

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

FILED SENATE
Mar 27, 2013
S.B. 516
PRINCIPAL CLERK

S

D

SENATE DRS35248-MK-98 (03/15)

Short Title: Public School Regulatory Reform.

(Public)

Sponsors: Senator Tillman (Primary Sponsor).

Referred to:

A BILL TO BE ENTITLED
AN ACT TO STREAMLINE REPORTING REQUIREMENTS FOR PUBLIC SCHOOLS.
The General Assembly of North Carolina enacts:

PART I. CLASS-SIZE FLEXIBILITY

SECTION 1.(a) G.S. 115C-301 reads as rewritten:

"§ 115C-301. Allocation of teachers; class size.

(a) Request for Funds. – The State Board of Education, based upon the reports of local boards of education and such other information as the State Board may require from local boards, shall determine for each local school administrative unit the number of teachers and other instructional personnel to be included in the State budget request.

(b) Allocation of Positions. – The State Board of Education is authorized to adopt rules to allot instructional personnel and teachers, within funds appropriated.

(c) ~~Maximum Class Size. – Local school administrative units shall have the maximum flexibility to use allotted teacher positions to maximize student achievement. The average class size for each grade span in a local school administrative unit shall at no time exceed the funded allotment ratio of teachers to students. At the end of the second school month and for the remainder of the school year, the size of an individual class shall not exceed the allotment ratio by more than three students. At no time may the General Assembly appropriate funds for higher unit wide class averages than those for which State funds were provided during the 1984-85 school year.~~

(d) ~~Maximum Teaching Load. – Students shall be assigned to classes so that from the 15th day of the school year through the end of the school year the number of students for whom teachers in grades 7 through 12 are assigned teaching responsibilities during the course of the day is no more than 150 students, except as provided in subsection (g) of this section.~~

(e) ~~Alternative Maximum Class Sizes. – The State Board of Education, in its discretion, may set higher maximum class sizes and daily teaching loads for classes in music, physical education, and other similar subjects, so long as the effectiveness of the instructional programs in those areas is not thereby impaired.~~

(f) Second Month Reports. – At the end of the second month of each school year, each local board of education, through the superintendent, shall file a report for each school within the school unit with the State Board of Education. The report shall be filed in a format prescribed by the State Board of Education and shall include the organization for each school, the duties of each teacher, the size of each class, the teaching load of each teacher, and such other information as the State Board may require. As of February 1 each year, local boards of



* D R S 3 5 2 4 8 - M K - 9 8 *

education, through the superintendent, shall report all ~~exceptions to individual class size and daily teaching load maximums~~ significant increases in class size that occur at that time.

(g) ~~Waivers and Allotment Adjustments. – Local boards of education shall report exceptions to the State Board of Education as provided in G.S. 115C-47(10), and shall request may request allotment adjustments or waivers from the standards set out above. for significant increases in class size.~~ Within 45 days of receipt of reports, requests, the State Board of Education, within funds available, may allot additional positions ~~or grant waivers for the excess class size or daily load.~~ if a significant increase in class size resulted from exceptional circumstances, emergencies, acts of God, large changes in student population, organizational problems caused by remote geographic location, or classes organized for a solitary curricular area, and the local board cannot organizationally correct the exception.

(1) ~~If the exception resulted from (i) exceptional circumstances, emergencies, or acts of God, (ii) large changes in student population, (iii) organizational problems caused by remote geographic location, or (iv) classes organized for a solitary curricular area, and~~

(2) ~~If the local board cannot organizationally correct the exception.~~

(h) State Board Rules. – The State Board of Education shall adopt rules necessary for the implementation of class size and teaching load provisions. this section.

(i) Penalty for Noncompliance. – ~~If the State Board of Education determines that a local superintendent has willfully failed to comply with the requirements of this section, no State funds shall be allocated to pay the superintendent's salary for the period of time the superintendent is in noncompliance."~~

SECTION 1.(b) G.S. 115C-47(10) reads as rewritten:

"§ 115C-47. Powers and duties generally.

In addition to the powers and duties designated in G.S. 115C-36, local boards of education shall have the power or duty:

...

(10) To Assure Appropriate Class Size. – It shall be the responsibility of local boards of education to assure that the teacher positions allotted by the State are used to maximize student achievement. ~~class size and teaching load requirements set forth in G.S. 115C-301 are met. Any teacher who believes that the requirements of G.S. 115C-301 have not been met shall make a report to the principal and superintendent, and the superintendent shall immediately determine whether the requirements have in fact not been met. If the superintendent determines the requirements have not been met, he shall make a report to the next local board of education meeting. The local board of education shall take action to meet the requirements of the statute. If the local board cannot organizationally correct the exception and if any of the conditions set out in G.S. 115C-301(g)(1) exist, it shall immediately apply to the State Board of Education for additional personnel or a waiver of the class size requirements, as provided in G.S. 115C-301(g).~~

Upon notification from the State Board of Education that the reported exception does not qualify for an allotment adjustment or a waiver under provisions of G.S. 115C-301, the local board, within 30 days, shall take action necessary to correct the exception.

At the end of the second month of each school year, the local board of education, through the superintendent, shall file a report with the State Board of Education, in a format prescribed by the State Board of Education, describing the organization of each school, the duties of each teacher, the size of each class, and the teaching load of each teacher. ~~As of February 1 each year, local boards of education, through the superintendent, shall report~~

all exceptions to individual class size and daily teaching load maximums that exist at that time.

In addition to assuring that the requirements of G.S. 115C-301 are met, addition, each local board of education shall also have the duty to provide an adequate number of classrooms to meet the requirements of that statute classrooms."

SECTION 1.(c) G.S. 115C-276(k) reads as rewritten:

"(k) To Submit Organization Reports and Other Information to the State Board. – Each year the superintendent of each local school administrative unit shall submit to the State Board of Education statistical reports, certified by the chairman of the board of education, showing the organization of the schools in his unit and any additional information the State Board may require. At the end of the second month of school each year, local boards of education, through the superintendent, shall report school organization, employees' duties, class sizes, and teaching loads to the State Board of Education as provided in G.S. 115C-47(10). Education. As of February 1 each year, local boards of education, through the superintendent, shall report all exceptions to individual class size and daily teaching load maximums significant increases in class size that occur at that time."

PART II. ELIMINATE ESC REPORTING

SECTION 2. G.S. 96-33 is amended by adding a new subsection to read:

"(a1) Subsection (a) of this section shall not apply to local school administrative units."

PART III. CHARTER TRANSPORTATION FLEXIBILITY

SECTION 3. The State Board of Education shall revise its policy on the rules and regulations for local school administrative units related to charter transportation for school-related events and activities to remove the requirements that (i) each local school administrative unit maintain a list of companies or individuals that provide transportation services for school-related activities that are approved by the State Board of Education and (ii) the local school administrative unit must limit its ability to contract for those services to an approved list of companies or individuals.

PART IV. DISADVANTAGED STUDENT REPORT

SECTION 4. To the extent allowed by federal law, the State Board of Education shall consolidate and limit reports to the State Board by local school administrative units on data related to economically disadvantaged students, including household size and income information, to one report each school year.

PART V. IIS REPORTING

SECTION 5. G.S. 115C-12(18) reads as rewritten:

"(18) Duty to Develop and Implement a Uniform Education Reporting System, Which Shall Include Standards and Procedures for Collecting Fiscal and Personnel Information. –

a. The State Board of Education shall adopt standards and procedures for local school administrative units to provide timely, accurate, and complete fiscal and personnel information, including payroll information, on all school personnel. ~~All local school administrative units shall comply with these standards and procedures by the beginning of the 1987-88 school year.~~

b. The State Board of Education shall develop and implement a Uniform Education Reporting System that shall include requirements for collecting, processing, and reporting fiscal, personnel, and student

1 data, by means of electronic transfer of data files from local
2 computers to the State Computer Center through the State
3 Communications Network. ~~All local school administrative units shall~~
4 ~~comply with the requirements of the Uniform Education Reporting~~
5 ~~System by the beginning of the 1989-90 school year.~~

6 c. The State Board of Education shall comply with the provisions of
7 G.S. 116-11(10a) to plan and implement an exchange of information
8 between the public schools and the institutions of higher education in
9 the State. The State Board of Education shall require local boards of
10 education to provide to the parents of children at a school all
11 information except for confidential information received about that
12 school from institutions of higher education pursuant to
13 G.S. 116-11(10a) and to make that information available to the
14 general public.

15 d. The State Board of Education shall modify the Uniform Education
16 Reporting System to provide clear, accurate, and standard
17 information on the use of funds at the unit and school level. The plan
18 shall provide information that will enable the General Assembly to
19 determine State, local, and federal expenditures for personnel at the
20 unit and school level. The plan also shall allow the tracking of
21 expenditures for textbooks, educational supplies and equipment,
22 capital outlay, at-risk students, and other purposes. ~~The revised~~
23 ~~Uniform Education Reporting System shall be implemented~~
24 ~~beginning with the 1999-2000 school year.~~

25 e. When practicable, reporting requirements developed by the State
26 Board of Education as part of the Uniform Education Reporting
27 System under this subdivision shall be incorporated into the
28 Instructional Improvement System to minimize duplicative reporting
29 by local school administrative units."
30

31 **PART VI. COMMISSION TO STUDY EXCEPTIONAL CHILDREN'S SERVICES**

32 **SECTION 6.(a)** Establishment. – There is established a Commission to Study the
33 Provision of Exceptional Children's Services in the North Carolina Public Schools
34 (Commission).

35 **SECTION 6.(b)** Membership. – The Commission shall be composed of 12
36 members, as follows:

37 (1) Eight members appointed by the Speaker of the House of Representatives as
38 follows:

- 39 a. Four persons who are members of the House of Representatives at
40 the time of appointment.
41 b. A representative of the Department of Public Instruction.
42 c. A school principal, as recommended by the North Carolina
43 Association of School Administrators.

44 (2) Eight members appointed by the President Pro Tempore of the Senate as
45 follows:

- 46 a. Four persons who are members of the Senate at the time of
47 appointment.
48 b. A school system superintendent, as recommended by the North
49 Carolina Association of School Administrators.
50 c. A local school board member, as recommended by the North
51 Carolina School Boards Association.

The Commission shall have two cochairs, one designated by the President Pro Tempore of the Senate and one designated by the Speaker of the House of Representatives from among their appointees. The Commission shall meet upon the call of the cochairs. Vacancies shall be filled by the appointing authority. A quorum of the Commission shall be a majority of the members.

SECTION 6.(c) Duties. – The Commission shall review all aspects of the exceptional children's services delivered by local school administrative units in North Carolina and oversight of those services by the Department of Public Instruction. The Commission shall recommend ways to limit reporting requirements and compliance measures for local school administrative units and individual schools by identifying areas in which State requirements exceed federal law requirements. In developing these recommendations, the Commission shall examine at least all of the following:

- (1) Forms and paperwork required by the Department of Public Instruction, Division of Exceptional Children (Division), to be submitted by Individualized Education Program (IEP) teams.
- (2) The alignment of requirements imposed on the local school administrative units by the Division's Continuous Improvement Performance Plan (CIPP) with the federal requirements of the State Performance Plan and the Annual Performance Report.
- (3) Student performance assessments and alternative assessments required by the State Board of Education.
- (4) Class size and caseload requirements for children with disabilities.
- (5) Unfunded fiscal impacts of reporting and compliance measures imposed on local school administrative units.

SECTION 6.(d) Compensation; Administration. – Members of the Commission shall receive subsistence and travel allowances at the rates set forth in G.S. 120-3.1, 138-5, or 138-6, as appropriate. With the prior approval of the Legislative Services Task Force, the Legislative Services Officer shall assign professional and clerical staff to assist in the work of the Commission. With the prior approval of the Legislative Services Commission, the Commission may hold its meetings in the State Legislative Building or the Legislative Office Building. The Commission may also meet at various locations around the State in order to promote greater public participation in its deliberations. The Commission, while in the discharge of its official duties, may exercise all the powers provided under the provisions of G.S. 120-19 and G.S. 120-19.1 through G.S. 120-19.4, including the power to request all officers, agents, agencies, and departments of the State to provide any information, data, or documents within their possession, ascertainable from their records, or otherwise available to them and the power to subpoena witnesses.

SECTION 6.(e) Report. – The Commission shall report its findings and recommendations to the Joint Legislative Education Oversight Committee no later than March 15, 2014. The Commission shall terminate upon the filing of its final report.

PART VII. ELIMINATE PERSONAL EDUCATION PLANS

SECTION 7.(a) G.S. 115C-105.41 is repealed.

SECTION 7.(b) G.S. 115C-83.9(a) reads as rewritten:

"(a) Parents or guardians shall be notified in writing, and in a timely manner, that the student shall be retained, unless he or she is exempt from mandatory retention for good cause, if the student is not demonstrating reading proficiency by the end of third grade. Parents or guardians shall receive this notice when a kindergarten, first, second, or third grade student (i) is demonstrating difficulty with reading development; or (ii) is not reading at grade level; ~~or (iii) has a personal education plan under G.S. 115C-105.41 level.~~"

PART VIII. EFFECTIVE DATE

SECTION 8. This act is effective when it becomes law and applies beginning with the 2013-2014 school year.