

# Daily Bulletin

## ACTIONS BY THE NORTH CAROLINA GENERAL ASSEMBLY

School of Government  
The University of North Carolina at Chapel Hill  
Legislative Reporting Service, State Legislative Building, Raleigh, NC 27601  
Phone 919.733.2484 ~ Fax 919.715.3464 ~ www.dailybulletin.unc.edu

House Legislative Day 108

Vol. 2011, No. 108

Senate Legislative Day 108

Monday, April 23, 2012

### Table of Contents

Summaries of Bills Filed _____	1
Public Bills _____	1
Local Bills _____	4
Action on Bills _____	5
Summaries of Amendments and Committee Substitutes _____	5
Legislation Enacted _____	5
Index by Keyword _____	5
Notes _____	5
Next Sessions _____	5

## SUMMARIES OF BILLS FILED

### Public Bills

#### SENATE BILLS

**S 795. EXCELLENT PUBLIC SCHOOLS ACT.** Filed 4/23/12. TO MAKE CHANGES TO IMPROVE K-3 LITERACY; PROVIDE LITERACY VOLUNTEER LEAVE TIME; ASSIGN SCHOOL PERFORMANCE GRADES; MAXIMIZE INSTRUCTIONAL TIME; ADJUST SCHOOL CALENDAR START AND END DATES; FUND FIVE ADDITIONAL INSTRUCTIONAL DAYS WITHIN THE EXISTING SCHOOL CALENDAR; ESTABLISH AN NC TEACHER CORPS; STRENGTHEN TEACHER LICENSURE REQUIREMENTS; PROVIDE PROOF OF STATE-FUNDED LIABILITY INSURANCE; ESTABLISH PLANS FOR PAY EXCELLENCE; END TENURE; AND ELIMINATE PUBLIC FINANCING FOR THE OFFICE OF SUPERINTENDENT OF PUBLIC INSTRUCTION.

*Improve K-3 Literacy.* Repeals GS 115C-81.2 which directs the State Board of Education (SBE) to develop a comprehensive plan to improve reading achievement in public schools.

Adds a new Part 1A, North Carolina Read to Achieve Program, to GS Chapter 115C, Article 8. Asserts that the State's goal is to ensure that all students read at or above grade level by the end of third grade and continue to demonstrate progress in reading proficiency so as to insure successful performance at the secondary level and career success. Includes the purposes of the new Part 1A and definitions of terms as used in Part 1A. Proposed Part 1A includes the following provisions: (1) requires the SBE to develop, implement and continuously evaluate a comprehensive plan to improve reading achievement in the schools; and (2) directs that the SBE ensure that

© 2012 School of Government  
The University of North Carolina at Chapel Hill

This work is copyrighted and subject to "fair use" as permitted by federal copyright law. No portion of this publication may be reproduced or transmitted in any form or by any means without the express written permission of the publisher. Distribution by third parties is prohibited. Prohibited distribution includes, but is not limited to, posting, e-mailing, faxing, archiving in a public database, installing on intranets or servers, and redistributing via a computer network or in printed form. Unauthorized use or reproduction may result in legal action against the unauthorized user.

every student entering kindergarten receive a developmental screening within 30 days of enrollment, and a kindergarten entry assessment within 60 days of enrollment. Requires additional diagnostic reading assessments for kindergarten through 3<sup>rd</sup> grade students to facilitate early reading proficiency and encourages local school administrative units to partner with community businesses and organizations to provide tutors, volunteers, and mentors to assist with these efforts.

In addition, proposed Part 1A eliminates social promotion, instead requiring that a student be retained in third grade if the student is below proficiency reading levels for third grade. Provides exemptions from mandatory retention in third grade if good cause can be shown for the exemption, but requires that the exempt student continue to receive supports and services and reading interventions appropriate for the student's age and reading level. Specifies a limited list of good cause exemptions and authorizes the superintendent of the school system to make the determination as to whether a student may be exempt from mandatory retention on the basis of a good cause exemption. Provides the steps that must be taken in determining that a good cause exemption is appropriate. Requires that students who are not demonstrating reading proficiency be enrolled in a summer reading camp prior to being retained. Provides that students who successfully complete the summer reading camp and demonstrate reading proficiency will be promoted to the fourth grade. Provides specified instructional guidelines for students who fail to demonstrate reading proficiency after completing a summer reading camp, including requirements regarding classroom instruction and involvement of the student's parents or guardians. Directs the SBE to establish a midyear promotion policy for any students retained for failing to meet third grade reading proficiency standards who meet proficiency standards by November 1 of the current school year.

Requires that timely written notification be provided to parents or guardians that a student is to be retained. Provides additional criteria for notification and communication with parents or guardians regarding student progress. Sets up accountability measures requiring each local board of education to publish annually on its web site data regarding the reading proficiency levels of its third grade students. Also provides criteria specifying written reports to be submitted by the local board to the SBE regarding reading proficiency data. Instructs the SBE to establish a uniform format for these reports. Directs the SBE to compile this information annually and submit a state-level summary to the Governor, the President Pro Tempore of the Senate, the Speaker of the House of Representatives, and the Joint Legislative Education Oversight Committee by October 1 of each year, beginning with the 2014-15 school year.

Makes conforming change, repealing GS 115C-105.27(b)(1a) regarding reading proficiency requirements in school improvement plans.

Amends GS 115C-105.41 to require local school administrative units (local units) to identify students at risk of academic failure beginning in kindergarten (was, in fourth grade). Adds diagnostic and formative assessments to the criteria that may be used to identify students at risk of academic failure. Provides that focused instructional supports and services, reading interventions, and accelerated activities should include evidence-based practices (was, research-based best practices) that meet the needs of students.

Makes conforming changes to GS 115C-174.11(a) to add kindergarten and third grade to the grade levels for which assessment instruments are required. Prohibits the use of standardized tests for summative assessment of kindergarten, first, and second grade except as a required condition of receiving federal grants.

Amends GS 115C-238.29F by adding new subsection (d1) to provide criteria regarding reading proficiency and student promotion for charter schools.

Amends GS 115C-288(a) to make a conforming change to the principal's authority to grade and classify students. Makes a conforming change to GS 130A-440(b).

Appropriates \$34,087,650 from the General Fund to the Department of Public Instruction for 2012-13 to implement the requirements as indicated in the above section. States that the General Assembly intends to increase this appropriation for the 2013-14 fiscal year to implement additional requirements in that fiscal year.

Effective when the act becomes law and applies beginning with the 2013-14 school year. Provides that the kindergarten assessment begins with the 2014-15 school year.

*State Employee Literacy Volunteer Leave Time.* Amends GS 126-4 to direct the State Personnel Commission, subject to the Governor's approval, to establish rules and policies governing a leave program that allows employees to volunteer in a literacy program in a public school for up to five hours each month.

*School Performance Grades.* Current law requires the SBE to issue an annual "report card" for the state and each local school administrative unit that assesses the efforts of each unit to improve student performance. Current law also requires each local board to ensure that the report card issued by the SBE receive wide distribution to the local press or is otherwise provided to the public. Amends GS 115C-12(9)c1 to direct the SBE to award overall school performances grades of A, B, C, D, or F for each school within a local school administrative unit. Provides guidelines as to the criteria that must be addressed in determining school performance grades. Amends GS 115C-47(58) to direct each local school board to ensure that the overall school performance grade earned by each school in the local unit is prominently displayed on the website of the local

unit. Requires that parents or guardians of all students enrolled in a school awarded a grade of D or F receive written notification of the grade.

Adds new subsections to GS 115C-238.29F (applying to charter schools) and to GS 115C-238.66 (applying to regional schools) to provide that charter schools and regional schools adhere to the same school performance grade requirements that apply to other public schools in the state.

Provides criteria to be utilized by the SBE in awarding school performance grades and the process for calculating the grade.

Applies beginning with the 2012-13 school year.

*Maximize Instructional Time.* Amends GS 115C-174.12(a) to delete the option that allowed school improvement teams to vote for their schools to participate in more than two field tests at any one grade level. Enacts new subdivision (4) to GS 115C-174.12(a) to restrict annual assessments and final exams in year-long courses to the final 10 instructional days and in semester courses to the final five instructional days of the school year. Makes exceptions to accommodate a student's individualized education program or section 504 plans. Makes technical changes.

Applies beginning with the 2012-13 school year.

*Adjustments to School Calendar Start and End Dates.* Amends GS 115C-84.2(d) to prohibit the school opening date for students from occurring before the next to the last Monday in August, (was, before August 25) and the closing date for students from occurring after the second Friday in June (was, after June 10). Opening and closing date provisions do not apply to year-round schools. Makes technical changes.

Applies beginning with the 2012-13 school year.

*Funding for the Addition of Five Instructional Days within the Existing School Calendar.* In order to provide funding for the five instructional days added by Section 7.29 (Increase Number of Instructional Days) of the Appropriations Act of 2011, appropriates (1) \$1.2 million for 2012-13 from the General Fund to the Department of Public Instruction (DPI) to increase the noninstructional support personnel allotment and (2) \$10,150,000 for 2012-13 from the General Fund to DPI to increase the transportation allotment. Effective July 1, 2012.

*Establish NC Teacher Corps.* Enacts new GS 115C-296.7 to establish the North Carolina Teacher Corps (Teacher Corps) to recruit and place recent graduates as teachers in high needs public schools. Directs the SBE, with the Board of Governors of the University of North Carolina and the N.C. Independent Colleges and Universities to develop and administer the Teacher Corps, using examples of other successful models. Provides for an application process for admission to the Teacher Corps. Directs the SBE to identify local school administrative units with unmet recruitment needs and high needs schools for placement of the Teacher Corps members. Requires development of a summer training institute for Teacher Corps members and continued support from the SBE and the Board of Governors. Grants lateral entry teaching licenses to Teacher Corps members. Directs the SBE to recruit and place an initial group of Teacher Corps members by the 2012-13 school year.

*Strengthen Teacher Licensure.* Amends GS 115C-296(a) to require elementary education (K-6) teachers to achieve a prescribed minimum score on subtests or standard exams specific to reading, language arts, and math. Amends GS 115C-296(b) to add that standards for continuing licensure must include at least three continuing education credits related to literacy for elementary and middle school teachers, as detailed. Provides that the standards for approval of teacher education institutions must require that elementary teacher education programs include competency in specific areas of reading instruction. Makes conforming changes. Applies beginning in the 2013-14 school year.

*Proof of State-Funded Liability Insurance.* Amends GS 115C-12 (duties of the SBE) to require the SBE to annually notify public school employees of the availability and coverage of professional liability insurance. Applies beginning with the 2012-13 school year.

*Pay for Excellence.* Directs each local board of education to establish a system of performance pay for all licensed employees, beginning in the 2013-14 fiscal year. Allows employees to receive bonuses or adjustments to base salary for meeting certain performance criteria, including: (1) annual student achievement growth by students in a teacher's class, (2) annual student achievement growth by students in a school, (3) additional academic responsibilities, (4) assignment to a hard-to-staff school, or (5) assignment to a hard-to-staff subject area. Directs local boards to submit plans for performance pay to the SBE by March 1, 2013, and requires the SBE to submit the plans to the Fiscal Research Division and the Joint Legislative Commission on Governmental Operations by April 15, 2013.

*End Tenure.* Repeals GS 115C-325 (system of employment for public school teachers). Enacts new GS 115C-325.1 to define terms used in Part 3 (Principal and Teacher Employment Contracts) of Article 22 of GS Chapter 115C. Defines "annual contract" as an employment contract for a period of one school year, and defines "teacher" as a person who (1) holds one of the listed licenses; (2) teaches or directly supervises teaching, or is classified by the SBE, or is paid as a classroom teacher or instructional support personnel; and (3) fills a full-time,

permanent position. Enacts new GS 115C-325.2, governing the maintenance and inspection of personnel files. New GS 115C-325.3 requires local boards of education to employ teachers through an annual contract upon recommendation by the superintendent. Sets out procedures for contract renewal, nonrenewal, a teacher's right to petition for a hearing, and dismissal during the contract term. Allows local boards to modify contract terms to permit part-time employment.

Enacts new GS 115C-325.4 to prohibit the local board from dismissing, demoting, or reducing to part-time any teacher for a disciplinary reason other than one of the grounds listed, which include inadequate performance, immorality, or neglect of duty. Enacts new GS 115C-325.5, authorizing a superintendent to suspend a teacher without pay for any reason listed in GS 115C-325.4, provided the teacher receives a meeting and written notice. Details procedures for suspension without pay, suspension with pay, and reinstating a teacher. Enacts new GS 115C-325.6 to set out the process for dismissing or demoting a teacher for cause. New GS 115C-325.8 outlines the requirements that apply to board hearings for disciplinary suspensions without pay, and new GS 115C-325.7 sets out the requirements for all other board hearings.

Enacts new GS 115C-325.9 to permit a teacher, who has been recommended for dismissal, to resign without the superintendent's written agreement, as specified. Enacts new GS 115C-325.10 to provide that Part 3 applies to all persons employed in teaching and related classes in the schools and institutions of the Departments of Health and Human Services, Public Instruction, Correction, or the Division of Juvenile Justice. New GS 115C-325.11 (administrators and teachers in low-performing residential schools), GS 115C-325.12 (principals), and GS 115C-325.13 (teachers) set forth the procedure for dismissing school personnel employed in low-performing schools.

Makes conforming changes to various provisions in GS Chapter 115C to remove references to GS 115C-325 and terms deleted by the repeal of that statute. Repeals GS 115C-304 (teacher tenure). Amends GS 115C-333(a) to require all teachers in low-performing schools, who have been employed for less than three years (was, who have not attained career status), to be observed at least three times a year by the principal, at least once a year by a teacher, and be evaluated at least once a year. Makes conforming changes to remove the term "career status," and replaces the term "certificated" with "licensed" in various statutes. Enacts new GS 115C-344 to provide employment benefits for exchange teachers.

These changes are effective July 1, 2012, and apply to all school employees employed on or after that date.

*Elimination of Public Financing for Superintendent of Public Instruction.* Under current law, Article 22J of GS Chapter 163 governs the Voter-Owned Elections Fund, which provides campaign funding for candidates who meet certain conditions. The bill amends GS 163-278.95 and GS 163-278.96(12) to remove the office of Superintendent of Public Instruction from the list of offices that may use the Fund. Directs the State Board of Elections to notify, within five days of the act's effective date, all candidates for Superintendent of Public Instruction participating in the Fund program that the candidate is no longer eligible for public financing.

*Effective Date.* Effective when the act becomes law, unless otherwise indicated.

**Intro. by Apodaca, P. Berger, and Tillman.** GS 115C, 143B, 163, APPROP Education; Elections Law; Budget and Appropriations

### *Local Bills*

None

## ACTION ON BILLS

April 23, 2012

- NOTES**
1. Digests appearing under "Summaries of Bills Filed" are for bills stamped with today's filing date.
  2. Amendments and committee substitutes adopted today are summarized following the chamber action.
  3. Subscribers can find the digest of every version of each bill online at [www.dailybulletin.unc.edu](http://www.dailybulletin.unc.edu).
  4. The dates on which previous amendments or committee substitutes were adopted are listed below bill numbers.
  5. The action "Cal Pursuant Rule 36b" indicates that the bill has been reported by committee and is awaiting calendaring.
  6. Enacted bills are indicated by #, failed bills by \*. Actions that change a bill are indicated by HA or SA.

### PUBLIC BILLS

S0795 Excellent Public Schools Act. S Filed

## SUMMARIES OF AMENDMENTS AND COMMITTEE SUBSTITUTES

None

### Legislation Enacted

None

### Index by Keyword

Budget and Appropriations  
S 795, 4

Education  
S 795, 4  
Elections Law  
S 795, 4

### Notes

No votes are scheduled to be taken during the House and Senate sessions scheduled for Wednesday, April 25. We will not publish a *Daily Bulletin* on April 25; the next *Daily Bulletin* will be published when\* the General Assembly reconvenes on Wednesday, May 16.

## NEXT SESSIONS

Wednesday, April 25, 2012

**HOUSE convenes at 9:00 a.m.**

**SENATE convenes at 10:00 a.m.**