

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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HOUSE BILL 1674

Short Title: Principals in Low-Performing Schools.

(Public)

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Sponsors: Representatives Arnold; Sexton, Shubert, and Watson.

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Referred to: Appropriations.

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June 1, 1998

A BILL TO BE ENTITLED

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2 AN ACT TO AMEND THE STATUTES GOVERNING PRINCIPALS IN LOW-  
3 PERFORMING SCHOOLS, TO REQUIRE LOCAL SCHOOL ADMINISTRATIVE  
4 UNITS TO DEVELOP PLANS TO ADDRESS THE NEEDS OF LOW-  
5 PERFORMING SCHOOLS, AND TO PROVIDE FUNDS FOR STAFF  
6 DEVELOPMENT.

7 The General Assembly of North Carolina enacts:

8 Section 1. G.S. 115C-105.37 reads as rewritten:

9 "**§ 115C-105.37. Identification of low-performing schools.**

10 (a) The State Board of Education shall design and implement a procedure to  
11 identify low-performing schools on an annual basis. Low-performing schools are those in  
12 which there is a failure to meet the minimum growth standards, as defined by the State  
13 Board, and a majority of students are performing below grade level.

14 (a1) By July 10 of each year, each local school administrative unit shall conduct a  
15 preliminary analysis of test results to determine which of its schools the State Board may  
16 identify as low-performing under this section. The superintendent then shall proceed  
17 under G.S. 115C-105.39. In addition, within 30 days of the initial identification of a  
18 school as low-performing by the local school administrative unit or the State Board,  
19 whichever occurs first, the superintendent shall submit to the local board a preliminary  
20 plan for addressing the needs of that school. Within 30 days of its receipt of this plan, the

1 local board shall vote to approve or modify this plan. Before the board makes this vote, it  
2 shall make the plan available to the public, and in particular to the parents and guardians  
3 of the students who are assigned to the school, and shall allow for written comments.  
4 The local board shall submit its plan to the State Board within 15 days of the board's  
5 vote. The State Board shall review the plan expeditiously and, if appropriate, may offer  
6 recommendations to modify the plan. The local board shall implement any  
7 recommendations made by the State Board.

8 (b) Each ~~identified low-performing school~~ school that the State Board identifies as  
9 ~~low-performing~~ shall provide written notification to the parents of students attending that  
10 school. The written notification shall include a statement that the State Board of  
11 Education has found that the school has "failed to meet the minimum growth standards,  
12 as defined by the State Board, and a majority of students in the school are performing  
13 below grade level." This notification also shall include ~~a description of the information~~  
14 ~~about the plan developed under subsection (a1) of this section and a description of any~~  
15 ~~additional steps the school is taking to improve student performance."~~

16 Section 2. G.S. 115C-105.39(a) reads as rewritten:

17 "(a) ~~Upon the identification of a school as low-performing under this Part, the State~~  
18 ~~Board shall proceed under G.S. 115C-325(q)(1) for the dismissal of the principal~~  
19 ~~assigned to that school. Within 30 days of the initial identification of a school as low-~~  
20 ~~performing, whether by the local school administrative unit under G.S. 115C-105.37(a1)~~  
21 ~~or by the State Board under G.S. 115C-105.37(a), the superintendent shall recommend to~~  
22 ~~the local board one of the following concerning the school's principal: (i) the principal~~  
23 ~~should be retained in the same position; (ii) the principal should be retained in the same~~  
24 ~~position and a plan for remediation should be developed; (iii) the principal should be~~  
25 ~~demoted; or (iv) the principal should be dismissed. The principal shall be retained in the~~  
26 ~~same position without a plan for remediation only if the principal was in that position for~~  
27 ~~no more than two years before the school is identified as low-performing. The principal~~  
28 ~~may be demoted to a previously held position, including that of a teacher or assistant~~  
29 ~~principal. If the superintendent intends to recommend demotion or dismissal, then the~~  
30 ~~superintendent shall proceed under G.S. 115C-325. Within 15 days of its decision~~  
31 ~~concerning the superintendent's recommendation, but no later than September 30, the~~  
32 ~~local board shall submit to the State Board a written notice of the action taken and the~~  
33 ~~basis for that action. If the State Board does not assign an assistance team to that school,~~  
34 ~~then the Board shall take no further action. If the State Board assigns an assistance team~~  
35 ~~to the school, then the Board shall proceed under G.S. 115C-325(q)(1)."~~

36 Section 3. G.S. 115C-325(q)(1) reads as rewritten:

37 "(1) ~~Notwithstanding any other provision of this section or any other law, the~~  
38 ~~State Board:~~

- 39 a. ~~Shall suspend with pay a principal who has been assigned to a~~  
40 ~~school for more than two years before the State Board identifies~~  
41 ~~that school as low-performing and assigns an assistance team to~~  
42 ~~that school under Article 8B of this Chapter; and~~

1           b.     ~~May suspend with pay a principal who has been assigned to a~~  
2                 ~~school for no more than two years before the State Board~~  
3                 ~~identifies that school as low performing and assigns an assistance~~  
4                 ~~team to that school under Article 8B of this Chapter.~~

5           Upon the receipt of the local board's recommendations as required under  
6           G.S. 115C-105.39 concerning the principal in a low-performing school  
7           to which the State Board has assigned an assistance team, the State  
8           Board shall vote to accept, reject, or modify those recommendations.  
9           The local board shall implement any changes the State Board  
10           recommends.

11           Notwithstanding any other provision of this section or any other law,  
12           the State Board may, at any time, suspend with pay any principal who is  
13           assigned to a low-performing school to which an assistance team has  
14           been assigned. These principals shall be suspended with pay pending a  
15           hearing before a panel of three members of the State Board. The  
16           purpose of this hearing, which shall be held within 60 days after the  
17           principal is suspended, is to determine whether the principal shall be  
18           dismissed. The panel shall order the dismissal of the principal when the  
19           State Board receives two consecutive evaluations that include written  
20           findings and recommendations regarding that person's inadequate  
21           performance from the assistance team. These findings and  
22           recommendations shall be substantial evidence of the inadequate  
23           performance of the principal. The panel also shall order the dismissal of  
24           the principal when it determines from available information, including  
25           the findings of the assistance team, that the low performance of the  
26           school is due to the principal's inadequate performance. The panel may  
27           order the dismissal of the principal when (i) it determines that the school  
28           has failed to make satisfactory improvement after the State Board  
29           assigned an assistance team to that school; and (ii) the assistance team  
30           makes the recommendation to dismiss the principal for one or more  
31           grounds established in G.S. 115C-325(e)(1) for dismissal or demotion  
32           of a career employee. In all hearings under this subdivision, the burden  
33           of proof is on the principal to establish that the factors leading to the  
34           school's low performance were not due to the principal's inadequate  
35           performance. The panel shall order the dismissal of the principal, at which  
36           time the period of suspension with pay shall expire, unless the panel makes a  
37           public determination that the principal has established that the factors that led  
38           to the identification of the school as low performing were not due to the  
39           inadequate performance of the principal.—The State Board shall adopt  
40           procedures to ensure that due process rights are afforded to principals  
41           under this subsection. Decisions of the panel may be appealed on the  
42           record to the State Board, with further right of judicial review under  
43           Chapter 150B of the General Statutes."

1           Section 4. There is appropriated from the General Fund to the State Board of  
2 Education the sum of one million dollars (\$1,000,000) to provide staff development  
3 opportunities for training superintendents to use and interpret instruments designed to  
4 evaluate principals and for the development and implementation of remediation plans for  
5 principals.

6           Section 5. This act becomes effective July 1, 1998, and applies to principals in  
7 schools identified as low-performing after that date.