

PANC  
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H.R. Issues and Implications for Low-Performing  
Schools and Districts

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# Low-Performing Schools

- Significant changes in definitions/standards
- Effective: 9/18/15
- Major school improvement requirements
- Substantial H.R. implications

# What is a Low-Performing School?

- Prior to September 18, 2015, Definition:
  - Low-performing schools were those in which there was a failure to meet minimum growth standards, as defined by the SBE, and a majority of students performing below grade level.

# What is a Low-Performing School?

- 2015 Appropriations Act (S.L. 2015-241) included substantial revisions

## Effective September 18, 2015:

- New Definition:
  - Low-performing schools are those that receive a school performance grade of D or F and a school growth score of "met expected growth" or "not met expected growth" as defined by G.S. 115C-83.15.

# What is a Low-Performing School?

- The change means that nearly a quarter of the state's schools are now considered "low-performing" (24%). Of 2,431 schools that received both a letter grade and a growth score, 581 (547 traditional public schools; 34 charters) qualify as low-performing. Of those, 80% receive federal funding for having large populations of low-income students. (Under the old definitions 379 (16%) schools were low performers and 53% were low-income.)

# What is a School Performance Grade?

- A school performance score of **at least 90** is equivalent to an overall school performance **grade of A**.
- A school performance score of **at least 80** is equivalent to an overall school performance **grade of B**.
- A school performance score of **at least 70** is equivalent to an overall school performance **grade of C**.
- A school performance score of **at least 60** is equivalent to an overall school performance **grade of D**.
- A school performance score of **less than 60** points is equivalent to an overall school performance **grade of F**.
- G.S. §115C-83.15(d).
- BUT, this has been modified (temporarily?) to a 15-point scale.

# What is a School Performance Grade?

- S.L. 2014-5 modified to 15-point scale, for 2013-14 only, for letter grades A-F.

# What is a School Performance Grade?

- S.L. 2015-17 (H.B. 358) – School Performance Grade Scale  
Effective Date: 5/14/15
  - Retains 15-point scale for A-F school grades for the 2014-15 and 2015-16 school years.
    - A = 85-100
    - B = 70-84
    - C = 55-69
    - D = 40-54
    - F = Below 40
  - Reverts to 10-point scale for the following year (2016-17) and beyond.
- ... but, may be changed ...



# What is a School Performance Grade?

- 80%-School Achievement Score
- 20%-School Growth Score
- \*However, if a school has met expected growth and inclusion of the school's growth score reduces the school's performance score and grade, a school may choose to use the school achievement score solely to calculate the performance score and grade. G.S. §115C-83.15(d).

# What is a School Growth Score?

- Generated by EVAAS
- EVAAS uses end-of-grade and end-of-course assessment data to measure the amount of growth groups of students make in a year.
- EVAAS calculates a composite index of growth, which determines the growth designation for the school:
  - Exceeds expected growth;
  - Meets expected growth; or
  - Does not meet expected growth.

G.S. 115C-83.15(f)

## When are Low-performing Schools identified?

- SBE plans to identify Low Performing Schools annually in September of any given year.
- This year, SBE did not identify schools until October 1, 2015, because the General Assembly changed the definition of “low performing school” on September 18, 2015.

## What happens after a school is identified as low-performing?

- Improvement plans developed and approved.
- Notice to parents.
- There are a series of Human Resource decisions that must be made in a relatively short period of time.

# What happens after a school is identified as low-performing?

## Improvement Plan

- SBE designation of “low performing” starts the clock
- Superintendent has 30 days to develop and submit to local BOE a preliminary improvement plan for each low-performing school, addressing both achievement and growth, “including how the superintendent and other central office administrators will work with the school and monitor the school’s progress.” G.S. §115c-105.37(a1)(2).
- HR implications: “Monitoring progress” includes evaluation, professional development, etc.

# What happens after a school is identified as low-performing?

## Improvement plan

- Within 30 days of receipt of the Superintendent's preliminary plan, local BOE should: make it available to the public, including the personnel assigned to that school, and parents/guardians of students in that school; allow for written comments; and vote to approve, modify or reject this plan.

# What happens after a school is identified as low-performing?

## Improvement plan

- Within 5 days of its approval, local BOE shall submit its final plan to SBE for approval.
- SBE shall review the plan “expeditiously” and may recommend modifications.
- Local BOE shall “consider” any recommendations by SBE and, if necessary, amend the plan and vote on approval of any changes to the final plan.
- Local BOE shall provide access to final plan on its website and SBE shall do the same on DPI’s website.

# What happens after a school is identified as low-performing?

## Notice to Parents

- SBE designation of “low performing” starts the clock.
- Within 30 days each school designated low performing shall provide written notice to parents/guardians of its students that:
  - School “received a school performance grade of D or F and a school growth score of “met expected growth” or “not met expected growth,” and has been identified as a low-performing school as defined by G.S. 115C-105.37,” together with an explanation of performance grades and growth scores;
  - Includes the specific grades and growth score for the school;
  - Includes information about the preliminary improvement plan, and that the final plan will be added to the LEA’s website;
  - The date the local BOE will meet to consider the plan, and
  - A description of steps the school is taking to improve student performance



# Low-Performing Districts

# Low-Performing Districts

- New this year!
- New designation established by S.L. 2015-241 (Appropriations Act)
- Adds new G.S. 115C-105.39A – Identification of low-performing local school administrative units.

# Low-Performing Districts

What is a low-performing district?

- SBE designates LEAs as “low-performing districts.” There are 15 of them in 2015-16.
- A low-performing local school administrative unit is a unit in which the majority of the schools in that unit that received a school performance grade and school growth score as provided in NCGS 115C-83.15 have been identified as low-performing schools.

G.S. 115C-105.39A

## Step 2

- Within 30 days of low-performing designation the following must occur:
  - Superintendent determines from 4 options what employment action to take concerning the low performing school's principal.

# Low-Performing Districts

## Improvement Plans

- SBE designation of “low-performing district” starts the clock.
- The superintendent has 30 days to develop and submit to local BOE a plan that addresses each low performing school and how to improve student achievement throughout the district.
- Includes the requirement that the plan provides “how the superintendent and other central office administrators will work with each low-performing school and monitor progress, and recommendations for how current policy should be changed to improve student achievement throughout the LEA.  
G.S. 115C-105.39A(b)(2)
- The approval and review processes are the same as for low-performing schools.

# Low-Performing Districts

## Notice to Parents

- SBE designation of “low-performing district” starts the clock.
- Within 30 days the LEA must notify in writing parents/guardians of all students attending any school in the unit that:
  - A majority of the schools in the district “received a school performance grade of D or F and a school growth score of “met expected growth” or “not met expected growth” and have been identified as low-performing schools as defined by G.S.115C-105.37, along with an explanation of performance grades and growth scores.
  - The percentage of schools identified as low-performing.
  - Information about the preliminary approval plan and that the final plan will be available on the LEA’s website.
  - The date the local BOE will meet to consider the plan.
  - Description of any additional steps being taken to improve student performance, and
  - For those parents whose children attend a low-performing school, the same statement as is required to be sent to the parents of any student in a low performing school.

# What Causes Schools to be Low-Performing?

- Dr. Jay Robinson:  
“We analyzed the test results and figured out that too many of our kids were marking the wrong answers.”

# What Causes Schools to be Low-Performing?

- Poverty
- Performance
- Programs
- Personnel
- Parents
- ... and that's just the P's



# HR Issues, Options, Implications and Actions

## Principals

G.S. 115C-105.39(a) requires:

- Within 30 days of “low-performing” designation the superintendent must make one of the following four recommendations to the local BOE:

# HR Issues, Options, Implications and Actions

## Principals

1. That the Principal be retained in the same position, without a remediation plan.
  - The principal may be retained in the same position without a plan for remediation **only if the principal was in that position for no more than two years before the school is identified as low-performing.**
2. That the Principal be retained in the same position, with a remediation plan to be developed.

# HR Issues, Options, Implications and Actions

## Principals

3. That the Principal be transferred.
  - However, the following limitations apply if a Superintendent wants to transfer a principal to another principalship in the LEA:
    - The transfer must be to a school classification in which the principal previously demonstrated **at least 2 years of success**;
    - There must be plan to evaluate and provide remediation to the principal for **at least one year** following the transfer to assure the principal does not impede student performance at the school to which the principal is being transferred; and
    - The parents of the students at the school to which the principal is being transferred must be notified.
    - The principal **shall not** be transferred to another low-performing school in the local school administrative unit.

# HR Issues, Options, Implications and Actions

## Principals

4. Proceed under NCGS 115C-325.4 to dismiss or demote the principal.
  - If the Superintendent intends to recommend demotion or dismissal, the Superintendent shall notify the local board.

# HR Issues, Options, Implications and Actions

## Principals

Within 15 days of either (a) receiving notification that the Superintendent intends to proceed under option 4, to dismiss or demote the principal under NCGS 115C-325.4, or (b) the local board's decision on the Superintendent's recommendation regarding options 1-3, but not later than September 30, the local board shall submit to the SBE a written notice of the action taken and the basis for the action.

# HR Issues, Options, Implications and Actions

## Principals

- After receipt of notice from the local board, the SBE will decide whether to assign an assistance team to that school.
- If no assistance team is assigned, or if an assistance team is assigned and the superintendent proceeds to dismiss or demote the principal, then the State Board takes no further action.
- If the State Board assigns an assistance team and the superintendent is not recommending dismissal or demotion of the principal, then the State Board votes to accept, modify or reject the local board's recommendations regarding the continued employment of the principal. The State Board shall notify the local board of its action within 5 days.
- If SBE rejects or modifies the local board's recommendation and does not recommend dismissal of the principal, then the SBE shall notify the local board of its recommendations concerning the principal's assignment or terms of employment.
- The local BOE "shall implement the State Board's recommended action concerning the principal's assignment or terms of employment" unless it asks the SBE to reconsider.

# HR Issues, Options, Implications and Actions

## Principals

- The SBE shall provide an opportunity for the local BOE to be heard before it acts on the local board's request for reconsideration.
- The State Board shall then vote to affirm or modify its original recommended action and shall notify the local board within five days.
- Upon receipt, the local board shall implement the SBE's final recommended action concerning the principal's assignment/terms of employment.
- If the SBE rejects or modifies the local board's action and recommends dismissal of the principal, then the SBE shall proceed under its own authority (pursuant to G.S. 115C-325.12), through its designee, to recommend the dismissal of the principal. (This dismissal proceeding is before the SBE, not the local board.)

# HR Issues, Options, Implications and Actions

## Other Options Available

- Transfer to AP position at same rate of pay (i.e., no demotions).
- Transfer to AP position with or without a remediation plan.
- Transfer to non-administrative position (e.g., teacher) with no change in pay (i.e., no demotion).
- Transfer to lower paying, non-administrative position, with employee's consent.



# HR Issues, Options, Implications and Actions

## Other Concerns

- In 2013, G.S. 115C-287.1 was amended to repeal administrator tenure. Some administrators may be able to successfully argue that they still have career status as administrators.
- Make sure administrator contract language is updated regarding dismissal and demotion.

# HR Issues, Options, Implications and Actions

## Licensed Employees in Low Performing Schools

- G.S. 115C-333 – Sets forth evaluation requirements for licensed employees in low-performing schools.
- SBE Policy TCP-C-006 – Policy on Standards and Criteria for Evaluation of Professional School Employees (revised December 3, 2015)
- SBE policy TCP-C-004 – Policy Establishing the Teacher Performance Appraisal Process (revised December 3, 2015)

# HR Issues, Options, Implications and Actions

## Licensed Employees in Low Performing Schools

- Both G.S. §115C-333 and State Board of Education Policies sets forth various requirements and specifications regarding the evaluation of licensed employees in low-performing schools.
- There are different rules that apply to poorly performing teachers in low performing schools

# HR Issues, Options, Implications and Actions

## Legal Standards on Performance

- G.S. §115C-325(e)(3): Determining Inadequate Performance. [Applies to Career Employees]
  - Must consider two things:
    - Evaluation data.
    - Standards adopted by local board of education.
  - Failure to notify a career employee of any inadequacy in his performance “shall be **conclusive evidence** of satisfactory performance.”

# HR Issues, Options, Implications and Actions

## Legal Standards On Performance

- S.L. 2011-348 added to tenure law (G.S. 115C-325):
- Inadequate Performance (G.S. 115C-325(e)(3)) revised:
  - Creates definition of inadequate performance for teachers: failure to perform at a proficient level on any standard of DPI's teacher evaluation instrument, or otherwise performing in a manner that is below standard.
  - Exceptions:
    - For career teacher: principal may note on evaluation instrument that a career teacher is making adequate progress toward proficiency given the circumstances;
    - For a probationary teacher: superintendent may determine that a rating below proficient is adequate performance for a probationary teacher at that stage of development. <<< no longer effective

# HR Issues, Options, Implications and Actions

## Legal Standard On Performance

- S.L. 2013-360 changed standard for non-career status teachers
- Inadequate Performance (new G.S. 115-325.4(a)(1)):
  - Creates definition of inadequate performance for non-career status teachers under grounds for their dismissal or demotion.
  - Must consider two things:
    - Evaluation data.
    - Standards adopted by local board of education.
  - Inadequate performance for a teacher shall mean (i) failure to perform at a proficient level on any standard of DPI's teacher evaluation instrument, or (ii) otherwise performing in a manner that is below standard.
  - Exceptions:
    - The language about Exceptions and the presumption for failing to notify teachers of inadequacy are not in the new law applicable to non-career status teachers.

# HR Issues, Options, Implications and Actions

## The Ongoing Evolution of the Teacher Evaluation Instrument

- SBE Policy TCP-C-006 was revised again on March 1, 2012, April 5, 2012; October 4, 2012, and April 4, 2013, by State Board of Education.
- In July 2011, SBE added new Standard VI to teacher evaluation instrument: Teachers Contribute to the Academic Success of Students; and new Standard 8 to principal/assistant principal evaluation instruments: Academic Achievement Leadership.
- On March 1, 2012, SBE added new method, effective 2011-12, to determine teacher's rating on Standard VI. Student growth value will be used to place a teacher in one of 3 rating categories:
  - Does not meet expected growth
  - Meets Expected growth
  - Exceeds expected growth
- Also on March 1, 2012, SBE added method to determine principal/assistant principal ratings on Standard 8.

# HR Issues, Options, Implications and Actions

## The Ongoing Evolution of the Teacher Evaluation Instrument

- On April 5, 2012, the SBE amended TCP-C-006 to add new standards for evaluation of:
  - Instructional Technology Specialists
  - School Library Media Coordinators
- On October 4, 2012, April 4, 2013, and October 3, 2013, SBE further amended this policy to define the data used to calculate growth value on Teacher Standard VI and on the eighth standard for principals, and make other changes.
- On December 3, 2015, SBE rescinded its waiver process (at the direction of the General Assembly) to no longer allow districts to use school-wide growth for Standard VI effectiveness, and instead to allow Districts to submit proposals for other assessments to determine Standard VI for educators in certain grades/subjects.



# HR Issues, Options, Implications and Actions

## The Ongoing Evolution of the Teacher Evaluation Instrument

### TCP-C-006:

- At the April 6-7, 2016, meeting of the SBE, DPI will recommend removal of student growth Standard 6 for teachers and school growth Standard 8 for principals as “stand-alone” standards in the teacher and principal evaluations, effective 2016-17.

# The Teacher Evaluation Instrument

- SBE Policy TCP-C-004
- Requires that teachers be rated according to the rubric
  - Not Demonstrated
  - Developing
  - Proficient
  - Accomplished
  - Distinguished

# The Teacher Evaluation Instrument

- SBE Policy TCP-C-004
  - Teacher rated “Developing” on one or more standards **shall** be placed on Monitored Growth Plan, if the teacher is not recommended for dismissal/demotion/nonrenewal.

# The Teacher Evaluation Instrument

- SBE Policy TCP-C-004
  - Teacher rated “Not Demonstrated” on any standard or “Developing” on one or more standards for two consecutive years shall be placed on Directed Growth Plan, if the teacher is not recommended for dismissal/demotion/nonrenewal.

# The Teacher Evaluation Instrument

- SBE Policy TCP-C-004 – revisions added 12/3/15:
  - SBE revised this policy effective December 3, 2015, to clarify teacher observation requirements in low performing schools and to ensure alignment with statutory requirements.

# The Teacher Evaluation Instrument

- **Process for Evaluation of Licensed Staff in Low-Performing Schools**
- For schools designated as low performing, school administrators shall evaluate, as early in the school year as possible, all licensed employees for the purpose of providing adequate time for the development and implementation of a mandatory improvement plan.
- The evaluation of licensed staff in a low-performing school shall consist of the prior year summative evaluation (where available), all available student-growth data (EVAAS or ASW, if applicable), the staff member's Professional Development Plan (PDP), a pre-observation conference, a formal observation, and a post-observation conference.

# The Teacher Evaluation Instrument

- Based on the formal observation and other available evaluation data, the administrator shall assign performance ratings. If the licensed staff member is determined to have an area of deficiency (less than “Proficient” on Standards 1-5 or “Does Not Meet Expected Growth” on Standard 6), then the evaluator shall recommend to the superintendent that:
  - the employee receive a mandatory improvement plan, or
  - the employee be dismissed, demoted, or not be recommended for contract renewal, or
  - the employee be removed immediately for conduct that causes substantial harm to the educational environment, or
  - no recommendation be made (with explanation to superintendent).

# The Teacher Evaluation Instrument

- If a mandatory improvement plan is recommended for a licensed staff member, then the PDP may function as the mandatory improvement plan provided it addresses all areas of deficiency surfaced by the evaluation and contains recommendations and specific supports for satisfactorily resolving such deficiencies. A PDP that meets those criteria shall be deemed to satisfy the requirements of N.C. Gen. Stat. § 115C-333(b).
- Licensed staff with no deficiencies in practice documented in their evaluations may return to the appropriate evaluation plan type (Comprehensive, Standard, or Abbreviated) for the remainder of the school year. The evaluation process described above does not meet the requirements of an annual evaluation for licensed staff, but can be used to satisfy one observational requirement for an annual evaluation.
- LEAs that recommend a licensed staff member for dismissal or demotion should consult their local board attorney and follow the procedures outlined in N.C. Gen. Stat. § 115C-333(b)(2a).



# Mandatory Improvement Plans

- Created by S.L. 2011-348; S.B. 466
- “Action Plans” were replaced with *Mandatory Improvement Plans* (MIPs)
- G.S. 115C-333 substantially revised; now applies only to teachers in low-performing schools

# Mandatory Improvement Plans

- Defined as: “an instrument designed to improve a teacher’s performance or the performance of any licensed employee ... by providing the individual with notice of specific performance areas that have substantial deficiencies and a set of strategies, including the specific support to be provided to the individual, so that the individual, **within a reasonable period of time**, should satisfactorily resolve such deficiencies.”

# Mandatory Improvement Plans

- When may a teacher be placed on a MIP?
  - Teachers may be placed on MIPs following below proficient ratings on evaluations.
  - Regardless of any evaluation ratings, a principal may place a teacher on a MIP if the teacher has engaged in inappropriate conduct or performed inadequately to such a degree that such conduct or performance is causing substantial harm to the educational environment and that immediate dismissal or demotion is inappropriate. The principal must document the exigent reason for immediately instituting the MIP.

# Mandatory Improvement Plans

- Local boards may adopt policies for the development and implementation of MIPs and for monitored and directed growth plans.

## Specific Requirements for LOW-PERFORMING SCHOOLS (115C-333)

- Requires annual evaluation of all licensed employees assigned to *schools identified as low-performing*.
- Requires local boards to use performance standards and criteria adopted by SBE, and may adopt additional criteria and standards.

# Specific Requirements for LOW-PERFORMING SCHOOLS (G.S. 115C-333)

## MIP is mandatory:

- A rating on an evaluation of below proficient or otherwise representing below standard performance, or if teacher has engaged in inappropriate conduct or performed inadequately to the degree that it causes such substantial harm that immediate dismissal is recommended by evaluator, it must result in either a MIP or a recommendation for dismissal or nonrenewal. Evaluator must recommend to the Superintendent, who must decide.

## MIP Development:

- MIP shall be developed by the evaluator or supervisor, unless evaluation was done by assistance team.
- If evaluation was done by assistance team, then it develops MIP in collaboration with principal/supervisor.

## MIP Time Limits

- MIP shall be designed to be completed **within**: 90 instructional days or before the beginning of the next school year.

## Specific Requirements for LOW-PERFORMING SCHOOLS (G.S. 115C-333)

### Reassessments/Results:

- Upon reassessment after a MIP, Superintendent must initiate dismissal, demotion or nonrenewal proceedings if the employee has failed to either become proficient or demonstrate sufficient improvement toward the standards.
- If not proficient, reassessment results shall constitute “**substantial evidence**” of teacher’s inadequate performance.

# Specific Requirements for LOW-PERFORMING SCHOOLS (G.S. 115C-333)

## State Board Notification

- If a local board dismisses a career status employee for any reason other than a RIF, or dismisses a teacher under contract for cause, it must notify SBE.
- Effective July 1, 2014, this requirement also applies to contract teachers who are nonrenewed after being placed on a MIP based on the reasons in this statute.
- Teacher's name then gets added to State Board's list provided annually to all school boards.



# Mandatory Improvement Plans

## Legal Effect:

- **If teacher on MIP does not attain “Proficient” rating, reassessment results constitute “substantial evidence” of inadequate performance.**
- **Absence of a MIP does not preclude a dismissal proceeding, but in such case the superintendent shall not be entitled to the “substantial evidence” provision.**

# How is a Teacher Placed on a MIP?

## Low Performing Schools (G.S. 115C-333)

- Teacher is placed on MIP:
  - If ratings are below proficient or otherwise unsatisfactory or below standard performance, Principal/Evaluator or Assistance Team that conducted the evaluation shall recommend to Superintendent either: placement on a MIP, or that Superintendent should move to dismiss or demote the teacher.
  - Superintendent determines either: to dismiss/demote or that a MIP shall be developed

OR

(cont.)

# How is a Teacher Placed on a MIP?

## Low Performing Schools (G.S. 115C-333)

- Teacher is placed on MIP when (cont.):
  - Regardless of evaluation ratings, Principal determines teacher's inappropriate conduct or performance is so bad that it "causes substantial harm to the educational environment," and
  - Principal must document the "exigent reason" for immediately instituting a MIP.

# What is Different about a MIP?

- Legal presumption at end of MIP process: “substantial evidence” of inadequate performance, if teacher does not achieve “Proficient” ratings.
- No pre-set “form” as there is with individual, monitored, directed growth plans.
- BUT, recent changes to SBE policy allow PDP’s that meet certain standards to qualify as MIP.

# What is Different about a MIP?

- MIP must state (at a minimum):
  - Specific performance areas that are deficient
  - Strategies to resolve them
  - Specific support to be provided to the teacher

# What is Different about a MIP?

- Timelines are different than Individual/Monitored/Directed Growth Plans:
  - Individual Growth Plan – no set timeline.
  - Monitored Growth Plan – “timeline which allows the teacher one school year to achieve Proficiency.”
  - Directed Growth Plan – “timeline for achieving Proficiency within one school year or such shorter time as determined by the LEA.
  - MIP – Different timelines, based on whether teacher is in a low-performing school.

# What is Different about a MIP?

- Teacher IN LOW-PERFORMING SCHOOL, to complete the MIP, is allowed no more than:
  - 90 instructional days; or
  - by the start of the next school year
  - NOTE: These are maximum time limits. MIP “shall be designed to be complete within” these limits.

## Is MIP Now Required Before Dismissal for Inadequate Performance?

- No but you don't have benefit of "substantial evidence" provision without a MIP.
- Impetus to resign is greater if MIP has been provided.
- Evidence from some other growth plan (e.g., monitored or directed) or other documentation/evidence may still be "substantial," and may now also qualify as a MIP.
- Teachers and their representatives will argue teacher should have been given MIP.
- Hearing officers and school boards may question why a MIP was not provided.



# Practice Tips

When developing the MIP:

- Be sure to state the standards/elements that are deficient.
- While not required by law, to be more effective, also state problems in clear, plain terms.
- Be sure to articulate the support to be provided to the teacher.

# Practice Tips

For teachers on MIP:

- Document thoroughly
- Don't just rely on ratings/comments on the evaluation instruments.

# Practice Tips

**Remember to comply with SBE Policy TCP-C-004:**

- **Teacher rated “Developing” on one or more standards shall be placed on “Monitored Growth Plan,” if the teacher is not recommended for dismissal/demotion/nonrenewal.**
- **Teacher rated “Not Demonstrated” on any standard or “Developing” on one or more standards for two consecutive years shall be placed on “Directed Growth Plan,” if the teacher is not recommended for dismissal/demotion/nonrenewal.**

\*\*\*\*\*

- **Does placement on a MIP bypass these requirements?**

## Practice Tips

- **Revise your local board of education policies/procedures.**
- **Establish performance standards in local board policy.**

## Practice Tips

- **Train administrators who evaluate teacher performance that they must include narrative comments on the evaluation instrument**

# Practice Tips

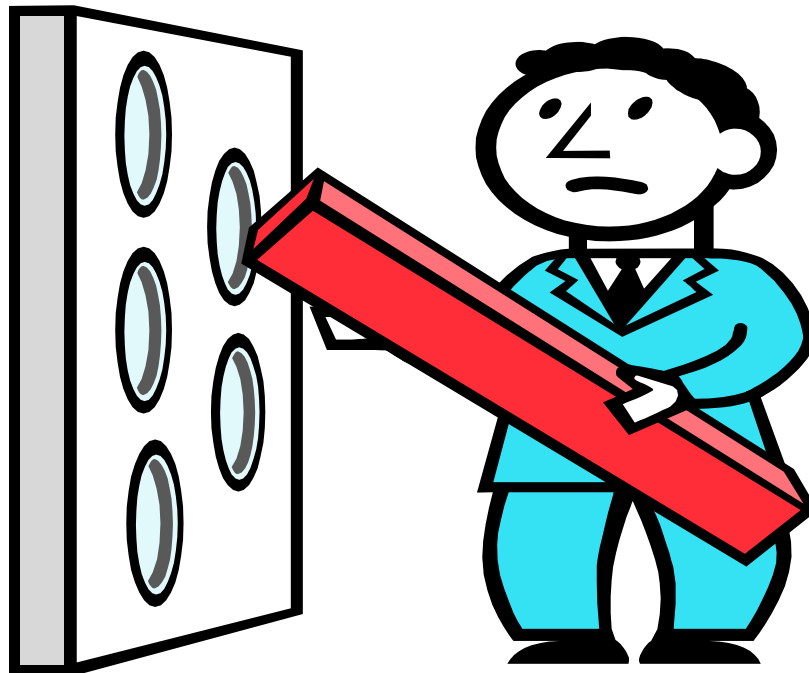
- **Be sure that the teacher is told in writing if their performance is “below standard,” “unsatisfactory,” or “inadequate.”**
- **Make sure to use these words in addition to the ratings on evaluation instrument.**

# Practice Tips

- **Document performance concerns that occur outside of the formal observation, if any.**

# Practice Tips

- **Document legitimate performance concerns, even if they don't "fit" perfectly on the evaluation instrument.**





# Practice Tips

- **For career status teachers, Administrators must avoid any question whether they have met the requirement of N.C. Gen. Stat. §115C-325(e)(3): “Failure to notify a teacher of an inadequacy in his performance shall be conclusive evidence of satisfactory performance.”**
- **NOTE: This provision is not in the new laws applicable to non-career status teachers (G.S. 115C-325.1 to -325.13)**

# Practice Tips

## **Stay Tuned For Further Developments**

- **SBE Policy TCP-C-004 has been revised**
- **Apply new requirements of SBE Policy TCP-C-006**
- **NCAE lawsuit, and appeals**
- **General Assembly is still considering changes**
- **Potential new legal challenges**

# Implications without an exact timeline

- LEAs shall evaluate all licensed employees signed to a low-performing school.
- ALL MEANS ALL
  - No matter if the teacher is new to the school
  - No matter if the teacher has never taught before.
    - ALL MEANS ALL
- The “evaluation” shall occur early enough in the year to provide adequate time for the development and implementation of a Mandatory Improvement Plan (MIP), if one is recommended.

## Who conducts the “evaluation”?

- The Principal, the assistant principal who supervised the teacher or the assistance team assigned, if applicable, shall conduct the evaluation for all teachers (career or contract) in a low-performing school.
- The Superintendent, his designee or the assistance team, if applicable, shall conduct the evaluation of all administrators in a low-performing school.

# What is considered as part of the “evaluation”?

- The evaluation shall consist of the following:
  - Last year’s summative evaluation (where available);
  - All available student-growth data (EVAAS or ASW, if applicable);
  - The licensed employee’s Professional Development Plan (PDP);
  - Pre-observation conference;
  - A formal observation; and
  - A post observation conference.

## What is considered as part of the “evaluation”?

- Based on all of the items listed, the evaluator shall assign performance ratings on a summary evaluation to the licensed employee.
- This “evaluation” does not meet the requirements of an annual evaluation.
  - However, this “evaluation” can be used to satisfy one observation.

## What happens if a licensed staff member is “deficient”?

- Deficient means being rated less than Proficient on Standards 1-5 or “Does Not Meet Expected Growth” on Standard 6.

# What happens when a licensed staff member is rated “deficient”?

- If a licensed staff member is rated deficient, then the evaluator recommends one of the following to the Superintendent:
  - Employee receive a MIP;
  - Employee be dismissed, demoted, or not be recommended for contract renewal;
  - Employee be removed immediately for conduct that causes substantial harm to the educational environment; or
  - No recommendation be made (with an explanation to the Superintendent).



## MIP SUMMARY - LOW PERFORMING SCHOOLS

- A MIP is an instrument designed to improve a teacher's performance or the performance of any licensed employee in a low-performing school by providing the individual with:
  - Notice of **specific performance areas** that have substantial deficiencies; and
  - A **set of strategies**, including the specific support to be provided to the individual, so that the individual, within a reasonable period of time, should satisfactorily resolve such deficiencies.

## MIP (continued)

- The MIP shall be developed by the person who evaluated the licensed employee or the employee's supervisor (unless the evaluation was conducted by an assistance team).
- A MIP should be designed to be completed within 90 instructional days or before the beginning of the next school year.
- No qualified observer requirement or process for low-performing schools.

## MIP (continued)

- After the expiration of the time period for the MIP, the Superintendent, his designee, or the assistance team, if applicable, shall assess the licensed employee's performance.
- If the licensed employee failed to become proficient in any of the performance standards articulated in the MIP, then the Superintendent shall recommend that the employee be dismissed or demoted or that his contract not be renewed.
- **The results of the second assessment shall constitute substantial evidence of the licensed employee's inadequate performance.**

# MIP equivalents

- If a MIP is recommended for a licensed staff member in a low-performing school, then the PDP may function as the MIP provided that:
  - The PDP addresses all areas of deficiency surfaced by the “evaluation” and
  - The PDP contains recommendations and specific supports for satisfactorily resolving deficiencies.
- A PDP that meets these criteria shall be deemed to satisfy the requirements of the MIP statute (NCGS 115C-333(b))

## MIP equivalents (continued)

- Types of PDPs that could be a MIP equivalent:
  - An Individual Growth Plan;
  - Monitored Growth Plan; or
  - Directed Growth Plan.
- The PDP, regardless of type, must:
  - Address all areas of deficiency surfaced by the “evaluation” and
  - Contains recommendations and specific supports for satisfactorily resolving deficiencies.
- This allows the MIP clock to start running as soon as the PDP meets the criteria listed above.

## What happens when a licensed staff member is NOT “deficient”?

- The licensed employees with no deficiencies may return to the appropriate evaluation type for the remainder of the school year.

# What About the Superintendent?

## Local Board Evaluation of Certain Superintendents

- Each year the local board of education **shall** evaluate the superintendent employed by the local school administrative unit and report to the SBE the results of that evaluation if during that year the State Board designated as low-performing:
  - (1) One or more schools in a local school administrative unit that has no more than 10 schools.
  - (2) Two or more schools in a local school administrative unit that has no more than 20 schools.
  - (3) Three or more schools in a local school administrative unit that has more than 20 schools.

# What About the Superintendent?

## Superintendents in Low-Performing Districts

- SBE may appoint an interim superintendent if: 1. more than half of the schools in a district are low-performing; or 2. the assistance team assigned to a school in the district has recommended appointment of an interim superintendent based on a finding that the superintendent has failed to cooperate with the assistance team or otherwise hindered the schools ability to improve. N.C. Gen. Stat. §115C-105.39(c).
- SBE may assign the powers and duties of the superintendent and the finance officer to the interim superintendent; may terminate the contract of the superintendent when it appoints an interim superintendent.



# What About the Local Board of Education?

- If the SBE appoints an interim superintendent and finds that the local board has failed to cooperate with the interim superintendent or otherwise hindered the ability to improve student performance, SBE may suspend any of the power and duties of the local board of education and SBE will assume those powers “for a period of time specified by the State Board.”

# New SBE Policy (not yet numbered): Recurring Low-Performing Schools

- Adopted 3/3/16
- Scheduled for revision: 4/7/16
- Policy provides options for LEA's

# New SBE Policy (not yet numbered): Recurring Low-Performing Schools

Applies to schools that have been low-performing for at least 2 of the previous 3 consecutive three years.

- Until September 2016: “Recurring Low-Performing Schools” definition is based on 2 definitions of low-performing:
  1. Majority of students performing below grade level and did not meet growth, and
  2. A performance grade of “D” or “F” and did not exceed growth.

# New SBE Policy (not yet numbered): Recurring Low-Performing Schools

Applies to schools that have been low-performing for at least 2 of the previous 3 consecutive three years.

Effective September 2017: “Recurring Low-Performing Schools” are identified based on one definition of low performing students: A performance grade of “D” or “F” and did not exceed growth.

# New SBE Policy (not yet numbered): Recurring Low-Performing Schools

## Four School Improvement Model Options:

### 1. Transformation:

- Develop and increase teacher and school leader effectiveness.
- Implement comprehensive instructional reform strategies.
- Increase learning time and create community-oriented schools.
- Provide operational flexibility and sustained support.

# New SBE Policy (not yet numbered): Recurring Low-Performing Schools

## Four School Improvement Model Options:

### 2. Restart:

- State Board of Education authorizes the local board of education to operate the school with the same exemptions from statutes and rules as a charter school (Article 14A-GS 115C-218 et seq.), or under the management of an educational management organization that has been selected through a rigorous review process.
- A school operated under this subdivision remains under the control of the local board of education, and employees assigned to the school are employees of the LEA with the protections provided by Part 3 of Article 22 of Chapter 115C (Principal and Teacher Employment Contracts).

# New SBE Policy (not yet numbered): Recurring Low-Performing Schools

## Four School Improvement Model Options:

### 3. Turnaround:

- Replace the principal, if the principal has been in that position for at least three years.
- Rehire no more than fifty percent (50%) of the school's staff.
- Adopt a new governance structure at the school, and implement an instructional program aligned with the Standard Course of Study.

# New SBE Policy (not yet numbered): Recurring Low-Performing Schools

## Four School Improvement Model Options:

### 4. School Closure:

- The LEA would close the school consistent with state law (G.S. 115C-72) and enroll the students who attended the school in other, higher-achieving schools in the LEA.



# HR Implications

Several of these reform model options may involve changes in school organization, programs and operations, which may lead to reductions in force (RIF).

- Be aware of recent changes in the RIF laws:
- Performance-Based RIFs (S.L. 2015-241 (H.B. 97) – 2015 Appropriations Act, Sec. 8.38)
- Requires local BOEs adopt reduction in force (RIF) policies for contract (non-career status) teachers and changes existing law and board policy requirement for RIF of career status teachers.
- In determining which positions to reduce, requires LEA to consider:
  - Structural considerations, such as identifying positions, departments, courses, programs, operations, and other areas where there are (i) less essential, duplicative, or excess personnel; (ii) job responsibility and position inefficiencies; (iii) opportunities for combined work functions; and (iv) decreased student or other demands for curriculum, programs, operations, or other services; and
  - Organizational considerations, such as anticipated organizational needs of the school system and program or school enrollment.
- In identifying which teachers to RIF, requires LEA to consider work performance and teacher evaluations.

THE END!!!