

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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HOUSE BILL 1178

Short Title: Competency Test/Low-Performing Schools.

(Public)

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Sponsors: Representatives Ellis; and Pope (Primary Sponsors).

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Referred to: Education.

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April 15, 1999

A BILL TO BE ENTITLED

AN ACT TO REQUIRE COMPETENCY TESTING FOR ALL CERTIFIED STAFF MEMBERS AT LOW-PERFORMING SCHOOLS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 115C-105.38A reads as rewritten:  
"§ 115C-105.38A. **Teacher competency assurance.**

(a) ~~General Knowledge Test.—~~

(1) ~~Each assistance team assigned to a low performing school during the 1997-98 school year shall review the team's evaluations of certified staff members to determine which staff members have been designated by the team as Category 3 teachers. The assistance team shall then determine whether lack of general knowledge contributed to the Category 3 designation. If the assistance team determines that a certified staff member's lack of general knowledge contributed to that staff member being designated as a Category 3 teacher, the assistance team shall submit the staff member's name to the State Board. Upon receipt of the notification, the State Board shall require that the certified staff members teams identified by the assistance teams demonstrate their general knowledge by acquiring a passing score on a test designated by the State Board. The State Board shall administer the~~

1           general knowledge test required under this subdivision at the end of the  
2           1997-98 school year.

3       (2) ~~During the 1998-99 school year and thereafter, either the principal assigned to~~  
4 ~~a low-performing school or the assistance team assigned to a low-performing school may~~  
5 ~~recommend to the State Board that a certified staff member take a general knowledge~~  
6 ~~test. A principal or an assistance team may make this recommendation if the principal or~~  
7 ~~the assistance team determines that the certified staff member's performance is impaired~~  
8 ~~by the staff member's lack of general knowledge. After receipt of the notification, but~~  
9 ~~prior to the end of the fiscal year, the State Board shall require that all certified staff~~  
10 ~~members identified under this subdivision demonstrate their general knowledge by~~  
11 ~~acquiring a passing score on a test designated by the State Board.~~ (a) General  
12 Knowledge Test. – The State Board of Education shall require all certified staff members  
13 working in schools at the time the schools are identified as low-performing under this  
14 Article and to which the State Board has assigned an assistance team to demonstrate their  
15 general knowledge by acquiring a passing score on a test designated by the State Board.  
16 The first general knowledge test shall be administered at the end of the 1999-2000 school  
17 year. In subsequent years, the State Board shall determine when to administer the test for  
18 certified staff members in schools that are identified that year as low-performing and  
19 assigned an assistance team.

20       (b) Repealed by Session Laws 1998-5, s. 1.

21       (b1) Exemptions. – The following certified staff members shall be exempt from  
22 taking the general knowledge test required under subsection (a) of this section.

23       (1) Certified staff members who have:

24           a. Taken and passed the PRAXIS I exam as a condition of entry  
25 into a school of education; and

26           b. Taken and passed the PRAXIS II exam after July 1, 1996.

27       (2) Certified staff members who have previously taken and passed the  
28 general knowledge test.

29       The exemptions under this subsection shall expire July 1, 2000, unless the State Board  
30 adopts a policy to continue them.

31       (c) Remediation. – Certified staff members who do not acquire a passing score on  
32 the general knowledge test required under subsection (a) of this section shall engage in a  
33 remediation plan based upon the deficiencies identified by the test, or an assistance team, or  
34 a principal test. The remediation plan for deficiencies of individual certified staff  
35 members shall consist of up to a semester of university or community college training or  
36 coursework or other similar activity to correct the deficiency. both. The remediation shall be  
37 developed by the State Board of Education in consultation with the Board of Governors  
38 of The University of North Carolina. The State Board shall reimburse the institution  
39 providing the remediation any tuition and fees incurred under this section. If the  
40 remediation plan requires that the staff member engage in a full-time course of study or  
41 training, the staff member shall be considered on leave with pay.

42       (d) ~~Retesting; Dismissal.~~ Retesting. – Upon completion of the first remediation plan  
43 required under subsection (c) of this section, plan, the certified staff member shall take the

1 general knowledge test a second time. If the certified staff member fails to acquire a  
2 passing score on the second test, the State Board shall ~~begin a dismissal proceeding under~~  
3 ~~G.S. 115C-325(q)(2a)~~ provide a program of further remediation under subsection (e1) of  
4 this section.

5 (e) Repealed by Session Laws 1998-5, s. 1.

6 (e1) Dismissal. – Upon completion of the second remediation plan, the certified  
7 staff member shall take the general knowledge test a third time. If the certified staff  
8 member fails to acquire a passing score on the third test, the State Board shall begin  
9 dismissal proceedings under G.S. 115C-325(q)(2a).

10 (f) Other Actions Not Precluded. – Nothing in this section shall be construed to  
11 restrict or postpone the following actions:

12 (1) The dismissal of a principal under G.S. 115C-325(q)(1);

13 (2) The dismissal of a teacher, assistant principal, director, or supervisor  
14 under G.S. 115C-325(q)(2);

15 (3) The dismissal or demotion of a career employee for any of the grounds  
16 listed under G.S. 115C-325(e);

17 (4) The nonrenewal of a school administrator's or probationary teacher's  
18 contract of employment; or

19 (5) The decision to grant career status.

20 (g) Repealed by Session Laws 1998-5, s. 1.

21 (g1) Future Testing. – The State Board shall develop a plan for testing and shall test  
22 all certified staff members in low-performing schools identified at the end of the 1999-  
23 2000 school year. When developing the plan, the State Board shall consider  
24 administering tests in the area of an individual's certification as well as the general  
25 knowledge test. The State Board shall report this plan to the Joint Legislative Education  
26 Oversight Committee prior to November 15, 2000."

27 Section 2. G.S. 115C-325(q)(2a) reads as rewritten:

28 "(2a) Notwithstanding any other provision of this section or any other law,  
29 this subdivision shall govern the State Board's dismissal of certified  
30 staff members who have engaged in a remediation plan under ~~G.S. 115C-~~  
31 ~~105.38A(e)~~ G.S. 115C-1-5.38A(a) but who, after ~~one retest,~~ two retests,  
32 fail to meet the general knowledge standard set by the State Board. The  
33 failure to meet the general knowledge standard after ~~one retest~~ two  
34 retests shall be substantial evidence of the inadequate performance of  
35 the certified staff member.

36 A certified staff member may request a hearing before a panel of  
37 three members of the State Board within 30 days of any dismissal under  
38 this subdivision. The State Board shall adopt procedures to ensure that  
39 due process rights are afforded to certified staff members recommended  
40 for dismissal under this subdivision. Decisions of the panel may be  
41 appealed on the record to the State Board, with further right of judicial  
42 review under Chapter 150B of the General Statutes."

1           Section 3. This act becomes effective July 1, 1999, and applies to school years  
2 beginning with the 1999-2000 school year.