

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

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HOUSE BILL 706
Committee Substitute Favorable 4/4/05
Senate Education/Higher Education Committee Substitute Adopted 8/12/05

Short Title: Facilitate Hiring of Teachers.

(Public)

Sponsors:

Referred to:

March 17, 2005

A BILL TO BE ENTITLED

AN ACT TO AMEND THE TEACHER CERTIFICATION LAW TO FACILITATE
THE HIRING OF TEACHERS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-296 reads as rewritten:

"§ 115C-296. ~~Board sets certification~~ Certification requirements.

(a) State Board of Education Shall Certify Teachers. – The State Board of Education shall have ~~entire~~ control of certifying all applicants for teaching positions in all public elementary and high schools of North ~~Carolina~~; and ~~it~~ Carolina, subject to laws enacted by the General Assembly. An applicant must meet the requirements for a highly qualified teacher under the No Child Left Behind Act of 2001, 20 U.S.C. § 6301, et seq., to be certified in North Carolina. The State Board shall prescribe the rules and regulations for the renewal and extension of all certificates and shall determine and fix the salary for each grade and type of certificate ~~which~~ that 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~~

(a1) Certification of Beginning In-State and Out-of-State Teachers. – The certification requirements for an initial bachelors degree certificate or masters degree certificate for a beginning teacher who has completed an approved teacher education program and who is an in-State applicant or an applicant from another state shall include the following:

- (1) An applicant for a certificate as an elementary education teacher or a special education teacher shall demonstrate academic and professional preparation by either (i) achieving a prescribed minimum score on a standard examination appropriate and adequate for that purpose or (ii)

1 otherwise meeting the requirements for a highly qualified teacher
2 under the No Child Left Behind Act of 2001.

3 (2) An applicant for a certificate in all other areas of certification shall
4 demonstrate academic and professional preparation by either (i)
5 achieving a prescribed minimum score on a standard examination
6 appropriate and adequate for that purpose, (ii) completing an
7 appropriate academic major, graduate degree, or comparable
8 coursework, or (iii) otherwise meeting the requirements for a highly
9 qualified teacher under the No Child Left Behind Act of 2001.

10 (a2) Certification of Teachers from Other States with Less Than Three Years of
11 Experience. – A teacher from another state who (i) has less than three years of
12 experience as a full-time classroom teacher, (ii) is fully certified and highly qualified, as
13 provided in the No Child Left Behind Act of 2001 in that other state, and (iii) is
14 employed as a teacher by a local school administrative unit in North Carolina, is
15 deemed to have satisfied the academic and professional preparation required to receive
16 initial certification in North Carolina, except as otherwise provided in the No Child Left
17 Behind Act of 2001. The initial certification shall be granted for the period of time
18 necessary for the teacher to acquire three years of full-time teaching experience in North
19 Carolina and the other state combined.

20 (a3) Certification of In-State and Out-of-State Teachers with at Least Three Years
21 of Experience. – A teacher from North Carolina or another state who (i) has three or
22 more years of experience as a full-time teacher, (ii) is fully certified and highly qualified
23 as provided in the No Child Left Behind Act of 2001 in North Carolina or in that other
24 state, and (iii) is employed as a teacher by a local school administrative unit in North
25 Carolina is deemed to have satisfied the academic and professional preparation required
26 to receive continuing certification in North Carolina, except as otherwise provided in
27 the No Child Left Behind Act of 2001.

28 (a4) Certification of Visiting International Faculty. – The State Board of
29 Education shall issue an international faculty certificate to an individual on a cultural
30 exchange visa who (i) has a university degree and a teaching certificate in his or her
31 home country, (ii) is qualified in his or her home country to teach the subjects he or she
32 will teach, (iii) speaks English proficiently, and (iv) meets the definition of highly
33 qualified under the No Child Left Behind Act of 2001. The certificate shall be granted
34 for the period of time during which the teacher holds a cultural exchange visa, not to
35 exceed three consecutive years.

36 An individual on a cultural exchange visa shall not be eligible to receive any other
37 teacher certificate.

38 (a5) Testing Requirements. – An applicant for teacher certification shall not be
39 required to take and pass a standard examination except as required by subsection (a1)
40 of this section or the No Child Left Behind Act of 2001.

41 The State Board of Education shall permit an applicant to fulfill any ~~such~~-testing
42 requirement before or during the applicant's second year of teaching provided the
43 applicant took the examination at least once during the first year of teaching. The State
44 Board of Education shall make any required standard initial certification exam

1 sufficiently rigorous and raise the prescribed minimum score as necessary to ensure that
2 each applicant has adequate academic and professional preparation to teach.

3 ~~(a1)~~ The State Board shall adopt policies that establish the minimum scores for
4 any required standard examinations and other measures necessary to assess the
5 qualifications of professional personnel as required under subsection ~~(a)~~(a1) of this
6 ~~section~~section or the No Child Left Behind Act of 2001. For purposes of this
7 subsection, the State Board shall not be subject to Article 2A of Chapter 150B of the
8 General Statutes. At least 30 days prior to changing any policy adopted under this
9 subsection, the State Board shall provide written notice to all North Carolina schools of
10 education and to all local boards of education. The written notice shall include the
11 proposed revised policy.

12 ~~(a2)~~ (a6) Fees for Teacher Certification. – The State Board of Education shall
13 impose the following schedule of fees for teacher certification and administrative
14 changes:

- 15 (1) Application for demographic or administrative changes to a certificate,
16 \$30.00.
- 17 (2) Application for a duplicate certificate or for copies of documents in the
18 certification files, \$30.00.
- 19 (3) Application for a renewal, extension, addition, upgrade, and variation
20 to a certificate, \$55.00.
- 21 (4) Initial application for New, In-State Approved Program Graduate,
22 \$55.00.
- 23 (5) Initial application for ~~Out of State certificate~~, certificate for a teacher
24 from another state, \$85.00.
- 25 (6) All other applications, \$85.00.

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

27 (b) Standards for Teacher and School Administrator Education Programs, Entry
28 into Teacher Education Programs, and Continuing Certification. – It is the policy of the
29 State of North Carolina to maintain the highest quality teacher education programs and
30 school administrator programs in order to enhance the competence of professional
31 personnel certified in North Carolina. To the end that teacher preparation programs are
32 upgraded to reflect a more rigorous course of study, the State Board of Education, as
33 lead agency in coordination and cooperation with the University Board of Governors,
34 the Board of Community Colleges and such other public and private agencies as are
35 necessary, shall continue to refine the several certification requirements, standards for
36 approval of institutions of teacher education, standards for institution-based innovative
37 and experimental programs, standards for implementing consortium-based teacher
38 education, and standards for improved efficiencies in the administration of the approved
39 programs. The certification program shall provide for initial certification after
40 completion of preservice training, continuing certification after three years of teaching
41 experience, and certificate renewal every five years thereafter, until the retirement of the
42 teacher. The last certificate renewal received prior to retirement shall remain in effect
43 for five years after retirement.

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

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

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

17 The standards for approval of institutions of teacher education shall require that
18 teacher education programs for students who do not major in special education include
19 demonstrated competencies in the identification and education of children with learning
20 disabilities. The State Board of Education shall incorporate the criteria developed in
21 accordance with G.S. 116-74.21 for assessing proposals under the School Administrator
22 Training Program into its school administrator program approval standards.

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

29 (b1) Performance Reports for Teacher and School Administrator Education
30 Programs. – The State Board of Education shall develop a plan to provide a focused
31 review of teacher education programs and the current process of accrediting these
32 programs in order to ensure that the programs produce graduates that are well prepared
33 to teach. The plan shall include the development and implementation of a school of
34 education performance report for each teacher education program in North Carolina.
35 The performance report shall include at least the following elements: (i) quality of
36 students entering the schools of education, including the average grade point average
37 and average score on preprofessional skills tests that assess reading, writing, math and
38 other competencies; (ii) graduation rates; (iii) time-to-graduation rates; (iv) average
39 scores of graduates on professional and content area examination for the purpose of
40 certification; (v) percentage of graduates receiving initial certification; (vi) percentage
41 of graduates hired as teachers; (vii) percentage of graduates remaining in teaching for
42 four years; (viii) graduate satisfaction based on a common survey; and (ix) employer
43 satisfaction based on a common survey. The performance reports shall follow a
44 common format. The performance reports shall be submitted annually. The State Board

1 of Education shall develop and implement a plan ~~to be implemented beginning in the~~
2 ~~1998-99 school year~~ to reward and sanction approved teacher education programs and
3 masters of education programs and to revoke approval of those programs based on the
4 performance reports and other criteria established by the State Board of Education.

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

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

20 (c) Lateral Entry. – It is the policy of the State of North Carolina to encourage
21 lateral entry into the profession of teaching by skilled individuals from the private
22 sector. To this end, before the 1985-86 school year begins, the State Board of Education
23 shall develop criteria and procedures to accomplish the employment of such individuals
24 as classroom teachers. ~~Regardless of credentials or competence, no one shall begin~~
25 ~~teaching above the middle level of differentiation.~~ Skilled individuals who choose to
26 enter the profession of teaching laterally may be granted ~~a provisional~~ an alternative
27 teaching certificate for no more than five ~~three~~ years prior to completing the
28 requirements for lateral entry and shall be required to obtain certification before
29 contracting for a ~~sixth~~ fourth year of service with any local administrative unit in this
30 State.

31 It is further the policy of the State of North Carolina to ensure that local boards of
32 education can provide the strongest possible leadership for schools based upon the
33 identified and changing needs of individual schools. To this end, before the 1994-95
34 school year begins, the State Board of Education shall carefully consider a lateral entry
35 program for school administrators to ensure that local boards of education will have
36 sufficient flexibility to attract able candidates.

37 (d) Suspension and Revocation of Certificates. – The State Board shall adopt
38 rules to establish the reasons and procedures for the suspension and revocation of
39 certificates. The State Board shall revoke the certificate of a teacher or school
40 administrator if the State Board receives notification from a local board or the Secretary
41 of Health and Human Services that a teacher or school administrator has received an
42 unsatisfactory or below standard rating under G.S. 115C-333(d). In addition, the State
43 Board may revoke or refuse to renew a teacher's certificate when:

- 1 (1) The Board identifies the school in which the teacher is employed as
2 low-performing under G.S. 115C-105.37 or G.S. 143B-146.5; and
- 3 (2) The State Board shall automatically revoke the certificate of a teacher
4 or school administrator without the right to a hearing upon receiving
5 verification of the identity of the teacher or school administrator
6 together with a certified copy of a criminal record showing that the
7 teacher or school administrator has entered a plea of guilty or nolo
8 contendere to or has been finally convicted of any of the following
9 crimes: Murder in the first or second degree, G.S. 14-17; Conspiracy
10 or solicitation to commit murder, G.S. 14-18.1; Rape or sexual offense
11 as defined in Article 7A of Chapter 14 of the General Statutes.
12 Felonious assault with deadly weapon with intent to kill or inflicting
13 serious injury, G.S. 14-32; Kidnapping, G.S. 14-39; Abduction of
14 children, G.S. 14-41; Crime against nature, G.S. 14-177; Incest,
15 G.S. 14-178 or G.S. 14-179; Employing or permitting minor to assist
16 in offense against public morality and decency, G.S. 14-190.6;
17 Dissemination to minors under the age of 16 years, G.S. 14-190.7;
18 Dissemination to minors under the age of 13 years, G.S. 14-190.8;
19 Displaying material harmful to minors, G.S. 14-190.14; Disseminating
20 harmful material to minors, G.S. 14-190.15; First degree sexual
21 exploitation of a minor, G.S. 14-190.16; Second degree sexual
22 exploitation of a minor, G.S. 14-190.17; Third degree sexual
23 exploitation of a minor, G.S. 14-190.17A; Promoting prostitution of a
24 minor, G.S. 14-190.18; Participating in prostitution of a minor,
25 G.S. 14-190.19; Taking indecent liberties with children,
26 G.S. 14-202.1; Solicitation of child by computer to commit an
27 unlawful sex act, G.S. 14-202.3; Taking indecent liberties with a
28 student, G.S. 14-202.4; Prostitution, G.S. 14-204; and child abuse
29 under G.S. 14-318.4. The Board shall mail notice of its intent to act
30 pursuant to this subdivision by certified mail, return receipt requested,
31 directed to the teacher or school administrator at their last known
32 address. The notice shall inform the teacher or school administrator
33 that it will revoke the person's certificate unless the teacher or school
34 administrator notifies the Board in writing within 10 days after receipt
35 of the notice that the defendant identified in the criminal record is not
36 the same person as the teacher or school administrator. If the teacher or
37 school administrator provides this written notice to the Board, the
38 Board shall not revoke the certificate unless it can establish as a fact
39 that the defendant and the teacher or school administrator are the same
40 person.
- 41 (3) In addition, the State Board may revoke or refuse to renew a teacher's
42 certificate when:

- 1 a. The Board identifies the school in which the teacher is
2 employed as low-performing under G.S. 115C-105.37 or
3 G.S. 143B-146.5; and
4 b. The assistance team assigned to that school makes the
5 recommendation to revoke or refuse to renew the teacher's
6 certificate for one or more reasons established by the State
7 Board in its rules for certificate suspension or revocation.

8 The State Board may issue subpoenas for the purpose of obtaining documents or the
9 testimony of witnesses in connection with proceedings to suspend or revoke certificates.
10 In addition, the Board shall have the authority to contract with individuals who are
11 qualified to conduct investigations in order to obtain all information needed to assist the
12 Board in the proper disposition of allegations of misconduct by certificated persons.

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

26 (f) Masters/Advanced Competencies Certificate. – The State Board of Education,
27 after consultation with the Board of Governors of The University of North Carolina,
28 shall develop a new category of teacher certificate known as the "Masters/Advanced
29 Competencies" certificate. To receive this certificate, an applicant shall successfully
30 complete a masters degree program that includes rigorous academic preparation in the
31 subject area which the applicant will teach and in the skills and knowledge expected of
32 a master teacher or the applicant shall demonstrate to the satisfaction of the State Board
33 that the candidate has acquired the skills and knowledge expected of a master teacher.

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

38 (g) Provisional Licenses, Temporary Permits, and Emergency Permits. –
39 Notwithstanding any other provision of this section, the State Board of Education shall
40 continue to issue provisional licenses, temporary permits, and emergency permits that
41 are valid through June 30, 2006, on the same basis as they were issued prior to the date
42 this act becomes law."

1 **SECTION 2.** This act is effective when it becomes law and applies to all
2 persons initially employed as teachers by a local school administrative unit in North
3 Carolina beginning with the 2005-2006 school year.