

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  
House Committee Substitute Favorable 5/31/95

Short Title: Use of Teacher Assistant Funds.

(Public)

Sponsors:

Referred to:

January 26, 1995

A BILL TO BE ENTITLED  
AN ACT TO PERMIT LOCAL BOARDS OF EDUCATION TO USE FUNDS  
APPROPRIATED FOR TEACHER ASSISTANTS 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 to reduce class size  
12 or the student-teacher ratio in kindergarten through the third grade, in  
13 accordance with a local school improvement plan, so long as no State-  
14 funded teacher assistant positions are abolished if the positions are filled  
15 when the local school improvement plan is amended or approved by the  
16 building-level staff.

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

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

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

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

1 use State funds allocated for teacher assistants to reduce class size or the student-teacher  
2 ratio in kindergarten through the third grade in accordance with G.S. 115C-238.2(b)(5a).  
3 This decision shall be based upon a consideration of projected attrition rates at the school  
4 for teacher assistants. The strategies may also include requests for waivers of State laws,  
5 regulations, or policies for that school. A request for a waiver shall (i) identify the State  
6 laws, regulations, or policies that inhibit the local unit's ability to reach its local  
7 accountability goals, (ii) set out with specificity the circumstances under which the  
8 waiver may be used, and (iii) explain how a waiver of those laws, regulations, or policies  
9 will permit the local unit to reach its local goals.

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

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

30 Sec. 3. The State Board of Education shall evaluate programs initiated by local  
31 school units using teacher assistant funds to reduce class size or the student-teacher ratio  
32 in kindergarten through third grade. The Board shall make an appropriate evaluation of  
33 the positions affected, the effect on student achievement, and any other factors the Board  
34 deems appropriate. The Board shall report the results of the evaluation to the Joint  
35 Legislative Education Oversight Committee on or before July 1, 1996, and annually  
36 thereafter through July 1, 1999.

37 Sec. 4. This act becomes effective July 1, 1995.