

# Legal Roles of PEPSC and the North Carolina State Board of Education with Regard to Policy-Making Around Teacher Licensure

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# PEPSC's Governing Laws



# PEPSC's Governing Laws

- ▶ The Professional Educator Preparation and Standards Commission (“PEPSC”) was created by the N.C. General Assembly in 2017.

-N.C. Gen. Stat. Sec. 115C-268.1.

# PEPSC's Governing Laws

- ▶ The statutory purpose of PEPSC is “to involve stakeholders in establishing high standards for North Carolina educators.”  
-N.C. Gen. Stat. Sec. 115C-268.1(a).

# PEPSC's Governing Laws

- ▶ The role of the Commission is as follows:
  - ▶ “The Commission shall make rule recommendations regarding all aspects of preparation, licensure, continuing education, and standards of conduct of public-school educators.”  
  
-N.C. Gen. Stat. Sec. 115C-268.1(a).

# PEPSC's Governing Laws

- ▶ The Commission is located administratively under the State Board of Education but exercises its powers and duties independently of the State Board.

-N.C. Gen. Stat. Sec. 115C-268.1(b).

# PEPSC's GOVERNING Laws

- ▶ North Carolina General Statute Section 115C-268.1 (c) sets out required qualifications for the 18 PEPSC members
- ▶ There are two standing PEPSC members:
  - ▶ The State Superintendent of Public Instruction or her designee and
  - ▶ The State Teacher of the Year
- ▶ The other 16 members are appointed by the General Assembly and serve designated terms.

# PEPSC's Governing Laws

- ▶ Except for two at-large positions, the General Assembly's appointees are required to be experienced practitioners in the field, including superintendents, school district personnel administrators, principals, teachers, college deans of educator preparation programs, and a member of the State Advisory Counsel of Indian Education.

-N.C. Gen. Stat. Sec. 115C-268.1(c).



# PEPSC's Governing Laws

- ▶ The powers and duties of PEPSC are spelled out in North Carolina General Statute Section 115C-268.5(a).

# PEPSC's Governing Laws

- ▶ The duties of PEPSC are to:
  - ▶ (1) Develop and recommend to the State Board of Education rules related to all aspects of the educator preparation programs.

# PEPSC's Governing Laws

- ▶ (2) Develop and recommend to the State Board of Education rules related to all aspects of professional standards for North Carolina educators.

# PEPSC'S Governing Laws

- ▶ (3) Provide recommendations as requested to the State Board of Education related to the educator preparation programs and professional standards of North Carolina educators.

# PEPSC Governing Laws

- ▶ The Commission is also required to recommend ways to ensure that that clinical practice requirements effectively prepare high -quality professional educators.
  - ▶ N.C. Gen. Stat. Sec. 115C-268.5(b).

# PEPSC's Governing Law

- ▶ PEPSC is required to submit its recommendations under subsection (a) (i.e. rules recommendations and other recommendations as requested by the State Board) to the State Board.
  - N.C. Gen. Stat. Sec. 115C-268.5(c).

# PEPSC'S Governing Laws

- ▶ The State Board shall adopt or reject the rules recommendations. The State Board may not make any substantive changes to any rules recommendations that it adopts.
  - ▶ -N.C. Gen. Stat. Sec. 115C-268.5 (c).

# PEPSC'S Governing Laws

- ▶ If the State Board rejects the rules recommendation, it must state with specificity its reasons for the rejection.
- ▶ PEPSC may then amend that rules recommendation and resubmit it to the State Board.
- ▶ The State Board shall adopt or reject the amended rules recommendation.
- ▶ If the State Board fails to adopt PEPSC's original and amended rule recommendations, the State Board may develop and adopt its own rules.
  - ▶ -N.C. Gen. Stat. Sec. 115C-268.5 (c).



# Standards for Adoption of Rules

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- ▶ The State Board is limited by North Carolina General Statute 150B-19 as to what it may adopt as rules.
- ▶ Specifically, that statute provides that an agency may NOT adopt a rule that does one or more of the following:

# Standards for Adoption of Rules

- ▶ (1) Implements or interpret a law unless that law or another law specifically authorizes the agency to do so;
- ▶ (2) Enlarges the scope of a profession, occupation, or field of endeavor for which an occupational license is required;
- ▶ (3) Imposes criminal liability or a civil penalty... unless a law specifically authorizes the agency to do so or the law states that violation is a criminal penalty or allow the civil penalty;
- ▶ (4) Repeats the content of a law, rule or federal reg.; or
- ▶ (5) Establishes a fee, unless authorized by law.

Request Made/Charge to  
PEPSC

# Request Made/Charge to PEPSC

- ▶ At its meeting on February 4, 2021, the State Board of Education heard a presentation from members of the Human Capital Roundtable, a group made up primarily of key education stakeholders from North Carolina, regarding a proposal to revise the requirements for training, retention and licensing of teachers.

# Request Made/Charge to PEPSC

- ▶ Following the February 4, 2021, presentation, the State Board Chairman requested that the PEPSCS “study and make recommendations to the State Board of Education on how best to implement the recommended model.”

# CURRENT STATUS AND NEXT STEPS

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- ▶ Current teacher licensure statutes, found in Article 17E of Chapter 115C of the General Statutes (G.S. 115C-270.1-270.35) include very specific requirements for teacher licensure. For example:
  - ▶ G.S. 115C-270.20 provides for specific types of teacher licenses and includes the specific requirements for each type of license; and
  - ▶ G.S. G.S.115C-270.15 requires teachers to achieve minimum scores on professional preparation exams.



# CURRENT STATUS AND NEXT STEPS

- ▶ Current educator preparation statutes, found in Article 17D of Chapter 115C of the General Statutes (G.S. 115C-269.1-269.75) include very specific requirements for educator preparation programs including governing content and pedagogy requirements and clinical partnerships and practices.
- ▶ Many of the current teacher licensure and educator preparation programs currently found in statute are inconsistent with and will not allow the adoption of the model plan that PEPCS has been working on.

# CURRENT STATUS AND NEXT STEPS

- ▶ The State Board of Education may only adopt rules governing licenses of professional educators subject to the requirements of Article 17E of Chapter 115C.
- ▶ Therefore, until the General Statutes are amended to allow something different than what is currently in them, the State Board is not lawfully authorized to adopt a new licensure plan or new rules.
- ▶ The next step in developing a new licensure system or plan would be for PEPSC to recommend, and the State Board to approve a request for statutory changes that will allow it to develop such a system or plan.