

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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SENATE BILL 21
Education/Higher Education Committee Substitute Adopted 3/2/95
Third Edition Engrossed 3/9/95

Short Title: Use of Teacher Assistant Funds.

(Public)

Sponsors:

Referred to:

January 26, 1995

A BILL TO BE ENTITLED

**AN ACT TO TO PERMIT LOCAL BOARDS OF EDUCATION TO USE FUNDS
APPROPRIATED FOR TEACHER ASSISTANTS AND FOR PROGRAM
ENHANCEMENT TEACHERS TO REDUCE CLASS SIZE PURSUANT TO
LOCAL SCHOOL IMPROVEMENT PLANS.**

The General Assembly of North Carolina enacts:

Section 1. G.S. 115C-238.2(b) reads as rewritten:

"(b) Local school administrative units that participate in the Performance-based
Accountability Program:

(1) Are exempt from State requirements to submit reports and plans, other
than local school improvement plans, to the State Board of Education
and the Department of Public Instruction. They are not exempt from
federal requirements to submit reports and plans to the Department.

(2) Are subject to the performance standards but not the opportunity
standards or the staffing ratios of the State Accreditation Program. The
performance standards in the State Accreditation Program, modified to
reflect the results of end-of-course and end-of-grade tests, may serve as

1 the basis for developing the student performance indicators adopted by
2 the State Board of Education pursuant to G.S. 115C-238.1.

3 (3) May receive funds for differentiated pay for certain State-paid
4 employees, in accordance with G.S. 115C-238.4, if they elect to
5 participate in a differentiated pay plan.

6 (4) May be allowed increased flexibility in the expenditure of State funds,
7 in accordance with G.S. 115C-238.5.

8 (5) May be granted waivers of certain State laws, regulations, and policies
9 that inhibit their ability to reach local accountability goals, in
10 accordance with G.S. 115C-238.6(a).

11 (5a) May use State funds allocated for teacher assistants and positions
12 allocated by the State Board of Education for program enhancement
13 teachers to reduce class size or the student-teacher ratio in kindergarten
14 through the third grade, in accordance with a local school improvement
15 plan.

16 (6) Shall continue to use the Teacher Performance Appraisal Instrument
17 (TPAI) for evaluating beginning teachers during the first three years of
18 their employment; they may, however, develop other evaluation
19 approaches for teachers who have attained career status.

20 The Department of Public Instruction shall provide technical
21 assistance, including the provision of model evaluation processes and
22 instruments, to local school administrative units that elect to develop
23 dual personnel evaluation processes. A dual personnel evaluation
24 process includes (i) an evaluation designed to provide information to
25 guide teachers in their professional growth and development, and (ii) an
26 evaluation to provide information to make personnel decisions
27 pertaining to hiring, termination, promotion, and reassignment."

28 Sec. 2. G.S. 115C-238.3(b1) reads as rewritten:

29 "(b1) Development by each school of strategies for attaining local student
30 performance goals. – The principal of each school, representatives of the building-level
31 staff, and parents of children enrolled in the school shall develop a building-level plan to
32 address student performance goals appropriate to that school from those established by
33 the local board of education. Parents serving on building-level committees shall reflect
34 the racial and socioeconomic composition of the students enrolled in that school and shall
35 not be members of the building-level staff. Parental involvement is a critical component
36 of school success and positive student outcomes; therefore, it is the intent of the General
37 Assembly that parents, along with teachers, have a substantial role in developing student
38 performance goals at the building level. To this end, building-level advisory board
39 meetings shall be held at a convenient time to assure substantial parent participation. The
40 strategies for attaining local school performance goals shall include a plan for the use of
41 staff development funds that may be made available to the school by the local board of
42 education to implement the building-level plan. These strategies may also include
43 requests for waivers of State laws, regulations, or policies for that school. A request for a

1 waiver shall (i) identify the State laws, regulations, or policies that inhibit the local unit's
2 ability to reach its local accountability goals, (ii) set out with specificity the
3 circumstances under which the waiver may be used, and (iii) explain how a waiver of
4 those laws, regulations, or policies will permit the local unit to reach its local goals.
5 These strategies may also include a decision to use State funds allocated for teacher
6 assistants and positions allocated by the State Board of Education for program
7 enhancement teachers to reduce class size or the student-teacher ratio in kindergarten
8 through the third grade: Provided, however, while considering this decision, the building-
9 level committee shall consider projected attrition rates at the school for teacher assistants
10 and program enhancement teachers.

11 Support among affected staff members is essential to successful implementation of a
12 building-level plan to address student performance goals appropriate to a school;
13 therefore, the principal of the school shall present the proposed building-level plan to all
14 of the staff assigned to the school building for their review and vote. The vote shall be by
15 secret ballot. The principal may submit the building-level plan to the local board of
16 education for inclusion in the systemwide plan only if the proposed building-level plan
17 has the approval of a majority of the staff who voted on the plan.

18 The local board of education shall accept or reject the building-level plan. The local
19 board shall not make any substantive changes in any building-level plan that it accepts;
20 the local board shall set out any building-level plan that it accepts in the systemwide plan.
21 If the local board rejects a building-level plan, the local board shall state with specificity
22 its reasons for rejecting the plan; the principal of the school for which the plan was
23 rejected, representatives of the building-level staff, and parents of children enrolled in the
24 school may then prepare another plan, present it to the building-level staff for a vote, and
25 submit it to the local board for inclusion in the systemwide plan. If no building-level plan
26 is accepted for a school before March 15 of the fiscal year preceding the fiscal year in
27 which participation is sought, the local board may develop a plan for the school for
28 inclusion in the systemwide plan; the General Assembly urges the local board to utilize
29 the proposed building-level plan to the maximum extent possible when developing such a
30 plan."

31 Sec. 3. G.S. 115C-238.6(a) reads as rewritten:

32 "(a) Prior to June 30 each year, the State Superintendent shall review local school
33 improvement plans submitted by the local school administrative units in accordance with
34 policies and performance indicators adopted by the State Board of Education. If the State
35 Superintendent approves the plan for a local school administrative unit, that unit shall
36 participate in the Program for the next fiscal year.

37 If a local plan contains a request for a waiver of State laws, regulations, or policies, in
38 accordance with G.S. 115C-238.3(b1) or (b2), the State Superintendent shall
39 determine whether and to what extent the identified laws, regulations, or policies should
40 be waived. The State Superintendent shall present that plan and his determination to the
41 State Board of Education. If the State Board of Education deems it necessary to do so to
42 enable a local unit to reach its local accountability goals, the State Board, only upon the
43 recommendation of the State Superintendent, may grant waivers of:

1 (1) State laws pertaining to class size, teacher certification, assignment of
2 teacher assistants, the use of State-adopted textbooks, and the purposes
3 for which State funds for the public schools, ~~except for funds for school~~
4 ~~health coordinators, may be used: Provided, however, the State Board of~~
5 ~~Education shall not permit the use of funds for teachers for expanded~~
6 ~~programs under the Basic Education Program for any other purpose; schools~~
7 may be used;

8 (2) All State regulations and policies, except those pertaining to State salary
9 schedules and employee benefits for school employees, the instructional
10 program that must be offered under the Basic Education Program, the
11 system of employment for public school teachers and administrators set
12 out in G.S. 115C-325, health and safety codes, compulsory school
13 attendance, the minimum lengths of the school day and year, and the
14 Uniform Education Reporting System.

15 The provisions of G.S. 115C-12(16)b. regarding the placement of State-allotted office
16 support personnel, teacher assistants, and custodial personnel on the salary schedule
17 adopted by the State Board shall not be waived.

18 Except for waivers requested by the local board in accordance with G.S. 115C-
19 238.3(b2) for central office staff, waivers shall be granted only for the specific schools
20 for which they are requested in building-level plans and shall be used only under the
21 specific circumstances for which they are requested."

22 Sec. 4. The State Board of Education shall evaluate programs initiated by local
23 school units using teacher assistant funds to reduce class size or the student-teacher ratio
24 in kindergarten through third grade. The Board shall make an appropriate evaluation of
25 the positions affected, the effect on student achievement, and any other factors the Board
26 deems appropriate. The Board shall report the results of the evaluation to the Joint
27 Legislative Education Oversight Committee on or before July 1, 1996 and annually
28 thereafter through July 1, 1999.

29 Sec. 5. This act becomes effective July 1, 1995.