

**RESOLUTION OF  
THE WINSTON-SALEM/FORSYTH COUNTY BOARD OF EDUCATION  
REGARDING RECOMMENDATIONS FOR PRINCIPALS IN SCHOOLS IDENTIFIED  
BY THE STATE BOARD OF EDUCATION AS “LOW PERFORMING”**

**WHEREAS**, the Appropriations Act (hereinafter “the Act”) of 2015, N.C. Sess. Laws 2015-241, amended N.C. Gen. Stat. § 115C-105.37(a) to require the State Board of Education to identify as “low-performing” any schools that received “a performance grade of D or F and a school growth score of ‘met expected growth’ or ‘not met expected growth’ as defined by N.C. Gen. Stat. § 115C-83.15.”

**WHEREAS**, on October 1, 2015, the State Board of Education identified 29 schools in the Winston-Salem/Forsyth County Schools as “low-performing” according to the identification criteria in the Act.

**WHEREAS**, the Act further amends N.C. Gen. Stat. § 115C-105.37(a1) to read “[i]f a school has been identified as low-performing as provided in this section ... [t]he superintendent shall proceed under G.S. 115C-105.39.”

**WHEREAS**, N.C. Gen. Stat. § 115C-105.39 purports to require the superintendent to recommend one of four disciplinary actions be taken against each principal of a low-performing school: dismissal, demotion, retention in the same position with a plan of remediation, or transfer with a plan of remediation.<sup>1</sup> N.C. Gen. Stat. § 115C-105.39 requires this recommendation must be made to the local board of education “[w]ithin 30 days of initial identification of a school as low-performing.” Moreover, N.C. Gen. Stat. § 115C-105.39 specifically provides that “no later than September 30,” the local board submit to the State board a written notice of the action taken against the principal and the basis for that action.

**WHEREAS**, N.C. Gen. Stat. § 115C-105.39 is *arbitrary and capricious* in its identification of which principals must receive disciplinary action. For example, the statute only requires disciplinary action be taken against a principal if that principal has been in a low-performing school for more than two years – regardless of the principal’s prior performance or evaluations.

**WHEREAS**, North Carolina law is well-settled that local board of education may not take action impacting the terms or conditions of employment or employment status of a school employee when such action would be arbitrary or capricious. *See* N.C. Gen. Stat. § 115C-45.

**WHEREAS**, N.C. Gen. Stat. § 115C-105.39 unreasonably stigmatizes principals of low-performing schools, and its prospective application will seriously impair WS/FCS efforts to recruit and retain high-quality principals in low-performing schools.

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<sup>1</sup> However, no action is required if a principal has served as the principal in the low-performing school for no more than two years before the school is identified as low-performing. *See* N.C. Gen. Stat. § 115C-105.39(a).

**WHEREAS**, research shows that low-performing schools take five to seven years to turn-around.<sup>2</sup> Therefore, a process that penalizes principals after two years in a low-performing school is not only arbitrary and capricious, but contrary to logic and reason.

**WHEREAS**, schools labeled as low-performing correlate strongly with high poverty rates and other challenges;

**WHEREAS**, highly skilled, experienced principals are crucial to the success of low-performing schools, high poverty schools, and other schools that face unique educational challenges.

**WHEREAS**, WS/FCS will have difficulty recruiting and retaining the most qualified principals to work in schools identified as “low-performing” (or in schools at risk of being identified as low-performing) because principals understand they will face disciplinary action if they do not turn a school around in two years.

**WHEREAS**, notwithstanding N.C. Gen. Stat. § 115C-105.39, the Superintendent and the Winston-Salem/Forsyth County Board of Education remain empowered by the North Carolina General Statutes to take appropriate disciplinary action against a principal when such action is not arbitrary or capricious.

**WHEREAS**, according to N.C. Gen. Stat. § 115C-333, the WS/FCS will evaluate every licensed employee in a school identified as low-performing during the 2015-2016 school year on a timeline that is “early enough during the school year to provide adequate time for the development and implementation of mandatory improvement plan” if the employee “receives a rating on any standard that is below proficient” or “otherwise represents unsatisfactory or below standard performance.”

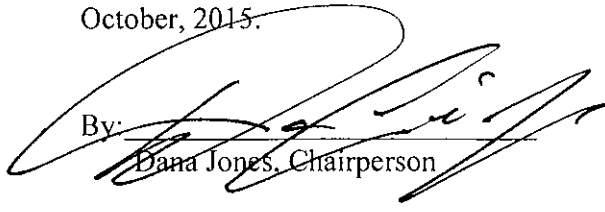
**WHEREAS**, the “low-performing” schools were not identified until October 1, 2015. Thus, it is impossible to meet the September 30 statutory deadline set out in N.C. Gen. Stat. § 115C-105.39 during the 2015-2016 school year, so the statutory requirements are *inapplicable* for the 2015-2016 school year.

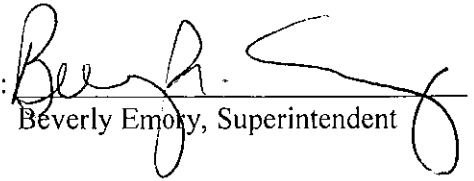
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<sup>2</sup> Years of implementation is a statistically significant factor when measuring the successful effects of Comprehensive School Reform models. Reform models have been proven twice as effective after the fifth year of implementation. After seven years of implementation, the reform effects are shown to be more than two and half times as impactful. See Borman, G.D., Hewes, G.M., Overman, L.T. and Brown, S., *Comprehensive School Reform and Achievement: A Meta-Analysis*. Review of Education Research, 2003: 73; 125.

**THEREFORE, BE IT HEREBY RESOLVED BY THE WINSTON-SALEM/FORSYTH COUNTY BOARD OF EDUCATION** that the WS/FCS will not be making recommendations for principal discipline according to N.C. Gen. Stat. § 115C-105.39 for the 2015-2016 year.

Adopted by the Winston-Salem/Forsyth County Board of Education; this, the 27 day of October, 2015.

By:   
Dana Jones, Chairperson

Attest:   
Beverly Emory, Superintendent

Draft Date: 10/21/15

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