

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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HOUSE BILL 581

Short Title: Differentiated Pay/All School Emp'ees.

(Public)

Sponsors: Representatives Barnes; Black, Bowen, Bowman, Cummings, Diamont, Fitch, Fussell, Holt, Jeffus, Jenkins, Kuczmariski, McLawhorn, Michaux, Nesbitt, Rogers, Smith, Stamey, Warner, Wilmoth, and P. Wilson.

Referred to: Education.

March 25, 1993

A BILL TO BE ENTITLED

AN ACT TO MAKE DIFFERENTIATED PAY AVAILABLE FOR ALL STATE-PAID PUBLIC SCHOOL EMPLOYEES.

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

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

- 1 (4) May be allowed increased flexibility in the expenditure of State funds,
2 in accordance with G.S. 115C-238.5.
- 3 (5) May be granted waivers of certain State laws, regulations, and policies
4 that inhibit their ability to reach local accountability goals, in
5 accordance with G.S. 115C-238.6(a).
- 6 (6) Shall continue to use the Teacher Performance Appraisal Instrument
7 (TPAI) for evaluating beginning teachers during the first three years of
8 their employment; they may, however, develop other evaluation
9 approaches for teachers who have attained career status.

10 The Department of Public Instruction shall provide technical
11 assistance, including the provision of model evaluation processes and
12 instruments, to local school administrative units that elect to develop
13 dual personnel evaluation processes. A dual personnel evaluation
14 process includes (i) an evaluation designed to provide information to
15 guide teachers in their professional growth and development, and (ii)
16 an evaluation to provide information to make personnel decisions
17 pertaining to hiring, termination, promotion, and reassignment."

18 Sec. 2. G.S. 115C-238.3(c) reads as rewritten:

19 "(c) Development by each school of a differentiated pay plan for that school;
20 development by the local board of education of a differentiated pay plan for central
21 office personnel. –

- 22 (1) The local school administrative unit shall consider a plan for
23 differentiated pay. The local plan shall include a plan for differentiated
24 pay, in accordance with G.S. 115C-238.4, unless the local school
25 administrative unit elects not to participate in any differentiated pay
26 plan.
- 27 (2) The principal of each school, representatives of the building-level
28 staff, and parents of children enrolled in the school shall develop a
29 building-level differentiated pay plan for the school when they develop
30 their building-level plan to address student performance goals
31 appropriate to the school.

32 Support among affected staff members is essential to successful
33 implementation of a building-level differentiated pay plan; therefore,
34 the principal of the school shall present the proposed building-level
35 plan to all of the staff ~~eligible to receive differentiated pay, in accordance~~
36 ~~with G.S. 115C-238.4(a), assigned to the school building~~ for their review
37 and vote. The vote shall be by secret ballot. The principal may submit
38 the building-level differentiated pay plan to the local board of
39 education only if the proposed building-level differentiated pay plan
40 has the approval of a majority of the staff who voted on the plan.

41 The local board of education shall accept or reject the building-
42 level differentiated pay plan. The local board shall not make any
43 substantive changes in any building-level plan that it accepts; the local
44 board shall set out any building-level plan that it accepts in the

1 systemwide differentiated pay plan. If the local board rejects a
 2 building-level plan, the local board shall state with specificity its
 3 reasons for rejecting the plan; the principal of the school for which the
 4 plan was rejected, representatives of the building-level staff, and
 5 parents of children enrolled in the school may then prepare another
 6 plan, present it to all of the staff eligible to receive differentiated pay,
 7 in accordance with G.S. 115C-238.4(a), for a vote, and submit it to the
 8 local board for inclusion in the systemwide plan. If no building-level
 9 plan is accepted for a school before March 15 of the fiscal year
 10 preceding the fiscal year in which participation is sought, the local
 11 board may develop a plan for the school building for inclusion in the
 12 systemwide plan; the General Assembly urges the local board to utilize
 13 the proposed building-level plan to the maximum extent possible when
 14 developing such a plan.

15 (3) The local board of education shall develop a plan for differentiated pay
 16 for all ~~central office personnel eligible to receive differentiated pay, in~~
 17 ~~accordance with G.S. 115C-238.4(a),~~ classes of personnel assigned to the
 18 central office that the local board determines are participants in the
 19 development or implementation of the local school improvement plan,
 20 and shall include the plan in the systemwide differentiated pay plan.

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

25 Sec. 3. G.S. 115C-238.4 reads as rewritten:

26 "**§ 115C-238.4. Differentiated pay.**

27 (a) Local school administrative units may include, but are not required to ~~include,~~
 28 include as a part of their local school improvement plans, a systemwide differentiated
 29 pay plan for ~~certified instructional staff, certified instructional support staff, and certified~~
 30 administrative staff all of the staff assigned to school buildings and all classes of staff
 31 assigned to the central office that the local boards determine are participants in the
 32 development or implementation of the local school improvement plans. as a part of their
 33 ~~local school improvement plans.~~ Units electing to include differentiated pay plans in their
 34 school improvement plans shall base their differentiated pay plans on:

- 35 (1) A career development pilot program;
 36 (2) A lead teacher pilot program;
 37 (3) A locally designed school-based performance program, subject to
 38 limitations and guidelines adopted by the State Board of Education;
 39 (4) A differentiated pay plan that the State Board of Education finds has
 40 been successfully implemented in another state; or
 41 (5) A locally designed plan including any combination or modification of
 42 the foregoing plans.

1 A differentiated pay plan may also authorize the use of State differentiated pay funds
2 for staff development and planning activities and for paying substitute teachers as is
3 necessary to provide time for staff development and planning activities.

4 (b) Differentiated pay plans shall be developed and voted on in accordance with
5 G.S. 115C-238.3(c).

6 Any differentiated pay plan developed in accordance with this section shall be
7 implemented within State and local funds available for differentiated pay. State funds
8 shall not be used to implement a differentiated pay plan for employees who are not paid
9 with State funds; State funds shall be used to implement a differentiated pay plan for
10 employees who are paid in part with State funds only to the extent of the proportionate
11 part of the salaries of those employees that is paid with State funds.

12 (e) Any additional compensation received by an employee as a result of the unit's
13 participation in the Program shall be paid as a bonus or supplement to the employee's
14 regular salary. If an employee in a participating unit does not receive additional
15 compensation, such failure to receive additional compensation shall not be construed as
16 a demotion, as that term is used in G.S. 115C-325.

17 Payments of bonuses or supplements shall be made no more frequently than once
18 every calendar quarter: Provided, however, prior to the 1994-95 school year, payments
19 in the career development pilot units may be made on a monthly basis.

20 (f) If a local school administrative unit bases its differentiated pay plan on a
21 locally designed school-based performance program, pursuant to subdivision (a)(3) of
22 this section, the plan shall provide that following the attainment of the local school
23 goals, the local board of education shall make a determination of which ~~certified~~ staff
24 members contributed to the attainment of those goals. Differentiated pay bonuses shall
25 then be distributed to those designated employees. The local board of education shall
26 make the determination upon recommendation of (i) the superintendent and (ii) any
27 other person or committee designated in the local differentiated pay plan. The other
28 person or committee designated in the local differentiated pay plan may be the principal,
29 a school-based committee, or any other person or local committee."

30 Sec. 4. This act is effective upon ratification and applies to all differentiated
31 pay plans in effect after July 1, 1994.