

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019**

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HOUSE BILL 1129

Short Title: Ensure a Sound Basic Education. (Public)

Sponsors: Representatives Meyer, Clemmons, Ball, and R. Smith (Primary Sponsors).
For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Rules, Calendar, and Operations of the House

May 18, 2020

A BILL TO BE ENTITLED
AN ACT TO CREATE NEW PROGRAMS AND MAKE CHANGES TO THE LAWS
RELATED TO ELEMENTARY, SECONDARY, AND POSTSECONDARY PUBLIC
SCHOOLS AND TO APPROPRIATE FUNDS.

The General Assembly of North Carolina enacts:

PART I. APPROPRIATIONS AND ALLOCATIONS

APPROPRIATION

SECTION 1.1. There is appropriated from the General Fund to the Department of Public Instruction for the 2020-2021 fiscal year the sum of two million one hundred thousand dollars (\$2,100,000) in recurring funds for the purposes described in this act.

ALLOCATIONS

SECTION 1.2. Funds appropriated pursuant to Section 1.1 of this act shall be allocated as follows:

- (1) \$1,500,000 in additional recurring funds to the Department of Public Instruction to expand the Advanced Teaching Roles Program in accordance with Section 2.1 of this act.
- (2) \$600,000 in recurring funds to the Department of Public Instruction to provide for the establishment and operation of the Office of Equity Oversight as provided in Section 2.8 of this act.

MISCELLANEOUS

SECTION 1.3.(a) State Budget Act Applies. – The provisions of the State Budget Act, Chapter 143C of the General Statutes, are reenacted and shall remain in full force and effect and are incorporated in this act by reference.

SECTION 1.3.(b) Additional Limitations and Directions. – Except where expressly repealed or amended by this act, the provisions of any other legislation enacted during the 2019 Regular Session of the General Assembly expressly appropriating funds to an agency, a department, or an institution covered under this act, shall remain in effect.

SECTION 1.3.(c) Applicability of House Bill 966, 2019 Regular Session. – If House Bill 966, 2019 Regular Session, becomes law, and any provision of that act or a provision of the Committee Report described in Section 42.2 of that act conflicts with this act, this act shall control.



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2 **PART II. EDUCATION POLICY CHANGES**

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4 **ADVANCED TEACHING ROLES CHANGES**

5 **SECTION 2.1.(a)** Effective June 30, 2021, the following session laws are repealed:

- 6 (1) Section 8.7 of S.L. 2016-94.
7 (2) Section 7.11(a) of S.L. 2017-57.
8 (3) Section 7.15(b) of S.L. 2017-57.
9 (4) Section 7.9 of S.L. 2018-5.
10 (5) Section 2.6 of S.L. 2018-97.

11 **SECTION 2.1.(b)** Article 20 of Chapter 115C of the General Statutes is amended by
12 adding a new section to read:

13 **"§ 115C-311. Teacher compensation models and advanced teaching roles.**

14 (a) Purpose. – The State Board of Education shall establish a program (program) to
15 develop advanced teaching roles and organizational models that link teacher performance and
16 professional growth to salary increases for classroom teachers in selected local school
17 administrative units. For the purposes of this section, a classroom teacher is a teacher who works
18 in the classroom providing instruction at least seventy percent (70%) of the instructional day and
19 who is not instructional support personnel. The purpose of the program shall be to do the
20 following:

- 21 (1) Allow highly effective classroom teachers to teach an increased number of
22 students by assuming accountability for additional students, by becoming a
23 lead classroom teacher accountable for the student performance of all of the
24 students taught by teachers on that lead classroom teacher's team, or by
25 leading a larger effort in the school to implement new instructional models to
26 improve school-wide performance.
27 (2) Enable local school administrative units to provide salary supplements to
28 classroom teachers in advanced teaching roles. Selection of an advanced
29 teaching role classroom teacher and award of related salary supplements shall
30 be made on the basis of demonstrated effectiveness and additional
31 responsibilities.
32 (3) Enable local school administrative units to create innovative compensation
33 models that focus on classroom teacher professional growth that lead to
34 measurable improvements in student outcomes.
35 (4) Utilize local plans to establish organizational changes related to compensation
36 in order to sustain evidence-based teaching practices that have the capacity to
37 be replicated throughout the State.

38 (b) Request for Proposal. – By September 15, 2020, and annually thereafter, the State
39 Board of Education shall issue a Request for Proposal (RFP) for the program. Local boards of
40 education shall submit their proposals by October 15. The RFP shall require that proposals
41 include the following information at a minimum:

- 42 (1) Description of the program structure, including both of the following:
43 a. The process for teacher advancement based on performance,
44 professional growth, or the specific teacher roles assumed by the
45 teacher.
46 b. Plans for how the local school administrative unit will utilize and train
47 classroom teachers in advanced teaching roles. These plans shall draw
48 a direct correlation between the proposed use and training of
49 classroom teachers in advanced teaching roles and improved student
50 outcomes.

- 1 (2) Descriptions of the advanced teaching roles, including minimum
2 qualifications for the positions that shall include at least two of the following:
3 a. Advanced certifications, such as National Board for Professional
4 Teaching Standards Certification, or a master's degree in the area in
5 which the classroom teacher is licensed and teaching.
6 b. A rating of at least accomplished on each of the Teacher Evaluation
7 Standards One through Five on the North Carolina Teacher Evaluation
8 instrument.
9 c. Evidence that the teacher has an average Education Value-Added
10 Assessment System (EVAAS) student growth index score from the
11 three previous school years of 1.5 or greater and no individual EVAAS
12 student growth index score below zero.
13 d. Equivalent demonstrated mastery of teaching skills as required by the
14 new local compensation model.
15 (3) Job responsibilities that include at least one of the following:
16 a. Teaching an increased number of students and being accountable for
17 their performance as the teacher of record for those students.
18 b. Becoming a lead classroom teacher among a group of teachers and
19 participating in EVAAS according to a model developed by the
20 Department of Public Instruction. The model shall be published and
21 explained on the Department's Web site no later than August 1, 2020,
22 and, thereafter, within 30 days of any change made to the model.
23 c. Leading a school-wide effort to implement data-driven instructional
24 models that include blended learning environments, utilizing digital
25 learning and resources, and focusing on methods of improvement for
26 school-wide performance issues.
27 d. Providing in-house professional development or functioning as an
28 instructional content area coach or a coach in another professional
29 development area following the completion of certification training.
30 The training shall ensure that the professional development or
31 coaching the teacher provides is faithfully implemented in the
32 classroom.
33 (4) Description of how the local school administrative unit will inform all
34 employees and the public on the criteria and selection for the advanced
35 teaching roles, the continued eligibility requirements for the advanced
36 teaching roles, and how the individuals selected for the advanced teaching
37 roles will be evaluated.
38 (5) Description of how the local school administrative unit will inform all
39 employees and the public on the criteria for movement on the proposed new
40 local compensation model.
41 (6) The process for the voluntary relinquishment of an advanced teaching role,
42 including the associated additional duties. Voluntary relinquishment of the
43 advanced teaching role shall not be considered a demotion under Part 3 of
44 Article 22 of Chapter 115C of the General Statutes.
45 (7) Salary supplement information including the following:
46 a. The amount of the salary supplements that will be provided to those
47 selected for the advanced teaching roles. The supplements may be up
48 to thirty percent (30%) of the State teacher salary schedule.
49 b. A statement by the local school administrative unit that the salary
50 supplements will be paid as a supplement to the classroom teacher's

- 1 regular salary and not be included in the average salary calculation
2 used for budgeting State allotments.
- 3 c. A statement by the local school administrative unit that if a classroom
4 teacher in an advanced teaching role (i) fails to maintain the minimum
5 criteria established for the position, (ii) is not successfully performing
6 the additional duties associated with the advanced teaching role, or (iii)
7 voluntarily relinquishes the advanced teaching role, the teacher shall
8 only be paid the salary applicable to that individual on the State teacher
9 salary schedule and any other local supplements that would otherwise
10 apply to the classroom teacher's compensation.
- 11 d. Loss of an advanced teaching role shall not be considered a demotion
12 under Part 3 of Article 22 of Chapter 115C of the General Statutes.
- 13 e. The amount of the salary supplements at all levels of the proposed new
14 compensation model in relation to the State teacher salary schedule.
- 15 (8) The implementation plan, including the number of schools in the local school
16 administrative unit that will have advanced teaching roles and any new
17 proposed compensation model, the number of advanced teaching roles at each
18 of those schools, the number of students whose teacher of record will be a
19 teacher in an advanced teaching role, and the number of teachers overall who
20 would be eligible for the proposed new compensation model.
- 21 (9) Plans for long-term financial sustainability once any grant money that may be
22 awarded to the local school administrative unit is no longer available. This
23 plan shall include a description of how the unit intends to provide
24 supplemental compensation for teachers in an advanced teaching role without
25 grant money.
- 26 (10) A description of how the local school administrative unit could partner with
27 local educator preparation programs, institutions of higher education, or
28 community colleges to improve teacher effectiveness and student outcomes.
- 29 (c) Selection by State Board of Education. – By December 15, 2020, and annually
30 thereafter, the State Board of Education shall review proposals and select local school
31 administrative units to participate in the program, beginning in the subsequent school year, in
32 accordance with the following criteria:
- 33 (1) Selected local school administrative units must meet the minimum criteria
34 established by the State Board of Education consistent with this section.
- 35 (2) The State Board shall prioritize the award of available State funds for the
36 following categories of local school administrative units:
- 37 a. Up to five units with an average daily membership from the previous
38 school year of 4,000 or fewer students.
- 39 b. Up to five units with an average daily membership from the previous
40 school year of between 4,001 and 20,000 students.
- 41 c. Up to five units with an average daily membership from the previous
42 school year of 20,001 or more students.
- 43 (3) The State Board shall approve the proposal of any local school administrative
44 unit that is submitted by October 15, 2020, if the following criteria are met:
- 45 a. The local school administrative unit is participating in an approved
46 advanced teaching roles program pursuant to Section 8.7 of S.L.
47 2016-94 in the 2020-2021 school year.
- 48 b. The application of a local school administrative unit is not inconsistent
49 with this section.
- 50 (d) Advanced Teaching Roles Designation. – Any local board of education that is
51 selected to participate in the program pursuant to subsection (c) of this section shall designate

1 participating schools within the unit as "Advanced Teaching Roles" schools. Every Advanced
2 Teaching Roles school shall receive class size flexibility pursuant to subsection (i) of this section
3 and budget flexibility pursuant to subsection (j) of this section.

4 (e) Material Revisions of Plans. – Material revisions of a plan submitted to the State
5 Board of Education by a local board of education with at least one Advanced Teaching Roles
6 school shall be made only upon the approval of the State Board of Education.

7 (f) Renewal and Termination. – The initial selected local school administrative units
8 shall implement their approved plans beginning with the 2021-2022 school year. Every five years
9 after a local school administrative unit begins implementing its plan, the State Board of Education
10 shall review the unit to ensure it is complying with its approved plan. After the review, the State
11 Board may, in its discretion, renew or terminate the plan of any local school administrative unit
12 that fails to meet criteria established by the State Board in accordance with this section and the
13 Advanced Teaching Roles designation of any school within that unit. Throughout the program,
14 a local school administrative unit shall provide any information or access requested by (i) the
15 State Board of Education or (ii) the independent research organization selected by the State Board
16 of Education to evaluate the program pursuant to this section.

17 (g) Term; Use of Grant Funds. – Any funds awarded to a local school administrative unit
18 pursuant to this section shall be subject to availability and awarded for a term of up to three years,
19 in the discretion of the State Board. A local school administrative unit shall not be eligible to
20 receive funding for more than one term. Funds awarded to local school administrative units shall
21 be used for any of the following:

22 (1) Development of advanced teaching role plans.

23 (2) Development of professional development courses for teachers in advanced
24 teaching roles that lead to improved student outcomes.

25 (3) Transition costs associated with designing and implementing advanced
26 teaching role models. Transition costs may include employing staff members
27 or contractors to assist with design and implementation of the plan.

28 (4) Development of the design and implementation of compensation plans that
29 focus on teacher professional growth and student outcomes and the transition
30 costs associated with designing and implementing new compensation plans,
31 including employing staff members or contractors to assist with design and
32 implementation of the plan.

33 (h) Program Evaluation. – The State Board of Education shall evaluate how the advanced
34 teaching roles and new compensation plans have accomplished, at a minimum, the following:

35 (1) Improvement in the quality of classroom instruction and increases in
36 school-wide growth or the growth of teachers who are mentored or impacted
37 by a teacher in an advanced teaching role.

38 (2) An increase in the attractiveness of teaching.

39 (3) Recognition, impact, and retention of high-quality classroom teachers.

40 (4) Assistance to and retention of beginning classroom teachers.

41 (5) Improvement in and expansion of the use of technology and digital learning.

42 (6) Improvement in school culture based on school climate survey results.

43 The State Board shall contract with an independent research organization to perform this
44 evaluation in the first two years of the program and provide reports on October 15, 2021, and
45 October 15, 2022. Beginning October 15, 2023, and annually thereafter, the State Board shall
46 perform the evaluation and provide the report. The State Board shall provide any report required
47 in accordance with this subsection to the offices of the President Pro Tempore of the Senate and
48 the Speaker of the House of Representatives, the Senate Appropriations/Base Budget Committee,
49 the House Committee on Appropriations, the Senate Appropriations Committee on
50 Education/Higher Education, the House Appropriations Committee on Education, the Fiscal
51 Research Division, and the Joint Legislative Education Oversight Committee.

1 (i) Class Size Flexibility. – Notwithstanding G.S. 115C-301, with the approval of the
2 State Board of Education, Advanced Teaching Roles schools selected to participate in the
3 program may exceed the maximum class size requirements for kindergarten through third grade.

4 (j) Budget Flexibility. – Subject to the budget flexibility limitations identified in
5 G.S. 115C-105.25(b), the State Board of Education shall authorize local boards of education
6 participating in the program to use any available State funds to provide salary supplements to
7 classroom teachers in an advanced teaching role as long as the local school administrative unit
8 complies with policies of the State Board of Education, federal law, and any State programs with
9 specific restrictions on the use of funds, including bonus and grant programs."

10 **SECTION 2.1.(c)** G.S. 115C-105.25(e) reads as rewritten:

11 "(e) No later than December 1 of each year, the Department of Public Instruction shall
12 collect the information reported by local school administrative units pursuant to subsection (c)
13 of this section and report the aggregated information, including available data from the two
14 previous fiscal years, to the Joint Legislative Education Oversight Committee and the Fiscal
15 Research Division. The report shall also include information on the use of the budget flexibility
16 provided to Advanced Teaching Roles schools pursuant to G.S. 115C-311(j)."

17 **SECTION 2.1.(d)** Funds appropriated to the Department of Public Instruction by
18 this act for the 2020-2021 fiscal year shall be used to (i) support teacher compensation models
19 and advanced teaching roles pursuant to Section 8.7 of S.L. 2016-94, as amended by Section 7.11
20 of S.L. 2017-57 and Section 7.9 of S.L. 2018-5, and (ii) develop implementation plans for teacher
21 compensation models and advanced teaching roles pursuant to G.S. 115C-311, as enacted by this
22 act. These funds shall not revert at the end of the fiscal year but shall remain available until
23 expended.

24 **SECTION 2.1.(e)** Beginning with the 2021-2022 fiscal year, funds appropriated to
25 the Department of Public Instruction for the advanced teaching roles program shall be used to
26 support teacher compensation models and advanced teaching roles and to develop
27 implementation plans for teacher compensation models and advanced teaching roles pursuant to
28 G.S. 115C-311, as enacted by this act. Beginning in the 2021-2022 fiscal year, funds appropriated
29 to the Department of Public Instruction for the program and for the evaluation of the program
30 shall not revert at the end of the fiscal year but shall remain available until expended.

31 **SECTION 2.1.(f)** Beginning in the 2020-2021 fiscal year, of the funds appropriated
32 to the Department of Public Instruction by this act to support teacher compensation models and
33 advanced teaching roles and to develop associated implementation plans, the Department may
34 use up to four percent (4%) each fiscal year to evaluate the program, contract with an independent
35 research organization to evaluate the program, or continue any preexisting contract with an
36 independent research organization formed pursuant to Section 8.7 of S.L. 2016-94. Any
37 remaining funds may be awarded to selected local school administrative units in accordance with
38 this act to support teacher compensation models and advanced teaching roles and to develop
39 associated implementation plans.

40 **OPPORTUNITY GAP TASK FORCE**

41 **SECTION 2.2.(a)** There is established the Opportunity Gap Task Force. As used in
42 this section, the term "Task Force" shall refer to the Opportunity Gap Task Force.

43 **SECTION 2.2.(b)** The Task Force shall consist of 14 members as follows:

- 44 (1) Three persons who are members of the House of Representatives at the time
45 of appointment, at least one of whom represents the minority party, appointed
46 by the Speaker of the House of Representatives.
 - 47 (2) Three persons who are members of the Senate at the time of appointment, at
48 least one of whom represents the minority party, appointed by the President
49 Pro Tempore of the Senate.
 - 50 (3) The chair of the State Board of Education, or his or her designee.
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- 1 (4) The Superintendent of Public Instruction, or his or her designee.
- 2 (5) The President of The University of North Carolina, or his or her designee.
- 3 (6) The President of the North Carolina System of Community Colleges, or his or
- 4 her designee.
- 5 (7) The President of the North Carolina Independent Colleges and Universities,
- 6 Inc., or his or her designee.
- 7 (8) The President and Chief Executive Officer of North Carolina Business
- 8 Leaders for Education, doing business as BEST NC (Business for Educational
- 9 Success and Transformation), or his or her designee.
- 10 (9) The Executive Director of the NC Association for Public Charter Schools, or
- 11 his or her designee.
- 12 (10) The Senior Education Advisor to the Governor, or his or her designee.

13 **SECTION 2.2.(c)** Appointments to the Task Force shall be made no later than
14 August 1, 2020. In making their appointments, the appointing authorities shall consider the
15 geographic and cultural diversity of the State and the value to the Task Force of experience in
16 business, education, and philanthropic organizations. Any vacancy shall be filled by the
17 appointing authority.

18 **SECTION 2.2.(d)** The Task Force shall (i) study the opportunity gap, (ii) consider
19 effective approaches and best practices from across the country to close the opportunity gap in
20 grades kindergarten through 12, and (iii) propose a plan to reduce by July 1, 2031, the opportunity
21 gap for all subgroups. For the purposes of this act, the "opportunity gap" refers to the significant
22 disparity in the academic performance and postsecondary readiness of students between any of
23 the following subgroups: races, ethnicities, socioeconomic statuses, genders, English-language
24 proficiencies, and urban, rural, or suburban domiciles.

25 **SECTION 2.2.(e)** As part of its study, the Task Force shall consider the following:

- 26 (1) Best practices in public education.
- 27 (2) Professional development for teachers.
- 28 (3) Parental involvement in public education.
- 29 (4) Disparities in disciplinary consequences, including suspensions and
- 30 expulsions.
- 31 (5) Preparation and development of school leadership.
- 32 (6) Effective use of data to reduce the opportunity gap.
- 33 (7) Access to effective educators.
- 34 (8) Access to rigorous coursework, including content and courses.
- 35 (9) Access to effective school leadership.
- 36 (10) Innovative budgeting practices.
- 37 (11) The value of incorporating mastery-based learning into curriculum.
- 38 (12) Effective access to and use of technology, including (i) connectivity for
- 39 students and their families, (ii) devices, and (iii) software.
- 40 (13) Any other issue the Task Force deems relevant to its study.

41 **SECTION 2.2.(f)** At a minimum, the Task Force shall extend invitations to receive
42 input from all of the following:

- 43 (1) Two or more parents of students adversely affected by the opportunity gap.
- 44 (2) Two or more teachers employed in a North Carolina public school who have
- 45 demonstrated significant success in reducing the opportunity gap in the
- 46 classroom.
- 47 (3) Two or more principals employed in a North Carolina public school who have
- 48 demonstrated significant success in reducing the opportunity gap at a school.
- 49 (4) Two or more superintendents employed in a local school administrative unit
- 50 who have demonstrated significant success in reducing the opportunity gap at
- 51 a local school administrative unit.

- 1 (5) Organizations that have demonstrated success in closing the opportunity gap,
- 2 including, but not limited to, Communities in Schools of North Carolina, Inc.
- 3 (6) The Professional Educator Preparation and Standards Commission.
- 4 (7) The My Future NC Commission.
- 5 (8) The Governor's Commission on Access to Sound Basic Education.
- 6 (9) The B-3 Interagency Council.
- 7 (10) The North Carolina Early Childhood Foundation, Inc.'s, Pathways to
- 8 Grade-Level Reading Initiative.
- 9 (11) The Executive Director of NC Child, or his or her designee.
- 10 (12) The President of Parents for Educational Freedom in North Carolina, or his or
- 11 her designee.
- 12 (13) The Public School Forum of North Carolina.

13 **SECTION 2.2.(g)** The Task Force shall include the following in its proposed plan
14 to reduce the opportunity gap for all subgroups:

- 15 (1) Information identifying opportunity gaps that exist between races, ethnicities,
- 16 socioeconomic statuses, genders, English-language proficiencies, and urban,
- 17 rural, or suburban domiciles.
- 18 (2) Recommendations for closing or significantly reducing the opportunity gaps
- 19 identified by the Task Force.
- 20 (3) Benchmarks for implementation of the proposed plan.

21 **SECTION 2.2.(h)** The Speaker of the House of Representatives and the President
22 Pro Tempore of the Senate shall each select a cochair for the Task Force from among its
23 members. The Task Force shall meet upon the call of its cochairs. A quorum of the Task Force
24 is a majority of its members. No action may be taken except by a majority vote at a meeting at
25 which a quorum is present. The Task Force, while in the discharge of its official duties, may
26 exercise all powers provided for under G.S. 120-19 and G.S. 120-19.1 through G.S. 120-19.4.
27 The Task Force may contract for professional, clerical, or consultant services, as provided by
28 G.S. 120-32.02. If the Task Force hires a consultant, the consultant shall not be a State employee
29 or a person currently under contract with the State to provide services.

30 Members of the Task Force shall serve without compensation, but may receive travel
31 and subsistence as follows:

- 32 (1) Members who are officials or employees of a State agency or unit of local
- 33 government, in accordance with G.S. 138-6.
- 34 (2) Members who serve in the General Assembly, in accordance with
- 35 G.S. 120-3.1.
- 36 (3) All other members at the rate established in G.S. 138-5.

37 All State departments and agencies and local governments and their subdivisions shall
38 furnish the Task Force with any requested information in their possession or available to them.

39 **SECTION 2.2.(i)** The Legislative Services Officer shall assign professional and
40 clerical staff to assist the Task Force in its work. The Director of Legislative Assistants of the
41 House of Representatives and the Director of Legislative Assistants of the Senate shall assign
42 clerical support to the Task Force.

43 **SECTION 2.2.(j)** Meetings of the Task Force shall begin no later than September 1,
44 2020. The Task Force shall submit a final report on the results of its study, including its proposed
45 plan and any proposed legislation, to the Joint Legislative Education Oversight Committee on or
46 before December 1, 2021, by filing a copy of the report with the Office of the President Pro
47 Tempore of the Senate, the Office of the Speaker of the House of Representatives, the Joint
48 Legislative Education Oversight Committee, and the Legislative Library. The Task Force shall
49 terminate on December 1, 2021, or upon the filing of its final report, whichever comes first.

50 LEADERSHIP ACADEMY

1 **SECTION 2.3.** The State Board of Education, in consultation with the Department
2 of Public Instruction, shall develop a plan to establish a statewide leadership academy to provide,
3 at a minimum, mentoring and coaching services for in-service principals. The State Board shall
4 report its plan to the Joint Legislative Education Oversight Committee no later than January 15,
5 2021.

6 7 **IMPROVE TEACHER QUALITY IN HIGH-POVERTY SCHOOLS**

8 **SECTION 2.4.(a)** For purposes of this section, the term "high-poverty school" shall
9 refer to a public school that has seventy-five percent (75%) or more students that are eligible for
10 federally subsidized free or reduced-cost school meals.

11 **SECTION 2.4.(b)** The State Board of Education shall develop a plan to reduce the
12 percentages of the following categories of teachers and school-based administrators employed in
13 high-poverty schools to the following levels within five school years:

- 14 (1) Lateral entry teachers and teachers with an emergency license, limited license,
15 residency license, or who are otherwise unlicensed, to less than five percent
16 (5%) of all teachers in the school.
- 17 (2) School-based administrators with less than full licensure, as determined by the
18 State Board, to less than five percent (5%) of all administrators in the school.
- 19 (3) Teachers with fewer than three years of teaching experience to less than ten
20 percent (10%) of all teachers in the school.
- 21 (4) Administrators with fewer than three years of experience as a school-based
22 administrator to less than ten percent (10%) of all administrators in the public
23 school unit.

24 **SECTION 2.4.(c)** The State Board shall report the plan it develops pursuant to
25 subsection (b) of this section to the Joint Legislative Education Oversight Committee no later
26 than January 15, 2021.

27 28 **INCREASE TEACHER DIVERSITY**

29 **SECTION 2.5.** The State Board of Education shall develop a plan to increase the
30 racial and ethnic diversity of teachers in public school units in North Carolina, including
31 benchmarks for recruitment and retention of teachers of color, in order to accurately reflect the
32 racial and ethnic diversity of the student population. The State Board shall report its plan to the
33 Joint Legislative Education Oversight Committee no later than January 15, 2021.

34 35 **MODIFY THE WEIGHTING OF THE SCHOOL ACHIEVEMENT SCORE AND THE** 36 **SCHOOL GROWTH SCORE IN THE CALCULATION OF SCHOOL PERFORMANCE** 37 **SCORES AND GRADES**

38 **SECTION 2.6.(a)** G.S. 115C-83.15(d) reads as rewritten:

39 "(d) Calculation of the Overall School Performance Scores and Grades. – The State Board
40 of Education shall calculate the overall school performance score by adding the school
41 achievement score, as provided in subsection (b) of this section, and the school growth score, as
42 determined using EVAAS as provided in subsection (c) of this section, earned by a school. The
43 school achievement score shall account for ~~eighty percent (80%)~~, fifty-one percent (51%), and
44 the school growth score shall account for ~~twenty percent (20%)~~ forty-nine percent (49%) of the
45 total sum. For all schools, the total school performance score shall be converted to a 100-point
46 scale and used to determine an overall school performance grade. The overall school performance
47 grade shall be based on the following scale and shall not be modified to add any other designation
48 related to other performance measures, such as a "plus" or "minus":

- 49 (1) A school performance score of at least 85 is equivalent to an overall school
50 performance grade of A.

- 1 (2) A school performance score of at least 70 is equivalent to an overall school
2 performance grade of B.
3 (3) A school performance score of at least 55 is equivalent to an overall school
4 performance grade of C.
5 (4) A school performance score of at least 40 is equivalent to an overall school
6 performance grade of D.
7 (5) A school performance score of less than 40 is equivalent to an overall school
8 performance grade of F."

9 **SECTION 2.6.(b)** This section applies beginning with the 2021-2022 school year,
10 based on data from the 2020-2021 school year.
11

12 **ALIGN THE K-12 SCHOOL CALENDAR TO THE COMMUNITY COLLEGE** 13 **CALENDAR**

14 **SECTION 2.7.(a)** G.S. 115C-84.2(d) reads as rewritten:

15 "(d) Opening and Closing Dates. – Local boards of education shall determine the dates of
16 opening and closing the public schools under subdivision (a)(1) of this section. Except for
17 year-round schools, the opening date for students shall be no earlier than the Monday closest to
18 August 26, and the closing date for students shall be no later than the Friday closest to June 11.
19 On a showing of good cause, the State Board of Education may waive the requirement that the
20 opening date for students be no earlier than the Monday closest to August 26 and may allow the
21 local board of education to set an opening date no earlier than the Monday closest to August 19,
22 to the extent that school calendars are able to provide sufficient days to accommodate anticipated
23 makeup days due to school closings. A local board may revise the scheduled closing date if
24 necessary in order to comply with the minimum requirements for instructional days or
25 instructional time. For purposes of this subsection, the term "good cause" means that schools in
26 any local school administrative unit in a county have been closed eight days per year during any
27 four of the last 10 years because of severe weather conditions, energy shortages, power failures,
28 or other emergency situations.

29 The required opening and closing dates under this subsection shall not apply to any school
30 that a local board designated as having a modified calendar for the 2003-2004 school year or to
31 any school that was part of a planned program in the 2003-2004 school year for a system of
32 modified calendar schools, so long as the school operates under a modified calendar.

33 Notwithstanding the required opening and closing dates under this subsection, a local board
34 of education may align the calendar of schools in the local school administrative unit with the
35 calendar of a community college serving the city or county in which the unit is located."

36 **SECTION 2.7.(b)** This section applies beginning with the 2021-2022 school year.
37

38 **ESTABLISH THE OFFICE OF EQUITY OVERSIGHT WITHIN THE DEPARTMENT** 39 **OF PUBLIC INSTRUCTION**

40 **SECTION 2.8.(a)** Chapter 115C of the General Statutes is amended by adding a new
41 Article to read:

42 "Article 6E.

43 "Office of Equity Oversight.

44 **§ 115C-64.35. Establishment, purpose, and duties of Office of Equity Oversight.**

45 (a) There is established within the Department of Public Instruction the Office of Equity
46 Oversight. The purpose of the Office of Equity Oversight is to provide internal oversight within
47 the Department of Public Instruction and the State Board of Education specific to compliance
48 with the State's constitutional role to provide each child the opportunity to receive a sound basic
49 education.

50 (b) The Office of Equity Oversight shall review educational policies, programs, and
51 initiatives and shall provide an independent, objective source of information to be used in

1 evaluating substantial compliance with sound basic education standards, giving special attention
2 and consideration to outcomes for at-risk students. The Office of Equity Oversight may suggest
3 adjustments to the content and delivery of educational policies, programs, and initiatives to
4 improve their efficacy. The Office of Equity Oversight's authority to evaluate and advise shall
5 extend to all policies, programs, and initiatives related to ensuring that all students have access
6 to a sound basic education.

7 (c) In carrying out its duties, the Office of Equity Oversight has authority to obtain full
8 and unrestricted access to all records, information, and data in the possession of or legally
9 available to the Department of Public Instruction or State Board of Education.

10 (d) Beginning no later than January 15, 2021, and semiannually thereafter, the Office of
11 Equity Oversight shall submit a report to the Joint Legislative Education Oversight Committee
12 on the (i) implementation of its duties as set forth in this Article and (ii) progress of the
13 Department of Public Instruction and the State Board of Education in effectively providing each
14 child the opportunity to receive a sound basic education. Prior to the reporting of any deficiencies
15 in progress, the Office of Equity Oversight shall give to the Department of Public Instruction and
16 the State Board of Education ample notice of the deficiencies and an opportunity to correct or
17 improve the deficiencies and shall include in the report any efforts to do so. The report shall
18 include any recommended legislation.

19 **"§ 115C-64.36. Administrative organization; organizational independence.**

20 (a) There is established within the Department of Public Instruction the position of
21 Deputy Superintendent of Equity Oversight who shall serve as the chief officer of the Office of
22 Equity Oversight. The Deputy Superintendent shall have professional, administrative, technical,
23 and clerical personnel as may be necessary in carrying out the duties of the position.

24 (b) The Superintendent of Public Instruction shall recommend to the State Board of
25 Education the individual to be appointed as Deputy Superintendent of Equity Oversight, and the
26 recommended appointee shall be appointed upon approval by the State Board of Education. The
27 Deputy Superintendent shall report to the Superintendent of Public Instruction and the State
28 Board of Education jointly and may be removed only upon the joint agreement of the
29 Superintendent of Public Instruction and a majority of the members of the State Board of
30 Education. The Deputy Superintendent shall be organizationally situated to avoid impairments
31 to independence in his or her own professional judgment on how to best accomplish the purposes
32 of the Office of Equity Oversight.

33 **"§ 115C-64.37. Sunset.**

34 (a) This article expires July 1, 2031."

35 **SECTION 2.8.(b)** Of the funds appropriated in Section 1.2(2) of this act, the Deputy
36 Superintendent of Equity Oversight, as established by this act, may appoint up to four full-time,
37 10-year time-limited positions to staff the Office of Equity Oversight and assist in the
38 administration of the Deputy Superintendent's duties under Article 6E of Chapter 115C of the
39 General Statutes, as enacted by this act. Personnel appointed to these positions shall report solely
40 to the Deputy Superintendent of Equity Oversight. The appointments shall not be subject to
41 approval or disapproval by the Superintendent of Public Instruction or the State Board of
42 Education. Of the four time-limited positions, one shall be an administrative assistant position
43 and at least one shall be an attorney position.
44

45 **ADVISORY COMMITTEE ON SCHOOL ACCOUNTABILITY MEASURES**

46 **SECTION 2.9.(a)** The State Board of Education shall develop and establish an
47 advisory committee to provide a specific recommendation for an expanded school accountability
48 model that accurately reflects the effectiveness of each North Carolina public school to the
49 greatest extent possible. In developing its recommendation, the advisory committee shall (i)
50 ensure compliance with requirements upon which federal funds are conditioned and (ii) consider
51 the following additional accountability measures:

- 1 (1) Student social and emotional well-being.
- 2 (2) The use of scaled scoring in determining school achievement scores.
- 3 (3) Post-graduation outcomes.
- 4 (4) Early literacy.
- 5 (5) Any other additional measures deemed relevant by the advisory committee to
- 6 more accurately measure and reflect the effectiveness of each public school.

7 **SECTION 2.9.(b)** The advisory committee shall begin its work no later than June 1,
8 2021. The State Board of Education shall submit a final report on the recommendation made by
9 the advisory committee to the Joint Legislative Education Oversight Committee no later than
10 June 15, 2022.

11

12 **BUDGET FLEXIBILITY FOR LOCAL BOARDS OF EDUCATION**

13 **SECTION 2.10.(a)** Effective July 1, 2020, G.S. 115C-105.25(b) reads as rewritten:

14 "(b) Subject to the following limitations, local boards of education may transfer and may
15 approve transfers of funds between funding allotment categories:

- 16 (1) Repealed by Session Laws 2013-360, s. 8.14, effective July 1, 2013.
- 17 (1a) Funds for career and technical education and other purposes may be
- 18 transferred only as permitted by federal law and the conditions of federal
- 19 grants or as provided through any rules that the State Board of Education
- 20 adopts to ensure compliance with federal regulations.
- 21 (1b) No funds shall be transferred out of the children with disabilities allotment
- 22 category.
- 23 (2), (2a) Repealed by Session Laws 2013-360, s. 8.14, effective July 1, 2013.
- 24 (3) No funds shall be transferred into the central office administration allotment
- 25 category.
- 26 ~~(3a) No funds shall be transferred out of the teacher assistants allotment category.~~
- 27 (3b) No funds shall be transferred out of the academically or intellectually gifted
- 28 children allotment category.
- 29 (4), (5) Repealed by Session Laws 2013-360, s. 8.14, effective July 1, 2013.
- 30 (5a) Positions allocated for classroom teachers may be converted to dollar
- 31 equivalents to contract for visiting international exchange teachers through a
- 32 visiting international exchange teacher program approved by the State. These
- 33 positions shall be converted at the statewide average salary for classroom
- 34 teachers, including benefits. The converted funds shall be used only to provide
- 35 visiting international exchange teachers with salaries commensurate with their
- 36 experience levels, to provide any State-approved bonuses, and to cover the
- 37 costs associated with supporting visiting international exchange teachers
- 38 within the local school administrative unit, including programming and
- 39 related activities, background checks, medical coverage, and other program
- 40 administration services in accordance with the federal regulations for the
- 41 Exchange Visitor Program, 22 C.F.R. Part 62.
- 42 (5b) Except as provided in subdivision (5a) of this subsection, positions allocated
- 43 for classroom teachers and instructional support personnel may be converted
- 44 to dollar equivalents for any purpose authorized by the policies of the State
- 45 Board of Education. These positions shall be converted at the salary on the
- 46 first step of the "A" Teachers Salary Schedule. Certified position allotments
- 47 shall not be transferred to dollars to hire the same type of position.
- 48 (5c) Funds allocated for school building administration may be converted for any
- 49 purpose authorized by the policies of the State Board of Education. For funds
- 50 related to principal positions, the salary transferred shall be based on the first
- 51 step of the Principal III Salary Schedule. For funds related to assistant

- 1 principal months of employment, the salary transferred shall be based on the
 2 first step of the Assistant Principal Salary Schedule. Certified position
 3 allotments shall not be transferred to dollars to hire the same type of position.
 4 (5d) ~~No positions shall be transferred out of the allocation for program
 5 enhancement teachers for kindergarten through fifth grade except as provided
 6 in this subdivision. Positions allocated for program enhancement teachers for
 7 kindergarten through fifth grade may be converted into positions allocated for
 8 classroom teachers for kindergarten through twelfth grade. For the purposes
 9 of this subdivision, the term "program enhancement" is as defined in
 10 G.S. 115C-301(e2).~~
- 11 (6) through (9) Repealed by Session Laws 2013-360, s. 8.14, effective July 1,
 12 2013.
- 13 (10) Funds to carry out the elements of the Excellent Public Schools Act that are
 14 contained in Section 7A.1 of S.L. 2012-142 shall not be transferred.
- 15 (10a) No funds shall be transferred out of the limited English proficiency allotment
 16 category.
- 17 (11) ~~No funds shall be transferred into or out of the driver education allotment
 18 category. Notwithstanding G.S. 20-88.03, G.S. 115C-215, and any other
 19 provision of law, funds in the driver education allotment category may be
 20 transferred to another allotment category.~~
- 21 (12) Funds allotted for textbooks and digital resources may only be used ~~for the
 22 purchase of to acquire~~ textbooks and digital resources. resources and related
 23 technology, including any hardware, software, or equipment or devices
 24 necessary for the use of the digital resources. These funds shall not be
 25 transferred out of the allotment for any other purpose."

26 **SECTION 2.10.(b)** Section 4(b) of S.L. 2018-2 is repealed.
 27

28 **REVISE STANDARDS FOR SCHOOL ADMINISTRATOR PREPARATION** 29 **PROGRAMS TO ALIGN WITH NELP STANDARDS**

30 **SECTION 2.11.** In addition to meeting the requirements of G.S. 115C-284 and
 31 collecting data related to evaluating standards pursuant to Section 11.9(l) of S.L. 2015-241, by
 32 July 1, 2021, the State Board of Education, in coordination and cooperation with the Board of
 33 Governors of The University of North Carolina and the North Carolina Independent Colleges
 34 and Universities, shall revise its standards for school administrator preparation programs so that
 35 the standards for those programs align with National Educational Leadership Preparation (NELP)
 36 Program Recognition Standards from the National Policy Board for Educational Administration.
 37

38 **ABOLISH THE OPPORTUNITY SCHOLARSHIP GRANT PROGRAM**

39 **SECTION 2.12.(a)** Effective July 1, 2020, the following statutory provisions are
 40 repealed:

- 41 (1) G.S. 115C-562.2.
 42 (2) G.S. 115C-562.3.
 43 (3) G.S. 115C-562.4.
 44 (4) Subsection (c) of G.S. 115C-562.7.
 45 (5) Subsection (b) of G.S. 115C-562.8.

46 **SECTION 2.12.(b)** Effective July 1, 2021, the following statutes are repealed:

- 47 (1) G.S. 115C-562.1.
 48 (2) G.S. 115C-562.5.
 49 (3) G.S. 115C-562.6.
 50 (4) G.S. 115C-562.7.
 51 (5) G.S. 115C-562.8.

1 **SECTION 2.12.(c)** Effective July 1, 2020, notwithstanding any other provision of
2 law, the funds appropriated to the Board of Governors for the Opportunity Scholarship Grant
3 Fund Reserve as part of the base budget for the 2020-2021 fiscal year shall be decreased by the
4 sum of seventy four million eight hundred forty thousand dollars (\$74,840,000).

5 **SECTION 2.12.(d)** Effective July 1, 2021, G.S. 115C-112.6(b1)(1) reads as
6 rewritten:

7 "(1) Tuition ~~endorsement and~~ reimbursement. – The Authority shall disburse
8 scholarship funds awarded to eligible students for tuition at a nonpublic school
9 based upon the method selected by the nonpublic school. A nonpublic school
10 may elect to participate in the scholarship endorsement for tuition option or
11 the reimbursement for tuition option as set forth in this subdivision. school.
12 Scholarship funds shall not be provided for tuition for home schooled
13 students. Scholarship funds for tuition shall be disbursed as follows:

14 a. ~~Scholarship endorsement for tuition. – The Authority shall remit, at~~
15 ~~least two times each school year, scholarship funds awarded to eligible~~
16 ~~students for endorsement by at least one of the student's parents or~~
17 ~~guardians for tuition to attend a nonpublic school that meets the~~
18 ~~requirements of Part 1 or Part 2 of Article 39 of this Chapter as~~
19 ~~identified by the Department of Administration, Division of~~
20 ~~Nonpublic Education, is deemed eligible by the Division, and is~~
21 ~~subject to the requirements of G.S. 115C 562.5. The parent or~~
22 ~~guardian shall restrictively endorse the scholarship funds awarded to~~
23 ~~the eligible student for deposit into the account of the nonpublic school~~
24 ~~to the credit of the eligible student. The parent or guardian shall not~~
25 ~~designate any entity or individual associated with the school as the~~
26 ~~parent's attorney in fact to endorse the scholarship funds. A parent's~~
27 ~~or guardian's failure to comply with this section shall result in~~
28 ~~forfeiture of the scholarship funds. A scholarship forfeited for failure~~
29 ~~to comply with this section shall be returned to the Authority to be~~
30 ~~awarded to another student.~~

31 b. Reimbursement for tuition. – The parent or guardian of an eligible
32 student who enrolls in a school that is (i) a North Carolina public
33 school other than the public school to which that student has been
34 assigned as provided in G.S. 115C-366 or (ii) a nonpublic school that
35 meets the requirements of Part 1 or Part 2 of Article 39 of this Chapter
36 as identified by the Department of Administration, Division of
37 Nonpublic Education, is deemed eligible by the Division, and is not
38 subject to G.S. 115C 562.5, Division shall pay tuition directly to the
39 school. The Authority shall reimburse the parent or guardian no sooner
40 than the midpoint of each semester. A parent or guardian may receive
41 reimbursement for tuition if the parent or guardian provides
42 documentation that the student was enrolled in a school under this
43 sub-subdivision."

44 **SECTION 2.12.(e)** Effective July 1, 2021, G.S. 115C-595(a)(3)a. reads as rewritten:

45 "a. Tuition and fees for a nonpublic school that meets the requirements of
46 Part 1 or Part 2 of Article 39 of this Chapter and is subject to the
47 requirements of G.S. 115C 562.5. Chapter."

49 PART III. EFFECTIVE DATE

50 **SECTION 3.** Part I, Section 2.1, and Section 2.8 of this act become effective July 1,
51 2020. Except as otherwise provided, this act is effective when it becomes law.