



# SENATE BILL 522: Low-Performing Schools.

2019-2020 General Assembly

<b>Committee:</b>	House Rules, Calendar, and Operations of the House	<b>Date:</b>	July 23, 2019
<b>Introduced by:</b>	Sen. Tillman	<b>Prepared by:</b>	Brian Gwyn*
<b>Analysis of:</b>	Fifth Edition		Staff Attorney

**OVERVIEW:** *The 5th edition of SB 522 would do the following:*

- *Change the selection process for schools in the Innovative School District (ISD).*
- *Make additional changes to the ISD statutes.*
- *Require additional reporting by local boards of education to county commissioners on the academic performance of certain schools.*
- *Require additional study on changes to the ISD and statutes related to low-performing schools.*
- *Make various changes to the requirements for school discipline policies, including changes to the requirements for long-term suspensions and expulsions.*

## Innovative School District

**CURRENT LAW:** Article 7A of the Chapter 115C establishes the Innovative School District (ISD). Schools are selected by the State Board of Education (SBE) to be supervised in the ISD if they meet qualifying criteria and are recommended by the ISD Superintendent. To qualify, the school must be a low-performing school that meets one of the following criteria:

- The school earned an overall school performance grade in the lowest 5% of all schools in the prior school year that met all of the following:
  - Served students in kindergarten through fifth grade (K-5).
  - Did not exceed growth in at least one of the prior three school years and did not meet growth in at least one of the prior three school years.
  - Was not using a continually low-performing school reform model.
- The school (i) received a school performance score in the lowest ten percent (10%) of all schools in the prior school year that included all or part of grades kindergarten through fifth and (ii) was designated by the local board of education (LBE) for consideration by the SBE as an innovative school.

Once selected, a LBE may either transfer the school to the ISD or close the school. The SBE may select up to 5 schools statewide to include in the ISD. Once transferred to the ISD, the school becomes an innovative school. The SBE must select an innovative school operator (IS operator), an entity that meets certain criteria related to improving student performance, to operate the school for a period of 5 years. If no IS operator can be found, the ISD may serve as the operator.

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LBEs with schools transferred to the ISD may request to create an innovation zone that may include up to 3 continually low-performing schools or all low-performing schools if that is more than 35% of the unit. Low-performing schools in innovation zones become an innovative school if the school does not exceed expected growth in the last 2 of the 5 consecutive years in the innovation zone.

**BILL ANALYSIS:** The bill would make the following changes to the ISD:

- **Definition of Qualifying School:** Replace the current definition of a qualifying school to instead be a school in the lowest performing 5% of school performance grades of all schools receiving Title I funds. A Title I school would be a school that is (i) governed by a local board of education and (ii) receives funds under Title I.
- **Selection from 2019-2020 to 2022-2023:** Require, for each year from 2020-2021 through 2022-2023, that the SBE transfer to the ISD the lowest scoring qualifying school in the State, based on the school performance score.
- **Selection Process Beginning with 2023-2024:** Beginning with selection of schools for the 2023-2024 school year, require the SBE to select innovative schools as follows:
  - **Lists:** Schools would be placed on two lists before being transferred into the ISD.
    - **Year 1 - Qualifying List:** Notice would be given to the superintendent and LBE of the status, along with performance data and considerations for improvement. The LBE must notify parents of (i) the school's status, (ii) potential impacts of the designation, (iii) plans for improvement, and (iv) any additional information deemed necessary by the local board.
    - **Year 2 – Watch List:** If the school was on the qualifying list the year before, and still meets the definition of a qualifying school, the school would be moved to a watch list. Notice would be given to the superintendent and LBE of the status, along with performance data and considerations for improvement. The LBE must notify parents of (i) the school's status, (ii) potential impacts of the designation, (iii) plans for improvement, and (iv) any additional information deemed necessary by the local board.
    - **Year 3 – Warning List:** If the school was on the watch list in the prior year, and still meets the definition of a qualifying school, the school would be moved to a warning list. Notice and considerations for improvement would be provided, and the LBE would hold a public hearing to share information with parents and employees about potential impacts of the designation, including the possibility of becoming an innovative school, and plans for improvement of the school. The ISD Superintendent, or designee, would also present at the public hearing to provide information to parents, teachers, and community members on the ISD selection process, as well as resources for comprehensive support and improvement to assist in plans for improvement of the school. The LBE would also present information at a regularly scheduled public meeting to the county commissioners on the school's performance and efforts by the LBE to improve the school's performance. The ISD Superintendent would also be provided the opportunity to present as part of that meeting.
    - **Year 4 – Selection:** If the school (i) was on the warning list in the prior year, and still meets the definition of a qualifying school, and (ii) is one of the lowest 5 qualifying schools on the ISD warning list, as measured by school performance scores, the SBE must select the school to transfer to the ISD.
  - **Voluntary Selection:** A LBE, upon the recommendation of the ISD Superintendent, could request the SBE to select a qualifying school for transfer to the ISD at any time.
  - **Support:** The SBE would be required to ensure that qualifying schools are engaged in strategies in compliance with federal and State law for comprehensive support and improvement. The SBE would be authorized to establish criteria for the selection of

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independent turnaround school consultants in a pay-for-performance model to provide direct support for qualifying schools. Additionally, the ISD Superintendent would be required to monitor those schools and assist LBEs in identifying funding, strategies, and partners for comprehensive support and improvement efforts.

- **Innovation Zones:** The following changes would be made:
  - Would enable the LBE to move low-performing schools into an innovation zone, even if it had less than 35% low-performing schools.
  - Would compare innovation zone schools against other low-performing (rather than continually low-performing) schools for performance comparisons.
  - Would require consultation with the ISD Superintendent in selecting the leader of the innovation zone office.
  - Would delete the requirement that a low-performing school in an innovation zone that did not exceed growth in the final 2 years of the zone become an innovative school.
- **Additional ISD Changes:**
  - The prohibition on DPI serving as an IS operator, except when no IS operator was available, would be removed.
  - The SBE could select up to 5 qualifying schools annually into the ISD, rather than 5 total.
  - The timeline for selection of innovative operators or consultants would be moved from January 15 to December 15, and pairing with an innovative school from February 15 to January 15.
  - Would change one method of qualification for IS operators or consultants from a record of performance with persistently low-performing schools or students, to a record of performance with low-performing schools or students.
  - Would require the IS operator to collaborate with the ISD Superintendent on certain matters, such as hiring or removal of the school principal, and entering into funding memorandums of understanding.
  - Would allow, if a LBE of another school unit was selected as an operator, the employees to become employees of that LBE, rather than the ISD.
  - Would allow a teacher at a school selected to be an innovative school to retain career status if the teacher taught at the ISD school and then returned to the same LBE at the end of the ISD employment.
- **County Commissioner Reporting Changes:** LBEs, when submitting the annual budget request to the county commissioners, would be required to also submit the academic performance of schools in the local school administrative unit, including school performance grades, of all schools identified as low-performing, continually low-performing, or includes on an ISD list, and the LBE's efforts to improve those schools. If requested, the LBE would present the academic performance information at a public meeting.
- **Additional Studies.** – The State Superintendent and ISD Superintendent would jointly study and report to the Joint Legislative Education Oversight Committee, by March 15, 2020, on the following:
  - Options for innovative schools, including structures and partnerships to provide the most effective options and ensure flexibility for those schools.
  - Reforms of low-performing school models to align current statutory requirements for low-performing and continually low-performing schools with other State and federal reform efforts to create a comprehensive and efficient approach that avoids redundancies.

## School Discipline Requirements

**CURRENT LAW:** Article 27 of Chapter 115C of the General Statutes establishes requirements that LBEs must follow when administering student discipline. G.S. 115C-390.2(a) requires LBEs to adopt policies and

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procedures that school officials must follow when disciplining students. The policies must be consistent with State and federal law.

G.S. 115C-390.2(b) requires LBEs to develop a Code of Student Conduct that notifies students of the behavior expected of them, conduct that would subject them to discipline, and the range of disciplinary measures that may be used by school officials.

G.S. 115C-390.2(f) requires board policies to restrict long-term suspensions or expulsions to serious violations of the Code of Student Conduct that either threaten the safety of students, staff, or school visitors or threaten to substantially disrupt the educational environment. Examples of violations not deemed serious include:

- Inappropriate or disrespectful language.
- Noncompliance.
- Dress code violations.
- Minor physical altercations that do not involve weapons or injury.

The principal may determine that aggravating circumstances justify treating a minor violation as a serious violation.

G.S. 115C-390.2(k) encourages school officials to use a full range of responses to disciplinary violations that do not involve removing the student from the classroom or school building.

**BILL ANALYSIS:** The bill would do the following:

- Require LBEs to consult with teachers, school-based administrators, parents, and local law enforcement agencies when adopting policies related to student conduct.
- Remove the express requirement that the policies must comply with State and federal law, and instead require policies to be based on local standards of conduct and developed within local guidelines for school safety.
- Require LBEs to send their most current discipline policies to the Department of Public Instruction each year by September 1.
- Require LBEs to notify parents or guardians of the board's Code of Student Conduct.
- Authorize LBEs to require students and parents or guardians to sign an acknowledgement that they received a copy of the Code of Student Conduct.
- Remove the requirement that long-term suspensions or expulsions be limited to serious violations of the Code of Student Conduct. Instead, LBEs would have discretion as to whether to adopt such limitations.
- Encourage school officials to inform parents or guardians before responding to disciplinary violations.

**EFFECTIVE DATE:** The bill would become effective when it becomes law. The ISD provisions would apply to schools identified beginning with data from the 2018-2019 school year as qualifying schools for the 2019-2020 school year and the school discipline provisions would apply beginning with the 2019-2020 school year.

*\*Kara McCraw, co-counsel to the House Committee on Education (K-12), substantially contributed to this summary.*