

March 23, 2009

S 773. EDUCATIONAL GOVERNANCE FRAMEWORK. Filed 3/23/09. *CREATING AN EDUCATIONAL GOVERNANCE FRAMEWORK FOR THE TWENTY-FIRST CENTURY.*

Subject to the voters at the November 3, 2010, general election, amends the following sections of the North Carolina Constitution (Constitution). Amends Section 4(1) of Article IX of the Constitution to restructure the State Board of Education (SBE) to include (1) a chair and eight members appointed by the Governor (was, 11 members appointed by the Governor and subject to confirmation by the General Assembly), (2) three members appointed by the Speaker of the House of Representatives, and (3) three members appointed by the President Pro Tempore of the Senate. Provides that of the members appointed by the Governor, there is to be one from each of the state's eight educational districts (was, the governor appointed one from each of the educational districts and three at large members). Provides that appointments are to be for overlapping six year terms (was, eight) and no member may be appointed to more than two consecutive full six-year terms. Directs that vacancies are to be filled by the appointing authority. Effective February 28, 2011.

Amends Section 4(2) of Article IX of the Constitution to provide that the Commissioner of Education (Commissioner) (was, the Superintendent of Public Instruction) will serve as the secretary and chief administrative officer of the SBE. Provides that the Commissioner is to be appointed by the SBE and serve at its pleasure. Amends Section 7(1) of Article III of the Constitution to make a conforming change, deleting Superintendent of Public Instruction from the list of council of state officers. Effective January 1, 2012, but no Superintendent of Public Instruction is to be elected in 2012.

Provides that the terms of office of the SBE are to terminate as of February 28, 2011. Provides for staggered terms of two, four, and six years for appointments made to the SBE for new members beginning March 1, 2011, and provides that all succeeding terms are to be for six years.

Makes conforming changes deleting references to the office of Superintendent of Public Instruction or replacing references to that office with the title, Commissioner of Education in GS 115C-18, 147-3(c), 147-4, 147-11.1, 163-8, 163-1, 163-278.27(b), 163-278.95, and 163-278.96(12).

The above provisions are effective only if the voters approve the constitutional amendments. If approved, effective January 1, 2011, except changes to GS 163-1, 163-278.27(b), and GS 163-278.95 are effective beginning with the 2010 election.

Provides that the following amendments to GS 143A-44.1 and 143A-44.2 become effective January 1, 2011, only if the voters do not approve the proposed constitutional amendments in this act. Amends GS 143A-44.1 to provide that the head of the Department of Public Instruction is the Commissioner of Education as provided by Article III, Section 7 of the Constitution. Amends GS 143A-44.2 to provide that notwithstanding any provision to the contrary in GS 143A-9, the appointment of the SBE is to be as prescribed in Article IX, Section (4)(1) of the Constitution.

Intro. by Stevens.

GS 115C, 143A, 147, 163, CONST