

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

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HOUSE BILL 428
Committee Substitute Favorable 4/20/21
Committee Substitute #2 Favorable 4/27/21

Short Title: Teacher Licensure/Retired Educator Program.

(Public)

Sponsors:

Referred to:

March 30, 2021

1 A BILL TO BE ENTITLED
2 AN ACT TO MAKE CHANGES TO TEACHER LICENSURE REQUIREMENTS AND TO
3 EXTEND AND EXPAND THE PROGRAM TO ALLOW RETIRED EDUCATORS TO
4 RETURN TO WORK IN HIGH-NEED SCHOOLS.

5 The General Assembly of North Carolina enacts:

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7 **PART I. TEACHER LICENSURE CHANGES**

8 **SECTION 1.1.(a)** G.S. 115C-270.20(a)(4a) reads as rewritten:

9 "(4a) Limited license. – A three-year ~~nonrenewable~~-renewable license issued to an
10 individual who meets the requirements of this subdivision. A limited license
11 shall only be requested by the local board of education currently employing
12 or seeking to employ the individual and shall be used for continued
13 employment only in that local school administrative unit. The State Board
14 shall not require individuals to demonstrate preparation through achieving a
15 prescribed minimum score on a standardized examination for a limited
16 license. To receive a limited license, one of the following shall be met:

17 a. In-state licensee. – Both of the following are met:

- 18 1. The individual was issued an IPL or RL, but failed to fulfill
19 examination requirements under G.S. 115C-270.15 after three
20 years of licensure.
21 2. The local board of education submits to the State Board an
22 affidavit stating that the teacher is currently employed by that
23 local board, is an effective teacher, and will be encouraged to
24 continue to pursue a CPL. The affidavit shall be signed by both
25 the principal and superintendent for the school to which the
26 teacher is currently assigned.

27 b. Out-of-state licensee. – Both of the following are met:

- 28 1. The individual holds current teacher licensure in another state
29 that is in good standing.
30 2. The local board of education submits to the State Board an
31 affidavit stating that the local board seeks to employ the
32 teacher, that the teacher has been employed as a licensed
33 teacher in another state for at least three years, and that the
34 teacher will be encouraged to pursue an IPL or CPL, as
35 appropriate for that teacher. The affidavit shall be signed by



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1 the superintendent for the local board of education seeking to
2 employ the teacher.

3 For renewal of a limited license, the local board of education shall evaluate
4 the teacher's effectiveness every three years. For teachers that teach subjects
5 that use the Education Value-Added Assessment System (EVAAS), the data
6 must demonstrate that the teacher meets or exceeds expectations of growth as
7 measured by EVAAS, if available."

8 **SECTION 1.1.(b)** This section applies (i) to any teacher who holds a limited license
9 as nonrenewable as of the date this act becomes law and (ii) beginning with applications
10 submitted on or after the date this act becomes law.

11 **SECTION 1.2.(a)** G.S. 115C-270.20(a)(5) reads as rewritten:

12 "(5) Residency License or RL. – A one-year license, renewable twice, that meets
13 both of the following requirements:

14 a. Is requested by the ~~local board of education~~ governing board of a
15 public school unit and accompanied by a certification of supervision
16 from the recognized educator preparation program in which the
17 individual is enrolled.

18 b. The individual for whom the license is requested meets all of the
19 following requirements:

- 20 1. Holds a bachelor's degree.
- 21 2. Has either completed coursework relevant to the requested
22 licensure area or passed the content area examination relevant
23 to the requested licensure area that has been approved by the
24 State Board.
- 25 3. Is enrolled in a recognized educator preparation program.
- 26 4. Meets all other requirements established by the State Board,
27 including completing preservice requirements prior to
28 teaching."

29 **SECTION 1.2.(b)** This section applies beginning with applications submitted on or
30 after the date this act becomes law.

31 **SECTION 1.3.(a)** The State Board of Education, in consultation with the
32 Department of Public Instruction and the Professional Educator Preparation and Standards
33 Commission (PEPSC), shall develop an alternative to the examination requirements for
34 conversion from an initial professional license (IPL) and a residency license (RL) to a continuing
35 professional license (CPL) under G.S. 115C-270.15. The alternative to the examination shall
36 provide for a process to accommodate different circumstances in which the examination may not
37 be required or be the most appropriate or efficient pathway of evaluating a teacher's readiness or
38 effectiveness for licensure.

39 In addition, the State Board, in consultation with the Department and PEPSC, shall
40 examine issues related to licensure classes and teacher salary, including ways to increase
41 recruitment and retention by directly corresponding classes of licensure with amount of
42 compensation. In conducting the study, the State Board shall identify any changes in State law
43 necessary for any proposed recommendations resulting from the findings.

44 **SECTION 1.3.(b)** By February 15, 2022, the State Board, in consultation with the
45 Department and PEPSC, shall report to the Joint Legislative Education Oversight Committee on
46 (i) the development of the alternative to examination requirements for conversion of IPLs and
47 RLs to CPLs, (ii) any proposed salary incentives tied to classes of licensure, and (iii) any
48 legislative changes needed for implementation of the recommendations.

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50 **PART II. EXTEND AND EXPAND THE PROGRAM TO ALLOW RETIRED**
51 **EDUCATORS TO RETURN TO WORK IN HIGH-NEED SCHOOLS**

- 1 **SECTION 2.(a)** Section 6 of S.L. 2019-110 reads as rewritten:
2 **"SECTION 6.** This act becomes effective July 1, 2019, and expires June 30, ~~2021-2024.~~"
3 **SECTION 2.(b)** Subsection (f) of Section 7 of S.L. 2019-212 reads as rewritten:
4 **"SECTION 7.(f)** This section becomes effective July 1, 2019, and expires June 30,
5 ~~2021-2024.~~"
6 **SECTION 2.(c)** G.S. 115C-302.4 reads as rewritten:
7 **"§ 115C-302.4. High-need retired teachers.**
8 (a) Definitions. – The following definitions apply in this section:
9 (1) High-need retired teacher. – A school personnel who is a beneficiary of the
10 Teachers' and State Employees' Retirement System of North Carolina who
11 meets both of the following requirements:
12 a. Retired on or before February 1, 2019, after attaining (i) the age of at
13 least 65 with five years of creditable service, (ii) the age of at least 60
14 with 25 years of creditable service, or (iii) 30 years of creditable
15 service.
16 b. Is reemployed ~~by~~ as one of the following:
17 1. By a local board of education to provide classroom instruction
18 as a teacher, as defined in G.S. 135-1(25), employed on an
19 annual contract to provide classroom instruction or as an
20 instructional support personnel exclusively at a high-need
21 school or schools.
22 2. By the Innovative School District as a teacher, as defined in
23 G.S. 135-1(25), employed on an annual contract for a term of
24 no more than one school year as a school principal for an
25 innovative school, as defined in Article 7A of this Chapter.
26 (2) High-need school. – A school that, at any point on or after July 1, 2017, meets
27 one of the following criteria:
28 a. Is a Title I school. As used in this sub-subdivision, a Title I school is a
29 school identified under Part A of Title I of the Elementary and
30 Secondary Education Act of 1965, as amended.
31 b. Receives an overall school performance grade of D or F, as calculated
32 by the State Board of Education pursuant to G.S. 115C-83.15(d).
33 (3) STEM. – Science, technology, engineering, and mathematics.
34 (4) School personnel. – A licensed personnel who is classified as a teacher, an
35 instructional support personnel, or principal.
36 (b) Salary Level. – A high-need retired teacher shall be compensated as follows:
37 (1) Except as provided in subdivision (2) or (3) of this subsection, a high-need
38 retired teacher shall be paid on the first step of the teacher salary schedule.
39 (2) If a high-need retired teacher ~~serves as a teacher in any of the following~~
40 ~~licensure areas,~~ meets any of the following criteria, he or she shall be paid on
41 the sixth step of the teacher salary schedule:
42 a. Provides classroom instruction in any of the following licensure areas:
43 ~~a.1.~~ STEM.
44 ~~b.2.~~ Special education.
45 b. Is any of the following:
46 1. A school psychologist.
47 2. A school speech pathologist who is licensed as a speech
48 pathologist at the master's degree level or higher.
49 3. A school audiologist who is licensed as an audiologist at the
50 master's degree level or higher.

1 (3) If a high-need retired teacher is serving as the school principal of an innovative
2 school, he or she shall be paid the base salary for a principal of a school with
3 an average daily membership of 400 or less.

4 (c) No State Salary Supplements or Increase in Salary. – A high-need retired teacher shall
5 not receive any State salary supplement or State bonus. A high-need retired teacher shall not
6 move beyond the salary steps prescribed by subsection (b) of this section, regardless of the length
7 of time spent as a high-need retired teacher.

8 (d) Local Salary Supplement. – A high-need retired teacher shall receive any local salary
9 supplements that are given to employees of the local board of education.

10 (e) Term of Contract. – A contract between the local board of education and a high-need
11 retired teacher shall be for a term of no more than one school year.

12 (f) Identification of STEM and Special Education Licensure Areas. – The Superintendent
13 of Public Instruction shall identify and provide to each local school administrative unit a list of
14 STEM and special education licensure areas that qualify for reemployment pursuant to
15 subdivision (b)(2) of this section. Local school administrative units shall make the list of STEM
16 and special education licensure areas available to high-need retired teachers."

17 **SECTION 2.(d)** G.S. 135-3(8)g. reads as rewritten:

18 "g. Notwithstanding sub-subdivisions c. and d. of this subdivision, the
19 computation of postretirement earnings of a beneficiary under this
20 subdivision, who retired on or before February 1, 2019, and who has
21 been retired at least six months, shall not include earnings while the
22 beneficiary is employed as a high-need retired teacher, as defined
23 under G.S. 115C-302.4(a)(1), and the beneficiary shall not be restored
24 to service as a teacher or employee. The Department of Public
25 Instruction shall certify to the Retirement System that a beneficiary is
26 employed by a local board of education or the Innovative School
27 District as a high-need retired teacher, as defined under
28 G.S. 115C-302.4(a)(1). A local board of education or the Innovative
29 School District shall inform the Retirement System, no later than
30 September 15 annually, if it will not employ high-need retired
31 teachers, as defined under G.S. 115C-302.4(a)(1), for that school year.
32 The retirement allowance of a beneficiary who retired on an early or
33 service retirement shall not cease due to reemployment as a high-need
34 retired teacher, as defined under G.S. 115C-302.4(a)(1). A beneficiary
35 reemployed as a high-need retired teacher is not entitled to any benefits
36 otherwise provided under this Chapter as a result of this period of
37 employment."

38 **SECTION 2.(e)** Section 5(d) of S.L. 2019-110, as amended by Section 7(c) of S.L.
39 2019-212, reads as rewritten:

40 **"SECTION 5.(d)** Any beneficiary that is employed ~~to teach~~ by a local board of education
41 or the Innovative School District as a high-need retired teacher, as defined in
42 G.S. 115C-302.4(a)(1), shall not be eligible to elect into a position that would lead him or her to
43 be eligible to accrue any additional benefits under G.S. 135-3(8). Any failure of a local board of
44 ~~education—education, the Innovative School District,~~ or a beneficiary to comply with the
45 foregoing shall be corrected by the Retirement System as it determines may be appropriate under
46 State and federal law. Any costs of the correction, as determined by the Retirement System, shall
47 be the sole responsibility of the local board of education or Innovative School District and shall
48 be transferred to the Pension Accumulation Fund under G.S. 135-8, under rules adopted by the
49 Board of Trustees."

50 **SECTION 2.(f)** This section is effective when this act becomes law and expires June
51 30, 2024.

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PART III. EFFECTIVE DATE

SECTION 3. Except as otherwise provided, this act is effective when it becomes law.