

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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HOUSE BILL 1249\*

Short Title: Prof'l Tch'g Stds. Comm'n.

(Public)

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Sponsors: Representatives Grady, Black, Cummings, McMahan, Owens, Preston, Rogers; and Sexton.

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

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May 20, 1996

A BILL TO BE ENTITLED

1  
2 AN ACT TO IMPLEMENT THE RECOMMENDATION OF THE JOINT  
3 LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE TO CHANGE THE  
4 COMPOSITION OF THE PROFESSIONAL TEACHING STANDARDS  
5 COMMISSION SO THAT TEACHERS HAVE A MAJORITY, TO EXPAND THE  
6 AUTHORITY OF THE PROFESSIONAL TEACHING STANDARDS  
7 COMMISSION, AND TO ESTABLISH A PROFESSIONAL PRACTICES BOARD.

8 The General Assembly of North Carolina enacts:

9 Section 1. G.S. 115C-295.1 reads as rewritten:

10 **"§ 115C-295.1. North Carolina Professional Teaching Standards Commission.**

11 (a) There is created the North Carolina Professional Teaching Standards  
12 Commission (the 'Commission'). The Commission shall be located administratively  
13 ~~within the Department of Public Instruction under the State Board of Education~~ but shall  
14 exercise its powers and duties independently of the ~~Department of Public Instruction. The~~  
15 ~~Department of Public Instruction shall provide staff, offices, office equipment, and meeting~~  
16 ~~space to the Commission.~~ State Board of Education.

17 (b) The purpose of the Commission is to establish high standards for North  
18 Carolina teachers and the teaching profession.

1 (c) ~~The Beginning September 1, 1996, the Commission shall consist of the~~  
2 following ~~18 members:~~

- 3 (1) ~~The State Superintendent of Public Instruction who shall serve as chair~~  
4 ~~of the Commission.~~
- 5 (2) ~~A representative of the North Carolina Association of Educators~~  
6 ~~appointed by the Governor.~~
- 7 (3) ~~A representative of the North Carolina Federation of Teachers appointed~~  
8 ~~by the Governor.~~
- 9 (4) ~~Three teachers, at least one of whom teaches in elementary school and~~  
10 ~~one of whom teaches special education, appointed by the Governor.~~
- 11 (5) ~~Two teachers, at least one of whom teaches in middle or junior high~~  
12 ~~school, appointed by the President Pro Tempore of the Senate.~~
- 13 (6) ~~Two teachers, at least one of whom teaches in high school, appointed by~~  
14 ~~the Speaker of the House of Representatives.~~
- 15 (7) ~~One school administrator, either a principal or a superintendent,~~  
16 ~~appointed by the Governor.~~
- 17 (8) ~~Two representatives of teacher education institutions, one of whom shall~~  
18 ~~be a representative of a University of North Carolina institution and one~~  
19 ~~of whom shall be a representative of a private teacher education~~  
20 ~~institution, appointed by the Governor.~~
- 21 (9) ~~One State Board member appointed by the chair of the State Board of~~  
22 ~~Education.~~
- 23 (10) ~~Two at-large members appointed by the Governor.~~
- 24 (11) ~~Two at-large members, one of these members shall be appointed by the~~  
25 ~~President Pro Tempore of the Senate, and one of these members shall be~~  
26 ~~appointed by the Speaker of the House of Representatives.~~

27 15 members:

- 28 (1) The Governor shall appoint four teachers, one of whom is a  
29 representative of the North Carolina Association of Educators, one of  
30 whom is a representative of the North Carolina Federation of Teachers,  
31 one of whom is a representative of the Professional Educators of North  
32 Carolina, and one of whom teaches in an elementary school; one  
33 principal or superintendent; and two representatives of schools of  
34 education, one of which is in a constituent institution of The University  
35 of North Carolina and one of which is in a private college or university.
- 36 (2) The President Pro Tempore of the Senate shall appoint three teachers  
37 who have different areas of expertise or who teach at different grade  
38 levels; and one at-large member.
- 39 (3) The Speaker of the House of Representatives shall appoint three  
40 teachers who have different areas of expertise or who teach at different  
41 grade levels; and one at-large member.

42 In making appointments, the appointing authorities are encouraged to select  
43 qualified citizens who are committed to improving the teaching profession and student

1 achievement and who represent the racial, geographic, and gender diversity of the State.  
2 Before their appointment to this Commission, with the exception of the at-large members,  
3 the members must have been actively engaged in the profession of teaching, in the  
4 education of students in teacher education programs, or in the practice of public school  
5 administration for at least three years, at least two of which occurred in this State. The  
6 members shall serve for two-year terms. Initial terms shall begin September 1, 1994.  
7 Vacancies in the membership shall be filled by the original appointing authority using the  
8 same criteria as provided in this subsection.

9 (d) The Commission shall elect a ~~vice-chair~~ chair, a vice-chair, and a secretary-  
10 treasurer from among its membership. In the absence of the chair, the vice-chair shall  
11 preside over the Commission's meetings. All members are voting members, and a  
12 majority of the Commission constitutes a quorum. The Commission shall adopt rules to  
13 govern its proceedings.

14 (e) Meetings of the Commission shall be held upon the call of the chair or the  
15 vice-chair with the approval of the chair.

16 (f) Members of the Commission ~~who are State or public school employees shall~~  
17 receive travel expenses as set forth in G.S. 138-6. All other Commission members shall  
18 receive per diem and travel expenses as set forth in G.S. 138-5. shall receive  
19 compensation for their services and reimbursement for expenses incurred in the  
20 performance of their duties required by this Article, at the rate prescribed in G.S. 90B-5.

21 (g) The Commission may employ, subject to Chapter 126 of the General Statutes,  
22 the necessary personnel for the performance of its functions, and fix compensation within  
23 the limits of funds available to the Commission."

24 Sec. 2. Article 20 of Chapter 115C of the General Statutes is amended by  
25 adding the following new sections to read:

26 "**§ 115C-295.2. Powers and duties of the Commission.**

27 (a) The North Carolina Teaching Standards Commission shall:

28 (1) Develop and recommend to the State Board of Education professional  
29 standards or revisions to professional standards for North Carolina  
30 teachers.

31 (2) Review the areas of teacher certification and recommend to the State  
32 Board of Education those areas that should be consolidated, redesigned,  
33 eliminated, or enhanced.

34 (3) Consider current methods to assess teachers and teaching candidates,  
35 including the National Teacher Exam, the assessments of the National  
36 Board for Professional Teaching Standards, and alternative methods of  
37 assessment and recommend to the State Board of Education the  
38 implementation of rigorous and appropriate assessments for initial and  
39 continuing certification that are valid and reliable measures of  
40 professional practice.

41 (4) Evaluate, develop, and recommend to the State Board a procedure for  
42 the assessment and recommendation of candidates for initial and  
43 continuing teacher certification.

1        In addition, the Commission may review all current programs related to initial and  
2 continuing certification requirements and to certification renewal and may recommend to  
3 the State Board of Education those programs that should be eliminated or changed.

4        For purposes of this subsection, the areas of teacher certification include approval of  
5 teacher education programs, initial and continuing certification requirements, and  
6 certification renewal.

7        (b) The Commission shall submit its recommendations under subsection (a) of this  
8 section to the State Board. The State Board shall adopt or reject the recommendations.  
9 The State Board shall not make any substantive changes to any recommendation that it  
10 adopts. If the State Board rejects the recommendation, it shall state with specificity its  
11 reasons for rejection; the Commission then may amend that recommendation and  
12 resubmit it to the State Board. The Board shall adopt or reject the amended  
13 recommendation. If the State Board fails to adopt the Commission's original and  
14 amended recommendation concerning the implementation of assessments for certification  
15 and the procedure for the assessment and recommendation of candidates for teacher  
16 certification, the State Board may develop and adopt its own plan.

17        Notwithstanding G.S. 115C-284(c), G.S. 115C-296, and G.S. 115C-315(d), the  
18 General Assembly urges the State Board to follow the Commission's recommendations to  
19 the maximum extent they are consistent with the State Board's policies.

20        (c) The Commission shall submit an annual report by December 1 of each year to  
21 the Joint Legislative Education Oversight Committee of its activities during the preceding  
22 year, together with any recommendations and findings regarding improvement of the  
23 teaching profession. The State Board shall submit a report by April 15, 1998, to the Joint  
24 Legislative Education Oversight Committee on the current status of assessments for  
25 certification and any changes to the procedures for assessment and recommendation of  
26 candidates for teacher certification.

27 **"§ 115C-295.3. Professional Practices Board.**

28        That State Board of Education shall establish a Professional Practices Board  
29 composed of teachers, school administrators, and representatives of the general public.  
30 The Professional Practices Board shall:

- 31            (1) Develop a code of ethics for the teaching profession and develop  
32            procedures to investigate violations of the code.
- 33            (2) Investigate complaints concerning violations of the code of ethics.
- 34            (3) Make recommendations to the State Board of Education concerning the  
35            revocation and suspension of teacher certificates as the result of an  
36            ethics violation.

37        The Professional Practices Board shall recommend the code of ethics and the  
38 investigation procedures that it develops to the State Board of Education for its approval.  
39 The State Board of Education is the final authority in all decisions under this section,  
40 except as provided in the procedures concerning the due process rights of any person  
41 subject to an investigation under this section. The State Board of Education shall adopt  
42 rules necessary to implement this section."

43        Sec. 3. This act is effective upon ratification.