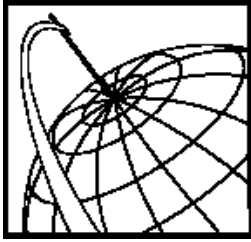


# A G E N D A

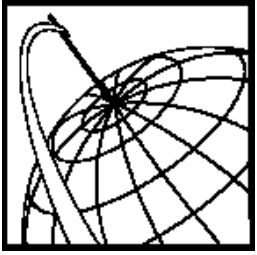


**Durham Public Schools Board of Education  
Administrative Services Committee  
November 8, 2011  
Fuller Administration Building, 511 Cleveland Street, Durham, NC**

1. Call to Order 4:30 p.m.
2. Moment of Silence
3. Agenda Review and Approval
4. Administrative Services Committee Meeting Minutes
  - October 13, 2011
5. Public Comment
6. I. **Operational Services**
  - a. R. N. Harris Elementary School – Bids for Installation of Mobile Classrooms
  - b. Merrick-Moore Elementary School – Installation of HVAC Controls
  - c. 2007 Bond Project Transfer
7. II. **Human Resources**
  - a. Proposed Board Policy 5240 – *Evaluations and Improvement Plans*
8. Adjournment

### ***Mission Statement***

*In collaboration with our community and parents, the mission of Durham Public Schools is to provide all students with an outstanding education that motivates them to reach their full potential and enables them to discover their interests and talents, pursue their goals and dreams, and succeed in college, in the workforce and as engaged citizens.*



Date: November 8, 2011

**Durham Public Schools  
ADMINISTRATIVE SERVICES COMMITTEE  
OF THE BOARD OF EDUCATION  
PRECIS**

**Subject:** Administrative Services Committee Meeting Minutes

**Staff Liaison Present:**

**Phone #**

**Main Points:**

Attached for committee consideration and approval are the following meeting minutes:

- October 13, 2011

**Fiscal/Goal Implications:**

None

<b>Recommendation</b>	
Information	<input type="checkbox"/>
Discussion	<input type="checkbox"/>
Action	<input checked="" type="checkbox"/>
Consent	<input type="checkbox"/>

MINUTES  
Administrative Services Committee of the  
Durham Public Schools of Education  
October 13, 2011

The Administrative Services Committee of the Durham Public Schools Board of Education held a meeting on Thursday, October 13, 2011 at 4:30 p.m. in the Board Room of the Fuller Building, 511 Cleveland Street, Durham, NC.

*Committee members present:* Natalie Beyer, Chair, Nancy Cox, Omega Parker, Minnie Forte-Brown, Leigh Bordley, Heidi Carter and Fredrick Davis, Vice-Chair.

*Staff members present:* Hugh Osteen, Assistant Superintendent of Operational Services; Dr. Ferebee, Chief of Staff; Jeff Nash, Interim Communication Officer; Nadine Blake, Executive Director of Child Nutrition Services; Le Boler, Program Strategist; Tim Carr, Program Manager for Construction & Capital Planning; Sheila Miglarese, Volunteer Coordinator; Sheldon Reynolds, Principal, Lakewood Middle Montessori; Debra Stager, Attorney, Tharrington-Smith; and Ann Majestic, Attorney, Tharrington-Smith.

Ms. Beyer called the meeting to order. A moment of silence was observed.

Ms. Beyer requested a review of the agenda and there were no changes.

Ms. Beyer requested a review of the September 1, 2011 minutes. Ms. Bordley made a motion to approve the minutes; seconded by Ms. Carter; the motion passed unanimously.

There was one speaker for public comment:

- Victoria Dysthe, Durham School of the Arts (DSA) parent, requested that the school board consider reinstating the sibling preference policy at DSA. Ms. Dysthe shared that the absence of the policy divides families, imposes limits on choices available to parents of two or more children when considering DSA for their children's secondary education. Ms. Dysthe shared that there is very strong support at DSA in favor of the sibling policy. Ms. Dysthe stated that a questionnaire soliciting opinions was handed out during Open House on August 23.

**Attorney Retainer Agreement**

Mr. Osteen shared that Tharrington-Smith, LLP, has provided the board with a proposed retainer agreement which includes increased rates. Ms. Osteen recognized Ann Majestic, board attorney, to present the item.

Ms. Majestic stated that the retainer rates have remained unchanged since 2009, while expenses have continued to increase.

Ms. Majestic shared that effective January 1, 2012; rates will increase \$10.00 per hour to \$185.00 for Partners, \$170.00 for Associates and \$90.00 for Paralegals. Ms. Majestic explained that the \$1,500 monthly retainer amount has remained the same since 1992, and that amount will not increase.

Ms. Carter made a motion to move this item to the consent agenda; seconded by Ms. Bordley; the motion passed unanimously.

### **Redistricting for Board of Education Elections**

Ms. Stagner, board attorney, stated that due to population shifts, districts for the election of Board of Education members will require adjustment prior to the next election.

Ms. Stagner shared that Durham County has a total 2010 census population of 267,587. Ms. Stagner explained if the four base districts were exactly equal each would have a population of 66,897. Ms. Stagner stated that the four districts are out of balance. Ms. Stagner explained that District 2 has the fewest people, and is 5.81 percent below the ideal size, while District 4 has the greatest population, which is 7.98 percent above the ideal. Ms. Stagner shared that the simplest means of bringing the four districts within the right balance would be the movement of entire precincts since the current districts do not split any precincts.

Ms. Stagner stated that there are 2 proposed alternatives and discussed them in detail. Ms. Stagner shared that both alternatives leave all incumbent members in the same districts as they are currently.

Ms. Forte-Brown suggested that the administration put the proposed alternatives on the web site for public review. The group also suggested that a public input meeting be held on this item and recommended November 10, 2011.

Ms. Carter made a motion to move the item to the agenda for action; seconded by Ms. Bordley; the motion passed unanimously.

### **Strategic Plan Update**

Ms. Boler shared a detailed update on the Strategic Plan. Ms. Boler reviewed major outcomes, highlights, accomplishments and next steps which she shared with a handout on "Implementation Status Worksheet".

Ms. Boler explained the Strategic Plan is largely on track with 61 percent of the strategies that have a 2011 completion target either already done or on track to be completed on time.

Dr. Ferebee, Sheldon Reynolds, Principal at Lakewood Montessori and Sheila Miglarese participated in the presentation discussing Academic Acceleration and Communications and Partnerships, respectively.

This is for the board's information only.

### **Child Nutrition Services – Equipment Bids**

Ms. Blake stated that in order to ensure safety standards and provide optional serving opportunities for speed and efficiency in cafeterias, Child Nutrition Services must replace outdated equipment and serving lines.

Ms. Blake shared that Child Nutrition Services received bids from three vendors for large equipment and three vendors for serving lines. Ms. Blake explained that bids were requested for eight (8) types of equipment and serving lines for three (3) schools.

Ms. Blake recommended awarding the bids for five types of equipment to United Restaurant and three types to Thompson & Little.

Pastor Davis made a motion to move this item to the consent agenda; seconded by Ms. Carter; the motion passed unanimously.

### **Hillside High School – Cell Tower Lease Amendment**

Mr. Osteen stated that in May, 2011 the board approved an amendment to a cellular lease with New Cingular Wireless at Hillside High School. Mr. Osteen explained that the company has requested a modification due to unforeseen equipment needs. Mr. Osteen shared that an increase of \$1,596 annually will be added to the existing lease.

Ms. Bordley made a motion to move the item to the consent agenda; seconded by Pastor Davis; the motion passed unanimously.

### **Construction Management Services – 2011/12 Contract Extension**

Mr. Osteen shared that the construction program continues to be active with multiple projects in various stages of design or construction.

Mr. Osteen explained that Heery International will provide staff augmentation services with Construction & Capital Planning for the period of November 1, 2011 through June 30, 2012. Mr. Osteen stated that this includes three full-time project managers with specific project assignments during the term of the services and limited for the Bond Program Director. Mr. Osteen noted that a not-to-exceed fee of \$486,500 is recommended for the 2011-12 extension.

Ms. Carter made a motion to move this item to the consent agenda; seconded by Pastor Davis; the motion passed unanimously.

Having no further business, the meeting was adjourned at 6:20 p.m.

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Natalie Beyer, Committee Chair

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Hugh Osteen, Assistant Superintendent

DRAFT



Durham Public Schools  
RN Harris Elementary Mobiles and Utility Set-up

Bid Tabulation

Date: October 11, 2011

Time: 2:00pm

<b>CONTRACTOR</b>	<b>MWBE FORM</b>	<b>LICENSE NUMBER</b>	<b>BASE BID</b>				<b>Total</b>
Hutchins Construction, Inc. *	Y	34092	\$119,700.00				\$119,700.00
Bordeaux Construction, Inc	Y	9266	\$134,750.00				\$134,750.00
Harrod & Associates	Y	32791	\$134,800.00				\$134,800.00
Double Eagle Construction	Y	70180	\$139,898.00				\$139,898.00
Riggs-Harrod Builders	Y	18667	\$143,687.00				\$143,687.00
CT Wilson Construction	Y	2443	\$148,300.00				\$148,300.00

\* Apparent lowest responsible, responsive bidder.

<p><b>Durham Public Schools</b>  <b>2011 Hamlin Road</b>  <b>Durham, NC 27704</b>  <b>(919) 560-2216 Fax: (919) 560-9119</b></p>
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I (We) hereby certify that this is a true and accurate tabulation of bids received this day, October 11, 2011 at 2:00pm

Signed: \_\_\_\_\_ Date: \_\_\_\_\_



November, 2011

**Merrick Moore Elementary School – Installation of HVAC Controls**

Brady Services, Controls Group, provided the following proposal to provide HVAC controls as an extension of Building Logix AX control system to monitor and control new equipment.

<b>Quantity</b>	<b>Description</b>	<b>Unit Price</b>	<b>Total Cost</b>
1 ea	Existing water cooled chiller	\$ 4,366	\$ 4,366.00
2 ea	Existing boiler control	\$ 5,007.50	\$ 10,015.00
13 ea	AHU Controls (11 new – 2 existing)	\$ 10,990	\$ 142,877.00
40 ea	VAV Box controls	\$ 2,086	\$ 83,427.00
2 ea	FAN Coil unit controls	\$ 2,512	\$ 5,024.00
3 ea	Ductless split system controls	\$ 1,392	\$ 4,177.00
29 ea	Exhaust fan controls	\$ 999.90	\$ 28,997.00
2 ea	Hot water convector	\$ 1,700	\$ 3,400.00
		<b>TOTAL</b>	<b>\$ 282,283.00</b>



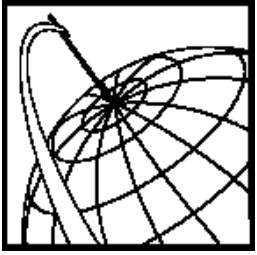
**DURHAM COUNTY, NORTH CAROLINA  
2011-12 Capital Project Ordinance  
Amendment Number 12CPA000004**

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY:

That the 2011-12 capital project ordinance is hereby amended to reflect budget adjustments for the following projects.

<b>Project</b>	<b>Current Budget</b>	<b>Inc./Dec.</b>	<b>Revised Budget</b>
Club Boulevard ES (SH138)	\$4,379,377	(\$700,000)	\$3,679,377
Carrington Middle School (SH147)	\$4,273,499	(\$500,000)	\$3,773,499
Lakewood Montessori Middle School (SH153)	\$10,979,526	\$1,200,000	\$12,179,526

Adopted this the \_\_\_\_\_ day of November, 2011.



Date: November 8, 2011

**Durham Public Schools**  
**ADMINISTRATIVE SERVICES COMMITTEE**  
**OF THE BOARD OF EDUCATION**  
**PRECIS**

**Subject:** Proposed Board Policy 5240 – *Evaluations and Improvement Plans*

**Staff Liaison Present:** Dr. Tina Hester  
Ann Majestic

**Phone:** 560-2353  
821-4711

**Main Points:**

- The General Assembly adopted SB 466 which makes numerous changes to the Evaluations and Improvement Plans.
- An overview of these amendments will be provided.
- A draft policy on Evaluations and Improvement Plans is provided.

Administration submits this proposed policy for discussion, its first reading and subsequent approval.

**Fiscal/Goal Implications:**

None

<b>Recommendation</b>	
<b>Information</b>	<input type="checkbox"/>
<b>Discussion</b>	<input checked="" type="checkbox"/>
<b>Action</b>	<input type="checkbox"/>
<b>Consent</b>	<input type="checkbox"/>

**Review:**

AM

Attorney

Evaluations

Evaluation of licensed employees is a mandated duty and responsibility of the administration. The Superintendent is authorized to establish procedures for evaluating licensed employees. All teachers and other licensed staff shall be evaluated according to any rules and regulations established by the Superintendent and any rules and regulations required by law or by the North Carolina State Board of Education. School principals or other evaluators may supplement the evaluation process as appropriate.

Each person employed by the Durham Public Schools Board of Education and defined as a “teacher” by G.S. 115C-325(a)(6) shall be evaluated at least annually in accordance with law.

1. Probationary teachers will receive an evaluation by the principal on all standards on the teacher evaluation instrument every year. Career teachers will receive an evaluation on all standards in their license renewal year or when required by the superintendent, designee, or school principal. In any other year, career teachers will receive an evaluation on standards one, four, and six as specified by the State Board of Education.
2. All probationary teachers shall be observed at least three times annually by the principal or the principal’s designee and at least once annually by a teacher. Teachers with career status who are scheduled to receive an evaluation on all evaluation standards (summative cycle) will receive, at a minimum, one formal and two informal observations. Teachers with career status who are scheduled to receive an evaluation on standards one, four and six (abbreviated evaluation) shall receive a minimum of two informal observations (a minimum of 20 minutes in the classroom) by the principal or designee.
3. All licensed employees assigned to a school that has been identified as low-performing, but has not received an assistance team, shall be evaluated at least once annually. This evaluation shall occur early enough during the school year to provide adequate time for the development of a mandatory improvement plan if one is needed. If the employee is a teacher as defined under G.S. 115C-325(a)(6), the principal, assistant principal who supervises the teacher, or an assistance team assigned under G.S. 115C-334 shall conduct the initial evaluation.

Improvement Plans

Any certified employee who receives a “not demonstrated”, “developing”, “below standard”, or “unsatisfactory” rating on an evaluation shall be placed on an improvement plan to address concerns about the employee’s performance, unless the employee is recommended for dismissal, demotion or nonrenewal. An improvement plan also may be used whenever appropriate to address performance concerns.

1. The improvement plan shall contain a statement of the employee's performance problem(s) and list specific expectations for improvement. The supervisor may consider input from the certified employee in developing the plan.
2. The improvement plan shall provide for periodic review of the employee's performance in meeting the objectives of the action plan.
3. If the employee's performance fails to meet expectations stated in the plan, the Superintendent and the employee's supervisor shall decide whether to recommend that the employee be dismissed, demoted or nonrenewed.
4. An employee's compliance with the improvement plan is mandatory.
5. An improvement plan constitutes a warning to the employee that the employee must improve his or her performance in order to continue working for the school system.
6. This policy does not limit the Superintendent's authority to recommend dismissal for any reason allowed by law.
7. The improvement plans for teachers are as follows:

*Monitored Growth Plans*

The Superintendent, designee, or principal may place a teacher on a Monitored Growth Plan at any time to address performance concerns. A teacher shall be placed on a Monitored Growth Plan whenever he or she:

- A. Is rated "Developing" on one or more standards on the Teacher Summary Rating Form; and
- B. Is not recommended for dismissal, demotion, or nonrenewal.

A Monitored Growth Plan shall, at a minimum, identify the standards and elements to be improved, the goals to be accomplished and the activities the teacher should undertake to achieve proficiency, and a timeline.

*Directed Growth Plans*

The Superintendent, designee, or principals may place a teacher on a Directed Growth Plan to address serious performance concerns or when the teacher does not consistently demonstrate proficient performance while on a Monitored Growth Plan. A teacher shall be placed on a Directed Growth Plan whenever he or she:

- A. Is rated "Not Demonstrated" on any standard on the Teacher Summary Rating Form; or "Developing" on one or more standards on the Teacher Summary Rating Form for two sequential years; and
- B. Is not recommended for dismissal, demotion, or nonrenewal.

A Directed Growth Plan shall, at a minimum, identify the standards and elements to be improved, the goals to be accomplished and the activities the teacher should undertake to achieve proficiency, and a timeline.

### *Mandatory Improvement Plan*

If the school system retains the employment of a teacher who is not proficient in all standards, the teacher has a duty to demonstrate significant and sustained improvement to attain proficient performance on a Monitored Growth Plan or a Directed Growth Plan. A Monitored and/or Directed Growth Plan provide a teacher ample opportunity to attain proficient performance. In order to assure that students receive quality instruction, a teacher who has not attained proficient performance with the benefit of a Monitored and/or Directed Growth plan ordinarily will be recommended for dismissal. In extraordinary situations, the superintendent or designee has the discretion to retain a teacher who has not demonstrated proficient performance despite the benefit of a Monitored and/or Directed Growth Plan, in which case the teacher will be placed on a Mandatory Improvement Plan. Before placing a teacher on a Mandatory Improvement Plan, the superintendent or designee must determine that a Monitored or Directed Growth Plan will not adequately address the deficiencies in the teacher's performance.

A Mandatory Improvement Plan will provide the teacher with notice of specific performance areas that have substantial deficiencies and a set of strategies, including the specific support to be provided the teacher so that the teacher, within a specified period of time, will satisfactorily resolve such deficiencies. The teacher on a Mandatory Improvement Plan will receive an observation from a "qualified observer" in accordance with law. Mandatory Improvement Plans shall be designed to be completed within 90 instructional days or before the beginning of the next school year.

8. Employees in low-performing schools: If a licensed employee in a low-performing school receives a rating on any standard on an evaluation that is below proficient or otherwise represents unsatisfactory or below standard performance, the individual or team that conducted the evaluation shall recommend to the superintendent that (i) the employee receive a Mandatory Improvement Plan or (ii) the superintendent recommend that the employee be dismissed or demoted. The superintendent shall determine whether to develop a Mandatory Improvement Plan or recommend dismissal. If the superintendent recommends a Mandatory Improvement Plan, then:
  - a. The improvement plan shall be developed by the person who evaluated the employee or by the employee's supervisor. If, however, the evaluation was conducted by an assistance team, the team shall develop the plan in collaboration with the employee's supervisor.
  - b. The improvement plan shall be designed to be completed within 90 instructional days or before the beginning of the next school year. The teacher does not have a right to an observation by a qualified observer.
  - c. Upon completion of the improvement plan, the superintendent, superintendent's designee, or assistance team shall reevaluate the employee. At that time, if the

employee has failed to become proficient in any of the performance standards articulated in the Mandatory Improvement Plan, or to demonstrate sufficient improvement toward such standards, the superintendent shall recommend that the employee be dismissed or demoted.

#### Inadequate Performance

This policy does not create any additional rights for teachers and a teacher has no right to a Monitored or Directed Growth Plan or a Mandatory Improvement Plan. A teacher is subject to dismissal for any of the grounds set forth by law including “inadequate performance.” Inadequate performance shall mean (i) the failure to perform at a proficient level on any standard of the evaluation instrument or (ii) otherwise performing in a manner that is below standard. However, for a probationary teacher, a performance rating below proficient may or may not be deemed adequate at that stage of development by a Superintendent or designee. For a career teacher, a performance rating below proficient shall constitute inadequate performance unless the principal noted on the instrument that the teacher is making adequate progress toward proficiency given the circumstances.

9. The Superintendent is authorized to develop procedures to enforce this policy.

Legal References: G.S. 115C-333, -333.1, -325, -334, TCP-C-004, SBE Requirement for Annual Teacher Evaluation, SB 466 (E3)

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011**

**SESSION LAW 2011-348  
SENATE BILL 466**

**AN ACT TO MODIFY THE LAW RELATING TO CAREER STATUS FOR PUBLIC  
SCHOOL TEACHERS.**

The General Assembly of North Carolina enacts:

**SECTION 2.** G.S. 115C-333 reads as rewritten:

**"§ 115C-333. Evaluation of ~~certified~~ licensed employees including certain superintendents; ~~action~~ mandatory improvement 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~~ licensed employees assigned to a school that has been identified as ~~low-performing~~, but has not received an assistance team. ~~low-performing~~. The evaluation shall occur early enough during the school year to provide adequate time for the development and implementation of an ~~action~~ a mandatory improvement 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~~ assistance team assigned under ~~G.S. 115C-334~~ G.S. 115C-105.38 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~~ All teachers in low-performing schools 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, and may adopt additional evaluation criteria and standards.~~ All other provisions of this section shall apply if a local board uses an evaluation other than one adopted by the State Board.

(b) Mandatory Improvement 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.~~

- (1a) A mandatory improvement plan is an instrument designed to improve a teacher's performance or the performance of any licensed employee in a low-performing school by providing the individual with notice of specific performance areas that have substantial deficiencies and a set of strategies, including the specific support to be provided to the individual, so that the individual, within a reasonable period of time, should satisfactorily resolve such deficiencies.
- (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.~~
- (2a) If a licensed employee in a low-performing school receives a rating on any standard on an evaluation that is below proficient or otherwise represents unsatisfactory or below standard performance in an area that the licensed employee was expected to demonstrate, the individual or team that conducted the evaluation shall recommend to the superintendent that (i) the employee receive a mandatory improvement plan designed to improve the employee's performance or (ii) the superintendent recommend to the local board that the employee be dismissed or demoted. If the individual or team that conducted the evaluation elects not to make either of the above recommendations, the said individual or team shall notify the superintendent of this decision. The superintendent shall determine whether to develop a mandatory improvement plan or to recommend a dismissal proceeding.
- (3) If at any time a licensed employee engages in inappropriate conduct or performs inadequately to such a degree that such conduct or performance causes substantial harm to the educational environment, and immediate dismissal or demotion is not appropriate, then the principal may immediately institute a mandatory improvement plan regardless of any ratings on previous evaluations. The principal shall document the exigent reason for immediately instituting such a plan.
- (4) Mandatory improvement plans shall be developed by the person who evaluated the licensed employee or the employee's supervisor unless the evaluation was conducted by an assistance team. If the evaluation was conducted by an assistance team, that team shall develop the mandatory improvement plan in collaboration with the employee's supervisor. Mandatory improvement 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 licensed employees and developing effective mandatory

improvement plans within the time allotted under this section. Local boards may adopt policies for the development and implementation of mandatory improvement plans and policies for the implementation of monitored and directed growth plans.

(c) ~~Reevaluation. Reassessment of Employee in a Low-Performing School. – After the expiration of the time period for the mandatory improvement plan~~Upon completion of an action plan under subdivision (1) of subsection (b)(2a) of subsection (b) of this section, the superintendent, the superintendent's designee, or the assessment assistance team shall evaluate assess the performance of the employee of the low-performing school a second time. If the superintendent, superintendent's designee, or assistance team determines that the employee has failed to become proficient in any of the performance standards articulated in the mandatory improvement plan or demonstrate sufficient improvement toward such standards, 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 assessment shall constitute substantial evidence of the employee's inadequate performance.

(d) State Board Notification. – If a local board dismisses an employee of a low-performing school for any reason except a reduction in force under G.S. 115C-325(e)(1) L. 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 a mandatory improvement plan to assist the employee, and submit the plan to the State Board. The State Board shall review the action mandatory improvement plan and may provide comments and suggestions to the superintendent. If on the next evaluation the employee receives a rating on any standard that was identified as an area of concern on the mandatory improvement plan that is again below proficient or otherwise represents unsatisfactory or below standard performance, 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 initiate a proceeding to revoke the employee's certificate license under G.S. 115C-296(d). If on the this next evaluation the employee receives at least a satisfactory proficient rating on all of the performance standards functions that were identified as areas of concern on the mandatory improvement plan, 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.

...."

**SECTION 3.** Chapter 115C of the General Statutes is amended by adding a new section to read:

**"§ 115C-333.1. Evaluation of teachers in schools not identified as low-performing; mandatory improvement plans; State Board notification upon dismissal of teachers.**

(a) Annual Evaluations. – All teachers who are assigned to schools that are not designated as low-performing and 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 teachers with career status who are assigned to schools that are not designated as low-performing shall be evaluated annually unless a local board adopts rules that allow teachers with career status to be evaluated more or less frequently, provided that such rules are not inconsistent with State or federal requirements. Local boards also may adopt rules requiring the annual evaluation of nonlicensed

employees. A local board shall use the performance standards and criteria adopted by the State Board and may adopt additional evaluation criteria and standards. All other provisions of this section shall apply if a local board uses an evaluation other than one adopted by the State Board.

(b) Mandatory Improvement Plans for Teachers. – If, in an observation report or year-end evaluation, a teacher receives a rating that is below proficient or otherwise represents unsatisfactory or below standard performance on any standard that the teacher was expected to demonstrate, the principal may place the teacher on a mandatory improvement plan as defined in G.S. 115C-333(b)(1a). The mandatory improvement plan shall be utilized only if the superintendent or superintendent's designee determines that an individual, monitored, or directed growth plan will not satisfactorily address the deficiencies.

If at any time a teacher engages in inappropriate conduct or performs inadequately to such a degree that such conduct or performance causes substantial harm to the educational environment, and immediate dismissal or demotion is not appropriate, then the principal may immediately institute a mandatory improvement plan regardless of any ratings on previous evaluations. The principal shall document the exigent reason for immediately instituting such a plan. The mandatory improvement plan shall be developed by the principal in consultation with the teacher. The teacher shall have five instructional days from receipt of the proposed mandatory improvement plan to request a modification of such plan before it is implemented, and the principal shall consider such suggested modifications before finalizing the plan. The teacher shall have at least 60 instructional days to complete the mandatory improvement plan. The State Board shall develop guidelines that include strategies to assist local boards in evaluating teachers and developing effective mandatory improvement plans. Local boards may adopt policies for the implementation of mandatory improvement plans under this section.

(c) Observation by a Qualified Observer. –

- (1) The term "qualified observer" as used in this section is any administrator or teacher who is licensed by the State Board of Education and working in North Carolina; any employee of the North Carolina Department of Public Instruction who is trained in evaluating licensed employees; or any instructor or professor who teaches in an accredited North Carolina school of education and holds an educator's license.
- (2) The local board of education shall create a list of qualified observers who are employed by that board and available to do observations of employees on mandatory improvement plans. This list shall be limited to names of administrators and teachers selected by the school improvement teams in the school system. The school improvement teams shall strive to select administrators and teachers with excellent reputations for competence and fairness.
- (3) Any teacher, other than a teacher assigned to a school designated as low-performing, who has been placed on a mandatory improvement plan shall have a right to be observed by a qualified observer in the area or areas of concern identified in the mandatory improvement plan. The affected teacher and the principal shall jointly choose the qualified observer within 20 instructional days after the commencement of the mandatory improvement plan. If the teacher and the principal cannot agree on a qualified observer within this time period, they each shall designate a person from the list of qualified observers created pursuant to subdivision (2) of this subsection, and these two designated persons shall choose a qualified observer within five instructional days of their designation. The qualified observer shall draft a written report assessing the teacher in the areas of concern identified in the mandatory improvement plan. The report shall be

submitted to the principal before the end of the mandatory improvement plan period. If a teacher or administrator from the same local school administrative unit is selected to serve as the qualified observer, the administration of the local school administrative unit shall provide such qualified observer with the time necessary to conduct the observation and prepare a report. If someone who is not employed by the same local school administrative unit is selected to serve as the qualified observer, the teacher who is the subject of the mandatory improvement plan will be responsible for any expenses related to the observations and reports prepared by the qualified observer. The qualified observer shall not unduly disrupt the classroom when conducting an observation.

- (4) No local board of education or employee of a local board of education shall discharge, threaten, or otherwise retaliate against another employee of the board regarding that employee's compensation, terms, conditions, location, or privileges of employment because of the employee's service or completion of a report as an objective observer pursuant to this subsection, unless the employee's report contained material information that the employee knew was false.

(d) Reassessment of the Teacher. – Upon completion of a mandatory improvement plan under subsection (b) of this section, the principal shall assess the performance of the teacher a second time. The principal shall also review and consider any report provided by the qualified observer under subsection (c) of this section if one has been submitted before the end of the mandatory improvement plan period. If, after the second assessment of the teacher and consideration of any report from the qualified observer, the superintendent or superintendent's designee determines that the teacher has failed to become proficient in any of the performance standards identified as deficient in the mandatory improvement plan or demonstrate sufficient improvement toward such standards, the superintendent may recommend that the teacher be dismissed or demoted under G.S. 115C-325. The results of the second assessment produced pursuant to the terms of this subsection shall constitute substantial evidence of the teacher's inadequate performance.

(e) Dismissal Proceedings Without a Mandatory Improvement Plan. – The absence of a mandatory improvement plan as described in this section shall not prohibit a superintendent from initiating a dismissal proceeding against a teacher under the provisions of G.S. 115C-325. However, the superintendent shall not be entitled to the substantial evidence provision in subsection (d) of this section if such mandatory improvement plan is not utilized.

(f) State Board Notification. – If a local board dismisses a teacher for any reason except a reduction in force under G.S. 115C-325(e)(1), it shall notify the State Board of the action, and the State Board annually shall provide to all local boards the names of those teachers. If a local board hires one of these teachers, within 60 days the superintendent or the superintendent's designee shall observe the teacher, develop a mandatory improvement plan to assist the teacher, and submit the plan to the State Board. The State Board shall review the mandatory improvement plan and may provide comments and suggestions to the superintendent. If on the next evaluation the teacher receives a rating on any standard that was an area of concern on the mandatory improvement plan that is again below proficient or a rating that otherwise represents unsatisfactory or below standard performance, the local board shall notify the State Board, and the State Board shall initiate a proceeding to revoke the teacher's license under G.S. 115C-296(d). If on the next evaluation the teacher receives at least a proficient rating on all of the overall performance standards that were areas of concern on the mandatory improvement plan, the local board shall notify the State Board that the teacher is in good standing, and the State Board shall not continue to provide the teacher's name to local boards under this subsection unless the teacher is subsequently dismissed under G.S. 115C-325

except for a reduction in force. If, however, on this next evaluation the teacher receives a developing rating on any standards that were areas of concern on the mandatory improvement plan, the teacher shall have one more year to bring the rating to proficient. If, by the end of this second year, the teacher is not proficient in all standards that were areas of concern on the mandatory improvement plan, the local board shall notify the State Board, and the State Board shall initiate a proceeding to revoke the teacher's license under G.S. 115C-296(d).

(g) 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."

**SECTION 4.** G.S. 115C-276(s) reads as rewritten:

**"(s) To Provide for Annual Evaluations and ~~Action~~ Mandatory Improvement Plans.** – The superintendent shall provide for the annual evaluation of all ~~certified~~ licensed employees assigned to low-performing schools that did not receive an assistance team. The superintendent shall determine whether all principals and assistant principals who evaluate ~~certified~~ licensed employees are trained in the proper administration of the employee evaluations and the development of appropriate ~~action~~ mandatory improvement plans. The superintendent also shall arrange for principals and assistant principals who evaluate ~~certified~~ licensed employees to receive the appropriate training."

**SECTION 5.** G.S. 115C-288 reads as rewritten:

**"§ 115C-288. Powers and duties of principal.**

...  
**(i) To Evaluate ~~Certified~~ Licensed Employees and Develop ~~Action~~ Mandatory Improvement Plans.** – Each school year, the principal assigned to a low-performing school that has not received an assistance team shall provide for the evaluation of all ~~certified~~ licensed employees assigned to the school. The principal also shall develop ~~action~~ mandatory improvement plans as provided under G.S. 115C-333(b) and G.S. 115C-333.1(b) and shall monitor an employee's progress under an ~~action~~ a mandatory improvement plan.

...."

**SECTION 6.** G.S. 115C-296 reads as rewritten:

**"§ 115C-296. Board sets ~~certification~~ licensure requirements; reports; lateral entry and mentor programs.**

**(a)** The State Board of Education shall have entire control of ~~certifying~~ licensing all applicants for teaching positions in all public elementary and high schools of North Carolina; and it shall prescribe the rules and regulations for the renewal and extension of all ~~certificates~~ licenses and shall determine and fix the salary for each grade and type of ~~certificate~~ license which it authorizes.

The State Board of Education may require an applicant for an initial bachelors degree certificate or graduate degree certificate to demonstrate the applicant's academic and professional preparation by achieving a prescribed minimum score on a standard examination appropriate and adequate for that purpose. The State Board of Education shall permit an applicant to fulfill any such testing requirement before or during the applicant's second year of teaching provided the applicant took the examination at least once during the first year of teaching. The State Board of Education shall make any required standard initial ~~certification~~ licensure exam sufficiently rigorous and raise the prescribed minimum score as

necessary to ensure that each applicant has adequate academic and professional preparation to teach.

...  
(a2) The State Board of Education shall impose the following schedule of fees for teacher ~~certification-licensure~~ and administrative changes:

- (1) Application for demographic or administrative changes to a ~~certificate,license~~, \$30.00.
- (2) Application for a duplicate ~~certificate-licensure~~ or for copies of documents in the ~~certification-licensure~~ files, \$30.00.
- (3) Application for a renewal, extension, addition, upgrade, and variation to a ~~certificate,license~~, \$55.00.
- (4) Initial application for New, In-State Approved Program Graduate, \$55.00.
- (5) Initial application for Out-of-State ~~certificate,license~~, \$85.00.
- (6) All other applications, \$85.00.

The applicant must pay the fee at the time the application is submitted.

(b) It is the policy of the State of North Carolina to maintain the highest quality teacher education programs and school administrator programs in order to enhance the competence of professional personnel ~~certified-licensed~~ in North Carolina. To the end that teacher preparation programs are upgraded to reflect a more rigorous course of study, the State Board of Education, as lead agency in coordination and cooperation with the University Board of Governors, the Board of Community Colleges and such other public and private agencies as are necessary, shall continue to refine the several ~~certification-licensure~~ requirements, standards for approval of institutions of teacher education, standards for institution-based innovative and experimental programs, standards for implementing consortium-based teacher education, and standards for improved efficiencies in the administration of the approved programs. The ~~certification-licensure~~ program shall provide for initial ~~certification-licensure~~ after completion of preservice training, continuing ~~certification-licensure~~ after three years of teaching experience, and ~~certificate-licensure~~ renewal every five years thereafter, until the retirement of the teacher. The last ~~certificate-licensure~~ renewal received prior to retirement shall remain in effect for five years after retirement. The ~~certification-licensure~~ program shall also provide for lifetime ~~certification-licensure~~ after 50 years of teaching.

The State Board of Education, as lead agency in coordination with the Board of Governors of The University of North Carolina and any other public and private agencies as necessary, shall continue to raise standards for entry into teacher education programs.

The State Board of Education, in consultation with local boards of education and the Board of Governors of The University of North Carolina, shall evaluate and modify, as necessary, the academic requirements for students preparing to teach science in middle and high schools to ensure that there is adequate preparation in issues related to science laboratory safety.

The State Board of Education, in consultation with the Board of Governors of The University of North Carolina, shall evaluate and develop enhanced requirements for continuing ~~certification-licensure~~. The new requirements shall reflect more rigorous standards for continuing ~~certification-licensure~~ and to the extent possible shall be aligned with quality professional development programs that reflect State priorities for improving student achievement.

The State Board of Education, in consultation with local boards of education and the Board of Governors of The University of North Carolina, shall reevaluate and enhance the requirements for renewal of teacher ~~certificates-licenses~~. The State Board shall consider modifications in the ~~certificate-licensure~~ renewal achievement and to make it a mechanism for teachers to renew continually their knowledge and professional skills. The State Board shall adopt new standards for the renewal of teacher ~~certificates-licenses~~ by May 15, 1998.

The standards for approval of institutions of teacher education shall require that teacher education programs for all students include demonstrated competencies in (i) the identification and education of children with disabilities and (ii) positive management of student behavior and effective communication techniques for defusing and deescalating disruptive or dangerous behavior. The State Board of Education shall incorporate the criteria developed in accordance with G.S. 116-74.21 for assessing proposals under the School Administrator Training Program into its school administrator program approval standards.

All North Carolina institutions of higher education that offer teacher education programs, masters degree programs in education, or masters degree programs in school administration shall provide performance reports to the State Board of Education. The performance reports shall follow a common format, shall be submitted according to a plan developed by the State Board, and shall include the information required under the plan developed by the State Board.

(b1) The State Board of Education shall develop a plan to provide a focused review of teacher education programs and the current process of accrediting these programs in order to ensure that the programs produce graduates that are well prepared to teach. The plan shall include the development and implementation of a school of education performance report for each teacher education program in North Carolina. The performance report shall include at least the following elements: (i) quality of students entering the schools of education, including the average grade point average and average score on preprofessional skills tests that assess reading, writing, math and other competencies; (ii) graduation rates; (iii) time-to-graduation rates; (iv) average scores of graduates on professional and content area examination for the purpose of ~~certification; licensure;~~ (v) percentage of graduates receiving initial ~~certification; licenses;~~ (vi) percentage of graduates hired as teachers; (vii) percentage of graduates remaining in teaching for four years; (viii) graduate satisfaction based on a common survey; and (ix) employer satisfaction based on a common survey. The performance reports shall follow a common format. The performance reports shall be submitted annually. The State Board of Education shall develop a plan to be implemented beginning in the 1998-99 school year to reward and sanction approved teacher education programs and masters of education programs and to revoke approval of those programs based on the performance reports and other criteria established by the State Board of Education.

The State Board also shall develop and implement a plan for annual performance reports for all masters degree programs in education and school administration in North Carolina. To the extent it is appropriated, the performance report shall include similar indicators to those developed for the performance report for teacher education programs. The performance reports shall follow a common format.

Both plans for performance reports also shall include a method to provide the annual performance reports to the Board of Governors of The University of North Carolina, the State Board of Education, and the boards of trustees of the independent colleges. The State Board of Education shall review the schools of education performance reports and the performance reports for masters degree programs in education and school administration each year the performance reports are submitted. The State Board shall submit the performance report for the 1999-2000 school year to the Joint Legislative Education Oversight Committee by December 15, 2000. Subsequent performance reports shall be submitted to the Joint Legislative Education Oversight Committee on an annual basis by October 1.

...

(c) It is the policy of the State of North Carolina to encourage lateral entry into the profession of teaching by skilled individuals from the private sector. To this end, before the 1985-86 school year begins, the State Board of Education shall develop criteria and procedures to accomplish the employment of such individuals as classroom teachers. Beginning with the 2006-2007 school year, the criteria and procedures shall include preservice training in (i) the identification and education of children with disabilities and (ii) positive management of

student behavior, effective communication for defusing and deescalating disruptive or dangerous behavior, and safe and appropriate use of seclusion and restraint. Skilled individuals who choose to enter the profession of teaching laterally may be granted a provisional teaching ~~certificate~~license for no more than three years and shall be required to obtain ~~certification~~licensure before contracting for a fourth year of service with any local administrative unit in this State.

(c1) The State Board of Community Colleges may provide a program of study for lateral entry teachers to complete the coursework necessary to earn a teaching ~~certificate~~license. To this end, the State Board of Education, in consultation with the State Board of Community Colleges, shall establish a competency-based program of study for lateral entry teachers to be implemented within the Community College System no later than May 1, 2006. This program must meet standards set by the State Board of Education.

The State Board of Community Colleges and the State Board of Education shall jointly identify the community college courses and the teacher education program courses that are necessary and appropriate for inclusion in the community college program of study for lateral entry teachers. To the extent possible, any courses that must be completed through an approved teacher education program shall be taught on a community college campus or shall be available through distance learning.

In order to participate in the community college program of study for lateral entry teachers, an individual must hold at least a bachelors degree from a regionally accredited institution of higher education.

An individual who successfully completes this program of study and meets all other requirements of ~~certification~~licensure set by the State Board of Education shall be recommended for a North Carolina teaching ~~certificate~~license.

...

(d) The State Board shall adopt rules to establish the reasons and procedures for the suspension and revocation of ~~certificates~~licenses. The State Board shall revoke the ~~certificate~~license 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 a rating on any standard that was identified as an area of concern on the mandatory improvement plan that was below proficient or otherwise represented unsatisfactory or below standard performance under G.S. 115C-333(d).115C-333(d) and G.S. 115C-333.1(f). In addition, the State Board may revoke or refuse to renew a teacher's ~~certificate~~license when:

- (1) 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
- (2) The State Board shall automatically revoke the ~~certificate~~license of a teacher or school administrator without the right to a hearing upon receiving verification of the identity of the teacher or school administrator together with a certified copy of a criminal record showing that the teacher or school administrator has entered a plea of guilty or nolo contendere to or has been finally convicted of any of the following crimes: Murder in the first or second degree, G.S. 14-17; Conspiracy or solicitation to commit murder, G.S. 14-18.1; Rape or sexual offense as defined in Article 7A of Chapter 14 of the General Statutes. Felonious assault with deadly weapon with intent to kill or inflicting serious injury, G.S. 14-32; Kidnapping, G.S. 14-39; Abduction of children, G.S. 14-41; Crime against nature, G.S. 14-177; Incest, G.S. 14-178 or G.S. 14-179; Employing or permitting minor to assist in offense against public morality and decency, G.S. 14-190.6; Dissemination to minors under the age of 16 years, G.S. 14-190.7; Dissemination to minors under the age of 13 years, G.S. 14-190.8;

Displaying material harmful to minors, G.S. 14-190.14; Disseminating harmful material to minors, G.S. 14-190.15; First degree sexual exploitation of a minor, G.S. 14-190.16; Second degree sexual exploitation of a minor, G.S. 14-190.17; Third degree sexual exploitation of a minor, G.S. 14-190.17A; Promoting prostitution of a minor, G.S. 14-190.18; Participating in prostitution of a minor, G.S. 14-190.19; Taking indecent liberties with children, G.S. 14-202.1; Solicitation of child by computer to commit an unlawful sex act, G.S. 14-202.3; Taking indecent liberties with a student, G.S. 14-202.4; Prostitution, G.S. 14-204; and child abuse under G.S. 14-318.4. The Board shall mail notice of its intent to act pursuant to this subdivision by certified mail, return receipt requested, directed to the teacher or school administrator at their last known address. The notice shall inform the teacher or school administrator that it will revoke the person's ~~certificate~~license unless the teacher or school administrator notifies the Board in writing within 10 days after receipt of the notice that the defendant identified in the criminal record is not the same person as the teacher or school administrator. If the teacher or school administrator provides this written notice to the Board, the Board shall not revoke the ~~certificate~~license unless it can establish as a fact that the defendant and the teacher or school administrator are the same person.

- (3) In addition, the State Board may revoke or refuse to renew a teacher's ~~certificate~~license when:
- a. 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
  - b. The assistance team assigned to that school makes the recommendation to revoke or refuse to renew the teacher's ~~certificate~~license for one or more reasons established by the State Board in its rules for ~~certificate~~license 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~~licenses. In addition, the Board shall have the authority to contract with individuals who are qualified to conduct investigations in order to obtain all information needed to assist the Board in the proper disposition of allegations of misconduct by ~~certificated~~licensed persons.

(e) The State Board of Education shall develop a mentor program to provide ongoing support for teachers entering the profession. In developing the mentor program, the State Board shall conduct a comprehensive study of the needs of new teachers and how those needs can be met through an orientation and mentor support program. For the purpose of helping local boards to support new teachers, the State Board shall develop and distribute guidelines which address optimum teaching load, extracurricular duties, student assignment, and other working condition considerations. These guidelines shall provide that initially ~~certificated~~licensed teachers not be assigned extracurricular activities unless they request the assignments in writing and that other noninstructional duties of these teachers be minimized. The State Board shall develop and coordinate a mentor teacher training program. The State Board shall develop criteria for selecting excellent, experienced, and qualified teachers to be participants in the mentor teacher training program.

...

(f) The State Board of Education, after consultation with the Board of Governors of The University of North Carolina, shall develop a new category of teacher ~~certificate~~license known as the "Masters/Advanced Competencies" ~~certificate~~license. To receive this ~~certificate~~license, an applicant shall successfully complete a masters degree program that

includes rigorous academic preparation in the subject area which the applicant will teach and in the skills and knowledge expected of a master teacher or the applicant shall demonstrate to the satisfaction of the State Board that the candidate has acquired the skills and knowledge expected of a master teacher.

Persons who qualify for a "G" certificate prior to September 1, 2000, shall be awarded a "Masters/Advanced Competencies" certificate without meeting additional requirements. On and after September 1, 2000, no additional "G" certificates shall be awarded."

**SECTION 7.** G.S. 115C-334 reads as rewritten:

**"§ 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~~licensed employees in low-performing schools;
- (2) Provide technical assistance and training to principals, assistant principals, superintendents, and superintendents' designees who conduct evaluations of ~~certified~~licensed employees;
- (3) Develop ~~action~~mandatory improvement plans for ~~certified~~licensed employees; and
- (4) Assist principals, assistant principals, superintendents, and superintendents' designees in the development and implementation of ~~action~~mandatory improvement plans."

**SECTION 8.** G.S. 115C-335 reads as rewritten:

**"§ 115C-335. Development of performance standards and criteria for ~~certified~~licensed employees; training and remediation programs.**

...  
(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~~professional growth and mandatory improvement 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~~licensed public school employees that may be included in an ~~action~~a mandatory improvement plan created under ~~G.S. 115C-333(b)~~G.S. 115C-333(b) or G.S. 115C-333.1(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."

**SECTION 8.5.(a)** If House Bill 200, 2011 Regular Session, becomes law, then G.S. 115C-325(e)(2), as amended by Section 7.23(b) of that act, reads as rewritten:

"(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 or her recommendation the grounds upon which he or she 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 or she 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 or her 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~~ hearing officer 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 or her name shall be placed on a list of available career employees to be maintained by the board."

**SECTION 8.5.(b)** If House Bill 200, 2011 Regular Session, does not become law, then G.S. 115C-325(e)(2) reads as rewritten:

"(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 or her recommendation the grounds upon which he or she 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 or she 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 or her 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~~ hearing officer 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 or her 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 or she is certified-licensed and he or she refuses it, his or her name shall be removed from the priority list."

**SECTION 8.6.** If House Bill 200, 2011 Regular Session, becomes law, then G.S. 115C-333.1(c)(2), as enacted in Section 3 of this act, reads as rewritten:

"(2) The local board of education shall create a list of qualified observers who are employed by that board and available to do observations of employees on mandatory improvement plans. This list shall be limited to names of administrators and teachers selected by the ~~school improvement teams in the school system. The school improvement teams~~ local board of education. The local board of education shall strive to select administrators and teachers with excellent reputations for competence and fairness."

**SECTION 9.** This act becomes effective July 1, 2011, and applies to persons recommended for dismissal or demotion on or after that date.

In the General Assembly read three times and ratified this the 17<sup>th</sup> day of June, 2011.

s/ Walter H. Dalton  
President of the Senate

s/ Thom Tillis  
Speaker of the House of Representatives

s/ Beverly E. Perdue  
Governor

Approved 12:03 p.m. this 27<sup>th</sup> day of June, 2011