

Changes Affecting Elementary and Secondary Schools

by Laurie L. Mesibov

THE GENERAL ASSEMBLY enacted no bold new initiatives to improve public education in 2000. Instead it continued to support previously established efforts to improve both employee and student accountability, to recruit and retain teachers, and to target resources toward special populations, including students with limited proficiency in English, small school systems, and low-wealth school systems.

At the same time, the General Assembly decided to become directly involved in reducing paperwork for teachers and in taking steps to reduce the minority achievement gap. This involvement illustrates the ongoing search for the proper balance between state and local control of the daily operations of the schools.

This article outlines the 2000 legislative changes directed toward North Carolina's elementary and secondary schools.

Improving Student Achievement

Minority Achievement Gap

The achievement gap between minority students and white students has existed for many years. In recent years special efforts have been considered to reduce, and eventually eliminate, this gap. According to the State Board of Education:

The discrepancy between the academic performance of minority students and White students has been a long-standing education concern in North Carolina and in the nation. As the composition of North Carolina's public school population has become more diverse over the past decade, concern regarding minority stu-

dent achievement has increased proportionately. With a projected 40% racial minority group representation in the state's public schools by 2010, the promotion of academic achievement among minority students is likely to receive increased attention from the state's educators.¹

The State Board of Education and the Department of Public Instruction have undertaken a number of initiatives aimed at closing the achievement gap.² Section 8.28 of SL 2000-67 (H 1840) directs the State Board of Education to take additional steps related to "minority" students, "at-risk" students, and students from "low-income" families but does not define those terms.³ SL 2000-67 requires the State Board to

- examine the connection between the achievement gap and the identification of minority and at-risk students as students with specified disabilities,
- examine the underrepresentation of minority students in advanced classes or academically gifted programs,

The author is an Institute of Government faculty member who specializes in school law.

1. State Board of Education, *State of the State: Educational Performance in North Carolina 1999* (Raleigh, N.C.: State Board of Education, 2000), 34. This publication is available on the Web at www.dpi.state.nc.us/accountability/html.

2. For more information, see www.dpi.state.nc.us/closingthegap/html. This Web site also provides a breakdown by race of students performing at or above grade level on End-of-Grade tests.

3. The Department of Public Instruction defines the state's minority public school populations as Hispanics, Native Americans, Asians, and Blacks. In 1999 Blacks made up 30.2 percent of North Carolina's public school population; Hispanics, 3.1 percent; Native Americans, 1.5 percent; and Asians, 1.7 percent. *State of the State*, *supra* note 1, at 34.

- design a Minority Achievement Report Card,
- develop guidelines for local task forces,
- develop a plan for a hotline to collect complaints,
- report the rates of suspension and expulsion by race and gender, and
- develop a plan and budget for specified actions.

These requirements will be discussed in turn.

Disabilities. In many school units minority children are identified as having certain disabilities at rates that are higher than those for white students. This fact has led some educators and others to suspect that some minority children are being misidentified. Section 8.28 of SL 2000-67 directs the State Board to study the connection between the identification of minority and at-risk students as having behavioral or emotional disabilities and the gap in student achievement. The board must examine the criteria used to identify these students and determine whether the identification is based primarily on valid and objective criteria. The board must also determine whether the curricula for these students are sufficiently rigorous and whether the teaching methodologies are sound and appropriate. In addition, the board must examine the qualifications of teachers assigned to these students and utilization of other services, such as mental health services.

Advanced classes. Minority children participate in programs for students achieving at the highest levels of performance at rates that are lower than those for white children (that is, the percentage of minority students who participate is smaller than their percentage of the student body). The State Board must study the underrepresentation of minority and at-risk students in honors classes, advanced placement classes, and academically gifted programs and evaluate whether this underrepresentation contributes to the gap in student achievement. In its study, the board must examine the criteria used to identify students for these programs, determine whether the criteria are valid and objective, and examine whether low academic expectations or certain instructional practices contribute to the underrepresentation.

Report card. The State Board must design an annual Minority Achievement Report Card, based on data submitted by local school administrative units and individual schools. The report card must be implemented beginning with the 2001-2 school year.

Guidelines. The State Board must develop guidelines to enable the formation of a local task force to ad-

verse and work with the local school board and administration on closing the gap. Each local school administrative unit must have a task force "if appropriate." SL 2000-67 does not say what entity or individual determines whether a task force is appropriate or by what criteria, but it does say that every task force must be racially diverse and include parents, school personnel, and representatives from human services agencies, non-profit organizations, and the business sector.

Complaints hotline. The State Board must develop a plan to establish a hotline to collect complaints alleging disparate treatment of minority students and students from low-income families. In developing the plan the board must "give strong consideration" to

- a mechanism for the board to secure an investigation of systemic problems revealed through complaints;
- a procedure for the board to report individual complaints, with permission of the complaining party, to the local school unit so it also may investigate;
- criteria for fair and impartial local investigation; and
- other information to enable full implementation of the hotline at the beginning of the 2001-2 school year.

Suspensions and expulsions. Each local school unit must submit data on school discipline to the State Board. Specifically, local boards must report, by race and gender, the number of students suspended for no more than ten days, suspended for more than ten days, expelled, and placed in an alternative program because of conduct that could have led to suspension or expulsion. The State Board must report data from the 1998-99 and 1999-2000 school years, to the extent the data are reasonably available.⁴

Plan of action. There are many other steps that might reduce the achievement gap. The State Board must develop a plan and budget for a list of items related to diversity and students with limited proficiency in English (LEP). This list includes staff development, sufficient funding for programs, translators, and imple-

4. G.S. 115C-276(r) requires superintendents to maintain data on each student suspended for more than ten days or expelled. Therefore, data for these years on students suspended for fewer than ten days may not be available from all school units.

mentation guidelines for student accountability standards and promotion policies for LEP students.

After it reviews information from the State Board and other sources, the Research Council of the Education Cabinet⁵ must report to the Joint Legislative Education Oversight Committee on the practices and methodologies that are most effective in closing the achievement gap for children of various demographic groups who are performing below grade level. The Cabinet and Council must recommend the most cost-effective ways of improving student achievement among the targeted groups.

A related provision, Section 11.4A of SL 2000-67, directs the Department of Health and Human Services to establish and administer a pilot program to assist families with children who are performing below grade level. The program is to help these families strengthen cohesiveness, function better and progress economically, and improve the academic performance of their children.

Paperwork Reduction

“Too much paperwork” is a common refrain among educators who believe that excessive numbers of forms and reports take time and energy that could be better spent on activities directly related to instruction. Section 8.18 of SL 2000-67, as amended by Section 77 of SL 2000-140 (S 1335), is aimed at reducing unnecessary and redundant paperwork.

Section 115C-307(g) of the General Statutes (hereafter G.S.) authorizes boards of education to require teachers to make reports and authorizes superintendents to require teachers to make reports to their principals; Section 8.18 amends G.S. 115C-307(g) to impose limits on what teachers can be required to do. Local boards, superintendents, and school principals cannot require teachers to provide information that is already available through the student information management system (which must be available to teachers). Neither may teachers be required to provide the same written information more than once during a school year, unless the information has changed since the original re-

port. However, a board may require the information if it can demonstrate both a compelling need for the information and that there is not a more expeditious manner of getting it. The statute does not explain how or to whom the board is to make this demonstration. In addition, a board may not require a teacher to complete forms for children with disabilities unless the forms are necessary for compliance with the federal Individuals with Disabilities Education Act (IDEA).

Section 8.18 also amends G.S. 115C-47(18) to add to a local school board’s duties the elimination, to the maximum extent possible, of duplicate or obsolete reporting requirements. In addition, each local board must appoint a person or establish a paperwork control committee to monitor all reports and other paperwork that the central office requires of teachers.

The State Board of Education also must join the paperwork reduction effort. It must (1) review its requirements for reports from local school units and eliminate to the extent possible any duplicate or obsolete reporting requirements and (2) develop a plan to implement a paperless student information management system before the 2005–6 school year.

Special education requires extensive documentation for each student. In order to reduce paperwork associated with special education, the State Board must

- work with the United States Department of Education to standardize IDEA’s compliance requirements,
- simplify paperwork that the Department of Public Instruction requires to verify compliance with IDEA,
- develop a plan to cut spending for special education compliance issues by 50 percent for the 2001–2 fiscal year without jeopardizing procedural safeguards under IDEA, and
- develop a plan to fund special education compliance issues only with federal funds provided specifically for that purpose for the 2002–3 fiscal year, eliminating state funding for compliance issues.

Class Size

The issue of class size comes up in almost every discussion of how to improve student achievement. Under G.S. 115C-301(c) the average class size for each grade span in a school unit may not exceed the funded

5. The Education Cabinet consists of the governor, the chair of the State Board, the superintendent of public instruction, the president of the North Carolina Community Colleges System, and the president of The University of North Carolina. N.C. GEN. STAT. 116C-1.

allotment ratio of students to teachers. At the end of the second month of school and for the rest of the school year, the size of any individual class may not exceed the allotment ratio by more than three students. Section 8.8 of SL 2000-67 provides that, notwithstanding these provisions of G.S. 115C-301(c), both the maximum average class size for the grade span kindergarten, first grade, and second grade, and the maximum size of an individual class within the grade span shall be twenty-six students.

New provisions found at G.S. 115C-472.10 and G.S. 20-81.12 permit (1) the sale of personalized license plates with the message "Support Public Schools" and (2) establishment of a fund, under the control of the State Board of Education and consisting of proceeds from the sale of those plates, to be used for reducing class size in the public schools.

Studies

In addition to the studies already discussed, the General Assembly authorized studies of several important issues related to public education. The Studies Act of 2000, SL 2000-138 (S 787), authorizes the Legislative Research Commission to study the placement of children in group homes and the provision of special education to these children. The act also authorizes the Joint Legislative Education Oversight Committee to study exclusive contract practices among public schools; distribution of textbooks; issues related to public school counselors and social workers; the need for elementary school instruction in foreign languages; and the feasibility of increasing the minimum number of instructional days from 180 to 200, the minimum number of instructional hours to 1,120, and the contractual period for teachers to twelve months. The State Board of Education is authorized to study the school calendar and to identify and evaluate strategies designed to assist teachers in providing students with interdisciplinary lessons that integrate science and social studies as well as reading, writing, and mathematics.

Section 8.4 of SL 2000-67 directs the Commission on Children with Special Needs to study the issue of when the head count of children with special needs should be performed and whether a single head count during a school year is adequate. One important use of the head count is that it determines the amount of state funds local school units receive for special education.

Charter Schools

Charter schools are public schools that operate under a charter approved by the State Board of Education, and the State Board must approve all material revisions to a school's charter application.

Enrollment

Under G.S. 115C-238.29D, the State Board must allow a charter school to increase its enrollment by 10 percent of the school's previous year's enrollment or as is otherwise provided in the charter. This level of enrollment growth does not constitute a material revision and therefore does not require State Board approval. When a charter school wants to exceed this enrollment growth, however, it does need State Board approval. Section 8.23 of SL 2000-67 amends G.S. 115C-238.29D to set limits on when the State Board may give its approval. The board may do this only if it finds that

- the actual enrollment of the charter school is within 10 percent of its maximum authorized enrollment;
- the charter school has commitments for 90 percent of the requested maximum growth;
- the board of education of the school unit in which the charter school is located has an opportunity to be heard by the State Board on any adverse impact the proposed growth would have on the unit's ability to provide a sound basic education to its students;
- the charter school is not currently identified as low-performing under the ABCs Program;⁶
- the charter school meets generally accepted standards of fiscal management; and
- it is otherwise appropriate to approve the enrollment growth.

Exemption from Motor Fuel Tax

SL 2000-72 (H 1302) amends G.S. 105-449.88 to provide that the excise tax on motor fuel does not apply to motor fuel sold to a charter school for school purposes. G.S. 115C-238.29J requires the State Board of Education to direct the Department of Public Instruction to notify the Department of Revenue when the

6. The state's accountability program developed in response to N.C. GEN. STAT. 115C-105.20 through -105.40.

State Board terminates or fails to renew a school's charter or grants a new charter.

Funding

Section 1.1 of SL 2000-67 (H 1840), the general budget act, appropriates just over \$5.27 billion to the Department of Public Instruction. Specific allocations are made to implement the ABCs Program, to continue the governor's efforts to raise teachers' salaries to the national average, to supplement low-wealth and small school units, and to improve student performance and implement a new student information system.

Qualified Zone Academy Bond Act

The federal Taxpayer Relief Act of 1997 provides funds for the repair and rehabilitation of public school buildings from the proceeds of qualified zone academy bonds. The bonds are sold to private entities, which then receive tax credits rather than interest. In order to make North Carolina eligible to participate in this program, SL 2000-69 (H 1539) adds new Article 34B to Chapter 115C, which designates the State Board of Education as the state agency responsible for administering the Qualified Zone Academy Program. Bonds may be issued under the Local Government Bond Act, and the Local Government Commission may sell bonds at private sale under an amendment to G.S. 159-123(b). Bonds may be issued also under G.S. 160A-20, to the extent authorized by G.S. 153A-158.1.

School Employees

Salaries

SL 2000-67 (H 1840) sets provisions for the salaries of teachers, school-based administrators, central office administrators, teacher assistants, and other noncertified personnel.

The salary schedule for teachers, in 2000–2001 ranges from \$25,000 for a ten-month year for new teachers holding an "A" certificate to \$55,350 for teachers with twenty-nine years of experience or more, an "M" certificate, and national certification. For school-

based administrators (principals and assistant principals), the ten-month pay range is from \$31,950 for a beginning assistant principal in a small school to \$74,170 for a principal in the largest category of schools with more than forty years of experience. Of course, many school-based administrators are employed not for ten but for eleven or twelve months, adding the proportionate amount to their salaries.

For central office administrators (assistant and associate superintendents, directors and coordinators, supervisors, and finance officers), the ten-month range is from \$29,320 to \$70,020, and many are employed for more than ten months. For teacher assistants and other noncertified personnel, the General Assembly mandated a 4.2 percent pay increase, with certain exceptions permitted. All public school employees who were employed on April 1, 2000, and were still employed on October 1, 2000, received a one-time, \$500 bonus.

ABCs Incentive Awards

SL 2000-67 directs the State Board of Education to use funds available to it to provide incentive funding for schools that met or exceeded projected levels of improvement in student performance under the ABCs Program. The incentive awards in schools that achieved higher than expected improvements may be up to \$1,500 for each teacher or other certified employee and \$500 for each teacher assistant. In schools that meet expected improvements, the corresponding amounts are \$750 and \$375. For principals and assistant principals, the incentive award is 1 percent of salary in a school that meets or exceeds expectations and 1 percent for a school that meets its goals for maintaining a safe and orderly school.

National Certification Help

The National Board for Professional Teaching Standards (NBPTS) is an independent, nonprofit organization operating a voluntary system for assessing and certifying teachers who meet its standards. To receive NBPTS certification, a teacher must complete a number of requirements in his or her own teaching duties, participate in a NBPTS assessment center, and pass an examination. North Carolina has for several years provided for a salary increase for teachers who achieve NBPTS certification.

SL 2000-67 adds new G.S. 115C-296.2 directing the state to pay the NBPTS participation fee and provide up to three days of approved paid leave to all

The School Employees section was written by Robert P. Joyce.

teachers participating in the NBPTS program who have completed three years of teaching in a North Carolina public school and meet certain other requirements. If the teacher does not complete the process (for reasons other than death or disability) or does not teach for a year in a North Carolina public school after completing the program, he or she must repay the participation fee.

Employment of Retired Teachers

In 1998, facing an increasing teacher shortage, the General Assembly amended provisions of the Teachers' and State Employees' Retirement System [specifically, G.S. 135-3(8)c] to permit a retired teacher to return to teaching and collect both salary for teaching and full retirement benefits. This provision applied only where the teacher had been retired for at least twelve months and had not been employed by a school system in any capacity except substitute teacher for twelve months and (1) the teacher returned on a substitute or interim basis and not on a permanent basis or (2) the teacher was employed in his or her area of certification in a school designated as low-performing under the ABCs Program or in an area of the state determined by the State Board of Education to be suffering a critical shortage of teachers.

SL 2000-67 amends these provisions to make it easier for school systems to employ retired teachers by removing the requirement that the teacher return to a low-performing school or certain area of the state in order to be employed on a permanent basis. The statute clarifies that the teacher must not have been em-

ployed in the twelve months immediately preceding reemployment.

Miscellaneous Legislation

Modernized Bail Bond Forfeitures

Under Article IX, Section 7, of the North Carolina Constitution, the clear proceeds of all forfeitures belong to the counties and must be used exclusively for maintaining free public schools. SL 2000-133 (H 1607) is designed to modernize bail bond forfeiture proceedings. One provision, new G.S. 15A-544.4(d), gives the school board attorney the option of objecting to a motion to set aside forfeiture in specified circumstances.

Information Technology

SL 2000-174 (H 1564) transfers the Office of Information Technology Services to the Office of the Governor and makes other changes in the laws regarding information technology-related state government functions. SL 2000-130 (H 1578) amends G.S. 143B-472.51, which sets out the powers and duties of the Office of Information Technology Services. It provides that local governmental entities, including local school administrative units, may use the information technology programs, services, or contracts offered by the office, including information technology procurement. Local governmental units are not required to comply with otherwise applicable competitive bidding requirements when using contracts established by the office. ■

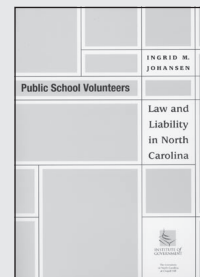
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