

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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SENATE BILL 49
Education/Higher Education Committee Substitute Adopted 5/5/93

Short Title: Local School Improvement Plans.

(Public)

Sponsors:

Referred to: Appropriations.

February 3, 1993

A BILL TO BE ENTITLED

1 AN ACT TO MAKE VARIOUS CHANGES TO THE MANNER IN WHICH LOCAL
2 SCHOOL IMPROVEMENT PLANS ARE ADOPTED AND IMPLEMENTED, TO
3 ADD FIVE ADDITIONAL MEMBERS TO THE SITE-BASED MANAGEMENT
4 TASK FORCE AND TO MAKE CONFORMING CHANGES.
5

6 The General Assembly of North Carolina enacts:

7 Section 1. G.S. 115C-238.1 reads as rewritten:

8 "**§ 115C-238.1. Performance-based Accountability Program; development and**
9 **implementation by State Board.**

10 The General Assembly believes that all children can learn. It is the intent of the
11 General Assembly that the mission of the public school community is to challenge with
12 high expectations each child to learn, to achieve, and to fulfill his or her potential. With
13 that mission as its guide, the State Board of Education shall develop and implement a
14 Performance-based Accountability Program. The primary goal of the Program shall be
15 to improve student performance. The State Board of Education shall adopt:

- 16 (1) Procedures and guidelines through which, beginning with the 1990-91
17 fiscal year, local school administrative units may participate in the
18 Program;
- 19 (2) Guidelines for developing local school improvement plans with three-
20 year student performance goals and annual milestones to measure
21 progress in meeting those goals; and
- 22 (3) A set of student performance indicators for measuring and assessing
23 student performance in the participating local school administrative

1 units. These indicators ~~may~~ shall include attendance rates, dropout
2 rates, test scores, parent involvement, and post-secondary outcomes.

- 3 (4) Guidelines for school performance indicators for measuring and
4 assessing school performance in the participating local school
5 administrative units. These indicators shall concern how to gauge
6 community involvement, professional development of teachers, and
7 the school climate with regard to the safety of students and employees
8 and the use of positive discipline. These indicators shall not rely
9 predominantly on test scores."

10 Sec. 2. G.S. 115C-238.3 reads as rewritten:

11 **"§ 115C-238.3. Development of local plans; elements of local plans.**

12 (a) Development of systemwide plan by the local board of education. – The
13 board of education of a local school administrative unit that elects to participate in the
14 Program shall develop and submit a local school improvement plan for the entire local
15 school administrative unit to the State Superintendent of Public Instruction before April
16 15 of the fiscal year preceding the fiscal year in which participation is sought.

17 A systemwide improvement plan shall remain in effect for no more than three years.

18 (b) Establishment of student performance goals by the local board of education
19 for the systemwide plan. – The local board of education shall establish student
20 performance goals for the local school administrative unit. The local board of education
21 shall actively involve an advisory panel composed of a substantial number of teachers,
22 school administrators, other school staff, and parents of children enrolled in the local
23 school administrative unit, in developing the student performance goals for the local
24 school improvement plan. Parents serving on advisory panels shall not be employees of
25 the school unit and shall reflect the racial and socioeconomic composition of the
26 students enrolled in the local school administrative unit. The advisory panel shall
27 ensure substantial parent participation. It is the intent of the General Assembly that
28 teachers have a major role in developing the student performance goals for the local
29 school improvement plan; therefore, at least half of the ~~staff~~ members participating in
30 this advisory panel shall be teachers. ~~The teachers~~ Every teacher in the local school
31 administrative unit shall ~~select the teachers who are involved in the advisory panel.~~ have an
32 opportunity to elect by secret ballot the teachers who are involved in the advisory panel.

33 The performance goals for the local school administrative unit shall address specific,
34 measurable goals for all student and school performance indicators adopted by the State
35 Board. Factors that determine gains in achievement vary from school to school;
36 therefore, socioeconomic factors and previous student performance indicators shall be
37 used as the basis of the local school improvement plan.

38 (b1) Development by each school of strategies for attaining local student
39 performance goals. – The principal of each school, representatives of the building-level
40 staff, and parents of children enrolled in the school shall develop a building-level plan
41 to address student performance goals appropriate to that school from those established
42 by the local board of education. Parents serving on building level committees shall
43 reflect the racial and socioeconomic composition of the students enrolled in that school
44 and shall not be members of the building-level staff. Parental involvement is a critical

1 component of school success and positive student outcomes; therefore, it is the intent of
2 the General Assembly that parents, along with teachers, have a substantial role in
3 developing student performance goals at the building level. To this end, building-level
4 advisory board meetings shall be held at a convenient time to assure substantial parent
5 participation. ~~These~~ The strategies for attaining local school performance goals shall
6 include a plan for the use of staff development funds made available to the school to
7 implement the building-level plan. These strategies may also include requests for
8 waivers of State laws, regulations, or policies for that school. A request for a waiver
9 shall (i) identify the State laws, regulations, or policies that inhibit the local unit's ability
10 to reach its local accountability goals, (ii) set out with specificity the circumstances
11 under which the waiver may be used, and (iii) explain how a waiver of those laws,
12 regulations, or policies will permit the local unit to reach its local goals.

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

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

33 (c) Development by each school of a differentiated pay plan for that school;
34 development by the local board of education of a differentiated pay plan for central
35 office personnel. –

36 (1) The local school administrative unit shall consider a plan for
37 differentiated pay. The local plan shall include a plan for differentiated
38 pay, in accordance with G.S. 115C-238.4, unless the local school
39 administrative unit elects not to participate in any differentiated pay
40 plan.

41 (2) The principal of each school, representatives of the building-level
42 staff, and parents of children enrolled in the school shall develop a
43 building-level differentiated pay plan for the school when they develop
44 their building-level plan to address student performance goals

1 appropriate to the school. By October 1 of each year, the principal
2 shall disclose to all affected personnel the total allocation of funds for
3 differentiated pay. At the end of the fiscal year, the principal shall
4 make available to all affected personnel a report of all disbursement
5 from the building-level differentiated pay plan.

6 Support among affected staff members is essential to successful
7 implementation of a building-level differentiated pay plan; therefore,
8 the principal of the school shall present the proposed building-level
9 plan to all of the staff eligible to receive differentiated pay, in
10 accordance with G.S. 115C-238.4(a), for their review and vote. The
11 vote shall be by secret ballot. The principal may submit the building-
12 level differentiated pay plan to the local board of education only if the
13 proposed building-level differentiated pay plan has the approval of a
14 majority of the staff who voted on the plan.

15 The local board of education shall accept or reject the building-
16 level differentiated pay plan. The local board shall not make any
17 substantive changes in any building-level plan that it accepts; the local
18 board shall set out any building-level plan that it accepts in the
19 systemwide differentiated pay plan. If the local board rejects a
20 building-level plan, the local board shall state with specificity its
21 reasons for rejecting the plan; the principal of the school for which the
22 plan was rejected, representatives of the building-level staff, and
23 parents of children enrolled in the school may then prepare another
24 plan, present it to all of the staff eligible to receive differentiated pay,
25 in accordance with G.S. 115C-238.4(a), for a vote, and submit it to the
26 local board for inclusion in the systemwide plan. If no building-level
27 plan is accepted for a school before March 15 of the fiscal year
28 preceding the fiscal year in which participation is sought, the local
29 board may develop a plan for the school building for inclusion in the
30 systemwide plan; the General Assembly urges the local board to utilize
31 the proposed building-level plan to the maximum extent possible when
32 developing such a plan.

33 (3) The local board of education shall develop a plan for differentiated pay
34 for all central office personnel eligible to receive differentiated pay, in
35 accordance with G.S. 115C-238.4(a), and shall include the plan in the
36 systemwide differentiated pay plan.

37 (4) A systemwide differentiated pay plan shall remain in effect for no
38 more than three years. At the end of three years, a plan to continue,
39 discontinue, or modify that differentiated pay plan shall be developed
40 in accordance with subdivisions (2) and (3) of this subsection.

41 (d) Repealed by Session Laws 1991 (Regular Session, 1992), c. 900, s. 75.1(b),
42 effective July 8, 1992."

43 Sec. 3. Part 4 of Article 16 of Chapter 115C of the General Statutes is
44 amended by adding a new section to read:

1 **§ 115C-238.8. Distribution of staff development funds.**

2 The local board of education shall distribute at least seventy-five percent (75%) of
3 the funds appropriated by the State for staff development to implement the local school
4 improvement plan to individual school buildings on the basis of average daily
5 membership. These funds shall be used in accordance with the building-level plan set
6 out in the systemwide plan. The remainder of the funds appropriated by the State for
7 staff development to implement the local school improvement plan shall be used in
8 accordance with the systemwide plan developed and adopted by the local board of
9 education.

10 By October 1 of each year, the principal shall disclose to all affected personnel the
11 total allocation of all funds available to the school for staff development and the
12 superintendent shall disclose to all affected personnel the total allocation of all funds
13 available at the system level for staff development. At the end of the fiscal year, the
14 principal shall make available to all affected personnel a report of all disbursements
15 from the building-level staff development funds, and the superintendent shall make
16 available to all affected personnel a report of all disbursements at the system level of
17 staff development funds."

18 Sec 4. G.S. 115C-238.7(a) reads as rewritten:

19 "(a) There is created the Task Force on Site-Based Management within the
20 Department of Public Instruction.

21 The Task Force shall be composed of ~~15~~20 members appointed as follows:

- 22 (1) The Superintendent of Public Instruction;
- 23 (2) One member of the State Board of Education appointed by the State
24 Board of Education;
- 25 (3) Two members of the Senate appointed by the President Pro Tempore
26 of the Senate;
- 27 (4) Two members of the House of Representatives appointed by the
28 Speaker of the House of Representatives;
- 29 (5) One member of a local board of education appointed by the President
30 Pro Tempore of the Senate after receiving recommendations from The
31 North Carolina State School Boards Association, Inc.;
- 32 (6) One member of a local board of education appointed by the Speaker of
33 the House of Representatives after receiving recommendations from
34 The North Carolina State School Boards Association, Inc.;
- 35 (7) One local school superintendent appointed by the President Pro
36 Tempore of the Senate after receiving recommendations from the
37 North Carolina Association of School Administrators;
- 38 (8) One local school superintendent appointed by the Speaker of the
39 House of Representatives after receiving recommendations from the
40 North Carolina Association of School Administrators;
- 41 (9) One school principal appointed by the President Pro Tempore of the
42 Senate after receiving recommendations from the Tar Heel Association
43 of Principals/Assistant Principals and the Division of Administrators
44 of the North Carolina Association of Educators;

- 1 (10) One school principal appointed by the Speaker of the House of
2 Representatives after receiving recommendations from the Tar Heel
3 Association of Principals/Assistant Principals and the Division of
4 Administrators of the North Carolina Association of Educators;
5 (11) One school teacher appointed by the President Pro Tempore of the
6 Senate after receiving recommendations from the North Carolina
7 Association of Educators, Inc., the North Carolina Federation of
8 Teachers, and the Professional Educators of North Carolina, Inc.;
- 9 (12) One school teacher appointed by the Speaker of the House of
10 Representatives after receiving recommendations from the North
11 Carolina Association of Educators, Inc., the North Carolina Federation
12 of Teachers, and the Professional Educators of North Carolina, Inc.;
- 13 ~~and~~
14 (13) The Director of the Task Force on Site-Based Management, appointed
15 by the Superintendent of Public Instruction in accordance with
16 subsection (d) of this ~~section~~-section;
- 17 (14) One parent of a public school child appointed by the Superintendent
18 of Public Instruction;
19 (15) One at-large member appointed by the Superintendent of Public
20 Instruction;
21 (16) One representative of business and industry appointed by the
22 Governor;
23 (17) One representative of institutions of higher education appointed by the
24 Board of Governors of The University of North Carolina; and
25 (18) One county commissioner appointed by the Superintendent of Public
26 Instruction after receiving recommendations from the North Carolina
27 Association of County Commissioners.

28 Members of the Task Force shall serve for two-year terms.

29 All members of the Task Force shall be voting members. Vacancies in the appointed
30 membership shall be filled by the officer who made the initial appointment. The
31 Director of the Task Force on Site-Based Management shall serve as chair of the Task
32 Force.

33 Members of the Task Force shall receive travel and subsistence expenses in
34 accordance with the provisions of G.S. 120-3.1, G.S. 138-5, and G.S. 138-6."

35 Sec. 5. G.S. 115C-21.1(b) reads as rewritten:

36 "(b) The Department of Public Instruction shall monitor and provide a report to
37 the General Assembly by May 1, 1991, and annually thereafter showing the school units
38 that have been granted class size waivers pursuant to G.S. ~~115C-238.3(d)~~115C-238.6(a),
39 have reported class size exceptions, and have converted State-funded teacher positions
40 to other positions, dollars, or other expenditures."

41 Sec. 6. Members appointed to the Site-Based Management Task Force in
42 accordance with Section 4 of this act shall serve until September 1, 1994, and shall be
43 eligible for reappointment. Successive appointments shall be for two-year terms. The

1 Task Force shall use funds available to it for the 1992-93 fiscal year for travel and
2 subsistence expenses for members of the Task Force added pursuant to this act.

3 Sec. 7. The State Board of Education shall report to the Joint Legislative
4 Education Oversight Committee on the guidelines for indicators of school performance
5 adopted in accordance with Section 1 of this act no later than February 1, 1994. School
6 performance indicators shall be addressed in local school improvement plans modified
7 or adopted after March 15, 1994.

8 Sec. 8. This act is effective upon ratification.