

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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SENATE BILL 1129*

Education/Higher Education Committee Substitute Adopted 5/28/98

Short Title: ABC's Plan/Consequences for Principals.

(Public)

Sponsors:

Referred to:

May 14, 1998

A BILL TO BE ENTITLED

AN ACT TO AMEND THE STATUTES GOVERNING THE CONSEQUENCES FOR PRINCIPALS IN SCHOOLS IDENTIFIED AS LOW-PERFORMING UNDER THE ABC'S PLAN, AND TO REQUIRE LOCAL SCHOOL ADMINISTRATIVE UNITS TO DEVELOP PLANS TO ADDRESS THE NEEDS OF LOW-PERFORMING SCHOOLS.

The General Assembly of North Carolina enacts:

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

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

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

(a1) By July 10 of each year, each local school administrative unit shall do a preliminary analysis of test results to determine which of its schools the State Board may identify as low-performing under this section. The superintendent then shall proceed under G.S. 115C-105.39. In addition, within 30 days of the initial identification of a school as low-performing by the local school administrative unit or the State Board, whichever occurs first, the superintendent shall submit to the local board a preliminary

1 plan for addressing the needs of that school. Within 30 days of its receipt of this plan, the
2 local board shall vote to approve, modify, or reject this plan. Before the board makes this
3 vote, it shall make the plan available to the public, including the personnel assigned to
4 that school and the parents and guardians of the students who are assigned to the school,
5 and shall allow for written comments. The board shall submit the plan to the State Board
6 within five days of the board's vote. The State Board shall review the plan expeditiously
7 and, if appropriate, may offer recommendations to modify the plan. The local board shall
8 consider any recommendations made by the State Board.

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

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

18 "(a) ~~Upon the identification of a school as low performing under this Part, the State~~
19 ~~Board shall proceed under G.S. 115C-325(q)(1) for the dismissal of the principal~~
20 ~~assigned to that school. Within 30 days of the initial identification of a school as low-~~
21 ~~performing, whether by the local school administrative unit under G.S. 115C-105.37(a1)~~
22 ~~or by the State Board under G.S. 115C-105.37(a), the superintendent shall recommend to~~
23 ~~the local board one of the following concerning the school's principal: (i) the principal~~
24 ~~should be retained in the same position; (ii) the principal should be retained in the same~~
25 ~~position and a plan for remediation should be developed; (iii) the principal should be~~
26 ~~transferred or demoted; or (iv) the principal should be dismissed. The principal may be~~
27 ~~retained in the same position without a plan for remediation only if the principal was in~~
28 ~~that position for no more than two years before the school is identified as low-~~
29 ~~performing. The principal shall not be transferred to another principal position unless (i)~~
30 ~~it is in a school classification in which the principal previously demonstrated success, and~~
31 ~~(ii) there is a plan to evaluate the principal at least during the year following the transfer~~
32 ~~to assure the principal does not impede student performance at the school to which the~~
33 ~~principal is transferred. The principal shall not be transferred to another low-performing~~
34 ~~school in the local school administrative unit. If the superintendent intends to~~
35 ~~recommend demotion or dismissal, then the superintendent shall proceed under G.S.~~
36 ~~115C-325. Within 15 days of its decision concerning the superintendent's~~
37 ~~recommendation, but no later than September 30, the local board shall submit to the State~~
38 ~~Board a written notice of the action taken and the basis for that action. If the State Board~~
39 ~~does not assign an assistance team to that school, then the State Board shall take no~~
40 ~~further action. If the State Board assigns an assistance team to the school, then the State~~
41 ~~Board shall vote to accept, reject, or modify the local board's recommendations. The~~
42 ~~State Board shall notify the local board of its action within five days. If the State Board~~
43 ~~rejects or modifies the local board's recommendations and does not recommend dismissal~~

1 of the principal, the State Board's notification shall include recommended action
2 concerning the principal's assignment or terms of employment. Upon receipt of the State
3 Board's notification, the local board shall implement the State Board's recommendations.
4 If the State Board rejects or modifies the local board's action and recommends dismissal
5 of the principal, the State Board shall proceed under G.S. 115C-325(q)(1)."

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

7 "(1) Notwithstanding any other provision of this section or any other law, the
8 State Board:

- 9 a. ~~Shall suspend with pay a principal who has been assigned to a~~
10 ~~school for more than two years before the State Board identifies~~
11 ~~that school as low-performing and assigns an assistance team to~~
12 ~~that school under Article 8B of this Chapter; and~~
13 b. ~~May suspend with pay a principal who has been assigned to a~~
14 ~~school for no more than two years before the State Board~~
15 ~~identifies that school as low-performing and assigns an assistance~~
16 ~~team to that school under Article 8B of this Chapter.~~

17 ~~The panel shall order the dismissal of the principal, at which time the period of~~
18 ~~suspension with pay shall expire, unless the panel makes a public determination that the~~
19 ~~principal has established that the factors that led to the identification of the school as low-~~
20 ~~performing were not due to the inadequate performance of the principal.~~

21 Notwithstanding any other provision of this section or any other law,
22 this subdivision governs the State Board's dismissal of principals
23 assigned to low-performing schools to which the Board has assigned an
24 assistance team:

- 25 a. The State Board through its designee may, at any time,
26 recommend the dismissal of any principal who is assigned to a
27 low-performing school to which an assistance team has been
28 assigned. The State Board through its designee shall recommend
29 the dismissal of any principal when the Board receives from the
30 assistance team assigned to that principal's school two
31 consecutive evaluations that include written findings and
32 recommendations regarding the principal's inadequate
33 performance.
34 b. If the State Board through its designee recommends the dismissal
35 of a principal under this subdivision, the principal shall be
36 suspended with pay pending a hearing before a panel of three
37 members of the State Board. The purpose of this hearing, which
38 shall be held within 60 days after the principal is suspended, is to
39 determine whether the principal shall be dismissed.
40 c. The panel shall order the dismissal of the principal if it
41 determines from available information, including the findings of
42 the assistance team, that the low performance of the school is due
43 to the principal's inadequate performance.

- 1 d. The panel may order the dismissal of the principal if (i) it
2 determines that the school has not made satisfactory
3 improvement after the State Board assigned an assistance team to
4 that school; and (ii) the assistance team makes the
5 recommendation to dismiss the principal for one or more grounds
6 established in G.S. 115C-325(e)(1) for dismissal or demotion of a
7 career employee.
- 8 e. The panel may order the dismissal of the principal when it
9 determines from available information, not including
10 recommendations of the assistance team, that the low-
11 performance of the school is due to the principal's inadequate
12 performance.
- 13 f. In all hearings under this subdivision, the burden of proof is on
14 the principal to establish that the factors leading to the school's
15 low performance were not due to the principal's inadequate
16 performance. In all hearings under sub-subdivision d. of this
17 subdivision, the burden of proof is on the State Board to establish
18 that the school failed to make satisfactory improvement after an
19 assistance team was assigned to the school and to establish one or
20 more of the grounds established for dismissal or demotion of a
21 career employee under G.S. 115C-325(e)(1).
- 22 g. In all hearings under this subdivision, two consecutive
23 evaluations that include written findings and recommendations
24 regarding that person's inadequate performance from the
25 assistance team are substantial evidence of the inadequate
26 performance of the principal.
- 27 h. The State Board shall adopt procedures to ensure that due
28 process rights are afforded to principals under this ~~subsection.~~
29 ~~subdivision.~~ Decisions of the panel may be appealed on the
30 record to the State Board, with further right of judicial review
31 under Chapter 150B of the General Statutes."

32 Section 4. This act is effective when it becomes law and applies to principals
33 on or after that date.