

STATE OF NORTH CAROLINA

IN THE GENERAL COURT OF JUSTICE

SUPERIOR COURT DIVISION

COUNTY OF WAKE

95-CVS-1158

HOKE COUNTY BOARD OF  
EDUCATION; HALIFAX COUNTY  
BOARD OF EDUCATION; ROBESON  
COUNTY BOARD OF EDUCATION;  
CUMBERLAND COUNTY BOARD OF  
EDUCATION; VANCE COUNTY BOARD  
OF EDUCATION; RANDY L. HASTY,  
individually and as Guardian Ad Litem of  
RANDELL B. HASTY; STEVEN R.  
SUNKEL, individually and as Guardian Ad  
Litem of ANDREW J. SUNKEL; LIONEL  
WHIDBEE, individually and as Guardian Ad  
Litem of JEREMY L. WHIDBEE; TYRONE  
T. WILLIAMS, individually and as Guardian  
Litem of TREVELYN L. WILLIAMS; D.E.  
LOCKLEAR, JR., individually and as Guardian  
Ad Litem of JASON E. LOCKLEAR; ANGUS  
B. THOMPSON II, individually and as  
Guardian Ad Litem of VANDALIAH J.  
THOMPSON; MARY ELIZABETH  
LOWERY, individually and as Guardian Ad  
Litem of LANNIE RAE LOWERY, JENNIFER  
G. PEARSON, individually and as Guardian  
Litem of SHARESE D. PEARSON; BENITA  
B. TIPTON, individually and as Guardian Ad  
Litem of WHITNEY B. TIPTON; DANA  
HOLTON JENKINS, individually and as  
Guardian Ad Litem of RACHEL M.  
JENKINS; LEON R. ROBINSON,  
individually and as Guardian Ad Litem of  
JUSTIN A. ROBINSON,

Plaintiffs,

and

CHARLOTTE-MECKLENBURG BOARD  
OF EDUCATION,

Plaintiff-Intervenor,

and

RAFAEL PENN; CLIFTON JONES,  
individually and as Guardian Ad Litem of  
CLIFTON MATTHEW JONES; DONNA  
JENKINS DAWSON, individually and as  
Guardian Ad Litem of NEISHA SHEMAY  
DAWSON and TYLER ANTHONY  
HOUGH-JENKINS,

Plaintiff-Intervenors,

v.

STATE OF NORTH CAROLINA and the  
STATE BOARD OF EDUCATION,

Defendants,

and

CHARLOTTE-MECKLENBURG BOARD  
OF EDUCATION,

Realigned Defendant.

## **JOINT REPORT TO THE COURT ON SOUND BASIC EDUCATION FOR ALL: FISCAL YEAR 2021 ACTION PLAN FOR NORTH CAROLINA**

The Supreme Court of North Carolina's landmark decision in *Leandro v. State of North Carolina* (1997) affirmed the fundamental right of every child to have the opportunity to receive a sound basic education. Despite significant efforts since this decision, and the subsequent ruling in *Hoke County Board of Education v. State of North Carolina* (2004), this constitutional right has been and continues to be denied to many North Carolina children.

On January 21, 2020, with the benefit of the findings, research, and recommendations of WestEd's report, *Sound Basic Education for All: An Action Plan for North Carolina*, and the Governor's Commission on Access to Sound Basic Education, Judge W. David Lee signed a Consent Order negotiated by the NC State Board of Education (NC SBE); the Office of the Governor and NC Department of Justice (representing the State); the Plaintiff school districts; and the Plaintiff-Intervenors. Acknowledging WestEd's research, Judge Lee noted, "North Carolina's PreK-12 public education system leaves too many students behind, especially students of color and economically disadvantaged students. As a result, thousands of students are not being prepared for full participation in the global, interconnected economy and the society in which they will live, work, and engage as citizens."

Pursuant to the order, which required the submission of a status report setting out the "Specific actions that the State Defendants must implement in 2020 to begin to address the issues identified by WestEd," the

Parties immediately began developing an eight-year Plan that will detail the actions and investments necessary to ensure a sound basic education for all children, including specific goals to be achieved by 2030.<sup>1</sup>

## **THE COVID-19 PANDEMIC: IMPACTS & RESPONSE**

While work was ongoing, the COVID-19 pandemic struck and dramatically altered the landscape for our students, schools, state, and nation.

With schools closed across North Carolina, the pandemic has further exacerbated many of the inequities and challenges that are the focus of the *Leandro* case, particularly for the at-risk students<sup>2</sup> who were the focus of the original *Leandro* rulings, including students of color, English Language Learners, and economically disadvantaged students. While all children have experienced significant disruption or trauma, the pandemic's public health, economic, and educational costs are disproportionately borne by Black, Latino, Native, and low-income North Carolinians, and the initial *Leandro* remedy implementation must prioritize providing resources for those students.

The food insecurity impacting too many children in North Carolina has been expanded by this crisis and has required an emergency response. Schools, districts, and communities are working hard to provide nutritious meals and other essential services during school closures. The pandemic and resulting school closure have also compounded the problems confronting children who are homeless, lacking health care or mental health services, disconnected, or facing other challenges. School may be the only place where many children feel safe. For many students in eastern NC, this is the third lengthy closure caused by a natural disaster in the past four years. Some students have already lost more than half a year of face-to-face instruction over the last four years of their educational career. The lack of consistent access to broadband internet and reliable digital devices limit many students' ability to take advantage of even the limited remote learning opportunities available to students while schools are closed.

The General Assembly passed, and the Governor signed a series of bills in May 2020 intended to help address the impact of the COVID-19 crisis on the State's residents. At the request of the NC State Board of Education and the Governor, these bills included the investment of federal Coronavirus Relief Funds from the CARES Act to support K-12 students during the crisis and to help K-12 public schools prepare to meet students' needs during the 2020-21 academic year. These funds are not intended to address the historical and unmet needs of children who are being denied the opportunity for a sound basic education, but will help to mitigate the unavoidable loss of educational opportunities caused by the pandemic. The funds included:

- \$75 million to support the school nutrition program to provide meals for at-risk students and families;
- \$70 million to provide summer learning opportunities for students who are below grade level;
- \$15 million to support school districts in providing extended year services or future services for students with disabilities who have been impacted by the COVID-19 crisis;
- \$30 million to purchase computers or other electronic devices so students can participate in remote learning; and
- \$12 million to purchase devices to provide internet connectivity to students so they can participate in remote learning.

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<sup>1</sup> The *Leandro* Plan will include actions to be implemented over eight years (by 2028), with the goal that those actions will provide the opportunity for a sound basic education to all children in or before 2030.

<sup>2</sup> The Court defined at-risk students as including students with one of the following characteristics: from a low-income family; participate in free or reduced-cost lunch programs; have parents with low-level education; show limited proficiency in English; are a member of racial or ethnic minority group; or live in a home headed by a single parent or guardian. *Hoke County Board of Education v. State*, 358 N.C. 605, 632, 637 (2004) ("Leandro II").

The economic costs of the pandemic have substantially altered the fiscal outlook for the State. When the Parties began work on the Action Plan in January 2020, North Carolina's unemployment rate was at its lowest level in 10 years and the state was forecasting a significant revenue surplus and already had a budget surplus of over \$2 billion dollars. Today, given dramatically rising unemployment, declining tax revenues, and unanticipated health care costs, the May 2020 consensus General Fund revenue forecast projects a \$4.2 billion reduction in revenues as a result of the pandemic -- \$1.6 billion less in FY 2019-20 (-6.6%) and \$2.6 billion less in FY 2020-21 (-9.9%).

### **THE *LEANDRO* REMEDIAL PLAN: ACTIONS FOR FISCAL YEAR 2021**

The Parties have identified action steps the State can and will take in Fiscal Year 2021 (2020-21). The Parties intended that the *Leandro* remedial Plan would be "front loaded" to propel the significant systemic changes recommended by WestEd and the Governor's Commission and adopted by this Court. The COVID-19 pandemic required revising that strategy. However, the Parties submit that these limited action steps, which are a part of the broader, comprehensive eight-year action Plan, will begin to both address the key issues highlighted in the *Leandro* ruling and assist schools and school districts in mitigating the disproportionate impact the pandemic and resulting school closures have had on at-risk students.

In addition to undertaking these action steps, it is vital that the State does not reduce funding commitments to K-12 public education and early childhood education and developmental supports. The challenges created by the COVID-19 pandemic must not result in the State falling further behind in its efforts to meet the constitutional standard for all children in North Carolina, particularly at-risk students. Drawing upon WestEd's research and the Commission's recommendations, these Fiscal Year 2021 action steps are aligned with the seven key areas outlined in Judge Lee's January 2020 order:

1. A system of teacher development and recruitment that ensures each classroom is staffed with a high-quality teacher who is supported with early and ongoing professional learning and provided competitive pay.
2. A system of principal development and recruitment that ensures each school is led by a high-quality principal who is supported with early and ongoing professional learning and provided competitive pay;
3. A finance system that provides adequate, equitable, and predictable funding to school districts and, importantly, adequate resources to address the needs of all North Carolina schools and students, especially at-risk students as defined by the *Leandro* decisions;
4. An assessment and accountability system that reliably assesses multiple measures of student performance against the *Leandro* standard and provides accountability consistent with the *Leandro* standard;
5. An assistance and turnaround function that provides necessary support to low-performing schools and districts;
6. A system of early education that provides access to high-quality prekindergarten and other early childhood learning opportunities to ensure that all students at-risk of educational failure, regardless of where they live in the State, enter kindergarten on track for school success; and
7. An alignment of high school to postsecondary and career expectations, as well as the provision of early postsecondary and workforce learning opportunities, to ensure student readiness to all students in the State.

In addition to these Fiscal Year 2021 action steps, the Parties are developing longer term action steps the State will take that will comprise the comprehensive eight-year Action Plan for meeting the *Leandro* mandate. Though the course and consequences of the pandemic have materially altered the Parties' abilities to predict both the long term needs and costs of additional educational opportunities, the Parties are committed to presenting the full action Plan to the Court before the end of 2020.

The eight-year Plan that the Parties will ultimately submit to the Court will be organized as a series of actions and the discrete, individual action steps to be taken to achieve the overarching action. Each action will be aligned to the seven key areas outlined in the Court’s January 2020 order and will have a corresponding goal that the State and NC State Board of Education (NC SBE) intend to achieve by 2028, with the full educational benefits of these measures realized by 2030.

Detailed below are the actions the State and NC SBE are committed to taking in the first year (Fiscal Year 2021) of the eight-year Plan. Each of the overarching actions and corresponding 2030 goals for the full eight-year Plan are detailed in Appendix.

The parties agree that the Actions outlined in this Plan are the necessary and appropriate actions needed in Fiscal Year 2021 to begin to adequately address the constitutional violations in providing the opportunity for a sound basic education to all children in North Carolina. It is the intent of the State to complete the actions outlined in this Plan in Fiscal Year 2021. Consistent with the Court’s Order, the Parties have identified the State actors and agencies, including the General Assembly, whose direct involvement, cooperation, and assistance are necessary to implement the specific actions described in this report. The Parties agree to make their best efforts to secure the involvement, cooperation, and assistance of those entities. As of June 15, 2020, the State does not have a clear picture of what state or federal funds will be available. If due to budget constraints the State is not able to fulfill these actions in Fiscal Year 2021, then the State commits to meeting these actions in a future fiscal year of the eventual eight-year Plan.

For Fiscal Year 2021, the action steps detailed below will require an additional State investment of \$426,990,610. For all action steps identified, the State and the NC SBE are committed to prioritizing the allocation of resources to serving the highest needs students, schools, and school districts.

- I. **Qualified and Well-Prepared Teacher in Every Classroom:** The following actions address “a system of teacher development and recruitment that ensures each classroom is staffed with a high-quality teacher who is supported with early and ongoing professional learning and provided competitive pay.” **The initial action steps will be implemented in fiscal year 2020-21 through an additional State investment of \$237,700,000.**
  - A. **Increase the pipeline of diverse, well-prepared teachers by expanding the North Carolina Teaching Fellows program.**
    - i. Initial Action Steps for Fiscal Year 2021
      1. Increase the number of eligible teacher preparation programs from the current 5 to 8 to include high quality programs that serve additional regions of the state and to include minority-serving universities.
      2. Increase funding to support up to 250 Teaching Fellows for the 2021-22 academic year (90 additional Fellows).
      3. Expand eligible certification areas beyond STEM and special education to address significant vacancies.
      4. Provide planning, training, and ongoing support for program leaders and Fellows, including training on topics such as culturally responsive teaching, teaching students with disabilities, and trauma-informed teaching.
      5. Expand the reduced payback period to Fellows who teach in high-poverty schools, not just schools that are low performing, to incentivize Fellows to teach in those schools.
      6. Develop targeted recruitment strategies to improve opportunities for talented minority candidates. to be Teaching Fellows.
    - ii. Responsible Parties: NC General Assembly, NC Office of the Governor, NC Teaching Fellows Commission, University of North Carolina, NC Independent Colleges and Universities

- iii. Fiscal Year 2021 Costs: \$1,000,000
- B. **Significantly increase the racial and ethnic diversity of North Carolina’s qualified and well-prepared teacher workforce and ensure all teachers employ culturally responsive practices.**
  - i. Initial Action Steps for Fiscal Year 2021
    - 1. Develop a plan of actions by January 2021 that the State will take to increase the racial and ethnic diversity of qualified and well-prepared teachers through the work of Governor Cooper’s DRIVE Task Force.
    - 2. The State Board of Education will monitor, review, coordinate, and implement programs and efforts to increase teacher diversity.
  - ii. Responsible Parties: NC Office of the Governor, NC State Board of Education, NC Department of Public Instruction
  - iii. Fiscal Year 2021 Costs: Achievable within existing funding
- C. **Provide high-quality comprehensive mentoring and induction support for novice teachers in their first three years of teaching to increase both their effectiveness and their retention.**
  - i. Initial Action Steps for Fiscal Year 2021
    - 1. Provide comprehensive induction services through the NC New Teacher Support Program to 300 additional beginning teachers in low-performing, high-poverty schools. State will provide funding for full cost of the program (\$5,000 per teacher) for these 300 additional beginning teachers.
  - ii. Responsible Parties: NC General Assembly, NC Office of the Governor, NC New Teacher Support Program, NC school districts
  - iii. Fiscal Year 2021 Costs: \$1,500,000
- D. **Implement differentiated staffing models that include advanced teaching roles and additional compensation to retain and extend the reach of high-performing teachers.**
  - i. Initial Action Steps for Fiscal Year 2021
    - 1. Create a permanent Advanced Teaching Roles program that will allow all interested districts to apply for one-time startup funds.
    - 2. Provide grants through current funding to a select number of additional districts to implement an Advanced Teaching Roles initiative.
    - 3. Provide class size waivers and other flexibility as necessary to successfully implement career pathways through the Advanced Teaching Roles program.
    - 4. Enable school districts to study the effectiveness of salary supplements and other aligned compensation models that support the implementation of advanced teaching roles.
  - ii. Responsible Parties: NC General Assembly, NC State Board of Education, NC Department of Public Instruction, NC school districts
  - iii. Fiscal Year 2021 Costs: Funded for FY2021 at \$1,000,000
- E. **Increase educator compensation and create compensation incentives to enable low-wealth districts to attract and retain qualified and well-prepared teachers.**
  - i. Initial Action Steps for Fiscal Year 2021
    - 1. Raise salaries for teachers and instructional support staff by an average of 5%.
    - 2. Conduct a North Carolina-specific wage comparability study to determine competitive pay for educators in comparison to professions that require similar education and credentials, and to identify the level of compensation

and other specific State, regional, and local salary actions required to attract, recruit, and retain high-quality educators, particularly to low-wealth districts and high-poverty schools. Study will be completed by June 30, 2021. Study findings will be used to establish a benchmark for educator salary raises over the next seven years of *Leandro* implementation.

- ii. Responsible Parties: NC General Assembly, NC Office of the Governor
- iii. Fiscal Year 2021 Costs:
  - 1. Educator salary increases - \$235,000,000
  - 2. Wage comparability study - \$200,000 (non-recurring)

**II. A Qualified and Well-Prepared Principal in Every School:** The following actions address “a system of principal development and recruitment that ensures each school is led by a high-quality principal who is supplied with early and ongoing professional learning and provided competitive pay.” **These initial action steps will be implemented in fiscal year 2020-21 with no new State investments.**

**A. Update the State’s school administrator preparation and principal licensure requirements to align program approval standards with effectiveness practices.**

- i. Initial Action Step for Fiscal Year 2021
  - 1. Complete the update of the State’s school administrator preparation standards so they align with the NELP standards. Revised standards will be piloted during the 2020-21 school year.
- ii. Responsible Parties: NC State Board of Education, NC Department of Public Instruction, University of North Carolina, NC Independent Colleges and Universities
- iii. Fiscal Year 2021 Costs: Achievable within existing funding

**B. Continue to expand access to high-quality principal preparation programs.**

- i. Initial Action Step for Fiscal Year 2021
  - 1. Complete expansion of the TP3 Program to 3 additional postsecondary institutions while maintaining high standards for participating programs and the paid internship requirement.
- ii. Responsible Parties: Principal Fellows/TP3 Commission, NC Department of Public Instruction, University of North Carolina, NC Independent Colleges and Universities
- iii. Fiscal Year 2021 Costs: Achievable within existing funding

**C. Expand professional learning opportunities for current principals and assistant principals.**

- i. Initial Action Step for Fiscal Year 2021
  - 1. By December 2020, develop a plan, to be implemented in the next Phase of the overall *Leandro* Plan, for the creation of a School Leadership Academy that provides mentoring, coaching, professional development, and ongoing support.
- ii. Responsible Parties: NC Office of the Governor, NC State Board of Education
- iii. Fiscal Year 2021 Costs: Achievable within existing funding

**III. A Finance System that Provides Adequate, Equitable, and Efficient Resources:** The following actions address “a finance system that provides adequate, equitable, and predictable funding to school districts and, importantly, adequate resources to address the needs of all North Carolina schools and students, especially at-risk-students as defined by the *Leandro* decisions.” **These initial**

action steps will be implemented in fiscal year 2020-21 through an additional State investment of \$144,876,975.

**A. Revise the State’s school funding formula so that current and additional funding is distributed to students with the greatest need.**

i. Initial Action Steps for Fiscal Year 2021

1. Remove 12.75 percent funding cap for students with disabilities to provide supplemental funding for all students with disabilities at the current formula rate. In the long-term, increase supplemental funding to be equivalent to 2.3 times the cost of an average student and revise formula to differentiate based on level of support. When fully implemented in FY 2028, the total estimated cost of this action will be \$460,732,524.
2. Incrementally increase funding for Disadvantaged Student Supplemental Funding (DSSF) allotment with the goal of increasing DSSF funding over the long-term to be equivalent to 0.4 times the cost of an average student. Eliminate current restriction that allows districts to only devote a maximum of 35 percent of their DSSF allotment to salary supplements. When fully implemented in FY 2028, the total estimated cost of this action will be \$1,129,583,297.
3. Remove the 10.6 percent funding cap and the minimum funding eligibility for LEA/charter schools for the Limited English Proficiency allotment. Provide \$906 per identified Limited English Proficiency student based on the 3-year average headcount of the LEA/charter school. Per-student dollar amounts would be adjusted annually for salary and benefit changes and any direct appropriations.
4. Transfer the At-Risk Student Services/Alternative Schools allotment funding into the DSSF allotment, provided that no district receives a decrease in combined funding; expand allowable uses of the DSSF allotment to incorporate activities allowed under the current at-risk allotment.<sup>3</sup>

ii. Responsible Parties: NC General Assembly, NC Office of the Governor, NC State Board of Education, NC Department of Public Instruction

iii. Fiscal Year 2021 Costs:

1. Students with Disabilities - \$39,817,504
2. Disadvantaged Students Supplemental Fund - \$60,000,000
3. Limited English Proficiency students - \$8,059,471

**B. Increase Local Education Agency (LEA) budgetary flexibility by lifting restrictions on critical allotments through the ABC transfer system.**

i. Initial Action Steps for Fiscal Year 2021

1. Allow transfers to or from the following allotment categories:
  - Academically & Intellectually Gifted
  - At Risk Student Services/Alternative Schools
  - Children with Disabilities
  - Classroom Materials, Supplies and Equipment
  - Disadvantaged Student Supplemental Funding
  - Cooperative Innovative High Schools
  - Limited English Proficiency

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<sup>3</sup> This reallocated funding must be counted as an independent supplement in addition to the DSSF funding described above, and not supplant those identified funds. No school district will receive a decrease in this combined funding.

- Low Wealth Supplemental Funding
  - Position/MOE Allotments
  - Non-Instructional Support
  - Small County Supplemental Funding
  - Textbooks
  - Transportation
- ii. Responsible Parties: NC General Assembly, NC State Board of Education, NC Department of Public Instruction
  - iii. Fiscal Year 2021 Costs: N/A

**C. Increase flexible funding for Student Instructional Support Personnel (SISP) to meet the academic, physical, and mental health needs of students and to ensure that schools are safe and supportive learning environments.**

- i. Initial Action Step for Fiscal Year 2021
  - 1. Incrementally increase funding for whole-child supports through positional funding that increases the number of SISP (school counselors, nurses, social workers, and psychologists) to begin to meet national guidelines, initially prioritizing high-poverty schools. Provide school districts appropriate flexibility in SISP position allotments so that they may strategically hire SISP staff to best meet the needs of their students. When fully implemented in FY 2028, the total estimated cost of this action will be \$743,396,806
- ii. Responsible Parties: NC General Assembly, NC Office of the Governor
- iii. Fiscal Year 2021 Costs: \$40,000,000 (\$3,000,000 currently funded for FY 2021)

**IV. An Assessment and Accountability System that Reliably Assesses Multiple Measures of Student Performance:** The following actions address “an assessment and accountability system that reliably assesses multiple measures of student performance against the *Leandro* standard and provides accountability consistent with the *Leandro* standard.” **These initial action steps will be implemented in fiscal year 2020-21 with no new State investments.**

**A. Establish a more balanced and student-centered assessment system.**

- i. Initial Action Steps for Fiscal Year 2021
  - 1. Expand the use of NC Check-Ins in grades 3-8 to additional school districts and schools by June 30, 2021.
  - 2. Better align the Kindergarten Entry Assessment (KEA) with birth through third grade and rename the KEA the Early Learning Inventory (ELI).
  - 3. Launch the Innovative Assessment Demonstration pilot approved by the US Department of Education in 16 districts and charters to evaluate the feasibility and effectiveness to utilizing through-course formative assessment results to streamline and personalize a student’s summative assessment.
- ii. Responsible Parties: NC State Board of Education, NC Department of Public Instruction
- iii. Fiscal Year 2021 Costs: Achievable within existing funding

**B. Include additional assessment item types that provide a broader understanding of students’ knowledge, skills, and abilities.**

- i. Initial Action Step for Fiscal Year 2021
  - 1. During the 2020-21 school year, develop a plan for piloting the use of additional item types (i.e., constructed-response, extended-response, and/

or performance-based assessment items) in NC Check-Ins during the 2021-22 school year in grade 4 math and grade 7 reading. The pilot will include low-performing schools in low-wealth districts and low-performing, high poverty schools across the state.

- ii. Responsible Parties: NC State Board of Education, NC Department of Public Instruction
- iii. Fiscal Year 2021 Costs: Achievable within existing funding

**C. Amend the current accountability model to include measures of progress toward providing all students with the opportunity to obtain a sound, basic education.**

- i. Initial Action Steps for Fiscal Year 2021
  - 1. Adopt a coherent and singular definition of proficiency, aligning grade-level expectations and college- and career-ready expectations, to provide stakeholders with consistent and actionable measures of student progress and proficiency and to maintain high expectations of all students consistent with the rulings in this case.
  - 2. Revise the current weighting between student proficiency and student growth for the School Performance Grades.
  - 3. Include additional measures of student success (per the ESSA definition) in the State’s accountability system.
- ii. Responsible Parties: NC General Assembly, NC State Board of Education, NC Department of Public Instruction
- iii. Fiscal Year 2021 Costs: Achievable within existing funding

**D. Amend the current annual school report cards to include additional demographic information on students and staff.**

- i. Initial Action Step for Fiscal Year 2021
  - 1. Develop a plan for including on annual school report cards school-level information on the race/ethnicity, socioeconomic status, and other demographic information of all students, staff, students identified for exceptional children services, and students participating in advanced learning opportunities.
- ii. Responsible Parties: NC State Board of Education, NC Department of Public Instruction
- iii. Fiscal Year 2021 Costs: Achievable within existing funding

**V. An Assistance and Turnaround Function that Provides Necessary Support to Low-Performing Schools and Districts:** The following actions address “an assistance and turnaround function that provides necessary support to low-performing schools and districts.” **These initial action steps will be implemented in fiscal year 2020-21 through an additional State investment of \$4,375,000.**

**A. Develop the State’s capacity to fully support the improvement of its lowest-performing schools and districts.**

- i. Initial Action Steps for Fiscal Year 2021
  - 1. By June 30, 2021, fully implement the NC State Board of Education’s regional support model to support the improvement of low performing and high poverty schools by providing support in needed content areas and instructional and leadership coaching.
  - 2. By June 30, 2021, develop and initiate a plan to provide direct, comprehensive, and progressive turnaround assistance to the State’s chronically low performing schools and low performing districts.

- ii. Responsible Parties: NC General Assembly, NC Office of the Governor, NC State Board of Education, NC Department of Public Instruction
- iii. Fiscal Year 2021 Costs:
  - 1. Regional support model - \$4,375,000
  - 2. Plan for turnaround assistance to low-performing schools - Achievable within existing funding

**VI. A System of Early Education that Provides Access to High-Quality Prekindergarten and Other Early Childhood Learning Opportunities:** The following actions address “a system of early education that provides access to high-quality pre-kindergarten and other early childhood learning opportunities to ensure that all students at-risk of educational failure, regardless of where they live in the State, enter kindergarten on track for school success.” **These initial action steps will be implemented in fiscal year 2020-21 through an additional State investment of \$35,650,000.**

- A. **Expand the NC Pre-K program to provide high-quality, full-year services to all at-risk 4-year-old children.**
  - i. Initial Action Step for Fiscal Year 2021
    - 1. Increase State funding per NC Pre-K slot with the goal of paying 100 percent of the actual cost by 2028. Funding in 2020 will increase the average state rate per slot by \$200 and the county administrator rate will increase to 10 percent for oversight, monitoring, enrollment, and support. When fully implemented in FY 2028, the total estimated cost of this action will be \$421,023,290.
  - ii. Responsible Parties: NC General Assembly, NC Office of the Governor, NC Department of Health and Human Services
  - iii. Fiscal Year 2021 Costs: \$10,500,000
- B. **Increase high-quality early learning opportunities for at-risk children from birth through age three.**
  - i. Initial Action Steps for Fiscal Year 2021
    - 1. Implement a feasibility and cost study for a high-quality early learning program for birth through age 3 modeled on NC Pre-K to be completed by June 2022.
    - 2. Implement a study to develop alternative approaches to NC’s current market rate model used to determine child care subsidy reimbursement rates to support high-quality early learning to be completed by June 2022.
  - ii. Responsible Parties: NC Department of Health and Human Services
  - iii. Fiscal Year 2021 Costs: Grant funded for FY 2021
- C. **Expand the NC Infant-Toddler Program to provide high-quality early intervention services for children with special needs and increase access to services.**
  - i. Initial Action Steps for Fiscal Year 2021
    - 1. Over the 2020-21 fiscal year, add up to 45 additional staff at the state and local level, interpreter services, a centralized provider network system, salary adjustments to address recruitment and retention, and professional development to strengthen infrastructure and services provided through the NC Infant-Toddler Program/Early Intervention services.
  - ii. Responsible Parties: NC General Assembly, NC Office of the Governor, NC Department of Health and Human Services
  - iii. Fiscal Year 2021 Costs: \$7,000,000 (recurring); \$650,000 (non-recurring)

- D. Incrementally scale up the Smart Start program to increase quality, access, and support for at-risk children and families.**
- i. Initial Action Step for Fiscal Year 2021
    1. Increase funding for Smart Start with the goal of providing funding to meet 25 percent of the defined need for children aged birth to five by 2028. When fully implemented in FY 2028, the total estimated cost of this action will be \$532,000,000.
  - ii. Responsible Parties: NC General Assembly, NC Office of the Governor, NC Department of Health and Human Services, NC Partnership for Children
  - iii. Fiscal Year 2021 Costs: \$10,000,000
- E. Increase the volume and quality of the early childhood educator pipeline.**
- i. Initial Action Steps for Fiscal Year 2021:
    1. Expand funding to provide educational attainment-based salary supplements to teachers in early learning programs serving children from birth to age five, prioritizing teachers in programs in high poverty school districts. This effort will increase retention and education among early childhood educators through the Child Care WAGE\$ and the Infant Toddler Educator AWARD\$ programs and provide professional development and other workforce supports.
  - ii. Responsible Parties: NC General Assembly, NC Office of the Governor, NC Department of Health and Human Services
  - iii. Fiscal Year 2021 Costs: \$7,000,000
- F. Ensure quality transitions and alignment from early childhood programs to K-3 classrooms and strengthen elementary schools' readiness to support all children to achieve early grade success.**
- i. Initial Action Step for Fiscal Year 2021
    1. Implement a pilot program for prekindergarten and kindergarten teachers to learn, plan, and work together with professional development focused on formative assessment, family engagement, and developmentally appropriate practices for young children:
      - Allow families and prekindergarten teachers to systematically share information about children's strengths and needs with kindergarten teachers through an electronic information-sharing platform for the first time.
      - Align the Kindergarten Entry Assessment (Early Learning Inventory) with birth through third grade. The specific indicators of learning and development within these domains align with a subset of the indicators in the NC early learning standards and the NC Standard Course of Study.

The pilot will prioritize the inclusion of teachers from rural and low-wealth districts and from high-poverty schools across the State. The pilot will be conducted over two school years, 2021-22 and 2022-23.
  - ii. Responsible Parties: NC Department of Health and Human Services, NC Department of Public Instruction, NC Pre-K Programs, NC school districts
  - iii. Fiscal Year 2021 Costs: Grant funded for FY 2021
- G. Facilitate reliable access to high quality data supporting early childhood education.**
- i. Initial Action Steps for Fiscal Year 2021

1. Fund and begin building a real-time early childhood education workforce data system, including degrees, licensure, demographics, place of employment, and wages. The system will be readily accessible and usable for state and local users. Data system will be completed by June 2022.
- ii. Responsible Parties: NC General Assembly, NC Office of the Governor, NC Department of Health and Human Services
- iii. Fiscal Year 2021 Costs: \$500,000

**VII. Alignment of High School to Postsecondary and Career Expectations for All Students:** The following actions address “an alignment of high school to postsecondary and career expectations, as well as the provision of early postsecondary and workforce learning opportunities, to ensure student readiness to all students in the State.” **These initial action steps will be implemented in fiscal year 2020-21 through an additional State investment of \$4,388,635.**

**A. Ensure students graduate prepared for college-level coursework.**

- i. Initial Action Steps for Fiscal Year 2021
  1. Provide funding for NROC subscription and professional development for high school educators for College Career Ready Graduate courses in collaboration with the NC Community College System.
- ii. Responsible Parties: NC General Assembly, NC Office of the Governor, NC State Board of Education, NC Department of Public Instruction, NC Community College System
- iii. Fiscal Year 2021 Costs: \$551,500

**B. Ensure all high school students have the option to complete high school courses leading to college credit, an associate degree, or a career-ready credential.**

- i. Initial Action Steps for Fiscal Year 2021
  1. Provide funding for approved Cooperative Innovative High Schools.
  2. Allow flexibility with school calendars to ensure local schools can align with community college and university schedules.
- ii. Responsible Parties: NC General Assembly, NC Office of the Governor, NC State Board of Education, NC Department of Public Instruction
- iii. Fiscal Year 2021 Costs: \$1,880,000

**C. Strengthen college and career advising for high school students.**

- i. Initial Action Steps for Fiscal Year 2021
  1. Expand the NC Community College System Career Coaches program, which places career coaches employed by local community colleges with partnering high schools, prioritizing at-risk students.
  2. Provide matching funds to the College Advising Corps to expand the placement of college advisers in low wealth districts in North Carolina public schools.
- ii. Responsible Parties: NC General Assembly, NC Office of the Governor, UNC System, NC Community College System, College Advising Corps, NC school districts
- iii. Fiscal Year 2021 Costs:
  1. NC Community College System Career Coaches – Funded for FY 2021 for \$2,300,000
  2. College Advising Corps - \$1,957,135

<i>Fiscal Year 2021: Cost Summary</i>	<b>FY 2021 COST<sup>1</sup></b>
A Qualified and Well-Prepared Teacher in Every Classroom	\$237,700,000
A Qualified and Well-Prepared Principal in Every School	\$0
A Finance System that Provides Adequate, Equitable, and Efficient Resources	\$144,876,975
An Assessment and Accountability System that Reliably Assesses Multiple Measures of Student Performance	\$0
An Assistance and Turnaround Function that Provides Necessary Support to Low-Performing Schools and Districts	\$4,375,000
A System of Early Education that Provides Access to High-Quality Prekindergarten and Other Early Childhood Learning Opportunities	\$35,650,000
Alignment of High School to Postsecondary and Career Expectations for All Students	\$4,388,635
<b>Total Costs</b>	<b>\$426,990,610</b>

<sup>1</sup>All dollar amounts indicate additional funding required above current funding levels. *N/A* indicates that there are no costs associated with this action step in 2021. *Funded for FY 2021* indicates that funds have currently been secured from federal, state, or private sources for fiscal year 2021.

The eighth critical area included in WestEd’s report is for the Court overseeing the Leandro case to identify a mechanism to use data and information to monitor the State’s actions and progress in meeting the Leandro requirements. Using data in this way will ensure accountability and attention to continuous improvement of education in the state, especially for at-risk students. As the State works to reopen schools and address the many challenges of the COVID pandemic, it has become even more essential to know how at-risk students are able to secure their constitutional right to a “sound basic education to prepare them for future success.”

Plaintiffs have retained WestEd to recommend the outcomes and metrics that should be monitored annually and develop a recommended monitoring process for using data to assess compliance with the Leandro requirements.

Respectfully submitted, this the 15th day of June.

/s/Matthew Tulchin  
 Matthew Tulchin  
 Special Deputy Attorney General  
 NC State Bar No. 43921  
 mtulchin@ncdoj.gov

/s/ Tiffany Lucas  
 Tiffany Lucas  
 Special Deputy Attorney General  
 N.C. State Bar No. 26237

NC Department of Justice  
 PO Box 629  
 Raleigh, NC 27602-0629  
 Tel: 919.716.6900

*Attorney for Defendant State Board of Education*

/s/ Mark Dorosin  
 Mark Dorosin  
 NC State Bar No. 20935  
[mdorosin@lawyerscommittee.org](mailto:mdorosin@lawyerscommittee.org)

/s/ Elizabeth Haddix  
 Elizabeth Haddix  
 NC State Bar No. 25818  
[ehaddix@lawyerscommittee.org](mailto:ehaddix@lawyerscommittee.org)  
 Lawyers Committee for Civil Rights Under Law  
 P.O. Box 956  
 Carrboro, NC 27510  
 Tel. 919.914.6106

*Counsel for Penn Intervenors*

/s/ Amar Majumdar

Amar Majumdar  
N.C. State Bar No. 24668  
Senior Deputy Attorney General  
NC Department of Justice  
PO Box 629  
Raleigh, NC 27602-0629  
Tel: 919.716.6900  
Fax: 919.716.6763

*Attorney for Defendant State of North Carolina*

/s/ Melanie Dubis

Melanie Black Dubis  
N.C. Bar No. 22027  
Scott E. Bayzle  
N.C. Bar No. 33811  
PARKER POE ADAMS & BERNSTEIN LLP  
301 Fayetteville Street, Suite 1400 (27601)  
P.O. Box 389  
Raleigh, North Carolina 27602-0389  
Telephone: (919) 828-0564  
Facsimile: (919) 834-4564  
E-mail: [melaniedubis@parkerpoe.com](mailto:melaniedubis@parkerpoe.com)  
E-mail: [scottbayzle@parkerpoe.com](mailto:scottbayzle@parkerpoe.com)

/s/ Larry Armstrong

H. Lawrence Armstrong, Jr.  
ARMSTRONG LAW, PLLC  
119 Whitfield Street  
Enfield, North Carolina 27823  
Telephone: (252) 445-5656  
E-mail: [hla@hlalaw.net](mailto:hla@hlalaw.net)

*Attorneys for Plaintiffs*

## APPENDIX: DRAFT ACTIONS AND GOALS: 2020-2030

Below is each action that will be addressed in the comprehensive eight-year Plan, along with the corresponding 2030 goal for each action. Note that several, but not all, of the actions outlined below were also included in the Fiscal Year 2021 actions detailed above. The actions and goals may not be listed in priority order. The full action Plan submitted to the Court in the fall of 2020 will include discrete action steps for each of these actions to be taken over the next eight years.

### *A Qualified and Well-Prepared Teacher in Every Classroom*

ACTIONS	2030 GOALS
Increase the pipeline of diverse, well-prepared teachers who enter through high-retention pathways and meet the needs of the State's public schools.	NC's public and private educator preparation programs will prepare 5,000 teachers per year.
Increase the pipeline of diverse, well-prepared teachers by expanding the North Carolina Teaching Fellows program.	The NC Teaching Fellows program will select 1,500 Fellows per year.
Support high-quality teacher residency programs in high-need rural and urban districts through a State-matching grant program that leverages ESSA Title II funding.	Each high-need rural and urban school district will have access to a high-quality residency program that provides support for faculty advising, teacher tuition and stipends, and ongoing induction support.
Provide funding for Grow-Your-Own and 2+2 programs that help recruit educators in high-poverty communities.	Each low wealth school district will have access to a Grow-Your-Own and/or a 2+2 program to attract and prepare high school students, teacher assistants, and career professionals to enter the teaching profession.
Significantly increase the racial and ethnic diversity of North Carolina's qualified and well-prepared teacher workforce and ensure all teachers employ culturally responsive practices.	NC's teacher workforce will better match the diversity of NC's student population.
Provide high-quality comprehensive mentoring and induction support for novice teachers in their first three years of teaching to increase both their effectiveness and their retention.	All teachers with fewer than three years of teaching experience will be provided evidence-based, comprehensive induction services.
Implement differentiated staffing models that include advanced teaching roles and additional compensation to retain and extend the reach of high-performing teachers.	All school districts will implement differentiated staffing models that include advanced teaching roles and additional compensation.
Develop a system to ensure that all North Carolina teachers have the opportunities they need for continued professional learning to improve and update their knowledge and practices.	All teachers will have access to and time to participate in high quality programs that meet their individual professional growth needs.
Increase teacher compensation and create compensation incentives to enable low-wealth districts to attract and retain qualified and well-prepared teachers.	Salaries will be competitive with other states and with other career options that require similar levels of preparation, certification, and experience. Low-wealth districts will be able to offer competitive teacher salary supplements.

<b>ACTIONS</b>	<b>2030 GOALS</b>
	Low wealth districts and high-poverty schools will provide incentives for the recruitment and retention of qualified teachers.

***A Qualified and Well-Prepared Principal in Every School***

ACTIONS	2030 GOALS
Update the State’s school administrator preparation and principal licensure requirements to align program approval standards with effectiveness practices.	<p>The State’s school administrator preparation standards will be aligned with the National Education Leadership Preparation Standards from the National Policy Board for Educational Administration.</p> <hr/> <p>All school administrator preparation programs will be required to meet the revised preparation standards.</p>
Continue to expand access to high-quality principal preparation programs.	<p>The TP3 and Principal Fellows Program will prepare 300 new principals each year.</p> <hr/> <p>School administrator preparation programs will recruit and prepare candidates that better match the diversity of NC’s student population.</p> <hr/> <p>Every school district will have a partnership with at least one school administrator preparation program that meets the NELP standards and provides full-time, year-long internships.</p>
Expand professional learning opportunities for current principals and assistant principals.	<p>A formal statewide program will provide professional development and ongoing support for beginning assistant principals and principals.</p> <hr/> <p>Funding will be available to expand professional development opportunities for district and school administrators, supporting both the expansion of existing programs and the creation of new programs.</p>
Revise the principal and assistant principal salary structures and improve working conditions to make these positions more attractive to qualified educators, especially those in high-need schools.	<p>The statewide school administrator salary structure will provide appropriate compensation and incentives to enable high-needs schools and districts can recruit and retain highly-qualified school administrators.</p> <hr/> <p>School administrators will have greater autonomy to make resource decisions to address the needs of their schools.</p>

***A Finance System that Provides Adequate, Equitable, and Efficient Resources***

<b>ACTIONS</b>	<b>2030 GOALS</b>
Revise the State’s school funding formula so that current and additional funding is distributed to students with the greatest need.	School districts will be equitably funded, based on differential costs of serving specific student populations and have funding necessary to meet the educational needs of historically underserved student populations.
Increase Local Education Agency (LEA) budgetary flexibility by lifting restrictions on critical allotments through the ABC transfer system.	District leaders will have flexibility to make resource allocation decisions based on local needs.
Increase the investment in overall spending for public education incrementally over the next eight years to provide a sound basic education for all students.	Average per pupil expenditures will be increased to the levels estimated necessary to provide a sound basic education for all students.
Increase flexible funding for Student Instructional Support Personnel (SISP) to meet the academic, physical, and mental health needs of students and to ensure that schools are safe and supportive learning environments.	All public schools will have adequate funding to meet national guidelines for specialized instructional support personnel at recommended staffing ratios, including school psychologists, nurses, counselors, social workers, instructional coaches and mentors, to meet the academic, physical, and mental health needs of students.

***An Assessment and Accountability System that Reliably Assesses Multiple Measures of Student Performance***

ACTIONS	2030 GOALS
Establish a more balanced and student-centered assessment system.	The statewide assessment system will include more formative and interim assessments, such as the NC Check-Ins, that are aligned with the State summative assessment and provide streamlined, actionable student-level achievement information throughout the school year.
Clarify alignment between the assessment system and the State’s theory of action.	The State’s assessment system will support personalized learning experiences for all students, including curricular and instructional resources to support personalized learning environments and interim assessments that provide educators with meaningful data to adjust instruction within the school year.
Include additional assessment item types that provide a broader understanding of students’ knowledge, skills, and abilities.	The State’s assessments will include additional item types that require students to demonstrate application of their knowledge and skills, provide information on students’ understanding that can be applied to improve teaching and learning, and that can be used to evaluate progress toward a sound basic education for all students.
Improve coherence among curriculum, instruction, and assessment.	The State will provide statewide and regional support to all local school boards in selecting and implementing curriculum materials that are tightly aligned with State-adopted content standards.
Amend the current accountability system to include measures of progress toward providing all students with the opportunity to obtain a sound, basic education.	State achievement levels will include a singular definition of proficiency that aligns with grade-level and college- and career-readiness expectations and provides stakeholders with consistent and actionable measures of student progress and proficiency. The State’s accountability system will include measures of progress toward meeting the <i>Leandro</i> tenets, including indicators that provide information on students’ opportunity to access a sound basic education, in addition to student performance on State standardized assessments.
Amend the current annual school report cards to include additional demographic information on students and staff.	The State’s annual school report cards will include additional demographic information on students and staff.
Use the data provided in the North Carolina Dashboard to identify the appropriate evidence-based interventions and supports.	Data from the accountability system and other school and district data indicators will be used to guide planning, budget, and instructional decisions at the school and district level and to assess school progress and improvement efforts.

***An Assistance and Turnaround Function that Provides Necessary Support to Low-Performing Schools and Districts***

ACTIONS	2030 GOALS
Develop the State’s capacity to fully support the improvement of its lowest-performing schools and districts.	<p>The NC State Board of Education and NC Department of Public Instruction will fully implement the regional support structure to support the improvement of low performing and high poverty schools by providing support in all needed content areas and instructional and leadership coaching.</p> <p>The NC State Board of Education and NC Department of Public Instruction will provide direct, comprehensive, and progressive turnaround assistance to the State’s lowest performing schools and low performing districts.</p>
Provide resources, opportunities, and supports for low-performing and high-poverty schools to address out-of-school barriers to learning, using a community-schools or other evidence-based approach.	All low-performing and high-poverty schools interested in implementing a community-schools approach will be provided a community-schools coordinator and other resources to assess local needs and assets and to integrate social, academic, and health supports into the school.
Provide statewide and/or regional support to help schools and districts select high-quality standards-aligned, culturally responsive core curriculum resources and to prepare teachers to use those resources effectively.	<p>The State Board of Education and NC Department of Public Instruction will update and strengthen state-level process for reviewing and adopting core curriculum resources aligned with State standards.</p> <p>Core curriculum resources recommended by the state-level process will include digital and blended resources, as well as commercial and open-source resources.</p> <p>The NC Department of Public Instruction will provide teachers and administrators with comprehensive professional development to help prepare them for implementing the core curriculum resources.</p>
Extend the supports already available to schools to help them further implement an MTSS framework, a school improvement plan, and NC Check-In approaches.	All school districts will successfully implement MTSS and NC Check-In approaches or similar evidence-based approaches.

***A System of Early Education that Provides Access to High-Quality Prekindergarten and Other Early Childhood Learning Opportunities***

ACTIONS	2030 GOALS
Expand the NC Pre-K program to provide high-quality, full-year services to all at-risk 4-year-old children.	75 percent of eligible 4-year-olds will participate in NC Pre-K.
Increase high-quality early learning opportunities for at-risk children from birth through age three.	7-10 percent of eligible children from birth through age 3 in licensed child care will participate in a high-quality program modeled on NC Pre-K. State and federal funding for child care subsidy serves all eligible working families and supports NC's child care sector in providing high-quality early learning programs.
Expand the NC Infant-Toddler Program to provide high-quality early intervention services for children with special needs and increase access to services.	Expand access of early intervention services and supports to families with children from birth to age 3 to include at-risk children in North Carolina's definition of eligibility for the Individuals with Disabilities Education Act (IDEA) Part C Early Intervention Program (Infant Toddler Program). Expand the quality of supports and services provided through the early intervention program to include mental health for families with children from birth to age 3.
Incrementally scale up the Smart Start program to increase quality, access, and support for at-risk children and families.	Smart Start will be fully funded (defined as meeting 25 percent of the statewide need for children from birth to age 5) to improve statewide early childhood system infrastructure and a cohesive continuum of services for children and families from birth to age 5.
Increase the volume and quality of the early childhood educator pipeline.	All teachers with an early childhood teaching license working in licensed child care programs will be paid on parity with the State salary schedule for teachers. All lead teachers working in licensed child care programs will have an associate degree or higher in early childhood education will be paid according to a defined statewide salary scale.
Ensure quality transitions and alignment from early childhood programs to K-3 classrooms and strengthen elementary schools' readiness to support all children to achieve early grade success.	All children transitioning from NC Pre-K to public kindergarten classrooms will have a comprehensive, child-centered transition plan developed collaboratively with their families, early childhood teachers, and kindergarten teachers. All principal preparation programs will build the capacity of principals to effectively support the learning and development of young children and provide a seamless continuum of learning for children from birth to age 8. North Carolina's licensure system will ensure that educators working with children through third grade can effectively support the learning and development of young children and provide a seamless continuum of learning for children from birth to age 8. Funding will be restored for K-3 instructional assistants to pre-recession levels, at a minimum. All school districts will have adequate funding to hire and retain school psychologists, nurses, counselors, and social workers in line with nationally recommended ratios.

ACTIONS	2030 GOALS
Facilitate reliable access to high quality data supporting early childhood education.	<p>Real-time data on the services provided to young children birth through age 5 and their families, including child outcomes in health, wellbeing, and education, will be readily available and regularly used to inform policy and decision-making.</p> <hr/> <p>Real-time data on early childhood teachers and administrators, their demographics, higher education attainment, and wages, will be readily available and regularly used to inform policy and decision-making.</p>
Use early childhood federal funding for intended purposes.	<p>All early childhood federal and grant funding received by the State will be used for the purposes intended and does not replace or supplant existing appropriations, whether they be State or federal funding sources.</p>

***Alignment of High School to Postsecondary and Career Expectations for All Students***

<b>ACTIONS</b>	<b>2030 GOALS</b>
Strengthen alignment between career pathways and workforce demands.	K-12, community college, and workforce development career pathways will be aligned and responsive to workforce needs across the State.
Ensure students graduate prepared for college-level coursework.	All students who pursue postsecondary education after graduating from high school will be prepared to enroll directly into credit-bearing college-level coursework.
Ensure all high school students have the option to complete high school courses leading to college credit, an associate degree, or a career-ready credential.	<p>All students, especially students in high-poverty schools and low wealth districts, will have equitable access to postsecondary and career-readiness opportunities, including dual enrollment coursework and high-quality, rigorous pathways leading to a career-ready credential.</p> <p>All school districts will have at least one cooperative innovative high school or are a part of a multi-district partnership in which their students are able to attend a cooperative innovative high school.</p>
Strengthen college and career advising for high school students.	All high school students will have college and/or career advisors that provide guidance that allow them to plan for, pursue, and attain their postsecondary education and career goals.