

1 16 NCAC 06G .304 is proposed for amendment as follows:

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3 **16 NCAC 06G .0304 SCHOOL IMPROVEMENT PLAN DISPUTE RESOLUTION PROCESS**

4 (a) ~~In the event a~~ If a local board of education (board) does not accept a school's improvement plan within 60 days
5 after the school principal initially submitted the plan to the board, the local board or the school (hereinafter
6 collectively "the parties") may request the SBE to mediate the disagreement shall have 30 days to file a request with
7 the SBE to resolve any disagreement over the plan. The request shall be signed by either the board chair or the
8 principal. The principal shall represent the position of the school improvement team. The request shall include the
9 school's proposed improvement plan, the board's proposed changes to that plan, and a summary of the disputed
10 issues.

11 (b) ~~Either the principal of the school or the local board of education may submit a request for mediation to the~~
12 ~~Department, office of instructional and accountability services.~~

13 (c) ~~The request shall summarize the dispute issues. Both the principal of the school and the chair of the local board~~
14 ~~of education shall sign the request.~~

15 (d) ~~The office of instructional and accountability services shall review the request and shall inform the principal of~~
16 ~~the school and the chair of the local board of education of the time and place for the mediation.~~

17 (e) ~~The office of instructional and accountability services shall assign a mediator from persons who have been~~
18 ~~selected as assistance team members pursuant to G.S. 115C-105.31.~~

19 (f) ~~The mediator shall assist the parties to identify options for solving the disagreement.~~

20 (g) ~~If the mediator determines that the parties can reach an agreement, the mediator shall suggest language and shall~~
21 ~~write the agreement. Each party involved shall agree on each part.~~

22 (h) ~~Each party shall sign the agreement. The agreement shall become a part of the school's improvement plan. The~~
23 ~~school shall then submit the improvement plan to the local board of education for its approval.~~

24 The Superintendent of Public Instruction or the Superintendent's delegee shall appoint a decisionmaker to conduct
25 and control all the proceedings related to the dispute and resolve the dispute.

26 (c) The decisionmaker shall give the parties the opportunity to submit evidence, state their arguments, and respond
27 to the other party's evidence and arguments.

28 (d) If the parties reach a voluntary resolution of the dispute before the decisionmaker serves a signed school
29 improvement plan on the parties under Subparagraph (e), they shall serve a school improvement plan signed by all
30 the parties on the decisionmaker. The served plan shall become the school improvement plan.

31 (e) After the decisionmaker has given the parties the opportunity to submit evidence and arguments, the
32 decisionmaker shall create a school improvement plan that consists of those components on which the parties agree
33 and those components from either the school improvement team's proposed plan or the board's proposed plan that
34 the decisionmaker determines are most likely improve student performance.

35 (f) Once the decisionmaker has signed the plan and served it on the parties, the decisionmaker's plan shall become
36 the school improvement plan and shall constitute a final resolution of the dispute under G.S. 115C-105.20(b)(5).

1 (g) Any requests, notices, or correspondence from the decisionmaker or any party required or permitted under this
2 Rule shall be served on the other party and the decisionmaker in the manner prescribed in G.S. 1A-1, Rule 5 of the
3 North Carolina Rules of Civil Procedure.

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5 *History Note: Authority G.S. 115C-12(9)c4; 115C-105.20(b)(5)*
6 *Eff. November 1, 1997; Amended Eff. October 1, 2024*

1 16 NCAC 06G .307 is proposed for amendment as follows:

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3 **16 NCAC 06G .0307 LOCAL BOARD COOPERATION WITH ASSISTANCE TEAMS**

4 ~~(a) When performing its duties under G.S. 115C-105.38, each assistance team appointed by the SBE shall act in an~~
5 ~~advisory capacity to local school personnel, local school boards, and the SBE.~~

6 ~~(b) Local boards of education and local school employees shall cooperate with assistance teams in the performance~~
7 ~~of their duties under G.S. 115C-105.38 and shall comply with all assistance team requests for access to: information,~~
8 ~~documents, students, personnel and meetings.~~

9 ~~(c) Members of the assistance teams shall be subject to all confidentiality requirements that apply to local school~~
10 ~~employees.~~

11 ~~(d) In the event of a disagreement between the assistance team and the school improvement team, the assistance~~
12 ~~team may request help from the central office and the local board of education.~~

13 ~~(e) In carrying out its duty to evaluate employees, members of the assistance team shall:~~

14 ~~(1) be familiar with and follow the provisions of G.S. 115C-326;~~

15 ~~(2) use the appropriate form of the performance evaluation for the category of personnel being evaluated,~~
16 ~~such as teachers, support personnel, and administrators;~~

17 ~~(3) share its evaluation and recommendations with each employee and the employee's supervisor; and~~

18 ~~(4) notify the SBE of the evaluations for an employee who receives two consecutive evaluations by the~~
19 ~~assistance team that include findings and recommendations regarding the employee's inadequate~~
20 ~~performance.~~

21 ~~(f) An assistance team that is assigned by the SBE to a low performing school may at any time recommend to the~~
22 ~~SBE that a teacher, assistant principal, director, or supervisor be dismissed or demoted for one or more of the~~
23 ~~grounds established in G.S. 115C-325(e)(1). The SBE shall provide written notice to the employee of the grounds~~
24 ~~for the recommendation for dismissal or demotion.~~

25 ~~(g) In reviewing evaluations of a local school employee, the SBE may deem the evaluations of the assistance team to~~
26 ~~supersede previous evaluations of the employee.~~

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28 *History Note: Authority G.S. 115C-12(9)c4;*

29 *Eff. January 2, 1998; Amend. Eff. October 1, 2024*

1 16 NCAC 06G .308 is proposed for amendment as follows:

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3 **16 NCAC 06G .0308 DUE PROCESS PROTECTIONS FOR EMPLOYEES OF LOW PERFORMING**
4 **SCHOOLS**

5 (a) At any hearing conducted by a panel of the ~~SBE~~ State Board of Education (SBE) pursuant to the
6 provisions of ~~G.S. 115C-325(q)(1), (q)(2), or (q)(2a);~~ G.S. 115C-325(q) and G.S. 115C-325.11, the panel
7 shall sit as an impartial tribunal to receive evidence and to decide ~~on the basis of that evidence~~ based on a
8 preponderance of that evidence whether the principal, assistant principal, teacher, supervisor, ~~or~~ director, or
9 superintendent hereafter (hereinafter referred to as "the employee," "employee") shall be reinstated, demoted,
10 or dismissed. The assistance team assigned to the school or district where the employee was assigned shall
11 present the case against the employee with the assistance of any staff or legal counsel appointed by the SBE.

12 (b) Both the employee and the assistance team shall have the right:

- 13 (1) to be represented by counsel at the hearing;
14 (2) to subpoena witnesses and documents;
15 (3) to examine and cross-examine witnesses under oath; and
16 (4) to present relevant evidence using witnesses and documents.

17 (c) The panel of the SBE which conducts the hearing shall:

- 18 (5) give written notice to the parties of the time and place of the hearing;
19 (6) make a complete record of the evidence received during the hearing; and
20 (7) issue subpoenas for witnesses and documents on behalf of any party to the proceedings; and
21 (8) ~~enter any procedural orders~~ make any procedural decisions.

22 (d) In any hearing pursuant to the provisions of ~~G.S. 115C-325(q)(2), or (q)(2a);~~ G.S. 115C-325(q) and
23 115C-325.11, the assistance team shall have the burden of proof but, in accordance with G.S 115C-325(q)
24 or 115C-325.11, the findings and recommendations of the assistance team shall be substantial evidence of
25 the inadequate performance of the employee.

26 (e) The panel's decision shall contain:

- 27 (1) findings of fact;
28 (2) conclusions of law;
29 (3) a description of any disciplinary actions to be imposed on the employee; and
30 (4) a statement that the employee may file a notice of appeal to the full SBE within 10 days
31 of receipt of decision by mailing the notice to the State Board of Education's Office of
32 General Counsel, 6301 Mail Service Center, Raleigh, NC 27699-6301., and emailing a
33 copy of the notice of appeal to Office of General for the State Board of Education.

34 (f) ~~Either the employee or the assistance team may within 10 days of notification of the panel's decision give~~
35 ~~notice of appeal to the full SBE. The~~ An appeal from the SBE panel's decision to the full SBE shall be on
36 ~~the record. record. with no arguments by counsel except in the form of~~ In accordance with a schedule set by
37 the SBE, the employee may submit a written briefs of no more than 25 pages 8,750 words. The assistance

1 team may file a response of no more than 8,750 words within seven business days after service of the
2 employee's brief. Word counts shall conform to Rule 28(j) of the North Carolina Rules of Appellate
3 Procedure and parties shall certify their word counts on the last page of any brief. The SBE shall consider
4 the appeal at its next regularly-scheduled meeting that is at least 20 days ~~following~~ after receipt of notice of
5 the appeal and shall render a decision within 30 days after that meeting is adjourned, unless the SBE
6 determines that good cause, as defined by 26 NCAC 03 .0118, exists to extend ~~the period~~ those periods or
7 the SBE and all the parties agree to extend the any period. The members of the panel which sat and that
8 decided the case shall not be excluded from the full SBE hearing may fully participate in the appeal. The
9 full SBE shall decide the appeal based upon a preponderance of the evidence in the record. The SBE's
10 decision shall include findings of fact, conclusions of law, and a description of any disciplinary actions to
11 be imposed on the employee. Appeal from the SBE decision shall be in accordance with ~~G.S. 150B, Chapter~~
12 150B of the General Statutes.

13 (g) ~~If Before the SBE appoints an interim superintendent, revokes the superintendent's license, or dismisses~~
14 terminates the contract of the superintendent pursuant to G.S. 115C-105.39(c)(2), the SBE shall provide
15 the superintendent with notice of how the superintendent has failed to cooperate with the assistance team or
16 has otherwise hindered the school's ability to improve. The superintendent shall have ten days to deliver a
17 written response to the charges. the superintendent shall not have the right to a hearing under this Rule but
18 shall have the right to file a contested case petition pursuant to the provisions of G.S. 150B. If the SBE
19 decides to revoke the superintendent's license or terminate the superintendent's contract, The the SBE shall
20 make written findings to support those actions. any of these actions taken pursuant to the provisions of G.S.
21 115C-105.39(e).The SBE's decision shall constitute a final agency action subject to review under Chapter
22 150B of the General Statutes.

23 (h) If the SBE revokes or refuses to renew a teacher's license pursuant to G.S. 115C-296(d), the procedures
24 set forth in ~~16 NCAC 6C .0312 shall apply.~~ Subchapter 06C, Section .0600 shall apply.

25 (i) Any requests, notices, or correspondence from the SBE or parties required or permitted under this Rule
26 shall be served on the SBE and any other party in the manner prescribed in G.S. 1A-1, Rule 5 of the North
27 Carolina Rules of Civil Procedure.

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29 *History Note: Authority G.S. 115C-12(9)c4.; 115C 325(q); 115C-325.11; 115C-105.39(b); and 115C-*
30 *105.39(c)*

31 *Eff. January 2, 1998;*

32 *Amended Eff. August 1, 1999-1999; October 1, 2024.*

1 16 NCAC 06G .309 is proposed for amendment as follows:

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3 **16 NCAC 06G .0309 SUSPENSION OF POWERS AND DUTIES OF SCHOOL BOARDS**

4 ~~Before~~ When the SBE suspends any of the powers ~~and or~~ duties of a local board of education pursuant to the
5 provisions of G.S. 115C- 105.38(b1) and G.S. 115C-105.39(d) ~~G.S. 115C39(b) and 115C-105.39(e)~~,
6 the SBE shall provide written notice to the local board ~~of the reasons for which it is considering suspending those~~
7 ~~powers and duties. If the local board fails to remedy the reasons presented to it by the SBE within 60 days after~~
8 ~~receiving written notice, the SBE shall enter an order that incorporates which~~ of those powers or duties it is
9 suspending, the reasons for suspending the powers or duties, ~~the efforts that the local board has made to remedy those~~
10 ~~reasons~~, and the period of time during which those powers ~~and or~~ duties shall be suspended. Within the first 45 days
11 following the SBE's notification to the local board, the SBE shall provide the local board an opportunity to present a
12 response to the SBE's decision and propose any action to remedy its prior deficiencies. ~~in an attempt to reach~~
13 ~~agreement.~~

14 *History Note:* Authority G.S. 115C-12(9)c4; G.S. 115C-105.38(b1); G.S. 115C-105.39(d);
15 Eff. November 1, 1997; Amended Eff. August 1, 1999-1999; October 1, 2024.

1 16 NCAC 06G .0317 is proposed for adoption as follows:

2
3 **16 NCAC 06G .0317 SCHOOL REFORM MODELS**

4 (a) Definitions.

5 (1) “Academic Gain” means a school has achieved at least two of these benchmarks:

6 (a) the SBE has designated that the school meets or exceeds expected growth under G.S. 115C-
7 83.15(f);

8 (b) 50% of the subgroups for which the SBE reports growth scores under GS 115C-83.15(d2)
9 have a status of meets or exceeds expected growth; or

10 (c) the school has realized a net increase in its achievement score during any five-year cycle
11 under the restart model.

12 (2) “Achievement Score” means the overall achievement score as defined in G.S. 115C-83.15(b).

13 (3) “Application” means a written request signed by the chair and superintendent of the local school
14 administrative unit (LSAU) to implement a SRM that includes the name of the school to be operated
15 under the SRM, the year in which the LSAU intends to implement the SRM, and a commitment to
16 faithfully implement the Reform Implementation Plan (RIP) proposed for the school.

17 (4) “Continually Low Performing School” (CLPS) is defined in G.S. 115C-105.37A(a).

18 (5) “Education Management Organization” (EMO) is defined in 16 NCAC 06G .0523.

19 (6) “Indication of Growth” means the designation of growth as defined in G.S. 115C-83.15(f).

20 (7) “Low Performing School” is defined in G.S. 115C-105.37(a).

21 (8) “Restart Model” is defined in G.S. 115C-105.37B(a)(2).

22 (9) “School Reform Model” (SRM) means a “transformation model,” “restart model,” or “turnaround
23 model”

24 (10) “Transformation Model” is defined in G.S. 115C-105.37B(a)(1).

25 (11) “Turnaround Model” is defined in G.S. 115C-105.37B(a)(3).

26 (b) A LSAU that wants to implement a transformation model in a CLPS shall submit to the State Board of
27 Education (SBE) an application and an RIP that:

28 (1) describes how the LSAU will implement improvements in the four areas critical to transforming a
29 CLPS listed in G.S. 115C-105.37B(a)(1);

30 (2) specifies the goals for increasing the achievement score, growth score, and subgroup growth scores
31 in the school;

32 (3) includes a proposed budget detailing the revenues and expenditures necessary to implement the RIP;
33 and

34 (4) includes a timeline for implementing the RIP.

35 (c) A LSAU that wants to implement a restart model in a CLPS shall submit to the SBE an application and an
36 RIP that:

- 1 (1) describes how the LSAU will support the school in providing each student with the opportunity for
2 a sound basic education;
- 3 (2) specifies the goals for increasing the achievement score, growth score, and subgroup growth scores
4 in the school;
- 5 (3) describes how the LSAU will utilize operational flexibilities to increase academic achievement in
6 the school;
- 7 (4) identifies the administrative barriers, such as teacher turnover, it believes contributed to the school’s
8 identification as a CLPS, and sets standards for measuring progress in reducing those barriers;
- 9 (5) states whether the LSAU will contract with an educational management organization (“EMO”) to
10 implement the restart model and provide:
 - 11 (a) the name, address, email, and telephone number for the EMO;
 - 12 (b) the website for the EMO;
 - 13 (c) an explanation of how the services of the EMO will contribute to improved growth scores
14 and achievement scores at the school;
- 15 (6) includes a proposed budget outlining the revenues and expenditures necessary to implement the RIP;
- 16 (7) includes a timeline for implementing the RIP; and
- 17 (8) includes a written commitment to implement the restart model for the duration of the five-year
18 monitoring cycle described in paragraph (g) of this Rule.
- 19 (d) An LSAU that wants to implement a turnaround model in a CLPS shall submit to the SBE an application and
20 an RIP that:
 - 21 (1) describes the new governance structure to be implemented in the school;
 - 22 (2) specifies the goals for increasing the achievement score, growth score, and subgroup growth scores
23 in the school;
 - 24 (3) describes the procedures that LSAU will use when removing staff, including due process protections
25 where required by law;
 - 26 (4) includes a proposed budget outlining the revenues and expenditures necessary to implement the
27 RIP; and
 - 28 (5) includes a timeline for implementing the RIP.
- 29 (e) If an LSAU determines that no SRM has been or would be effective in removing the CLPS designation or
30 otherwise concludes that closure of the CLPS is appropriate, it may close the school in accordance with G.S.
31 115C-72.
- 32 (f) The SBE shall authorize the LSAU to implement the requested SRM if the SBE determines that the LSAU
33 has the ability to faithfully implement the RIP and the LSAU is likely to operate the school in an educationally
34 and economically sound manner to improve student learning. The LSAU shall operate the school under the
35 authorized SRM until the SBE refuses to continue or removes the authorization.

- 1 (g) An LSAU that has been authorized to implement a transformation or turnaround model shall submit an annual
2 report to DPI by December 1 of each year describing and documenting changes in the school's growth score
3 and achievement score within the preceding school year.
- 4 (h) An LSAU that has been authorized to implement restart model shall:
- 5 (1) include the operational flexibilities described in the RIP and any revisions to the RIP as action steps
6 in the School Improvement Plan, specifying the school year(s) in which the operational flexibilities
7 are to be utilized, and submit the School Improvement Plan to the SBE for review and approval in
8 accordance with G.S. 115C-105.37A(a);
- 9 (2) by December 1st of the second year and every year after, submit an annual report that shall include
10 descriptions and documentation of how the school utilized the operational flexibilities authorized in
11 the restart model in the past year and how it intends to utilize authorized operational flexibilities in
12 the future; and
- 13 (3) by January 31st of year five of any five-year restart model cycle submit a report describing and
14 documenting:
- 15 (i) all policies, guidelines, or directives it adopted to implement the restart model;
16 (ii) all changes in growth scores and achievement scores along with the LSAU's
17 explanation for those changes; and
- 18 (3) all efforts to reduce administrative barriers identified in the RIP and all
19 measurable changes to those barriers attributable to those efforts.
- 20 (i) Upon the LSAU's request, the SBE may reduce the reporting requirements in paragraph (h), if the SBE
21 determines that the reduced reporting requirements would not compromise the SBE's ability to make
22 decisions regarding the implementation of the restart model in the school. The SBE retains the authority to
23 require LSAU's to report any information relevant to SBE decisions regarding the implementation of the
24 restart model in the school.
- 25 (j) If an LSAU desires to continue to operate a school that has an indication of growth of not met and a net
26 negative achievement score from Year 1 to Year 4 of any five-year cycle under the restart model, the LSAU
27 shall submit an application for continued authorization by February 28th along with a revised RIP that
28 addresses the perceived causes of the decline in the school's growth score and achievement score. The
29 application shall include a commitment to cooperate with oversight and support from DPI during the term of
30 the restart model. The SBE may approve the application and continue the authorization for a period up to
31 five-years if the SBE determines the school is more likely to achieve progress under the revised RIP than it
32 is if the application for reauthorization is denied.
- 33 (k) If, at the end of Year 5, a school has realized academic gain, the LSAU may submit an application by February
34 28th to continue operating the school under the restart model with the same RIP or a revised RIP. The SBE
35 may approve the application and continue the authorization for another five-year cycle unless the SBE
36 determines that continuing to operate the school under the restart model is likely to result in a lower indication
37 of growth or achievement scores.

1 (l) If, at the end of Year 5, a school is no longer a CLPS and the SBE has determined that the school has met or
2 exceeded growth under 115C-83.15(f), the LSAU may submit an application by February 28th to continue
3 operating the school under the approved restart model the same RIP or a revised RIP. The SBE may approve
4 the application and continue the authorization for another five-year cycle unless the SBE determines that
5 continuing to operate the school under the SRM is likely to result in lower indication of growth or
6 achievement scores.

7 (m) The SBE may refuse to continue or remove authorization to operate a school under a SRM whenever it
8 determines that:

9 (1) the school has failed to realize the academic goals in the RIP and the failure to reduce administrative
10 barriers that contributed to the school's identification as a CLPS means the school is unlikely to
11 realize those goals within the next two years;

12 (2) the LSAU has failed to comply with applicable state or federal laws, has failed to provide the SBE
13 with required reports, or failed to submit the School Improvement Plan for SBE approval as required
14 in (h)(1) of this Rule;

15 (3) a school operating under the restart model has failed to meet expected growth under GS 115C-
16 83.15(f) and the school has demonstrated a net negative change in its achievement score after Year
17 4 of any five-year cycle and is unlikely to realize academic gain within the next two years;

18 (4) the LSAU requests removal of the authorization and the SBE determines that the school is more
19 likely to realize greater growth scores or achievement scores without the authority to operate under
20 the approved SRM; or

21 (5) if the LSAU continues to operate the school under the approved SRM, the school is likely to fail to
22 meet expected growth under GS 115C-83.15(f) and realize lower achievement scores in the next
23 two years.

24
25 History Note: Authority G.S. 115C-105.37B(b);

26 Eff. October 1, 2024.