event the State Board has appointed an interim superintendent and the State Board determines that the local board of education has failed to cooperate with the interim superintendent or has otherwise hindered the ability to improve student performance in that local

school administrative unit or in a school in that unit, the State Board may suspend any of the powers and duties of the local board of education that the State Board considers are necessary or appropriate to improve student performance in the local school administrative unit. The State Board shall perform all of these assigned powers and duties for a period of time to be specified by the State Board.

(e) If the State Board suspends any of the powers and duties of the local board of education under subsection (d) of this section and subsequently determines it is necessary to change the governance of the local school administrative unit in order to improve student performance, the State Board may recommend this change to the General Assembly, which shall consider, at its next session, the future governance of the identified local school administrative unit. (1995 (Reg. Sess., 1996), c. 716, s. 3; 1998-59, s. 2.)

**§ 115C-105.40. Student academic performance standards.**

The State Board of Education shall develop a plan to create rigorous student academic performance standards for kindergarten through eighth grade and student academic performance standards for courses in grades 9-12. The performance standards shall align, whenever possible, with the student academic performance standards developed for the National Assessment of Educational Progress (NAEP). The plan also shall include clear and understandable methods of reporting individual student academic performance to parents. (1997-221, s. 3(e).)

**§ 115C-105.41. Students who have been placed at risk of academic failure; personal education plans.**

Local school administrative units shall identify students who have been placed at risk for academic failure. Identification shall occur as early as can reasonably be done and can be based on grades, observations, State assessments, and other factors that impact student performance that teachers and administrators consider appropriate, without having to await the results of end-of-grade or end-of-course tests. At the beginning of the school year, a personal education plan for academic improvement with focused intervention and performance benchmarks shall be developed for any student not performing at least at grade level, as identified by the State end-of-grade test. Focused intervention and accelerated activities should include research-based best practices that meet the needs of students and may include coaching, mentoring, tutoring, summer school, Saturday school, and extended days. Local school administrative units shall provide these activities free of charge to students. Local school administrative units shall also provide transportation free of charge to all students for whom transportation is necessary for participation in these activities.

Parents should be included in the implementation and ongoing review of personal education plans. (2001-424, s. 28.17(e).)

**§§ 115C-105.42 through 115C-105.44.** Reserved for future codification purposes.

ARTICLE 8C.

*Local Plans for Alternative Schools/Alternative Learning Programs and  
Maintaining Safe and Orderly Schools.*

**§ 115C-105.45. Legislative findings.**

The General Assembly finds that all schools should be safe, secure, and orderly. If students are to aim for academic excellence, it is imperative that there is a climate of respect in every school and that every school is free of disruption, drugs, violence, and weapons. All schools must have plans, policies, and procedures for dealing with disorderly and disruptive behavior. All schools and school units must have effective measures for assisting students who are at risk of academic failure or of engaging in disruptive and disorderly behavior. (1997-443, s. 8.29(r)(1).)

**§ 115C-105.46. State Board of Education responsibilities.**

In order to implement this Article, the State Board of Education:

- (1) Shall adopt guidelines for developing local plans under G.S. 115C-105.47.
- (2) Shall provide, in cooperation with the Board of Governors of The University of North Carolina, ongoing technical assistance to the local school administrative units in the development, implementation, and evaluation of their local plans under G.S. 115C-105.47.
- (3) May require a local board of education to withhold the salary of any administrator or other employee of a local school administrative unit who delays or refuses to prepare and implement local safe school plans in accordance with G.S. 115C-105.47.
- (4) May revoke the certificate of the superintendent, pursuant to G.S. 115C-274(c), for failure to fulfill the superintendent's duties under a local safe school plan.
- (5) Shall adopt policies that define who is an at-risk student. (1997-443, s. 8.29(r)(1); 1999-397, s. 2; 2000-140, s. 22.)

**§ 115C-105.47. Local safe school plans.**

(a) Each local board of education shall develop a local school administrative unit safe school plan designed to provide that every school in the local school administrative unit is safe, secure, and orderly, that there is a climate of respect in every school, and that appropriate personal conduct is a priority for all students and all public school personnel. The board shall include parents, the school community, representatives of the community, and others in the development or review of this plan. The plan may be developed by or in conjunction with other committees.

(b) Each plan shall include each of the following components:

- (1) Clear statements of the standard of behavior expected of students at different grade levels and of school personnel and clear statements of the consequences that will result from one or more violations of those standards. There shall be a statement of consequences for students under the age of 13 who physically assault and seriously injure a teacher or other individual on school property or at a school-sponsored or school-related activity. The consequences may include placement in an alternative setting.
- (2) A clear statement of the responsibility of the superintendent for coordinating the adoption and the implementation of the plan, evaluating principals' performance regarding school safety, monitoring and evaluating the implementation of safety plans at the school level, and coordinating with local law enforcement and court officials appropriate aspects of implementation of the plan. The statement of responsibility shall provide appropriate disciplinary consequences that may occur if the superintendent fails to carry out these responsibilities. These consequences may include a reprimand in the superintendent's personnel file or withholding of the superintendent's salary, or both.
- (3) A clear statement of the responsibility of the school principal for restoring, if necessary, and maintaining a safe, secure, and orderly school environment and of the consequences that may occur if the principal fails to meet that responsibility. The principal's duties shall include exhibiting appropriate leadership for school personnel and students, providing for alternative placements for students who are seriously disruptive, reporting all criminal acts under G.S. 115C-288(g), and providing appropriate disciplinary consequences for disruptive students. The consequences to the principal that may occur shall include a reprimand in the principal's personnel file and disciplinary proceedings under G.S. 115C-325.
- (4) Clear statements of the roles of other administrators, teachers, and other school personnel in restoring, if necessary, and maintaining a safe, secure, and orderly school

environment.

- (5) Procedures for identifying and serving the needs of students who are at risk of academic failure or of engaging in disruptive or disorderly behavior.
- (6) Mechanisms for assessing the needs of disruptive and disorderly students and students who are at risk of academic failure, providing them with services to assist them in achieving academically and in modifying their behavior, and removing them from the classroom when necessary.
- (7) Measurable objectives for improving school safety and order.
- (8) Measures of the effectiveness of efforts to assist students at risk of academic failure or of engaging in disorderly or disruptive behavior. The measures shall include an analysis of the effectiveness of procedures adopted under G.S. 115C-105.48 for students referred to alternative schools and alternative learning programs.
- (9) Professional development clearly matched to the goals and objectives of the plan.
- (10) A plan to work effectively with local law enforcement officials and court officials to ensure that schools are safe and laws are enforced.
- (11) A plan to provide access to information to the school community, parents, and representatives of the local community on the ongoing implementation of the local plan, monitoring of the local plan, and the integration of educational and other services for students into the total school program.
- (12) The name and role description of the person responsible for implementation of the plan.
- (13) Direction to school improvement teams within the local school administrative unit to consider the special conditions at their schools and to incorporate into their school improvement plans the appropriate components of the local plan for:
  - a. maintaining safe and orderly schools; and
  - b. addressing the needs of students who are at risk of academic failure or who are disruptive or both.
- (13a) A clear statement of the services that will be provided to students who are assigned to an alternative school or an alternative learning program.
- (14) A clear and detailed statement of the planned use of federal, State, and local funds allocated for at-risk students and alternative schools and alternative learning programs.
- (15) Any other information the local board considers necessary or appropriate to implement this Article.

A local board may develop its plan under this section by conducting a comprehensive review of its existing policies, plans, statements, and procedures to determine whether they: (i) are effective; (ii) have been updated to address recent changes in the law; (iii) meet the current needs of each school in the local school administrative unit; and (iv) address the components required to be included in the local plan. The board then may consolidate and supplement any previously developed policies, plans, statements, and procedures that the board determines are effective and updated, meet the current needs of each school, and meet the requirements of this subsection.

Once developed, the board shall submit the local plan to the State Board of Education and shall ensure the plan is available and accessible to parents and the school community. The board shall provide annually to the State Board information that demonstrates how the At-Risk Student Services/Alternative Schools Funding Allotment has been used to (i) prevent academic failure and (ii) promote school safety.

(c) The local board may amend the plan as often as it considers necessary or appropriate. (1997-443, s. 8.29(r)(1); 1999-397, s. 2.)

#### **§ 115C-105.48. Placement of students in alternative schools/alternative learning programs.**

(a) Prior to referring a student to an alternative school or an alternative learning program, the referring school shall:

- (1) Document the procedures that were used to identify the student as being at risk of

academic failure or as being disruptive or disorderly.

- (2) Provide the reasons for referring the student to an alternative school or an alternative learning program.
- (3) Provide to the alternative school or alternative learning program all relevant student records, including anecdotal information.

(b) When a student is placed in an alternative school or an alternative learning program, the appropriate staff of the alternative school or alternative learning program shall meet to review the records forwarded by the referring school and to determine what support services and intervention strategies are recommended for the student. The parents shall be encouraged to provide input regarding the students' needs. (1999-397, s. 2.)

#### SUBCHAPTER V. PERSONNEL.

#### ARTICLE 18.

#### *Superintendents.*

**§ 115C-274. Removal.**

(a) Local boards of education are authorized to remove a superintendent who is guilty of immoral or disreputable conduct or who shall fail or refuse to perform the duties required of him by law. In case the State Board of Education has sufficient evidence at any time that any superintendent of schools is not capable of discharging, or is not discharging, the duties of his office as required by law or is guilty of immoral or disreputable conduct, the State Board of Education shall report this matter to the board of education employing said superintendent of schools. It shall then be the duty of that board of education to hear the evidence in the case and, if after careful investigation it shall find the charges true, it shall declare the office vacant at once and proceed to elect a successor: Provided, that such superintendent shall have the right to try his title to office in the courts of the State.

**(b) If the superintendent shall fail in the duties enumerated in G.S. 115C-276(g), 115C-276(h), 115C-276(i), or any other duties as may be assigned him, he shall be subject, after notice, to an investigation by the State Board of Education or by his board of education for failure to perform his duties. For persistent failure to perform these duties, the State Board of Education may revoke the superintendent's certificate and the superintendent may be dismissed by his board of education.**

(c) The identification by the State Board of Education of more than half the schools in a local school administrative unit as low-performing under G.S. 115C-105.30 is evidence that the superintendent is unable to fulfill the duties of the office, and the State Board may appoint an interim superintendent to carry out the duties of the superintendent under G.S. 115C-105.32, may revoke the superintendent's certificate under this section, may dismiss the superintendent under G.S. 115C-105.32, or may take any combination of these actions. (1955, c. 1372, art. 5, s. 25; art. 6, s. 4; 1981, c. 423, s. 1; 1995 (Reg. Sess., 1996), c. 716, s. 6.)

ARTICLE 22.

*General Regulations.*

Part 3. Principal and Teacher Employment Contracts.

**§ 115C-325. System of employment for public school teachers.**

- (a) Definition of Terms. – As used in this section unless the context requires otherwise:
- (1) Repealed by Session Laws 1997-221, s. 13(a), effective June 24, 1997.
  - (1a) "Career employee" as used in this section means:
    - a. An employee who has obtained career status with that local board as a teacher as provided in G.S. 115C-325(c);
    - b. An employee who has obtained career status with that local board in an administrative position as provided in G.S. 115C-325(d)(2);
    - c. A probationary teacher during the term of the contract as provided in G.S. 115C-325(m); and
    - d. A school administrator during the term of a school administrator contract as provided in G.S. 115C-287.1(c).
  - (1b) "Career school administrator" means a school administrator who has obtained career status in an administrative position as provided in G.S. 115C-325(d)(2).
  - (1c) "Career teacher" means a teacher who has obtained career status as provided in G.S. 115C-325(c).
  - (1d) "Case manager" means a person selected under G.S. 115C-325(h)(7).
  - (2) Repealed by Session Laws 1997-221, s. 13(a), effective June 24, 1997.
  - (3) "Day" means calendar day. In computing any period of time, Rule 6 of the North Carolina Rules of Civil Procedure shall apply.



- (4) "Demote" means to reduce the salary of a person who is classified or paid by the State Board of Education as a classroom teacher or as a school administrator. The word "demote" does not include: (i) a suspension without pay pursuant to G.S. 115C-325(f)(1); (ii) the elimination or reduction of bonus payments, including merit-based supplements, or a systemwide modification in the amount of any applicable local supplement; or (iii) any reduction in salary that results from the elimination of a special duty, such as the duty of an athletic coach, assistant principal, or a choral director.
- (4a) "Disciplinary suspension" means a final decision to suspend a teacher or school administrator without pay for no more than 60 days under G.S. 115C-325(f)(2).
- (5) "Probationary teacher" means a certified person, other than a superintendent, associate superintendent, or assistant superintendent, who has not obtained career-teacher status and whose major responsibility is to teach or to supervise teaching.
- (5a) "Retired teacher" means a beneficiary of the Teachers' and State Employees' Retirement System of North Carolina who has been retired at least 12 months, has not been employed in any capacity, other than as a substitute teacher, with a local board of education, for at least 12 months, is determined by a local board of education to have had satisfactory performance during the last year of employment by a local board of education, and who is employed to teach as provided in G.S. 135-3(8)c. A retired teacher shall be treated the same as a probationary teacher except that a retired teacher is not eligible for career status. [Eff. 1 Jan 1999; expires 30 Jun 2003]
- (5b) "School administrator" means a principal, assistant principal, supervisor, or director whose major function includes the direct or indirect supervision of teaching or any other part of the instructional program as provided in G.S. 115C-287.1(a)(3).
- (6) "Teacher" means a person who holds at least a current, not provisional or expired, Class A certificate or a regular, not provisional or expired, vocational certificate issued by the Department of Public Instruction; whose major responsibility is to teach or directly supervise teaching or who is classified by the State Board of Education or is paid as a classroom teacher; and who is employed to fill a full-time, permanent position.
- (7) Redesignated as (a)(5a).
- (8) "Year" for purposes of computing time as a probationary teacher shall be not less than 120 workdays performed as a probationary teacher in a full-time permanent position in a school year.

(b) Personnel Files. – The superintendent shall maintain in his office a personnel file for each teacher that contains any complaint, commendation, or suggestion for correction or improvement about the teacher's professional conduct, except that the superintendent may elect not to place in a teacher's file (i) a letter of complaint that contains invalid, outdated, or false information or (ii) a letter of complaint when there is no documentation of an attempt to resolve the issue. The complaint, commendation, or suggestion shall be signed by the person who makes it and shall be placed in the teacher's file only after five days' notice to the teacher. Any denial or explanation relating to such complaint, commendation, or suggestion that the teacher desires to make shall be placed in the file. Any teacher may petition the local board of education to remove any information from his personnel file that he deems invalid, irrelevant, or outdated. The board may order the superintendent to remove said information if it finds the information is invalid, irrelevant, or outdated.

The personnel file shall be open for the teacher's inspection at all reasonable times but shall be open to other persons only in accordance with such rules and regulations as the board adopts. Any preemployment data or other information obtained about a teacher before his employment by the board may be kept in a file separate from his personnel file and need not be made available to him. No data placed in the preemployment file may be introduced as evidence at a hearing on the dismissal or demotion of a teacher, except the data may be used to substantiate G.S. 115C-

325(e)(1)g. or G.S. 115C-325(e)(1)o. as grounds for dismissal or demotion.

- (c)(1) Election of a Teacher to Career Status. – Except as otherwise provided in subdivision (3) of this subsection, when a teacher has been employed by a North Carolina public school system for four consecutive years, the board, near the end of the fourth year, shall vote upon whether to grant the teacher career status. The board shall give the teacher written notice of that decision by June 15. If a majority of the board votes to grant career status to the teacher, and if it has notified the teacher of the decision, it may not rescind that action but must proceed under the provisions of this section for the demotion or dismissal of a teacher if it decides to terminate the teacher's employment. If a majority of the board votes against granting career status, the teacher shall not teach beyond the current school term. If the board fails to vote on granting career status:
    - a. It shall not reemploy the teacher for a fifth consecutive year;
    - b. As of June 16, the teacher shall be entitled to one month's pay as compensation for the board's failure to vote upon the issue of granting career status; and
    - c. The teacher shall be entitled to an additional month's pay for every 30 days after June 16 that the board fails to vote upon the issue of granting career status.
  - (2) Employment of a Career Teacher. – A teacher who has obtained career status in any North Carolina public school system need not serve another probationary period of more than two years. The board may grant career status immediately upon employing the teacher, or after the first or second year of employment. If a majority of the board votes against granting career status, the teacher shall not teach beyond the current term. If after two consecutive years of employment, the board fails to vote on the issue of granting career status:
    - a. It shall not reemploy the teacher for a third consecutive year;
    - b. As of June 16, the teacher shall be entitled to one month's pay as compensation for the board's failure to vote upon the issue of granting career status; and
    - c. The teacher shall be entitled to one additional month's pay for every 30 days beyond June 16 that the board fails to vote upon the issue of granting career status.
  - (2a) Notice of Teachers Eligible to Achieve Career Status. – At least 30 days prior to any board action granting career status, the superintendent shall submit to the board a list of the names of all teachers who are eligible to achieve career status. Notwithstanding any other provision of law, the list shall be a public record under Chapter 132 of the General Statutes.
  - (3) Ineligible for Career Status. – No employee of a local board of education except a teacher as defined by G.S. 115C-325(a)(6) is eligible to obtain career status or continue in a career status as a teacher if he no longer performs the responsibilities of a teacher as defined in G.S. 115C-325(a)(6). No person who is employed as a school administrator who did not acquire career status as a school administrator by June 30, 1997, shall have career status as an administrator. Further, no director or assistant principal is eligible to obtain career status as a school administrator unless he or she has already been conferred that status by the local board of education.
  - (4) Leave of Absence. – A career teacher who has been granted a leave of absence by a board shall maintain his career status if he returns to his teaching position at the end of the authorized leave.
- (d) Career Teachers and Career School Administrators.
- (1) A career teacher or career school administrator shall not be subjected to the requirement of annual reappointment nor shall he be dismissed, demoted, or employed on a part-time basis without his consent except as provided in subsection (e).
  - (2) a. The provisions of this subdivision do not apply to a person who is ineligible for career status as provided by G.S. 115C-325(c)(3).

- b. Repealed by Session Laws 1997-221, s. 13(a), effective June 24, 1997.
- c. Subject to G.S. 115C-287.1, when a teacher has performed the duties of supervisor or principal for three consecutive years, the board, near the end of the third year, shall vote upon his employment for the next school year. The board shall give him written notice of that decision by June 1 of his third year of employment as a supervisor or principal. If a majority of the board votes to reemploy the teacher as a principal or supervisor, and if it has notified him of that decision, it may not rescind that action but must proceed under the provisions of this section. If a majority of the board votes not to reemploy the teacher as a principal or supervisor, he shall retain career status as a teacher if that status was attained prior to assuming the duties of supervisor or principal. A supervisor or principal who has not held that position for three years and whose contract will not be renewed for the next school year shall be notified by June 1 and shall retain career status as a teacher if that status was attained prior to assuming the duties of supervisor or principal.

A year, for purposes of computing time as a probationary principal or supervisor, shall not be less than 145 workdays performed as a full-time, permanent principal or supervisor in a contract year.

A principal or supervisor who has obtained career status in that position in any North Carolina public school system may be required by the board of education in another school system to serve an additional three-year probationary period in that position before being eligible for career status. However, he may, at the option of the board of education, be granted career status immediately or after serving a probationary period of one or two additional years. A principal or supervisor with career status who resigns and within five years is reemployed by the same school system need not serve another probationary period in that position of more than two years and may, at the option of the board, be reemployed immediately as a career principal or supervisor or be given career status after only one year. In any event, if he is reemployed for a third consecutive year, he shall automatically become a career principal or supervisor.

- (e) Grounds for Dismissal or Demotion of a Career Employee.
  - (1) Grounds. – No career employee shall be dismissed or demoted or employed on a part-time basis except for one or more of the following:
    - a. Inadequate performance.
    - b. Immorality.
    - c. Insubordination.
    - d. Neglect of duty.
    - e. Physical or mental incapacity.
    - f. Habitual or excessive use of alcohol or nonmedical use of a controlled substance as defined in Article 5 of Chapter 90 of the General Statutes.
    - g. Conviction of a felony or a crime involving moral turpitude.
    - h. Advocating the overthrow of the government of the United States or of the State of North Carolina by force, violence, or other unlawful means.
    - i. Failure to fulfill the duties and responsibilities imposed upon teachers or school administrators by the General Statutes of this State.
    - j. Failure to comply with such reasonable requirements as the board may prescribe.
    - k. Any cause which constitutes grounds for the revocation of the career teacher's teaching certificate or the career school administrator's administrator certificate.
    - l. A justifiable decrease in the number of positions due to district reorganization, decreased enrollment, or decreased funding, provided that there is compliance with subdivision (2).
    - m. Failure to maintain his certificate in a current status.

- n. Failure to repay money owed to the State in accordance with the provisions of Article 60, Chapter 143 of the General Statutes.
  - o. Providing false information or knowingly omitting a material fact on an application for employment or in response to a preemployment inquiry.
- (2) Reduction in Force. – Before recommending to a board the dismissal or demotion of the career employee pursuant to G.S. 115C-325(e)(1)l., the superintendent shall give written notice to the career employee by certified mail or personal delivery of his intention to make such recommendation and shall set forth as part of his recommendation the grounds upon which he believes such dismissal or demotion is justified. The notice shall include a statement to the effect that if the career employee within 15 days after receipt of the notice requests a review, he shall be entitled to have the proposed recommendations of the superintendent reviewed by the board. Within the 15-day period after receipt of the notice, the career employee may file with the superintendent a written request for a hearing before the board within 10 days. If the career employee requests a hearing before the board, the hearing procedures provided in G.S. 115C-325(j3) shall be followed. If no request is made within the 15-day period, the superintendent may file his recommendation with the board. If, after considering the recommendation of the superintendent and the evidence adduced at the hearing if there is one, the board concludes that the grounds for the recommendation are true and substantiated by a preponderance of the evidence, the board, if it sees fit, may by resolution order such dismissal. Provisions of this section which permit a hearing by a case manager shall not apply to a dismissal or demotion recommended pursuant to G.S. 115C-325(e)(1)l.
- When a career employee is dismissed pursuant to G.S. 115C-325(e)(1)l. above, his name shall be placed on a list of available career employees to be maintained by the board. Career employees whose names are placed on such a list shall have a priority on all positions in which they acquired career status and for which they are qualified which become available in that system for the three consecutive years succeeding their dismissal. However, if the local school administrative unit offers the dismissed career employee a position for which he is certified and he refuses it, his name shall be removed from the priority list.
- (3) Inadequate performance. – In determining whether the professional performance of a career employee is adequate, consideration shall be given to regular and special evaluation reports prepared in accordance with the published policy of the employing local school administrative unit and to any published standards of performance which shall have been adopted by the board. Failure to notify a career employee of an inadequacy in his performance shall be conclusive evidence of satisfactory performance.
- (4) Three-year limitation on Basis of Dismissal or Demotion. – Dismissal or demotion under subdivision (1) above, except paragraphs g. and o. thereof, shall not be based on conduct or actions which occurred more than three years before the written notice of the superintendent's intention to recommend dismissal or demotion is mailed to the career employee. The three-year limitation shall not apply to dismissals or demotions pursuant to subdivision (1)b. above when the charge of immorality is based upon a career employee's sexual misconduct toward or sexual harassment of students or staff.
- (f)(1) Suspension without Pay. – If a superintendent believes that cause exists for dismissing a career employee for any reason specified in G.S. 115C-325(e)(1) and that immediate suspension of the career employee is necessary, the superintendent may suspend the career employee without pay. Before suspending a career employee without pay, the superintendent shall meet with the career employee and give him written notice of the charges against him, an explanation of the bases for the charges, and an opportunity to

respond. Within five days after a suspension under this paragraph, the superintendent shall initiate a dismissal, demotion, or disciplinary suspension without pay as provided in this section. If it is finally determined that no grounds for dismissal, demotion, or disciplinary suspension without pay exist, the career employee shall be reinstated immediately, shall be paid for the period of suspension, and all records of the suspension shall be removed from the career employee's personnel file.

- (2) Disciplinary Suspension Without Pay. – A career employee recommended for suspension without pay pursuant to G.S. 115C-325(a)(4a) may request a hearing before the board. If no request is made within 15 days, the superintendent may file his recommendation with the board. If, after considering the recommendation of the superintendent and the evidence adduced at the hearing if one is held, the board concludes that the grounds for the recommendation are true and substantiated by a preponderance of the evidence, the board, if it sees fit, may by resolution order such suspension.
- a. Board hearing for disciplinary suspensions for more than 10 days or for certain types of intentional misconduct. – The procedures for a board hearing under G.S. 115C-325(j3) shall apply if any of the following circumstances exist:
    1. The recommended disciplinary suspension without pay is for more than 10 days; or
    2. The disciplinary suspension is for intentional misconduct, such as inappropriate sexual or physical conduct, immorality, insubordination, habitual or excessive alcohol or nonmedical use of a controlled substance as defined in Article 5 of Chapter 90 of the General Statutes, any cause that constitutes grounds for the revocation of the teacher's or school administrator's certificate, or providing false information.
  - b. Board hearing for disciplinary suspensions of no more than 10 days. – The procedures for a board hearing under G.S. 115C-325(j2) shall apply to all disciplinary suspensions of no more than 10 days that are not for intentional misconduct as specified in G.S. 115C-325(f)(2)a.2.

(f1) Suspension with Pay. – If a superintendent believes that cause exists for dismissing or demoting a career employee for any reasons specified in G.S. 115C-325(e)(1), but that additional investigation of the facts is necessary and circumstances are such that the career employee should be removed immediately from his duties, the superintendent may suspend the career employee with pay for a reasonable period of time, not to exceed 90 days. The superintendent shall notify the board of education within two days of his action and shall notify the career employee within two days of the action, and the reasons for it. If the superintendent has not initiated dismissal or demotion proceedings against the career employee within the 90-day period, the career employee shall be reinstated to his duties immediately and all records of the suspension with pay shall be removed from the career employee's personnel file at his request. However, if the superintendent and the employee agree to extend the 90-day period, the superintendent may initiate dismissal or demotion proceedings against the career employee at any time during the period of the extension.

(f2) Procedure for Demotion of Career School Administrator. – If a superintendent intends to recommend the demotion of a career school administrator, the superintendent shall give written notice to the career school administrator by certified mail or personal delivery and shall include in the notice the grounds upon which the superintendent believes the demotion is justified. The notice shall include a statement that if the career school administrator requests a hearing within 15 days after receipt of the notice, the administrator shall be entitled to have the grounds for the proposed demotion reviewed by the local board of education. If the career school administrator does not request a board hearing within 15 days, the superintendent may file the recommendation of demotion with the board. If, after considering the superintendent's recommendation and the evidence presented at the hearing if one is held, the board concludes that the grounds for the

recommendation are true and substantiated by a preponderance of the evidence, the board may by resolution order the demotion. The procedures for a board hearing under G.S. 115C-325(j3) shall apply to all demotions of career school administrators.

(g) Repealed by Session Laws 1997-221, s. 13(a), effective June 24, 1997.

(h) Procedure for Dismissal or Demotion of Career Employee.

(1) a. A career employee may not be dismissed, demoted, or reduced to part-time employment except upon the superintendent's recommendation.

b. G.S. 115C-325(f2) shall apply to the demotion of a career school administrator.

(2) Before recommending to a board the dismissal or demotion of the career employee, the superintendent shall give written notice to the career employee by certified mail or personal delivery of his intention to make such recommendation and shall set forth as part of his recommendation the grounds upon which he believes such dismissal or demotion is justified. The superintendent also shall meet with the career employee and give him written notice of the charges against him, an explanation of the basis for the charges, and an opportunity to respond if the career employee has not done so under G.S. 115C-325(f)(1). The notice shall include a statement to the effect that if the career employee within 14 days after the date of receipt of the notice requests a review, he shall be entitled to have the grounds for the proposed recommendations of the superintendent reviewed by a case manager. A copy of G.S. 115C-325 and a current list of case managers shall also be sent to the career employee. If the career employee does not request a hearing with a case manager within the 14 days provided, the superintendent may submit his recommendation to the board.

(3) Within the 14-day period after receipt of the notice, the career employee may file with the superintendent a written request for either (i) a hearing on the grounds for the superintendent's proposed recommendation by a case manager or (ii) a hearing within 10 days before the board on the superintendent's recommendation. If the career employee requests an immediate hearing before the board, he forfeits his right to a hearing by a case manager. If no request is made within that period, the superintendent may file his recommendation with the board. The board, if it sees fit, may by resolution (i) reject the superintendent's recommendation or (ii) accept or modify the superintendent's recommendation and dismiss, demote, reinstate, or suspend the employee without pay. If a request for review is made, the superintendent shall not file his recommendation for dismissal with the board until a report of the case manager is filed with the superintendent.

(4) Repealed by Session Laws 1997-221, s. 13(a), effective June 24, 1997.

(5) If the career employee elects to request a hearing by a case manager, the career employee and superintendent shall each have the right to eliminate up to one-third of the names on the approved list of case managers. The career employee shall specify those case managers who are not acceptable in the career employee's request for a review of the superintendent's proposed recommendation under G.S. 115C-325(h)(3). The superintendent and career employee may jointly select a person to serve as case manager. The person need not be on the master list of case managers maintained by the Superintendent of Public Instruction.

(6) If a career employee requests a review by a case manager, the superintendent shall notify the Superintendent of Public Instruction within two days' receipt of the request. The notice shall contain a list of the case managers the career employee and the superintendent have eliminated from the master list or the name of a person, if any, jointly selected. Failure to exercise the right to eliminate names from the master list shall constitute a waiver of that right.

(7) The Superintendent of Public Instruction shall select a case manager within three days of receiving notice from the superintendent. The Superintendent of Public Instruction

shall designate the person jointly selected by the parties to serve as case manager provided the person agrees to serve as case manager and can meet the requirements for time frames for the hearing and report as provided in G.S. 115C-325(i1)(1). If a case manager was not jointly selected or if the case manager is not available, the Superintendent of Public Instruction shall select a case manager from the master list. No person eliminated by the career employee or superintendent shall be designated case manager.

- (8) The superintendent and career employee shall provide each other with copies of all documents submitted to the Superintendent of Public Instruction or to the designated case manager.
- (h1) Case Managers; Qualifications; Training; Compensation.
  - (1) Each year the State Board of Education shall select and maintain a master list of no more than 42 qualified case managers.
  - (2) Persons selected by the State Board as case managers shall be: (i) certified as a North Carolina Superior Court mediator; (ii) a member of the American Arbitration Association's roster of arbitrators and mediators; or (iii) have comparable certification in alternative dispute resolution. Case managers must complete a special training course approved by the State Board of Education.
  - (3) The State Board of Education shall determine the compensation for a case manager. The State Board shall pay the case manager's compensation and reimbursement for expenses.
- (i) Repealed by Session Laws 1997-221, s. 13(a), effective June 24, 1997.
- (i1) Report of Case Manager; Superintendent's Recommendation.
  - (1) The case manager shall complete the hearing held in accordance with G.S. 115C-325(j) and prepare the report within 10 days from the time of the designation. The case manager may extend the period of time by up to five additional days if the case manager informs the superintendent and the career employee that justice requires that a greater time be spent in connection with the investigation and the preparation of the report. Furthermore, the superintendent and the career employee may agree to an extension of more than five days.
  - (2) The case manager shall make all necessary findings of fact, based upon the preponderance of the evidence, on all issues related to each and every ground for dismissal and on all relevant matters related to the question of whether the superintendent's recommendation is justified. The case manager also shall make a recommendation as to whether the findings of fact substantiate the superintendent's grounds for dismissal. The case manager shall deliver copies of the report to the superintendent and the career employee.
  - (3) Within two days after receiving the case manager's report, the superintendent shall decide whether to submit a written recommendation to the local board for dismissal, demotion, or disciplinary suspension without pay to the board or to drop the charges against the career employee. The superintendent shall notify the career employee, in writing, of the decision.
  - (4) If the superintendent contends that the case manager's report fails to address a critical factual issue, the superintendent shall within three days receipt of the case manager's report, request in writing with a copy to the career employee that the case manager prepare a supplement to the report. The superintendent shall specify what critical factual issue the superintendent contends the case manager failed to address. If the case manager determines that the report failed to address a critical factual issue, the case manager may prepare a supplement to the report to address the issue and deliver the supplement to both parties before the board hearing. The failure of the case manager to prepare a supplemental report or to address a critical factual issue shall not constitute a

basis for appeal.

(j) Hearing by a Case Manager. – The following provisions shall apply to a hearing conducted by the case manager.

- (1) The hearing shall be private.
- (2) The hearing shall be conducted in accordance with reasonable rules and regulations adopted by the State Board of Education to govern case manager hearings.
- (3) At the hearing the career employee and the superintendent or the superintendent's designee shall have the right to be present and to be heard, to be represented by counsel and to present through witnesses any competent testimony relevant to the issue of whether grounds for dismissal or demotion exist or whether the procedures set forth in G.S. 115C-325 have been followed.
- (4) Rules of evidence shall not apply to a hearing conducted by a case manager and the case manager may give probative effect to evidence that is of a kind commonly relied on by reasonably prudent persons in the conduct of serious affairs.
- (5) At least five days before the hearing, the superintendent shall provide to the career employee a list of witnesses the superintendent intends to present, a brief statement of the nature of the testimony of each witness and a copy of any documentary evidence the superintendent intends to present. At least three days before the hearing, the career employee shall provide to the superintendent a list of witnesses the career employee intends to present, a brief statement of the nature of the testimony of each witness and a copy of any documentary evidence the career employee intends to present. Additional witnesses or documentary evidence may not be presented except upon a finding by the case manager that the new evidence is critical to the matter at issue and the party making the request could not, with reasonable diligence, have discovered and produced the evidence according to the schedule provided in this subdivision.
- (6) The case manager may subpoena and swear witnesses and may require them to give testimony and to produce records and documents relevant to the grounds for dismissal.
- (7) The case manager shall decide all procedural issues, including limiting cumulative evidence, necessary for a fair and efficient hearing.
- (8) The superintendent shall provide for making a transcript of the hearing. If the career employee contemplates a hearing before the board or to appeal the board's decision to a court of law, the career employee may request and shall receive at no charge a transcript of the proceedings before the case manager.

(j1) Board Determination.

- (1) Within two days after receiving the superintendent's notice of intent to recommend the career employee's dismissal to the board, the career employee shall decide whether to request a hearing before the board and shall notify the superintendent, in writing, of the decision. If the career employee can show that the request for a hearing was postmarked within the time provided, the career employee shall not forfeit the right to a board hearing. Within two days after receiving the career employee's request for a board hearing, the superintendent shall request that a transcript of the case manager hearing be made. Within two days of receiving a copy of the transcript, the superintendent shall submit to the board the written recommendation and shall provide a copy of the recommendation to the career employee. The superintendent's recommendation shall state the grounds for the recommendation and shall be accompanied by a copy of the case manager's report and a copy of the transcript of the case manager hearing.
- (2) If the career employee contends that the case manager's report fails to address a critical factual issue the career employee shall, at the same time he notifies the superintendent of a request for a board hearing pursuant to G.S. 115C-325(j1)(1), request in writing with a copy to the superintendent that the case manager prepare a supplement to the



case manager's report. The career employee shall specify the critical factual issue he contends the case manager failed to address. If the case manager determines that the report failed to address a critical factual issue, the case manager may prepare a supplement to the report to address the issue and shall deliver the supplement to both parties before the board hearing. The failure of the case manager to prepare a supplemental report or to address a critical factual issue shall not constitute a basis for appeal.

- (3) Within two days after receiving the superintendent's recommendation and before taking any formal action, the board shall set a time and place for the hearing and shall notify the career employee by certified mail or personal delivery of the date, time, and place of the hearing. The time specified shall not be less than seven nor more than 10 days after the board has notified the career employee, unless both parties agree to an extension. If the career employee did not request a hearing, the board may, by resolution, reject the superintendent's decision, or accept or modify the decision and dismiss, demote, reinstate, or suspend the career employee without pay.
- (4) If the career employee requests a board hearing, it shall be conducted in accordance with G.S. 115C-325(j2).
- (5) The board shall make a determination and may (i) reject the superintendent's recommendation or (ii) accept or modify the recommendation and dismiss, demote, reinstate, or suspend the employee without pay.
- (6) Within two days following the hearing, the board shall send a written copy of its findings and determination to the career employee and the superintendent.

(j2) Board Hearing. – The following procedures shall apply to a hearing conducted by the board:

- (1) The hearing shall be private.
- (2) If the career employee requested a hearing by a case manager, the board shall receive the following:
  - a. The whole record from the hearing held by the case manager, including a transcript of the hearing, as well as any other records, exhibits, and documentary evidence submitted to the case manager at the hearing.
  - b. The case manager's findings of fact, including any supplemental findings prepared by the case manager under G.S. 115C-325 (i1)(4) or G.S. 115C-325(j1)(2).
  - c. The case manager's recommendation as to whether the grounds in G.S. 115C-325(e) submitted by the superintendent are substantiated.
  - d. The superintendent's recommendation and the grounds for the recommendation.
- (3) If the career employee did not request a hearing by a case manager, the board shall receive the following:
  - a. Any documentary evidence the superintendent intends to use to support the recommendation. The superintendent shall provide the documentary evidence to the career employee seven days before the hearing.
  - b. Any documentary evidence the career employee intends to use to rebut the superintendent's recommendation. The career employee shall provide the superintendent with the documentary evidence three days before the hearing.
  - c. The superintendent's recommendation and the grounds for the recommendation.
- (4) The superintendent and career employee may submit a written statement not less than three days before the hearing.
- (5) The superintendent and career employee shall be permitted to make oral arguments to the board based on the record before the board.
- (6) No new evidence may be presented at the hearing except upon a finding by the board that the new evidence is critical to the matter at issue and the party making the request could not, with reasonable diligence, have discovered and produced the evidence at the

hearing before the case manager.

- (7) The board shall accept the case manager's findings of fact unless a majority of the board determines that the findings of fact are not supported by substantial evidence when reviewing the record as a whole. In such an event, the board shall make alternative findings of fact. If a majority of the board determines that the case manager did not address a critical factual issue, the board may remand the findings of fact to the case manager to complete the report to the board. If the case manager does not submit the report within seven days receipt of the board's request, the board may determine its own findings of fact regarding the critical factual issues not addressed by the case manager. The board's determination shall be based upon a preponderance of the evidence.
- (8) The board is not required to provide a transcript of the hearing to the career employee. If the board elects to make a transcript and if the career employee contemplates an appeal to a court of law, the career employee may request and shall receive at no charge a transcript of the proceedings. A career employee may have the hearing transcribed by a court reporter at the career employee's expense.

(j3) Board Hearing for Certain Disciplinary Suspensions, Demotions of Career School Administrators, and for Reductions in Force. – The following procedures shall apply for a board hearing under G.S. 115C-325(e)(2), G.S. 115C-325(f2), and G.S. 115C-325(f)(2)a.:

- (1) The hearing shall be private.
- (2) The hearing shall be conducted in accordance with reasonable rules adopted by the State Board of Education to govern such hearings.
- (3) At the hearing, the career employee and the superintendent shall have the right to be present and to be heard, to be represented by counsel, and to present through witnesses any competent testimony relevant to the issue of whether grounds exist for a disciplinary suspension without pay under G.S. 115C-325(f)(2)a., a demotion of a career school administrator under G.S. 115C-325(f2), or whether the grounds for a dismissal or demotion due to a reduction in force is justified.
- (4) Rules of evidence shall not apply to a hearing under this subsection and the board may give probative effect to evidence that is of a kind commonly relied on by reasonably prudent persons in the conduct of serious affairs.
- (5) At least eight days before the hearing, the superintendent shall provide to the career employee a list of witnesses the superintendent intends to present, a brief statement of the nature of the testimony of each witness, and a copy of any documentary evidence the superintendent intends to present.
- (6) At least six days before the hearing, the career employee shall provide the superintendent a list of witnesses the career employee intends to present, a brief statement of the nature of the testimony of each witness, and a copy of any documentary evidence the career employee intends to present.
- (7) No new evidence may be presented at the hearing except upon a finding by the board that the new evidence is critical to the matter at issue and the party making the request could not, with reasonable diligence, have discovered and produced the evidence according to the schedule provided in this subsection.
- (8) The board may subpoena and swear witnesses and may require them to give testimony and to produce records and documents relevant to the grounds for suspension without pay.
- (9) The board shall decide all procedural issues, including limiting cumulative evidence, necessary for a fair and efficient hearing.
- (10) The superintendent shall provide for making a transcript of the hearing. If the career employee contemplates an appeal of the board's decision to a court of law, the career employee may request and shall receive at no charge a transcript of the proceedings.

(k), (l) Repealed by Session Laws 1997-221, s. 13(a), effective June 24, 1997.

(m) Probationary Teacher.

(1) The board of any local school administrative unit may not discharge a probationary teacher during the school year except for the reasons for and by the procedures by which a career employee may be dismissed as set forth in subsections (e), (f), (f1), and (h) to (j3) above.

(2) The board, upon recommendation of the superintendent, may refuse to renew the contract of any probationary teacher or to reemploy any teacher who is not under contract for any cause it deems sufficient: Provided, however, that the cause may not be arbitrary, capricious, discriminatory or for personal or political reasons.

(n) Appeal. – Any career employee who has been dismissed or demoted under G.S. 115C-325(e)(2), or under G.S. 115C-325(j2), or who has been suspended without pay under G.S. 115C-325(a)(4a), or any school administrator whose contract is not renewed in accordance with G.S. 115C-287.1, or any probationary teacher whose contract is not renewed under G.S. 115C-325(m)(2) shall have the right to appeal from the decision of the board to the superior court for the superior court district or set of districts as defined in G.S. 7A-41.1 in which the career employee is employed. This appeal shall be filed within a period of 30 days after notification of the decision of the board. The cost of preparing the transcript shall be determined under G.S. 115C-325(j2)(8) or G.S. 115C-325(j3)(10). A career employee who has been demoted or dismissed, or a school administrator whose contract is not renewed, who has not requested a hearing before the board of education pursuant to this section shall not be entitled to judicial review of the board's action.

(o) Resignation; Nonrenewal of Contract. – A teacher, career or probationary, should not resign without the consent of the superintendent unless he has given at least 30 days' notice. If the teacher does resign without giving at least 30 days' notice, the board may request that the State Board of Education revoke the teacher's certificate for the remainder of that school year. A copy of the request shall be placed in the teacher's personnel file.

A probationary teacher whose contract will not be renewed for the next school year shall be notified of this fact by June 15.

(p) Section Applicable to Certain Institutions. – Notwithstanding any law or regulation to the contrary, this section shall apply to all persons employed in teaching and related educational classes in the schools and institutions of the Departments of Health and Human Services and Correction or the Office of Juvenile Justice regardless of the age of the students.

(p1) Procedure for Dismissal of School Administrators and Teachers Employed in Low-Performing Residential Schools. –

(1) Notwithstanding any other provision of this section or any other law, this subdivision shall govern the dismissal by the Secretary of Health and Human Services of teachers, principals, assistant principals, directors, supervisors, and other certificated personnel assigned to a residential school that the State Board has identified as low-performing and to which the State Board has assigned an assistance team under Part 3A of Article 3 of Chapter 143B of the General Statutes. The Secretary shall dismiss a teacher, principal, assistant principal, director, supervisor, and other certificated personnel when the Secretary receives two consecutive evaluations that include written findings and recommendations regarding that person's inadequate performance from the assistance team. These findings and recommendations shall be substantial evidence of the inadequate performance of the teacher or school administrator.

The Secretary may dismiss a teacher, principal, assistant principal, director, supervisor, or other certificated personnel when:

a. The Secretary determines that the school has failed to make satisfactory improvement after the State Board assigned an assistance team to that school under Part 3A of Article 3 of Chapter 143B of the General Statutes; and

- b. That assistance team makes the recommendation to dismiss the teacher, principal, assistant principal, director, supervisor, or other certificated personnel for one or more grounds established in G.S. 115C-325(e)(1) for dismissal or demotion of a career employee.

Within 30 days of any dismissal under this subdivision, a teacher, principal, assistant principal, director, supervisor, or other certificated personnel may request a hearing before a panel of three members designated by the Secretary. The Secretary shall adopt procedures to ensure that due process rights are afforded to persons recommended for dismissal under this subdivision. Decisions of the panel may be appealed on the record to the Secretary, with further right of judicial review under Chapter 150B of the General Statutes.

- (2) Notwithstanding any other provision of this section or any other law, this subdivision shall govern the dismissal by the Secretary of Health and Human Services of certificated staff members who have engaged in a remediation plan under G.S. 115C-105.38A(c) but who, after one retest, fail to meet the general knowledge standard set by the State Board. The failure to meet the general knowledge standard after one retest shall be substantial evidence of the inadequate performance of the certified staff member.

Within 30 days of any dismissal under this subdivision, a certificated staff member may request a hearing before a panel of three members designated by the Secretary of Health and Human Services. The Secretary shall adopt procedures to ensure that due process rights are afforded to certificated staff members recommended for dismissal under this subdivision. Decisions of the panel may be appealed on the record to the Secretary, with further right of judicial review under Chapter 150B of the General Statutes.

- (3) The Secretary of Health and Human Services or the superintendent of a residential school may terminate the contract of a school administrator dismissed under this subsection. Nothing in this subsection shall prevent the Secretary from refusing to renew the contract of any person employed in a school identified as low-performing under Part 3A of Article 3 of Chapter 143B of the General Statutes.
- (4) Neither party to a school administrator contract is entitled to damages under this subsection.
- (5) The Secretary of Health and Human Services shall have the right to subpoena witnesses and documents on behalf of any party to the proceedings under this subsection.

(q) Procedure for Dismissal of School Administrators and Teachers Employed in Low-Performing Schools.

- (1) Notwithstanding any other provision of this section or any other law, this subdivision governs the State Board's dismissal of principals assigned to low-performing schools to which the Board has assigned an assistance team:
  - a. The State Board through its designee may, at any time, recommend the dismissal of any principal who is assigned to a low-performing school to which an assistance team has been assigned. The State Board through its designee shall recommend the dismissal of any principal when the Board receives from the assistance team assigned to that principal's school two consecutive evaluations that include written findings and recommendations regarding the principal's inadequate performance.
  - b. If the State Board through its designee recommends the dismissal of a principal under this subdivision, the principal shall be suspended with pay pending a hearing before a panel of three members of the State Board. The purpose of this hearing, which shall be held within 60 days after the principal is suspended, is to determine whether the principal shall be dismissed.
  - c. The panel shall order the dismissal of the principal if it determines from available

information, including the findings of the assistance team, that the low performance of the school is due to the principal's inadequate performance.

- d. The panel may order the dismissal of the principal if (i) it determines that the school has not made satisfactory improvement after the State Board assigned an assistance team to that school; and (ii) the assistance team makes the recommendation to dismiss the principal for one or more grounds established in G.S. 115C-325(e)(1) for dismissal or demotion of a career employee.
  - e. If the State Board or its designee recommends the dismissal of a principal before the assistance team assigned to the principal's school has evaluated that principal, the panel may order the dismissal of the principal if the panel determines from other available information that the low performance of the school is due to the principal's inadequate performance.
  - f. In all hearings under this subdivision, the burden of proof is on the principal to establish that the factors leading to the school's low performance were not due to the principal's inadequate performance. In all hearings under sub-subdivision d. of this subdivision, the burden of proof is on the State Board to establish that the school failed to make satisfactory improvement after an assistance team was assigned to the school and to establish one or more of the grounds established for dismissal or demotion of a career employee under G.S. 115C-325(e)(1).
  - g. In all hearings under this subdivision, two consecutive evaluations that include written findings and recommendations regarding that person's inadequate performance from the assistance team are substantial evidence of the inadequate performance of the principal.
  - h. The State Board shall adopt procedures to ensure that due process rights are afforded to principals under this subdivision. Decisions of the panel may be appealed on the record to the State Board, with further right of judicial review under Chapter 150B of the General Statutes.
- (2) Notwithstanding any other provision of this section or any other law, this subdivision shall govern the State Board's dismissal of teachers, assistant principals, directors, and supervisors assigned to schools that the State Board has identified as low-performing and to which the State Board has assigned an assistance team under Article 8B of this Chapter. The State Board shall dismiss a teacher, assistant principal, director, or supervisor when the State Board receives two consecutive evaluations that include written findings and recommendations regarding that person's inadequate performance from the assistance team. These findings and recommendations shall be substantial evidence of the inadequate performance of the teacher or school administrator.

The State Board may dismiss a teacher, assistant principal, director, or supervisor when:

- a. The State Board determines that the school has failed to make satisfactory improvement after the State Board assigned an assistance team to that school under G.S. 115C-105.31; and
- b. That assistance team makes the recommendation to dismiss the teacher, assistant principal, director, or supervisor for one or more grounds established in G.S. 115C-325(e)(1) for dismissal or demotion of a career teacher.

A teacher, assistant principal, director, or supervisor may request a hearing before a panel of three members of the State Board within 30 days of any dismissal under this subdivision. The State Board shall adopt procedures to ensure that due process rights are afforded to persons recommended for dismissal under this subdivision. Decisions of the panel may be appealed on the record to the State Board, with further right of judicial review under Chapter 150B of the General Statutes.

- (2a) Notwithstanding any other provision of this section or any other law, this subdivision

shall govern the State Board's dismissal of certified staff members who have engaged in a remediation plan under G.S. 115C-105.38A(c) but who, after one retest, fail to meet the general knowledge standard set by the State Board. The failure to meet the general knowledge standard after one retest shall be substantial evidence of the inadequate performance of the certified staff member.

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

- (3) The State Board of Education or a local board may terminate the contract of a school administrator dismissed under this subsection. Nothing in this subsection shall prevent a local board from refusing to renew the contract of any person employed in a school identified as low-performing under G.S. 115C-105.30.
- (4) Neither party to a school administrator contract is entitled to damages under this subsection.
- (5) The State Board shall have the right to subpoena witnesses and documents on behalf of any party to the proceedings under this subsection. (1955, c. 664; 1967, c. 223, s. 1; 1971, c. 883; c. 1188, s. 2; 1973, c. 315, s. 1; c. 782, ss. 1-30; 1979, c. 864, s. 2; 1981, c. 423, s. 1; c. 538, ss. 1-3; c. 731, s. 1; c. 1127, ss. 39, 40; 1981 (Reg. Sess., 1982), c. 1282, s. 30; 1983, c. 770, ss. 1-15; 1983 (Reg. Sess., 1984), c. 1034, s. 34; 1985, c. 791, s. 5(a); 1985 (Reg. Sess., 1986), c. 1014, s. 60(a); 1987, c. 395, s. 2; c. 540; c. 571, s. 3; 1987 (Reg. Sess., 1988), c. 1037, s. 109; 1991 (Reg. Sess., 1992), c. 942, s. 1; c. 1038, s. 14; 1993, c. 169, s. 1; c. 210, ss. 1-3; 1993 (Reg. Sess., 1994), c. 677, s.10; 1995, c. 369, s. 2; 1995 (Reg. Sess., 1996), c. 716, s. 8; 1997-221, ss. 11(a), (13a); 1997-443, s. 11A.118(a); 1998-5, s. 2; 1998-59, s. 3; 1998-131, s. 6; 1998-202, s. 4(o); 1998-212, s. 28.24(c); 1998-217, s. 67.1(a); 1999-96, ss. 1-5.)

#### Part 7. Personnel Evaluations.

### **§ 115C-333. Evaluation of certified employees including certain superintendents; action plans; State board notification upon dismissal of employees.**

(a) Annual Evaluations; Low-Performing Schools. – Local school administrative units shall evaluate at least once each year all certified employees assigned to a school that has been identified as low-performing, but has not received an assistance team. The evaluation shall occur early enough during the school year to provide adequate time for the development and implementation of an action plan if one is recommended under subsection (b) of this section. If the employee is a teacher as defined under G.S. 115C-325(a)(6), either the principal, the assistant principal who supervises the teacher, or an assessment team assigned under G.S. 115C-334 shall conduct the evaluation. If the employee is a school administrator as defined under G.S. 115C-287.1(a)(3), either the superintendent or the superintendent's designee shall conduct the evaluation.

Notwithstanding this subsection or any other law, all teachers who have not attained career status shall be observed at least three times annually by the principal or the principal's designee and at least once annually by a teacher and shall be evaluated at least once annually by a principal. All other employees defined as teachers under G.S. 115C-325(a)(6) who are assigned to schools that are not designated as low-performing shall be evaluated annually unless a local board adopts rules that allow specified categories of teachers with career status to be evaluated more or less frequently. Local boards also may adopt rules requiring the annual evaluation of noncertified employees. This section shall not be construed to limit the duties and authority of an assistance

team assigned to a low-performing school under G.S. 115C-105.38.

A local board shall use the performance standards and criteria adopted by the State Board unless the board develops an alternative evaluation that is properly validated and that includes standards and criteria similar to those adopted by the State Board. All other provisions of this section shall apply if a local board uses an evaluation other than one adopted by the State Board.

(b) Action Plans. –

(1) If a certified employee in a low-performing school receives an unsatisfactory or below standard rating on any function of the evaluation that is related to the employee's instructional duties, the individual or team that conducted the evaluation shall recommend to the superintendent that: (i) the employee receive an action plan designed to improve the employee's performance; or (ii) the superintendent recommend to the local board that the employee be dismissed or demoted. The superintendent shall determine whether to develop an action plan or to recommend a dismissal proceeding. Action plans shall be developed by the person who evaluated the employee or the employee's supervisor unless the evaluation was conducted by an assistance team or an assessment team. If the evaluation was conducted by an assistance team or an assessment team, that team shall develop the action plan in collaboration with the employee's supervisor. Action plans shall be designed to be completed within 90 instructional days or before the beginning of the next school year. The State Board shall develop guidelines that include strategies to assist local boards in evaluating certified employees and developing effective action plans within the time allotted under this section. Local boards may adopt policies for the development and implementation of action plans or professional development plans for employees who do not require action plans under this section.

(2) Local boards shall adopt policies to require action plans for all certified employees who receive a below standard or unsatisfactory rating on an evaluation in the event the superintendent does not recommend dismissal, demotion, or nonrenewal.

(c) Reevaluation. – Upon completion of an action plan under subdivision (1) of subsection (b) of this section, the superintendent, the superintendent's designee, or the assessment team shall evaluate the employee a second time. If on the second evaluation the employee receives one unsatisfactory or more than one below standard rating on any function that is related to the employee's instructional duties, the superintendent shall recommend that the employee be dismissed or demoted under G.S. 115C-325. The results of the second evaluation shall constitute substantial evidence of the employee's inadequate performance.

(d) State Board Notification. – If a local board dismisses an employee for any reason except a reduction in force under G.S. 115C-325(e)(1)l. it shall notify the State Board of the action, and the State Board annually shall provide to all local boards the names of those individuals. If a local board hires one of these individuals, within 60 days the superintendent or the superintendent's designee shall observe the employee, develop an action plan to assist the employee, and submit the plan to the State Board. The State Board shall review the action plan and may provide comments and suggestions to the superintendent. If on the next evaluation the employee receives an unsatisfactory or below standard rating on any function that is related to the employee's instructional duties, the local board shall notify the State Board and the State Board shall revoke the employee's certificate under G.S. 115C-296(d). If on the next evaluation the employee receives at least a satisfactory rating on all the functions related to the employee's instructional duties, the local board shall notify the State Board that the employee is in good standing and the State Board shall not continue to provide the individual's name to local boards under this subsection unless the employee is subsequently dismissed under G.S. 115C-325 except for a reduction in force.

(e) Civil Immunity. – There shall be no liability for negligence on the part of the State Board of Education or a local board of education, or their employees, arising from any action taken or

omission by any of them in carrying out the provisions of this section. The immunity established by this subsection shall not extend to gross negligence, wanton conduct, or intentional wrongdoing that would otherwise be actionable. The immunity established by this subsection shall be deemed to have been waived to the extent of indemnification by insurance, indemnification under Articles 31A and 31B of Chapter 143 of the General Statutes, and to the extent sovereign immunity is waived under the Tort Claims Act, as set forth in Article 31 of Chapter 143 of the General Statutes.

(f) Local Board Evaluation of Certain Superintendents. – Each year the local board of education shall evaluate the superintendent employed by the local school administrative unit and report to the State Board the results of that evaluation if during that year the State Board designated as low-performing:

- (1) One or more schools in a local school administrative unit that has no more than 10 schools.
- (2) Two or more schools in a local school administrative unit that has no more than 20 schools.
- (3) Three or more schools in a local school administrative unit that has more than 20 schools. (1998-5, s. 4; 1998-220, ss. 14, 15.)

#### **§ 115C-334. Assessment teams.**

The State Board shall develop guidelines for local boards to use to create assessment teams. A local board shall assign an assessment team to every low-performing school in the local school administrative unit that has not received an assistance team. Local boards shall ensure that assessment team members are trained in the proper administration of the employee evaluation used by the local school administrative unit. If service on an assessment team is an additional duty for an employee of a local board, the board may pay the employee for that additional work.

Assessment teams shall have the following duties:

- (1) Conduct evaluations of certified employees in low-performing schools;
- (2) Provide technical assistance and training to principals, assistant principals, superintendents, and superintendents' designees who conduct evaluations of certified employees;
- (3) Develop action plans for certified employees; and
- (4) Assist principals, assistant principals, superintendents, and superintendents' designees in the development and implementation of action plans. (1998-5, s. 4.)

#### **§ 115C-335. Development of performance standards and criteria for certified employees; training and remediation programs.**

(a) Development of Performance Standards. – The State Board, in consultation with local boards of education, shall revise and develop uniform performance standards and criteria to be used in evaluating certified public school employees, including school administrators. These standards and criteria shall include improving student achievement, employee skills, and employee knowledge. The standards and criteria for school administrators also shall include building-level gains in student learning and effectiveness in providing for school safety and enforcing student discipline. The State Board shall develop rules regarding the use of these standards and criteria. The State Board also shall develop guidelines for evaluating superintendents. The guidelines shall include criteria for evaluating a superintendent's effectiveness in providing safe schools and enforcing student discipline.

(b) Training. – The State Board, in collaboration with the Board of Governors of The University of North Carolina, shall develop programs designed to train principals and superintendents in the proper administration of the employee evaluations developed by the State Board. The Board of Governors shall use the professional development programs for public school employees that are under its authority to make this training available to all principals and



superintendents at locations that are geographically convenient to local school administrative units. The programs shall include methods to determine whether an employee's performance has improved student learning, the development and implementation of appropriate action plans, the process for contract nonrenewal, and the dismissal process under G.S. 115C-325. The Board of Governors shall ensure that the subject matter of the training programs is incorporated into the masters in school administration programs offered by the constituent institutions. The State Board, in collaboration with the Board of Governors, also shall develop in-service programs for certified public school employees that may be included in an action plan created under G.S. 115C-333(b). The Board of Governors shall use the professional development programs for public school employees that are under its authority to make this training available at locations that are geographically convenient to local school administrative units. (1998-5, s. 4.)