

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

H

1

HOUSE BILL 1542

Short Title: School Mission/Differentiated Pay.

(Public)

Sponsors: Representatives Barnes, Nesbitt, Diamont; Bowman and Redwine.

Referred to: Education.

June 3, 1992

A BILL TO BE ENTITLED

AN ACT TO APPROPRIATE MONEY FOR DIFFERENTIATED PAY, TO CLARIFY A STATEWIDE MISSION FOR PUBLIC SCHOOLS, TO ENACT THE PROVISIONS OF HOUSE BILL 828, TO CLARIFY PROCEDURES FOR LOCAL SCHOOL IMPROVEMENT PLANS, AND TO CREATE SCHOOL BUILDING REPORT CARDS.

The General Assembly of North Carolina enacts:

Section 1. There is appropriated from the General Fund to the Department of Public Education the sum of thirty-seven million nine hundred seventeen thousand six hundred thirty-four dollars (\$37,917,634) for the 1992-93 fiscal year for differentiated pay for public school employees. These funds shall be expended in accordance with the School Improvement and Accountability Act of 1989 as amended by this act.

Sec. 2. G.S. 115C-238.1 reads as rewritten:

"§ 115C-238.1. Performance-based Accountability Program; development and implementation by State Board.

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

- (1) Procedures and guidelines through which, beginning with the 1990-91 fiscal year, local school administrative units may participate in the Program;

- 1 (2) Guidelines for developing local school improvement plans with three-
2 to-five year student performance goals and annual milestones to
3 measure progress in meeting those goals; and
4 (3) A set of student performance indicators for measuring and assessing
5 student performance in the participating local school administrative
6 units. These indicators may include attendance rates, dropout rates,
7 test scores, parent involvement, and post-secondary outcomes."

8 Sec. 3. G.S. 115C-238.3 reads as rewritten:

9 **"§ 115C-238.3. Elements of local ~~plans~~; plans subject to vote.**

10 (a) The board of education of a local school administrative unit that elects to
11 participate in the Program shall submit a local school improvement plan to the State
12 Superintendent of Public Instruction before April 15 of the fiscal year preceding the
13 fiscal year in which participation is sought. If the unit develops a differentiated pay
14 plan, it shall be a part of the local school improvement plan. The local board of
15 education shall actively involve a substantial number of teachers, school administrators,
16 ~~and other school staff~~ staff, and parents of children enrolled in the local school
17 administrative unit, in developing the local school improvement plan, including the
18 differentiated pay plan. It is the intent of the General Assembly that teachers have a
19 major role in developing the local school improvement plan; therefore, at least half of
20 the staff members involved in developing the local plan shall be teachers. The teachers
21 at each school shall select the teachers from that school who are involved in developing
22 the local plan.

23 (b) The local school improvement plan shall set forth (i) the student performance
24 goals established by the local board of education for the local school administrative unit
25 and (ii) the unit's strategies and plans for attaining them.

26 The performance goals for the local school administrative unit shall address specific,
27 measurable goals for all student performance indicators adopted by the State Board.
28 Factors that determine gains in achievement vary from school to school; therefore,
29 socioeconomic factors and previous student performance indicators shall be used as the
30 basis of the local school improvement plan.

31 The strategies for attaining the local student performance goals shall be based on
32 plans for each individual school in the local school administrative unit. The principal of
33 each school and his staff shall develop a plan to address student performance goals
34 appropriate to the school from those established by the local board of education.

35 (c) The local school administrative unit shall consider a plan for differentiated
36 pay. The local plan shall include a plan for differentiated pay, in accordance with G.S.
37 115C-238.4, unless the local school administrative unit elects not to participate in any
38 differentiated pay plan.

39 (d) The local plan may include a request for a waiver of State laws, regulations,
40 or policies. The request for a waiver shall identify the State laws, regulations, or
41 policies that inhibit the local unit's ability to reach its local accountability goals and
42 shall explain how a waiver of those laws, regulations, or policies will permit the local
43 unit to reach its local goals.

1 (e) Support among affected staff members is essential to successful implementation
2 of a local school improvement plan; therefore, a local board of education that decides to
3 participate in the Program shall present a proposed local school improvement plan,
4 including any differentiated pay plan, to its affected staff for their review and vote as
5 follows:

- 6 (1) The plan shall be presented for a review and vote no later than
7 February 1 of the fiscal year preceding the fiscal year in which
8 participation is sought.
- 9 (2) The vote shall be by secret ballot. The local board of education shall
10 submit the proposed local school improvement plan to the State
11 Superintendent of Public Instruction only if the proposed plan has the
12 approval of a majority of the affected staff voting on the plan.
- 13 (3) If the school improvement plan is rejected by a majority of those
14 affected staff voting on the plan, then the local board may prepare and
15 present another plan, including any differentiated pay plan, to the
16 affected staff for a vote. The vote shall be by secret ballot. If no plan
17 receives approval of a majority of those voting by March 15 of the
18 fiscal year preceding the fiscal year in which participation in the
19 Program is sought, the local school administrative unit may submit to
20 the State Superintendent for approval the plan which received the
21 highest number of votes.
- 22 (4) Every three years after a local school improvement plan receives this
23 approval, but no later than February 1 of the fiscal year preceding the
24 fiscal year in which renewed participation in the Program is sought,
25 the local board of education shall present a proposed plan to continue,
26 discontinue, or modify that local school administrative unit's local
27 school improvement plan to its affected staff in accordance with this
28 subsection.

29 For purposes of this subsection 'affected staff' means State-funded certificated
30 instructional and instructional support staff and State-funded certificated
31 administrators."

32 Sec. 4. G.S. 115C-238.4(b) reads as rewritten:

33 ~~"(b) Support among affected staff members is essential to successful~~
34 ~~implementation of a differentiated pay plan; therefore, a local board of education that~~
35 ~~decides that a differentiated pay plan should be included in its local school improvement~~
36 ~~plan shall present a proposed differentiated pay plan to affected staff members for their~~
37 ~~review and vote. The vote shall be by secret ballot. The local board of education shall~~
38 ~~include the proposed differentiated pay plan in its local school improvement plan only if~~
39 ~~the proposed plan has the approval of a majority of the affected paid certificated~~
40 ~~instructional and instructional support staff and a majority of the affected certificated~~
41 ~~administrators.~~

42 ~~Every three years after a differentiated pay plan receives such approval, the local~~
43 ~~board of education shall present a proposed plan to continue, discontinue, or modify that~~
44 ~~differentiated pay plan to affected staff members for their review and vote. The vote~~

1 shall be by secret ballot. The local board of education shall include the proposed plan in
2 its local school improvement plan only if the proposed plan has the approval of a
3 majority of the affected paid certificated instructional and instructional support staff and
4 a majority of the affected certificated administrators. Differentiated pay plans shall be
5 subject to a vote by affected staff in accordance with G.S. 115C-238.3(e)."

6 Sec. 5. G.S. 115C-12(9) is amended by adding a new sub-subdivision to
7 read:

8 "(9) Miscellaneous Powers and Duties. – All the powers and duties
9 exercised by the State Board of Education shall be in conformity with
10 the Constitution and subject to such laws as may be enacted from time
11 to time by the General Assembly. Among such duties are:

- 12 a. To certify and regulate the grade and salary of teachers and
13 other school employees.
- 14 b. To adopt and supply textbooks.
- 15 c. To adopt rules requiring all local boards of education to
16 implement the Basic Education Program on an incremental
17 basis within funds appropriated for that purpose by the General
18 Assembly and by units of local government. Beginning with
19 the 1991-92 school year, the rules shall require each local
20 school administrative unit to implement fully the standard
21 course of study in every school in the State in accordance with
22 the Basic Education Program so that every student in the State
23 shall have equal access to the curriculum as provided in the
24 Basic Education Program and the standard course of study.

25 The Board shall establish benchmarks by which to measure
26 the progress that each local board of education has made in
27 implementing the Basic Education Program. The Board shall
28 report to the Joint Legislative Education Oversight Committee
29 and to the General Assembly by December 31, 1991, and by
30 February 1 of each subsequent year on each local board's
31 progress in implementing the Basic Education Program,
32 including the use of State and local funds for the Basic
33 Education Program.

34 The Board shall develop a State accreditation program that
35 meets or exceeds the standards and requirements of the Basic
36 Education Program. The Board shall require each local school
37 administrative unit to comply with the State accreditation
38 program to the extent that funds have been made available to
39 the local school administrative unit for implementation of the
40 Basic Education Program.

41 The Board shall use the State accreditation program to
42 monitor the implementation of the Basic Education Program.

- 43 c1. To issue an annual 'report card' for the State and for each local
44 school administrative unit, assessing each unit's efforts to

1 improve student performance and taking into account progress
 2 over the previous years' level of performance and the State's
 3 performance in comparison with other states. This assessment
 4 shall take into account demographic, economic, and other
 5 factors that have been shown to affect student performance.

6 c2. To develop management accountability indicators to measure
 7 the efficiency and appropriate use of staff in each school and at
 8 the administrative office. Staff development for school
 9 administrators shall be a high priority of the Department of
 10 Public Instruction.

11 c3. To develop and implement a system to issue report cards for
 12 each school building. The purpose of school building report
 13 cards is to measure improvement in student performance from
 14 year to year, not to compare school buildings. The Board may
 15 consider for inclusion in the building report card the following
 16 criteria: test scores, the success of graduating students in
 17 postsecondary institutions, attendance, graduation and dropout
 18 rates, the numbers of children enrolled in free lunch or Chapter
 19 1 programs, the education level of the parents of children
 20 enrolled in the school, the teaching experience of the school
 21 staff, and whether the building has been successful in meeting
 22 the goals of the systemwide plan developed in accordance with
 23 G.S. 115C-238.1 through G.S. 115C-238.6. Building report
 24 cards shall be developed so that they may be produced and
 25 disseminated by local school administrative units based on data
 26 for the 1993-94 school year no later than March 15, 1995.

27 d. To formulate rules and regulations for the enforcement of the
 28 compulsory attendance law.

29 e. To manage and operate a system of insurance for public school
 30 property, as provided in Article 38 of this Chapter.

31 In making substantial policy changes in administration,
 32 curriculum, or programs the Board should conduct hearings
 33 throughout the regions of the State, whenever feasible, in order
 34 that the public may be heard regarding these matters."

35 Sec. 6. G.S. 115C-47 is amended by adding a new subdivision to read:

36 "(35) To produce and disseminate building report cards. – Each
 37 administrative unit shall produce and disseminate building report
 38 cards for each school building in the local school administrative
 39 unit. Each building report card shall be disseminated to the school
 40 community, including the State Board of Education, the
 41 Superintendent of Public Instruction, teachers, students, parents of
 42 children enrolled in the school, and other interested persons in the
 43 community. The State Board of Education, in accordance with G.S.
 44 115C-12(9)c3. shall generate in automated format a model building

1 report card which shall be used by the local school administrative
2 unit. Building report cards shall be produced and disseminated
3 based on data for the 1993-94 school year no later than March 15,
4 1995. Subsequent building report cards shall be produced and
5 disseminated annually and no later than the January following the
6 school year which is being reported."

7 Sec. 7. The State Board of Education shall make progress reports on the
8 development and implementation of the system for building report cards as requested to
9 the General Assembly and the Joint Legislative Education Oversight Committee.

10 Sec. 8. G.S. 115C-81(a) reads as rewritten:

11 "(a) The General Assembly believes that all children can learn. It is the intent of
12 the General Assembly that the mission of the public school community is to challenge
13 with high expectations each child to learn, to achieve, and to fulfill his or her potential.
14 With that mission as its guide, the ~~The~~ State Board of Education shall adopt a Basic
15 Education Program for the public schools of the State. Before it adopts or revises the
16 Basic Education Program, the State Board shall consult with an Advisory Committee,
17 including at least eight members of local boards of education, that the State Board
18 appoints from a list of nominees submitted by the North Carolina School Boards
19 Association. The State Board shall report annually to the General Assembly on any
20 changes it has made in the program in the preceding 12 months and any changes it is
21 considering for the next 12 months.

22 ~~The State Board of Education shall review the Basic Education Program in an effort~~
23 ~~to (i) simplify the Basic Education Program, especially the standard course of study~~
24 ~~and the core curriculum for all students, and (ii) assure that the Program adopted by the~~
25 ~~State Board and implemented by the local boards of education carries out the intent of~~
26 ~~the General Assembly to provide every student in the State equal access to a Basic~~
27 ~~Education Program. The State Board shall report the results of its review to the Joint~~
28 ~~Legislative Education Oversight Committee and to the General Assembly prior to~~
29 ~~March 15, 1992.~~

30 The State Board shall implement the Basic Education Program within funds
31 appropriated for that purpose by the General Assembly and by units of local
32 government. It is the intent of the General Assembly that until the Basic Education
33 Program is fully funded, the implementation of the Basic Education Program shall be
34 the focus of State educational funding. It is the goal of the General Assembly that the
35 Basic Education Program be fully funded and completely operational in each local
36 school administrative unit by July 1, 1995.

37 It is further a goal of the General Assembly to provide supplemental funds to low-
38 wealth counties to allow those counties to enhance the instructional program and student
39 achievement."

40 Sec. 9. G.S. 115C-238.13(a) reads as rewritten:

41 "(a) The General Assembly believes that all children can learn. It is the intent of
42 the General Assembly that the mission of the public school community is to challenge
43 with high expectations each child to learn, to achieve, and to fulfill his or her potential.
44 With that mission as its guide, the ~~The~~ State Board of Education shall develop and

1 implement an outcome-based education program. The State Board of Education shall
2 select four sites to participate in the program for five fiscal years beginning with the
3 1992-93 fiscal year. The first year of the project shall be a year for the sites to plan their
4 projects. The remaining four years shall be to implement the projects and to
5 demonstrate their effectiveness."

6 Sec. 10. This act is effective upon ratification. Sections 3 and 4 of this act
7 apply to all local school improvement plans developed for school years beginning with
8 the 1993-94 school year.