

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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HOUSE BILL 1360\*

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

(Public)

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Sponsors: Representatives Preston; Berry, Fox, Hurley, Insko, Moore, Morris, Oldham, Russell, Sexton, Shubert, Smith, Tolson, and Warner.

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Referred to: Education.

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May 20, 1998

A BILL TO BE ENTITLED

1 AN ACT TO AMEND THE STATUTES GOVERNING THE CONSEQUENCES FOR  
2 PRINCIPALS IN SCHOOLS IDENTIFIED AS LOW-PERFORMING UNDER THE  
3 ABC'S PLAN, AND TO REQUIRE LOCAL SCHOOL ADMINISTRATIVE UNITS  
4 TO DEVELOP PLANS TO ADDRESS THE NEEDS OF LOW-PERFORMING  
5 SCHOOLS.  
6

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 do 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

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, and in particular to the parents and  
4 guardians of the students who are assigned to the school, and shall allow for written  
5 comments. The board shall submit the plan to the State Board within 15 days of the  
6 board's vote. The State Board shall review the plan expeditiously and, if appropriate,  
7 may offer recommendations to modify the plan. The local board shall consider any  
8 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 shall 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 be transferred only to a previously held position in which~~  
30 ~~the principal demonstrated success, shall not be transferred to another low-performing~~  
31 ~~school in the local school administrative unit, and shall be transferred only if there is a~~  
32 ~~plan to evaluate the principal for at least one year after the transfer to assure that the~~  
33 ~~principal does not impede student performance at the school to which the principal is~~  
34 ~~transferred. If the superintendent intends to recommend demotion or dismissal, then the~~  
35 ~~superintendent shall proceed under G.S. 115C-325. Within 15 days of its decision~~  
36 ~~concerning the superintendent's recommendation, but no later than September 30, the~~  
37 ~~local board shall submit to the State Board a written notice of the action taken and the~~  
38 ~~basis for that action. If the State Board does not assign an assistance team to that school,~~  
39 ~~then the Board shall take no further action. If the State Board assigns an assistance team~~  
40 ~~to the school, then the Board shall proceed under G.S. 115C-325(q)(1)."~~

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

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

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

9 Upon the receipt of the local board's recommendations as required under  
10 G.S. 115C-105.39 concerning the principal in a low-performing school  
11 to which the State Board has assigned an assistance team, the State  
12 Board shall vote to accept, reject, or modify those recommendations.  
13 The local board shall implement any changes the State Board  
14 recommends. Notwithstanding any other provision of this section or  
15 any other law, the State Board may, at any time, suspend with pay any  
16 principal who is assigned to a low-performing school to which an  
17 assistance team has been assigned. These principals shall be suspended  
18 with pay pending a hearing before a panel of three members of the State  
19 Board. The purpose of this hearing, which shall be held within 60 days  
20 after the principal is suspended, is to determine whether the principal  
21 shall be dismissed. The panel shall order the dismissal of the principal  
22 when the State Board receives two consecutive evaluations that include  
23 written findings and recommendations regarding that person's  
24 inadequate performance from the assistance team. These findings and  
25 recommendations shall be substantial evidence of the inadequate  
26 performance of the principal. The panel also shall order the dismissal of  
27 the principal when it determines from available information, including  
28 the findings of the assistance team, that the low performance of the  
29 school is due to the principal's inadequate performance. The panel may  
30 order the dismissal of the principal when (i) it determines that the school  
31 has failed to make satisfactory improvement after the State Board  
32 assigned an assistance team to that school; or (ii) the assistance team  
33 makes the recommendation to dismiss the principal for one or more  
34 grounds established in G.S. 115C-325(e)(1) for dismissal or demotion  
35 of a career employee. In all hearings under this subdivision, the burden  
36 of proof is on the principal to establish that the factors leading to the  
37 school's low performance were not due to the principal's inadequate  
38 performance. The panel shall order the dismissal of the principal, at  
39 which time the period of suspension with pay shall expire, unless the  
40 panel makes a public determination that the principal has established  
41 that the factors that led to the identification of the school as low-  
42 performing were not due to the inadequate performance of the principal.  
43 The State Board shall adopt procedures to ensure that due process rights

1                   are afforded to principals under this subsection. Decisions of the panel  
2                   may be appealed on the record to the State Board, with further right of  
3                   judicial review under Chapter 150B of the General Statutes."

4                   Section 4. This act is effective when it becomes law and applies to principals  
5 in schools that the State Board of Education identifies as low-performing after July 1,  
6 1998.