

GENERAL ASSEMBLY OF NORTH CAROLINA  
FOURTH EXTRA SESSION 2016

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HOUSE BILL 17  
Committee Substitute Favorable 12/15/16  
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PROPOSED SENATE COMMITTEE SUBSTITUTE H17-PCS40016-TC-1

Short Title: Modify Certain Appts/Employment.

(Public)

Sponsors:

Referred to:

December 14, 2016

A BILL TO BE ENTITLED

AN ACT TO CLARIFY THE SUPERINTENDENT OF PUBLIC INSTRUCTION'S ROLE AS  
THE ADMINISTRATIVE HEAD OF THE DEPARTMENT OF PUBLIC INSTRUCTION,  
TO CHANGE THE APPOINTMENTS PROCESS FOR THE BOARDS OF TRUSTEES FOR  
THE CONSTITUENT INSTITUTIONS OF THE UNIVERSITY OF NORTH CAROLINA,  
TO MODIFY THE APPOINTMENT OF HEADS OF PRINCIPAL STATE  
DEPARTMENTS, AND TO ESTABLISH TASK FORCE FOR SAFER SCHOOLS.

The General Assembly of North Carolina enacts:

**PART I. CLARIFY ROLES/DPI/SBE**

**SECTION 1.** G.S. 115C-11 reads as rewritten:

**"§ 115C-11. Organization and internal procedures of Board.**

...

(a1) Student advisors. – The ~~Governor~~Superintendent of Public Instruction is hereby authorized to appoint two high school students who are enrolled in the public schools of North Carolina as advisors to the State Board of Education. The student advisors shall participate in State Board deliberations in an advisory capacity only. The State Board may, in its discretion, exclude the student advisors from executive sessions.

~~The Governor shall make initial appointments of student advisors to the State Board as follows:~~

- (1) ~~One high school junior shall be appointed for a two-year term beginning September 1, 1986, and expiring June 14, 1988; and~~
- (2) ~~One high school senior shall be appointed for a one year term beginning September 1, 1986, and expiring June 14, 1987. When an initial or subsequent term expires, the Governor~~The Superintendent of Public Instruction shall appoint a stagger the appointments of the two student advisors so that a high school junior for is serving in the first year of a two-year term and a high school senior is serving in the second year of a two-year term simultaneously. The appointment of a high school junior shall be made beginning June 15 of that each year. If a student advisor is no longer enrolled in the public schools of North Carolina or if a vacancy otherwise occurs, the Governor~~Superintendent of Public Instruction shall appoint a student advisor for the remainder of the unexpired term.~~



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1 Student advisors shall receive per diem and necessary travel and subsistence expenses in  
 2 accordance with the provisions of G.S. 138-5.

3 ...  
 4 (a3) ~~Superintendent Advisor.~~ – ~~The Governor~~ Superintendent of Public Instruction shall  
 5 appoint a superintendent of a local school administrative unit as an advisor to the State Board of  
 6 Education. The superintendent advisor shall serve for a term of one year. The superintendent  
 7 advisor shall participate in State Board deliberations and committee meetings in an advisory  
 8 capacity only. The State Board may, in its discretion, exclude the superintendent advisor from  
 9 executive sessions.

10 In the event that a superintendent advisor ceases to be a superintendent in a local school  
 11 administrative unit, the position of superintendent advisor shall be deemed vacant. In the event  
 12 that a vacancy occurs in the position for whatever reason, the ~~Governor~~ Superintendent of Public  
 13 Instruction shall appoint a superintendent advisor for the remainder of the unexpired term. The  
 14 superintendent advisor to the State Board shall receive per diem and necessary travel and  
 15 subsistence expenses in accordance with the provisions of G.S. 138-5.

16 ...  
 17 (i) Administrative Assistance. – The Superintendent of Public Instruction shall provide  
 18 technical assistance and administrative assistance, including all personnel except as otherwise  
 19 provided in subsection (j) of this section, to the State Board of Education through the Department  
 20 of Public Instruction.

21 (j) Certain Personnel Appointed by the State Board. – The State Board may appoint only  
 22 the following personnel positions to support the operations of the State Board of Education  
 23 through the Department of Public Instruction:

	<u>Position number</u>	<u>Title</u>
24	(1) 65023576	<u>Attorney I.</u>
25	(2) 60009384	<u>Attorney II.</u>
26	(3) 65003194	<u>Paralegal II.</u>
27	(4) 60095070	<u>Administrative Assistant I."</u>

28 **SECTION 2.** G.S. 115C-12 reads as rewritten:  
 29

30 **"§ 115C-12. Powers and duties of the Board generally.**

31 The general supervision and administration of the free public school system shall be vested in  
 32 the State Board of Education. The State Board of Education shall establish ~~policy~~ all needed rules  
 33 and regulations for the system of free public schools, subject to laws enacted by the General  
 34 Assembly. In accordance with Sections 7 and 8 of Article III of the North Carolina Constitution,  
 35 the Superintendent of Public Instruction, as an elected officer and Council of State member, shall  
 36 administer all needed rules and regulations adopted by the State Board of Education through the  
 37 Department of Public Instruction. The powers and duties of the State Board of Education are  
 38 defined as follows:

39 "...."

40 **SECTION 3.** G.S. 115C-19 reads as rewritten:

41 **"§ 115C-19. Chief administrative officer of the State Board of Education.**

42 As provided in Article IX, Sec. 4(2) of the North Carolina Constitution, the Superintendent of  
 43 Public Instruction shall be the secretary and chief administrative officer of the State Board of  
 44 Education. ~~As secretary and chief administrative officer of the State Board of Education, the~~  
 45 ~~Superintendent manages on a day to day basis the administration of the free public school system,~~  
 46 ~~subject to the direction, control, and approval of the State Board. Subject to the direction, control,~~  
 47 ~~and approval of the State Board of Education, the Superintendent of Public Instruction~~ As  
 48 provided in Sections 7 and 8 of Article III of the North Carolina Constitution, the Superintendent  
 49 of Public Instruction shall be an elected officer and Council of State member and shall carry out  
 50 the duties prescribed under ~~G.S. 115C-21~~ G.S. 115C-21 as the administrative head of the  
 51 Department of Public Instruction. The Superintendent of Public Instruction shall administer all

1 needed rules and regulations adopted by the State Board of Education through the Department of  
2 Public Instruction."

3 **SECTION 4.** G.S. 115C-21 reads as rewritten:

4 **"§ 115C-21. Powers and duties generally.**

5 (a) ~~Administrative Duties. – Subject to the direction, control, and approval of the State~~  
6 ~~Board of Education, it~~ shall be the duty of the Superintendent of Public Instruction:

7 (1) To organize and establish a Department of Public Instruction which shall  
8 include ~~such~~ divisions and departments ~~as the State Board considers necessary~~  
9 for supervision and administration of the public school ~~system~~system, to  
10 administer the funds appropriated for the operation of the Department of Public  
11 Instruction, in accordance with all needed rules and regulations adopted by the  
12 State Board of Education, and to enter into contracts for the operations of the  
13 Department of Public Instruction. All appointments of administrative and  
14 supervisory personnel to the staff of the Department of Public ~~Instruction are~~  
15 ~~subject to the approval of the State Board of Education, which~~Instruction and  
16 the State Board of Education, except for certain personnel appointed by the  
17 State Board of Education as provided in G.S. 115C-11(j), shall be under the  
18 control and management of the Superintendent of Public Instruction who may  
19 terminate these appointments for cause in conformity with Chapter 126 of the  
20 General Statutes, the North Carolina Human Resources Act.

21 (2) To keep the public informed as to the problems and needs of the public schools  
22 by constant contact with all school administrators and teachers, by personal  
23 appearance at public gatherings, and by information furnished to the press of  
24 the State.

25 (3) To report biennially to the Governor 30 days prior to each regular session of the  
26 General Assembly, such report to include information and statistics of the  
27 public schools, with recommendations for their improvement and for changes in  
28 the school law.

29 (4) To have printed and distributed such educational bulletins as are necessary for  
30 the professional improvement of teachers and for the cultivation of public  
31 sentiment for public education, and to have printed all forms necessary and  
32 proper for the administration of the Department of Public Instruction.

33 (5) To ~~manage~~ have under his or her direction and control, all those matters  
34 relating to the direct supervision and administration of the public school ~~system~~  
35 ~~that the State Board delegates to the Superintendent of Public~~  
36 ~~Instruction.~~system.

37 (6) To create ~~and administer~~ special fund funds within the Department of Public  
38 Instruction to manage funds received as grants from nongovernmental sources  
39 in support of public education. ~~Effective July 1, 1995, this special fund is~~  
40 ~~transferred to the State Board of Education and shall be administered by the~~  
41 ~~State Board~~ education in accordance with G.S. 115C-410.

42 (7) Repealed by Session Laws 1995, c. 72, s. 2.

43 (8) To administer, through the Department of Public Instruction, all needed rules  
44 and regulations established by the State Board of Education.

45 (9) To have under his or her direction and control all matters relating to the  
46 provision of staff services, except certain personnel appointed by the State  
47 Board as provided in G.S. 115C-11(j), and support of the State Board of  
48 Education, including implementation of federal programs on behalf of the State  
49 Board.

1 (b) Duties as Secretary to the State Board of Education. – ~~Subject to the direction, control,~~  
 2 ~~and approval of the State Board of Education,~~ As secretary to the State Board of Education, it shall  
 3 be the duty of the Superintendent of Public Instruction:

4 (1) ~~To administer through the Department of Public Instruction, the instructional~~  
 5 ~~policies established by the Board.~~

6 (1a) Repealed by Session Laws 1995, c. 72, s. 2.

7 (1b) To administer funds appropriated for the operations of the State Board of  
 8 Education and for aid to local school administrative units.

9 (2) To keep the Board informed regarding developments in the field of public  
 10 education.

11 (3) To make recommendations to the Board with regard to the problems and needs  
 12 of education in North Carolina.

13 (4) To make available to the public schools a continuous program of  
 14 comprehensive supervisory services.

15 (5) To collect and organize information regarding the public schools, on the basis  
 16 of which he or she shall furnish the Board such tabulations and reports as may  
 17 be required by the Board.

18 (6) To communicate to the public school administrators all information and  
 19 instructions regarding ~~instructional policies and procedures~~ needed rules and  
 20 regulations adopted by the Board.

21 (7) To have custody of the official seal of the Board and to attest all deeds, leases,  
 22 or written contracts executed in the name of the Board. All deeds of  
 23 conveyance, leases, and contracts affecting real estate, title to which is held by  
 24 the Board, and all contracts of the Board required to be in writing and under  
 25 seal, shall be executed in the name of the Board by the chairman and attested by  
 26 the secretary; and proof of the execution, if required or desired, may be had as  
 27 provided by law for the proof of corporate instruments.

28 (8) To attend all meetings of the Board and to keep the minutes of the proceedings  
 29 of the Board in a well-bound and suitable book, which minutes shall be  
 30 approved by the Board prior to its adjournment; and, as soon thereafter as  
 31 possible, to furnish to each member of the Board a copy of said minutes.

32 (9) To perform such other duties as may be necessary and appropriate for the  
 33 Superintendent of Public Instruction in the role as secretary to the Board ~~may~~  
 34 ~~assign to him from time to time.~~ Board."

35 **SECTION 5.** G.S. 115C-408(a) reads as rewritten:

36 "(a) It is the policy of the State of North Carolina to create a public school system that  
 37 graduates good citizens with the skills demanded in the marketplace, and the skills necessary to  
 38 cope with contemporary society, using State, local and other funds in the most cost-effective  
 39 manner. The Board shall have general supervision and administration of the educational funds  
 40 provided by the State and federal governments, except those mentioned in Section 7 of Article IX  
 41 of the State Constitution, and also excepting such local funds as may be provided by a county,  
 42 city, or district. The Superintendent of Public Instruction shall administer any available  
 43 educational funds through the Department of Public Instruction in accordance with all needed  
 44 rules and regulations adopted by the State Board of Education."

45 **SECTION 6.** G.S. 115C-410 reads as rewritten:

46 "**§ 115C-410. Power to accept gifts and grants.**

47 The Board is authorized to adopt all needed rules and regulations related to the creation and  
 48 administration of special funds within the Department of Public Instruction to manage any funds  
 49 received as grants from nongovernmental sources in support of public education. In accordance  
 50 with the State Board's rules and regulations, the Superintendent of Public Instruction is authorized  
 51 to create and administer such special funds and to accept, receive, use, or reallocate to local school

1 administrative units any gifts, donations, grants, devises, or other forms of voluntary  
2 contributions."

3 **SECTION 7.** G.S. 126-5(d) reads as rewritten:

4 "(d) (1) Exempt Positions in Cabinet Department. – Subject to the provisions of this  
5 Chapter, which is known as the North Carolina Human Resources Act, the  
6 Governor may designate a total of ~~1,500~~300 exempt positions throughout the  
7 following departments and offices:

- 8 a. Department of Administration.
- 9 b. Department of Commerce.
- 10 c. Repealed by Session Laws 2012-83, s. 7, effective June 26, 2012, and  
11 by Session Laws 2012-142, s. 25.2E(a), effective January 1, 2013.
- 12 d. Department of Public Safety.
- 13 e. Department of Natural and Cultural Resources.
- 14 f. Department of Health and Human Services.
- 15 g. Department of Environmental Quality.
- 16 h. Department of Revenue.
- 17 i. Department of Transportation.
- 18 j. Repealed by Session Laws 2012-83, s. 7, effective June 26, 2012, and  
19 by Session Laws 2012-142, s. 25.2E(a), effective January 1, 2013.
- 20 k. Department of Information Technology.
- 21 ~~l. Office of State Budget and Management.~~
- 22 ~~m. Office of State Human Resources.~~
- 23 n. Department of Military and Veterans Affairs.

24 (2) Exempt Positions in Council of State Departments and Offices. – The Secretary  
25 of State, the Auditor, the Treasurer, the Attorney General, the Commissioner of  
26 Agriculture, the Commissioner of Insurance, and the Labor Commissioner may  
27 designate exempt positions. The State Board of Education may designate  
28 exempt positions in the Department of Public Instruction. The number of  
29 exempt policymaking positions in each department headed by an elected  
30 department head listed above in this ~~sub-subdivision~~sub-subdivision, other than  
31 the Department of Public Instruction, shall be limited to ~~20~~25 exempt  
32 policymaking positions or ~~one-two~~ percent (~~1~~)(2%) of the total number of  
33 full-time positions in the department, whichever is greater. The number of  
34 exempt managerial positions shall be limited to ~~20~~25 positions or ~~one-two~~  
35 percent (~~1~~)(2%) of the total number of full-time positions in the department,  
36 whichever is greater. The number of exempt policymaking positions designated  
37 by the State Board of Education shall be limited to 70 exempt policymaking  
38 positions or two percent (2%) of the total number of full-time positions in the  
39 department, whichever is greater. The number of exempt managerial positions  
40 designated by the State Board of Education shall be limited to 70 exempt  
41 managerial positions or two percent (2%) of the total number of full-time  
42 positions in the department, whichever is greater.

43 ...

44 (2c) Changes in Cabinet Department Exempt Position Designation. – If the status of  
45 a position designated exempt pursuant to subsection (d)(1) of this section is  
46 changed and the position is made subject to the provisions of this Chapter, an  
47 employee occupying the position who has been continuously employed in a  
48 permanent position for the immediate 12 preceding months, shall be deemed a  
49 career State employee as defined by G.S. 126-1.1(a) upon the effective date of  
50 the change in designation.

51 ...."

1           **SECTION 8.** G.S. 126-5(d), as amended by Section 7 of this act, reads as rewritten:

2           "(d) (1) Exempt Positions in Cabinet Department. – Subject to the provisions of this  
3 Chapter, which is known as the North Carolina Human Resources Act, the  
4 Governor may designate a total of 300 exempt positions throughout the  
5 following departments and offices:

6           a. Department of Administration.

7           b. Department of Commerce.

8           c. Repealed by Session Laws 2012-83, s. 7, effective June 26, 2012, and  
9 by Session Laws 2012-142, s. 25.2E(a), effective January 1, 2013.

10          d. Department of Public Safety.

11          e. Department of Natural and Cultural Resources.

12          f. Department of Health and Human Services.

13          g. Department of Environmental Quality.

14          h. Department of Revenue.

15          i. Department of Transportation.

16          j. Repealed by Session Laws 2012-83, s. 7, effective June 26, 2012, and  
17 by Session Laws 2012-142, s. 25.2E(a), effective January 1, 2013.

18          k. Department of Information Technology.

19          l. Repealed.

20          m. Repealed.

21          n. Department of Military and Veterans Affairs.

22           (2) Exempt Positions in Council of State Departments and Offices. – The Secretary  
23 of State, the Auditor, the Treasurer, the Attorney General, the Superintendent of  
24 Public Instruction, the Commissioner of Agriculture, the Commissioner of  
25 Insurance, and the Labor Commissioner may designate exempt positions. ~~The~~  
26 ~~State Board of Education may designate exempt positions in the Department of~~  
27 ~~Public Instruction.~~ The number of exempt policymaking positions in each  
28 department headed by an elected department head listed above in this ~~sub-~~  
29 ~~subdivision, other than the Department of Public Instruction,~~ sub-subdivision  
30 shall be limited to 25 exempt policymaking positions or two percent (2%) of the  
31 total number of full-time positions in the department, whichever is greater. The  
32 number of exempt managerial positions shall be limited to 25 positions or two  
33 percent (2%) of the total number of full-time positions in the department,  
34 whichever is greater. The number of exempt policymaking positions designated  
35 by the ~~State Board of Education~~ Superintendent of Public Instruction shall be  
36 limited to 70 exempt policymaking positions or two percent (2%) of the total  
37 number of full-time positions in the department, whichever is greater. The  
38 number of exempt managerial positions designated by the ~~State Board of~~  
39 ~~Education~~ Superintendent of Public Instruction shall be limited to 70 exempt  
40 managerial positions or two percent (2%) of the total number of full-time  
41 positions in the department, whichever is greater.

42           (2a) Designation of Additional Positions. – The ~~Governor,~~ Governor or elected  
43 department head, ~~or State Board of Education head~~ may request that additional  
44 positions be designated as exempt. The request shall be made by sending a list  
45 of exempt positions that exceed the limit imposed by this subsection to the  
46 Speaker of the North Carolina House of Representatives and the President of  
47 the North Carolina Senate. A copy of the list also shall be sent to the Director of  
48 the Office of State Human Resources. The General Assembly may authorize all,  
49 or part of, the additional positions to be designated as exempt positions. If the  
50 General Assembly is in session when the list is submitted and does not act  
51 within 30 days after the list is submitted, the list shall be deemed approved by

- 1 the General Assembly, and the positions shall be designated as exempt  
2 positions. If the General Assembly is not in session when the list is submitted,  
3 the 30-day period shall not begin to run until the next date that the General  
4 Assembly convenes or reconvenes, other than for a special session called for a  
5 specific purpose not involving the approval of the list of additional positions to  
6 be designated as exempt positions; the policymaking positions shall not be  
7 designated as exempt during the interim.
- 8 (2b) Designation of Liaison Positions. – Liaisons to the Collaboration for Prosperity  
9 Zones set out in G.S. 143B-28.1 for the Departments of Commerce,  
10 Environmental Quality, and Transportation are designated as exempt.
- 11 (2c) Changes in Cabinet Department Exempt Position Designation. – If the status of  
12 a position designated exempt pursuant to subsection (d)(1) of this section is  
13 changed and the position is made subject to the provisions of this Chapter, an  
14 employee occupying the position who has been continuously employed in a  
15 permanent position for the immediate 12 preceding months, shall be deemed a  
16 career State employee as defined by G.S. 126-1.1(a) upon the effective date of  
17 the change in designation.
- 18 (3) Letter. – These positions shall be designated in a letter to the Director of the  
19 Office of State Human Resources, the Speaker of the House of Representatives,  
20 and the President of the Senate by July 1 of the year in which the oath of office  
21 is administered to each Governor unless the provisions of subsection (d)(4)  
22 apply.
- 23 (4) Vacancies. – In the event of a vacancy in the Office of Governor or in the office  
24 of a member of the Council of State, the person who succeeds to or is appointed  
25 or elected to fill the unexpired term shall make such designations in a letter to  
26 the Director of the Office of State Human Resources, the Speaker of the House  
27 of Representatives, and the President of the Senate within 180 days after the  
28 oath of office is administered to that person. ~~In the event of a vacancy in the~~  
29 ~~Office of Governor, the State Board of Education shall make these designations~~  
30 ~~in a letter to the Director of the Office of State Human Resources, the Speaker~~  
31 ~~of the House of Representatives, and the President of the Senate within 180~~  
32 ~~days after the oath of office is administered to the Governor.~~
- 33 (5) Creation, Transfer, or Reorganization. – ~~The Governor, Governor or~~ elected  
34 ~~department head, or State Board of Education head~~ may designate as exempt a  
35 position that is created or transferred to a different department, or is located in a  
36 department in which reorganization has occurred, after October 1 of the year in  
37 which the oath of office is administered to the Governor. The designation must  
38 be made in a letter to the Director of the Office of State Human Resources, the  
39 Speaker of the North Carolina House of Representatives, and the President of  
40 the North Carolina Senate within 180 days after such position is created,  
41 transferred, or in which reorganization has occurred.
- 42 (6) Reversal. – Subsequent to the designation of a position as an exempt position as  
43 hereinabove provided, the status of the position may be reversed and made  
44 subject to the provisions of this Chapter by the ~~Governor, Governor or~~ by an  
45 elected department head, ~~or by the State Board of Education head~~ in a letter to  
46 the Director of the Office of State Human Resources, the Speaker of the North  
47 Carolina House of Representatives, and the President of the North Carolina  
48 Senate.
- 49 (7) Hearing Officers. – Except for deputy commissioners appointed pursuant to  
50 G.S. 97-79 and as otherwise specifically provided by this section, no employee,  
51 by whatever title, whose primary duties include the power to conduct hearings,

1 take evidence, and enter a decision based on findings of fact and conclusions of  
2 law based on statutes and legal precedents shall be designated as exempt. This  
3 subdivision shall apply beginning July 1, 1985, and no list submitted after that  
4 date shall designate as exempt any employee described in this subdivision."

5 **SECTION 9.** G.S. 143-745(a)(1) reads as rewritten:

6 "(1) "Agency head" means the Governor, a Council of State member, a cabinet  
7 secretary, the President of The University of North Carolina, the President of  
8 the Community College System, the State Controller, and other independent  
9 appointed officers with authority over a State agency. ~~The agency head for the~~  
10 ~~Department of Public Instruction shall be the State Board of Education."~~

11 **SECTION 10.** G.S. 143A-44.1 reads as rewritten:

12 **"§ 143A-44.1. Creation.**

13 There is hereby created a Department of Public Instruction. The head of the Department of  
14 Public Instruction is the ~~State Board of Education. Any provision of G.S. 143A-9 to the contrary~~  
15 ~~notwithstanding, the appointment of the State Board of Education shall be as prescribed in Article~~  
16 ~~IX, Section (4)(1) of the Constitution.~~ Superintendent of Public Instruction."

17 **SECTION 11.** G.S. 143A-44.2 is repealed.

18 **SECTION 12.** G.S. 143A-44.3 reads as rewritten:

19 **"§ 143A-44.3. Superintendent of Public Instruction; creation; transfer of powers and duties.**

20 The office of the Superintendent of Public Instruction, as provided for by Article III, Section 7  
21 of the Constitution, and the Department of Public Instruction are transferred to the Department of  
22 Public Instruction. The Superintendent of Public Instruction shall be the Secretary and Chief  
23 Administrative Officer of the State Board of Education, and shall have all powers and duties  
24 conferred by this Chapter and the Constitution, delegated to him or her by the Governor and by the  
25 State Board of Education, and conferred by Chapter 115C of the General Statutes, Statutes and the  
26 laws of this State."

27 **SECTION 13.** G.S. 14-234(d6) is repealed.

28 **SECTION 14.** G.S. 115C-75.5(4) reads as rewritten:

29 "(4) ASD Superintendent. – The superintendent of the ASD appointed by the ~~State~~  
30 ~~Board of Education~~ Superintendent of Public Instruction in accordance with  
31 G.S. 115C-75.6(b)."

32 **SECTION 15.** G.S. 115C-75.6 reads as rewritten:

33 **"§ 115C-75.6. Achievement School District.**

34 (a) There is established the Achievement School District (ASD) under the administration  
35 of the ~~State Board of Education~~ Education and the Superintendent of Public Instruction. The ASD  
36 shall assume the supervision, management, and operation of elementary schools that have been  
37 selected as achievement schools pursuant to this Article.

38 (b) ~~An ASD Superintendent Selection Advisory Committee shall be established to make a~~  
39 ~~recommendation to the State Board of Education on appointment of a superintendent to serve as~~  
40 ~~the executive officer of the ASD. The Committee shall ensure that the individual recommended~~  
41 ~~has qualifications consistent with G.S. 115C-271(a). The Lieutenant Governor shall serve as chair~~  
42 ~~of the Committee and shall appoint the following additional members:~~

43 (1) ~~Three members of the State Board of Education.~~

44 (2) ~~One teacher or retired teacher.~~

45 (3) ~~One principal or retired principal.~~

46 (4) ~~One superintendent or retired superintendent.~~

47 (5) ~~One parent of a student currently enrolled in a low performing school, as~~  
48 ~~defined in G.S. 115C-105.37.~~

49 (c) ~~The State Board of Education shall consider the recommendation of the ASD~~  
50 ~~Superintendent Selection Advisory Committee and~~ Superintendent of Public Instruction shall  
51 appoint a superintendent to serve as the executive officer of the ASD. The ASD Superintendent



1 shall serve at the pleasure of the ~~State Board of Education~~ Superintendent of Public Instruction at a  
 2 salary established by the ~~State Board of Education~~ Superintendent of Public Instruction within the  
 3 funds appropriated for this purpose. The ASD Superintendent shall have qualifications consistent  
 4 with G.S. 115C-271(a) and report directly to the ~~State Board of Education~~ Superintendent of  
 5 Public Instruction.

6 (d) By January 15 annually, the State Board of ~~Education~~ Education, Superintendent of  
 7 Public Instruction, and the ASD Superintendent shall report to the Joint Legislative Education  
 8 Oversight Committee on all aspects of operation of ASD, including the selection of achievement  
 9 schools and their progress."

10 **SECTION 16.** G.S. 115C-150.11 reads as rewritten:

11 **"§ 115C-150.11. State Board of Education as governing agency.**

12 The State Board of Education shall be the sole governing agency for the Governor Morehead  
 13 School for the Blind, the Eastern North Carolina School for the Deaf, and the North Carolina  
 14 School for the Deaf. The ~~Department~~ Superintendent of Public Instruction through the Department  
 15 of Public Instruction shall be responsible for the ~~administration~~ administration, including  
 16 appointment of staff, and oversight of a school governed by this Article."

17 **SECTION 17.** G.S. 115C-218 reads as rewritten:

18 **"§ 115C-218. Purpose of charter schools; establishment of North Carolina Charter Schools**  
 19 **Advisory Board and North Carolina Office of Charter Schools.**

20 ...

21 (b) North Carolina Charter Schools Advisory Board. –

22 (1) Advisory Board. – There is created the North Carolina Charter Schools  
 23 Advisory Board, hereinafter referred to in this Article as the Advisory Board.  
 24 The Advisory Board shall be located administratively within the Department of  
 25 Public Instruction and shall report to the State Board of Education.

26 (2) Membership. – The State Superintendent of Public Instruction, or the  
 27 Superintendent's designee, shall be the secretary of the Advisory Board and a  
 28 nonvoting member. ~~The Chair of the State Board of Education shall appoint a~~  
 29 ~~member of the State Board to serve as a nonvoting member of the Advisory~~  
 30 ~~Board.~~ The Advisory Board shall consist of the following 11 voting members:

31 a. ~~Three members appointed by the Governor, including the chair of the~~  
 32 ~~Advisory Board.~~

33 b. ~~Three~~ Four members appointed by the General Assembly upon the  
 34 recommendation of the President Pro Tempore of the Senate, in  
 35 accordance with G.S. 120-121.

36 c. ~~Three~~ Four members appointed by the General Assembly upon the  
 37 recommendation of the Speaker of the House of Representatives, in  
 38 accordance with G.S. 120-121.

39 d. ~~One member~~ Two members appointed by the State Board of Education  
 40 who ~~is~~ are not a ~~current member~~ members of the State Board of  
 41 Education and who ~~is~~ are charter school ~~advocate~~ advocates in North  
 42 Carolina.

43 e. The Lieutenant Governor or the Lieutenant Governor's designee.

44 (3) Covered board. – The Advisory Board shall be treated as a board for purposes  
 45 of Chapter 138A of the General Statutes.

46 (4) Qualifications of members. – Members appointed to the Advisory Board shall  
 47 collectively possess strong experience and expertise in public and nonprofit  
 48 governance, management and finance, assessment, curriculum and instruction,  
 49 public charter schools, and public education law. All appointed members of the  
 50 Advisory Board shall have demonstrated an understanding of and a  
 51 commitment to charter schools as a strategy for strengthening public education.

- 1 (5) Terms of office and vacancy appointments. – Appointed members shall serve  
2 four-year terms of office beginning on July 1. No appointed member shall serve  
3 more than eight consecutive years. Vacancy appointments shall be made by the  
4 appointing authority for the remainder of the term of office.
- 5 (6) Presiding officers and quorum. – The Advisory Board shall annually elect a  
6 chair and a vice-chair from among its membership. The chair shall preside over  
7 the Advisory Board's meetings. In the absence of the chair, the vice-chair shall  
8 preside over the Advisory Board's meetings. A majority of the Advisory Board  
9 constitutes a quorum.
- 10 (7) Presiding officers and quorum. – Meetings. – Meetings of the Advisory Board  
11 shall be held upon the call of the chair or the vice-chair with the approval of the  
12 chair.
- 13 (8) Expenses. – Members of the Advisory Board shall be reimbursed for travel and  
14 subsistence expenses at the rates allowed to State officers and employees by  
15 G.S. 138-6(a).
- 16 (9) Removal. – Any appointed member of the Advisory Board may be removed by  
17 a vote of at least two-thirds of the members of the Advisory Board at any duly  
18 held meeting for any cause that renders the member incapable or unfit to  
19 discharge the duties of the office.
- 20 (10) Powers and duties. – The Advisory Board shall have the following duties:
- 21 a. To make recommendations to the State Board of Education on the  
22 adoption of rules regarding all aspects of charter school operation,  
23 including time lines, standards, and criteria for acceptance and approval  
24 of applications, monitoring of charter schools, and grounds for  
25 revocation of charters.
- 26 b. To review applications and make recommendations to the State Board  
27 for final approval of charter applications.
- 28 c. To make recommendations to the State Board on actions regarding a  
29 charter school, including renewals of charters, nonrenewals of charters,  
30 and revocations of charters.
- 31 d. To undertake any other duties and responsibilities as assigned by the  
32 State Board.
- 33 (11) Duties of the chair of the Advisory Board. – In addition to any other duties  
34 prescribed in this Article, the chair of the Advisory Board, or the chair's  
35 designee, shall advocate for the recommendations of the Advisory Board at  
36 meetings of the State Board upon the request of the State Board.
- 37 (c) North Carolina Office of Charter Schools. –
- 38 (1) Establishment of the North Carolina Office of Charter Schools. – There is  
39 established the North Carolina Office of Charter Schools, hereinafter referred to  
40 in this Article as the Office of Charter Schools. The Office of Charter Schools  
41 shall be administratively located in the Department of Public ~~Instruction,~~  
42 ~~subject to the supervision, direction, and control of the State Board of~~  
43 ~~Education.~~Instruction. The Office of Charter Schools shall consist of an  
44 executive director appointed by the ~~State Board of Education~~Superintendent of  
45 Public Instruction and such other professional, administrative, technical, and  
46 clerical personnel as may be necessary to assist the Office of Charter Schools in  
47 carrying out its powers and duties.
- 48 (2) Executive Director. – The Executive Director shall report to and serve at the  
49 pleasure of the ~~State Board of Education~~Superintendent of Public Instruction at  
50 a salary established by the ~~State Board~~Superintendent within the funds  
51 appropriated for this purpose. The duties of the Executive Director shall include

1 presenting the recommendations of the Advisory Board at meetings of the State  
2 Board upon the request of the State Board.

3 (3) Powers and duties. – The Office of Charter Schools shall have the following  
4 powers and duties:

5 a. Serve as staff to the Advisory Board and fulfill any task and duties  
6 assigned to it by the Advisory Board.

7 b. Provide technical assistance and guidance to charter schools operating  
8 within the State.

9 c. Provide technical assistance and guidance to nonprofit corporations  
10 seeking to operate charter schools within the State.

11 d. Provide or arrange for training for charter schools that have received  
12 preliminary approval from the State Board.

13 e. Assist approved charter schools and charter schools seeking approval  
14 from the State Board in coordinating services with the Department of  
15 Public Instruction.

16 f. Other duties as assigned by the ~~State Board~~ Superintendent of Public  
17 Instruction.

18 (4) Agency cooperation. – All State agencies and departments shall cooperate with  
19 the Office of Charter Schools in carrying out its powers and duties as necessary  
20 in accordance with this Article."

21 **SECTION 18.** G.S. 115C-218.20(b) reads as rewritten:

22 "(b) No civil liability shall attach to the State Board of Education, the Superintendent of  
23 Public Instruction, or to any of their members or employees, individually or collectively, for any  
24 acts or omissions of the charter school."

25 **SECTION 19.** G.S. 115C-238.73(g) reads as rewritten:

26 "(g) There shall be no liability for negligence on the part of the board of directors, or its  
27 employees, or the State Board of Education, the Superintendent of Public Instruction, or ~~its~~ any of  
28 their members or employees, individually or collectively, arising from any act taken or omission  
29 by any of them in carrying out the provisions of this section. The immunity established by this  
30 subsection shall not extend to gross negligence, wanton conduct, or intentional wrongdoing that  
31 would otherwise be actionable. The immunity established by this subsection shall be deemed to  
32 have been waived to the extent of indemnification by insurance, indemnification under Articles  
33 31A and 31B of Chapter 143 of the General Statutes, and to the extent sovereign immunity is  
34 waived under the Tort Claims Act, as set forth in Article 31 of Chapter 143 of the General  
35 Statutes."

36 **SECTION 20.** G.S. 115C-332(g) reads as rewritten:

37 "(g) There shall be no liability for negligence on the part of a local board of education, or its  
38 employees, or the State Board of Education, the Superintendent of Public Instruction, or ~~its~~ any of  
39 their members or employees, individually or collectively, arising from any act taken or omission  
40 by any of them in carrying out the provisions of this section. The immunity established by this  
41 subsection shall not extend to gross negligence, wanton conduct, or intentional wrongdoing that  
42 would otherwise be actionable. The immunity established by this subsection shall be deemed to  
43 have been waived to the extent of indemnification by insurance, indemnification under Articles  
44 31A and 31B of Chapter 143 of the General Statutes, and to the extent sovereign immunity is  
45 waived under the Tort Claims Act, as set forth in Chapter 31 of Chapter 143 of the General  
46 Statutes."

47 **SECTION 21.** G.S. 115C-333(e) reads as rewritten:

48 "(e) Civil Immunity. – There shall be no liability for negligence on the part of the State  
49 Board of ~~Education~~ Education, the Superintendent of Public Instruction, or a local board of  
50 education, or their members or employees, individually or collectively, arising from any action  
51 taken or omission by any of them in carrying out the provisions of this section. The immunity

1 established by this subsection shall not extend to gross negligence, wanton conduct, or intentional  
2 wrongdoing that would otherwise be actionable. The immunity established by this subsection shall  
3 be deemed to have been waived to the extent of indemnification by insurance, indemnification  
4 under Articles 31A and 31B of Chapter 143 of the General Statutes, and to the extent sovereign  
5 immunity is waived under the Tort Claims Act, as set forth in Article 31 of Chapter 143 of the  
6 General Statutes."

7 **SECTION 22.** G.S. 115C-333.1(g) reads as rewritten:

8 "(g) Civil Immunity. – There shall be no liability for negligence on the part of the State  
9 Board of ~~Education~~Education, the Superintendent of Public Instruction, or a local board of  
10 education, or their members or employees, individually or collectively, arising from any action  
11 taken or omission by any of them in carrying out the provisions of this section. The immunity  
12 established by this subsection shall not extend to gross negligence, wanton conduct, or intentional  
13 wrongdoing that would otherwise be actionable. The immunity established by this subsection shall  
14 be deemed to have been waived to the extent of indemnification by insurance, indemnification  
15 under Articles 31A and 31B of Chapter 143 of the General Statutes, and to the extent sovereign  
16 immunity is waived under the Tort Claims Act, as set forth in Article 31 of Chapter 143 of the  
17 General Statutes."

18 **SECTION 23.** G.S. 115C-390.3(c) reads as rewritten:

19 "(c) Notwithstanding any other law, no ~~officer~~officer, member, or employee of the State  
20 Board of ~~Education~~Education, the Superintendent of Public Instruction, or of a local board of  
21 ~~education~~education, individually or collectively, shall be civilly liable for using reasonable force  
22 in conformity with State law, State or local rules, or State or local policies regarding the control,  
23 discipline, suspension, and expulsion of students. Furthermore, the burden of proof is on the  
24 claimant to show that the amount of force used was not reasonable."

25 **SECTION 24.** G.S. 115C-521 reads as rewritten:

26 "**§ 115C-521. Erection of school buildings.**

27 ...

28 (b) It shall be the duty of the local boards of education ~~of the several local school~~  
29 ~~administrative school units of the State~~ to make provisions for the public school term by providing  
30 adequate school buildings equipped with suitable school furniture and apparatus. The needs and  
31 the cost of those buildings, equipment, and apparatus, shall be presented each year when the  
32 school budget is submitted to the respective tax-levying authorities. The boards of commissioners  
33 shall be given a reasonable time to provide the funds which they, upon investigation, shall find to  
34 be necessary for providing their respective units with buildings suitably equipped, and it shall be  
35 the duty of the several boards of county commissioners to provide funds for the same.

36 Upon determination by a local board of education that the existing permanent school building  
37 does not have sufficient classrooms to house the pupil enrollment anticipated for the school, the  
38 local board of education may acquire and use as temporary classrooms for the operation of the  
39 school, relocatable or mobile classroom units, whether built on the lot or not, which units and  
40 method of use shall meet the approval of the School Planning Division of the ~~State Board of~~  
41 ~~Education~~, Department of Public Instruction, and which units shall comply with all applicable  
42 requirements of the North Carolina State Building Code and of the local building and electrical  
43 codes applicable to the area in which the school is located. These units shall also be anchored in a  
44 manner required to assure their structural safety in severe weather. The acquisition and installation  
45 of these units shall be subject in all respects to the provisions of Chapter 143 of the General  
46 Statutes. The provisions of Chapter 87, Article 1, of the General Statutes, shall not apply to  
47 persons, firms or corporations engaged in the sale or furnishing to local boards of education and  
48 the delivery and installation upon school sites of classroom trailers as a single building unit or of  
49 relocatable or mobile classrooms delivered in less than four units or sections.

50 ...

1 (f) A local board of education may use prototype designs from the clearinghouse  
2 established under subsection (e) of this section that is a previously approved and constructed  
3 project by the School Planning Division of the ~~State Board of Education~~, Department of Public  
4 Instruction and other appropriate review agencies. The local board of education may contract with  
5 the architect of record to make changes and upgrades as necessary for regulatory approval.

6 ...."

7 **SECTION 25.** G.S. 115C-535 reads as rewritten:

8 "**§ 115C-535. Authority and rules for organization of system.**

9 The ~~State Board of Education~~ Superintendent of Public Instruction is hereby authorized,  
10 directed and empowered to establish a division to manage and operate a system of insurance for  
11 public school ~~property~~ property in accordance with all needed rules and regulations adopted by the  
12 State Board of Education. The Board shall adopt such rules and regulations as, in its discretion,  
13 may be necessary to provide all details inherent in the insurance of public school property. The  
14 ~~Board~~ Superintendent of Public Instruction shall employ a director, safety inspectors, engineers  
15 and other personnel with suitable training and experience, which in ~~its~~ his or her opinion is  
16 necessary to insure and protect effectively public school property, and ~~it~~ he or she shall fix their  
17 compensation consistent with the approval policies of the ~~Personnel~~ State Human Resources  
18 Commission."

19 **SECTION 26.** G.S. 116-239.12(g) reads as rewritten:

20 "(g) There shall be no liability for negligence on the part of the board of trustees, or its  
21 employees, or the State Board of ~~Education~~, Education, the Superintendent of Public Instruction, or  
22 ~~its~~ their members or employees, individually or collectively, arising from any act taken or omission  
23 by any of them in carrying out the provisions of this section. The immunity established by this  
24 subsection shall not extend to gross negligence, wanton conduct, or intentional wrongdoing that  
25 would otherwise be actionable. The immunity established by this subsection shall be deemed to  
26 have been waived to the extent of indemnification by insurance, indemnification under Articles  
27 31A and 31B of Chapter 143 of the General Statutes, and to the extent sovereign immunity is  
28 waived under the Tort Claims Act, as set forth in Article 31 of Chapter 143 of the General  
29 Statutes."

30 **SECTION 27.** G.S. 143B-146.16(g) reads as rewritten:

31 "(g) There shall be no liability for negligence on the part of the Secretary, the Department  
32 of Health and Human Services or its employees, a residential school or its employees, or the State  
33 Board of ~~Education~~ Education, Superintendent of Public Instruction, or ~~its~~ their members or  
34 employees, individually or collectively, arising from any act taken or omission by any of them in  
35 carrying out the provisions of this section. The immunity established by this subsection shall not  
36 extend to gross negligence, wanton conduct, or intentional wrongdoing that would otherwise be  
37 actionable. The immunity established by this subsection shall be deemed to have been waived to  
38 the extent of indemnification by insurance, indemnification under Articles 31A and 31B of  
39 Chapter 143 of the General Statutes, and to the extent sovereign immunity is waived under the  
40 Tort Claims Act, as set forth in Article 31 of Chapter 143 of the General Statutes."

41 **SECTION 28.** Section 8.37 of S.L. 2015-241, as amended by Section 8.30 of S.L.  
42 2016-94, reads as rewritten:

43 **"BUDGET REDUCTIONS/DEPARTMENT OF PUBLIC INSTRUCTION**

44 **"SECTION 8.37.(a)** Notwithstanding G.S. 143C-6-4, the ~~State Board of Education~~  
45 Department of Public Instruction may, after consultation with the Office of State Budget and  
46 Management and the Fiscal Research Division, reorganize the Department of Public Instruction, if  
47 necessary, to implement the budget reductions for the 2015-2017 fiscal biennium. Consultation  
48 shall occur prior to requesting budgetary and personnel changes through the budget revision  
49 process. The ~~State Board~~ Department of Public Instruction shall provide a current organization  
50 chart for the Department of Public Instruction in the consultation process and shall report to the  
51 Joint Legislative Commission on Governmental Operations on any reorganization.

1       **"SECTION 8.37.(b)** In implementing budget reductions for the 2015-2017 fiscal biennium,  
2 the ~~State Board of Education~~Department of Public Instruction shall make no reduction to funding  
3 or positions for (i) the North Carolina Center for Advancement of Teaching and (ii) the Eastern  
4 North Carolina School for the Deaf, the North Carolina School for the Deaf, and the Governor  
5 Morehead School, except that the ~~State Board~~Superintendent of Public Instruction may, in its  
6 discretion, reduce positions at these institutions that have been vacant for more than 16 months.  
7 The ~~State Board~~Department of Public Instruction shall also make no reduction in funding to any of  
8 the following entities:

- 9           (1) Communities in Schools of North Carolina, Inc.
- 10          (2) Teach For America, Inc.
- 11          (3) Beginnings for Parents of Children who are Deaf or Hard of Hearing, Inc.

12       **"SECTION 8.37.(c)** In implementing budget reductions for the 2016-2017 fiscal year, the  
13 Department of Public Instruction shall do all of the following:

- 14          (1) In addition to the prohibition on a reduction to funding and positions for the  
15 items listed in subsection (b) of this section, the Department shall make no  
16 transfers from or reduction to funding or positions for the following:
  - 17           a. The Excellent Public Schools Act, Read to Achieve Program, initially  
18 established under Section 7A.1 of S.L. 2012-142.
  - 19           b. The North Carolina School Connectivity Program.
- 20          (2) The Department shall transfer the sum of fifty thousand dollars (\$50,000) to the  
21 Office of Administrative Hearings to be allocated to the Rules Review  
22 Commission, created by G.S. 143B-30.1, to pay for any litigation costs incurred  
23 in the defense of *North Carolina State Board of Education v. The State of North*  
24 *Carolina and The Rules Review Commission*, Wake County Superior Court,  
25 File No. 14 CVS 14791 (filed November 7, 2014). These funds shall not revert  
26 at the end of the 2016-2017 fiscal year but shall remain available during the  
27 2017-2018 fiscal year for expenditure in accordance with the provisions of this  
28 subdivision."

29       **SECTION 29.** By May 15, 2017, the State Board of Education shall revise, as  
30 necessary, any of its rules and regulations to comply with the provisions of this Part.

31       **SECTION 30.** The Department of Public Instruction shall review all State laws and  
32 rules and regulations governing the public school system to ensure compliance with the intent of  
33 this Part to restore authority to the Superintendent of Public Instruction as the administrative head  
34 of the Department of Public Instruction and the Superintendent's role in the direct supervision of  
35 the public school system. By April 15, 2017, the Department of Public Instruction shall report to  
36 the 2017 General Assembly on the results of its review, including any recommended legislation.

37       **SECTION 31.** Notwithstanding G.S. 115C-11, as amended by this act, the current  
38 student advisor and the local superintendent advisor members serving on the State Board of  
39 Education as of the effective date of this Part shall serve the remainder of their terms. Thereafter,  
40 as terms expire, or when a vacancy occurs prior to the expiration of a term, the student advisor and  
41 local superintendent advisor members on the State Board shall be appointed by the Superintendent  
42 of Public Instruction in accordance with G.S. 115C-11, as amended by this act.

43       **SECTION 32.** Notwithstanding G.S. 115C-218, as amended by this act, the current  
44 members serving on the North Carolina Charter Schools Advisory Board as of the effective date of  
45 this Part shall serve the remainder of their terms. Thereafter, as terms expire, or when a vacancy  
46 occurs prior to the expiration of a term, the members on the North Carolina Charter Schools  
47 Advisory Board shall be appointed in accordance with G.S. 115C-218, as amended by this act. If a  
48 vacancy occurs in a seat appointed by the Governor, the State Board of Education shall fill that  
49 vacancy for the remainder of that term. Upon expiration of that term, the member shall be  
50 appointed in accordance with G.S. 115C-218.

1           **SECTION 33.** Sections 1 through 6 and Sections 8 through 32 of this Part become  
2 effective January 1, 2017. The remainder of this Part is effective when it becomes law.

3  
4 **PART II. MODIFY APPOINTMENT OF UNC BOARDS OF TRUSTEES**

5           **SECTION 35.** G.S. 116-31 reads as rewritten:

6 **"§ 116-31. Membership of the boards of trustees.**

7           (a) ~~All persons who, as of June 30, 1972, are serving as trustees of the regional universities~~  
8 ~~and of the North Carolina School of the Arts, redesignated effective August 1, 2008, as the~~  
9 ~~"University of North Carolina School of the Arts," except those who may have been elected to the~~  
10 ~~Board of Governors, shall continue to serve for one year beginning July 1, 1972, and the terms of~~  
11 ~~all such trustees shall continue for the period of one year.~~

12           (b) Effective July 1, 1972, a separate board of trustees shall be created for each of the  
13 following institutions: North Carolina State University at Raleigh, the University of North  
14 Carolina at Asheville, the University of North Carolina at Chapel Hill, the University of North  
15 Carolina at Charlotte, the University of North Carolina at Greensboro, and the University of North  
16 Carolina at Wilmington. ~~For the period commencing July 1, 1972, and ending June 30, 1973, each~~  
17 ~~such board shall be constituted as follows:~~

18           (1) ~~Twelve or more persons elected prior to July 1, 1972, by and from the~~  
19 ~~membership of the Board of Trustees of the University of North Carolina, and~~

20           (2) ~~The president of the student government of the institution, ex officio.~~

21           (c) ~~If any vacancy should occur in any board of trustees during the year beginning July 1,~~  
22 ~~1972, the Governor may appoint a person to serve for the balance of the year.~~

23           (d) Except as provided in G.S. 116-65, ~~effective July 1, 1973,~~ each of the 16 institutions of  
24 higher education set out in G.S. 116-2(4) shall have board of trustees composed of 13 persons  
25 chosen as follows:

26           (1) ~~Eight elected by the Board of Governors,~~Governors.

27           (2) ~~Four appointed by the Governor, and~~

28           (2a) Four members appointed by the General Assembly under G.S. 120-121, two of  
29 whom shall be appointed upon the recommendation of the President Pro  
30 Tempore of the Senate and two of whom shall be appointed upon the  
31 recommendation of the Speaker of the House of Representatives.

32           (3) The president of the student government ex officio.

33 The Board of Trustees of the North Carolina School of Science and Mathematics shall be  
34 established in accordance with G.S. 116-233.

35           (e) ~~From and after July 1, 1973, the~~The term of office of all trustees, except the ex officio  
36 member, shall be four years, commencing on July 1 of odd-numbered years. In every  
37 odd-numbered year the Board of Governors shall elect four persons to each board of trustees and  
38 ~~the Governor~~General Assembly shall appoint ~~two persons~~one person upon the recommendation  
39 of the President Pro Tempore of the Senate and one person upon the recommendation of the  
40 Speaker of the House of Representatives to each such board.

41           (g) ~~From and after July 1, 1973, any~~Any person who has served two full four-year terms in  
42 succession as a member of a board of trustees shall, for a period of one year, be ineligible for  
43 election or appointment to the same board but may be elected or appointed to the board of another  
44 institution.

45           (h) No member of the General Assembly or officer or employee of the State, The  
46 University of North Carolina, or any constituent institution shall be eligible for election or  
47 appointment as a trustee. No spouse of a member of the General Assembly, or of an officer or  
48 employee of a constituent institution may be a trustee of that constituent institution. Any trustee  
49 who is elected or appointed to the General Assembly or who becomes an officer or employee of  
50 the State, The University of North Carolina, or any constituent institution or whose spouse is  
51 elected or appointed to the General Assembly or becomes an officer or employee of that

1 constituent institution shall be deemed thereupon to resign from his or her membership on the  
2 board of trustees.

3 (i) No person may serve simultaneously as a member of a board of trustees and as a  
4 member of the Board of Governors. Any trustee who is elected or appointed to the Board of  
5 Governors shall be deemed to resign as a trustee effective as of the date that his or her term  
6 commences as a member of the Board of Governors.

7 (j) ~~From and after July 1, 1973, whenever~~Whenever any vacancy shall occur in the  
8 membership of a board of trustees among those appointed by the ~~Governor~~General Assembly, it  
9 shall be the duty of the secretary of the board to inform the ~~Governor~~General Assembly of the  
10 existence of such vacancy, and the ~~Governor shall appoint a person to fill the unexpired term,~~  
11 vacancy shall be filled as provided in G.S. 120-122, and whenever any vacancy shall occur among  
12 those elected by the Board of Governors, it shall be the duty of the secretary of the board to inform  
13 the Board of Governors of the existence of the vacancy, and the Board of Governors shall elect a  
14 person to fill the unexpired term. Whenever a member shall fail, for any reason other than ill  
15 health or service in the interest of the State or nation, to be present for three successive regular  
16 meetings of a board of trustees, his or her place as a member shall be deemed vacant."

17 **SECTION 36.** G.S. 116-233 reads as rewritten:

18 "**§ 116-233. Board of Trustees; appointment; terms of office.**

19 (a) Notwithstanding the provisions of G.S. 116-31(d), there shall be a Board of Trustees of  
20 the School, which shall consist of up to 30 members as follows:

- 21 (1) Thirteen members who shall be appointed by the Board of Governors of The  
22 University of North Carolina, one from each congressional district.
- 23 (2) Four members without regard to residency who shall be appointed by the Board  
24 of Governors of The University of North Carolina.
- 25 (3) Three members, ex officio, who shall be the chief academic officers,  
26 respectively, of constituent institutions. The Board of Governors shall in 1985  
27 and quadrennially thereafter designate the three constituent institutions whose  
28 chief academic officers shall so serve, such designations to expire on June 30,  
29 1989, and quadrennially thereafter.
- 30 (4) The chief academic officer of a college or university in North Carolina other  
31 than a constituent institution, ex officio. The Board of Governors shall  
32 designate in 1985 and quadrennially thereafter which college or university  
33 whose chief academic officer shall so serve, such designation to expire on June  
34 30, 1989, and quadrennially thereafter.
- 35 (5) ~~Two~~Three members appointed by the General Assembly upon the  
36 recommendation of the President Pro Tempore of the Senate in accordance with  
37 G.S. 120-121.
- 38 (6) ~~Two~~Three members appointed by the General Assembly upon the  
39 recommendation of the Speaker of the House of Representatives in accordance  
40 with G.S. 120-121.
- 41 (7) ~~Two members appointed by the Governor.~~
- 42 (8) The president of the student government, ex officio, who shall be a nonvoting  
43 member.
- 44 (9) Up to two additional nonvoting members selected at the discretion of the  
45 chancellor and the Board of Trustees, with terms expiring June 30 of each year.

46 (b) Appointed members of the Board of Trustees shall be selected for their interest in and  
47 commitment to public education and to the purposes of the School, and they shall be charged with  
48 the responsibility of serving the interests of the whole State. In appointing members, the objective  
49 shall be to obtain the services of the best qualified persons, taking into consideration the  
50 desirability of diversity of membership, including men and women, representatives of different  
51 races, and members of different political parties.



1 (c) No member of the General Assembly or officer or employee of the State, the School,  
2 The University of North Carolina, or of any constituent institution of The University of North  
3 Carolina, shall be eligible to be appointed to the Board of Trustees except as specified under  
4 subdivision (3) of subsection (a) of this section. No spouse of a member of the General Assembly,  
5 or of an officer or employee of the school may be a member of the Board of Trustees. Any  
6 appointed trustee who is elected or appointed to the General Assembly or who becomes an officer  
7 or employee of the State, except as specified under subdivision (3) of subsection (a) of this  
8 section, or whose spouse is elected or appointed to the General Assembly or becomes such an  
9 officer or employee of the School, shall be deemed thereupon to resign from his or her  
10 membership on the Board of Trustees. This subsection does not apply to ex officio members.

11 (d) Members appointed under subdivisions (1) or (2) of subsection (a) of this section shall  
12 serve staggered four-year terms expiring June 30 of odd numbered years.

13 (d1) Only an ex officio member shall be eligible to serve more than two successive terms.

14 (d2) Any vacancy in the membership of the Board of Trustees appointed under  
15 G.S. 116-233(a)(1) or (2) shall be reported promptly by the Secretary of the Board of Trustees to  
16 the Board of Governors of The University of North Carolina, which shall fill any such vacancy by  
17 appointment of a replacement member to serve for the balance of the unexpired term. Any  
18 vacancy in members appointed under G.S. 116-233(a)(5) or (6) shall be filled in accordance with  
19 G.S. 120-122. ~~Any vacancy in members appointed under G.S. 116-233(a)(7) shall be filled by the~~  
20 ~~Governor for the remainder of the unexpired term.~~ Reapportionment of congressional districts  
21 does not affect the right of any member to complete the term for which the member was  
22 appointed.

23 (e) ~~Of the initial members appointed under G.S. 116-233(a)(5), G.S. 116-233(a)(5) in~~  
24 1985, one member shall serve a term to expire June 30, 1987, and one member shall serve a term  
25 to expire June 30, 1989. Subsequent appointments shall be for four-year terms. The initial  
26 members appointed under G.S. 116-233(a)(6), G.S. 116-233(a)(6) in 1985 shall be appointed for  
27 terms to expire June 30, 1987. Subsequent appointments shall be for two-year terms. The initial  
28 members appointed under G.S. 116-233(a)(7) shall be appointed for terms to expire January 15,  
29 1989. Successors shall be appointed for four-year terms until January 15, 2017, at which  
30 point subsequent appointments shall be for four-year terms.

31 (e1) The initial members appointed under G.S. 116-233(a)(5) and (6) in 2017, and  
32 successors of those members, shall serve four-year terms.

33 (f) Whenever an appointed member of the Board of Trustees shall fail, for any reason  
34 other than ill health or service in the interest of the State or nation, to be present at three successive  
35 regular meetings of the Board, his or her place as a member of the Board shall be deemed vacant."

36 **SECTION 37.** This Part is effective when it becomes law and applies to (i) vacancy  
37 appointments made on or after that date and (ii) appointments to fill terms expiring January 15,  
38 2017, and thereafter. A vacancy by any board member appointed by the Governor to any board  
39 affected by this Part shall be filled by joint recommendation of the Speaker of the House of  
40 Representatives and the President Pro Tempore of the Senate, as provided in G.S. 120-121. The  
41 terms of members holding office as of the effective date of this Part shall not be affected.

### 42 43 **PART III. SENATE CONFIRMATION OF CABINET APPOINTEES**

44 **SECTION 38.** G.S. 143B-9 reads as rewritten:

45 **"§ 143B-9. Appointment of officers and employees.**

46 (a) The head of each principal State department, except those departments headed by  
47 popularly elected officers, shall be appointed by the Governor and serve at ~~his~~ the Governor's  
48 pleasure. The salary of the head of each of the principal State departments shall be set by the  
49 Governor, and the salary of elected officials shall be as provided by law.

50 For each head of each principal State department covered by this subsection, the Governor  
51 shall notify the President of the Senate of the name of each person to be appointed, and the

1 appointment shall be subject to senatorial advice and consent in conformance with Section 5(8) of  
2 Article III of the North Carolina Constitution unless (i) the senatorial advice and consent is  
3 expressly waived by an enactment of the General Assembly or (ii) a vacancy occurs when the  
4 General Assembly is not in regular session. Any person appointed to fill a vacancy when the  
5 General Assembly is not in regular session may serve without senatorial advice and consent for no  
6 longer than the earlier of the following:

7 (1) The date on which the Senate adopts a simple resolution that specifically  
8 disapproves the person appointed.

9 (2) The date on which the General Assembly shall adjourn pursuant to a joint  
10 resolution for a period longer than 30 days without the Senate adopting a simple  
11 resolution specifically approving the person appointed.

12 (b) The head of a principal State department shall appoint a chief deputy or chief assistant,  
13 and such chief deputy or chief assistant shall not be subject to the North Carolina Human  
14 Resources Act. The salary of such chief deputy or chief assistant shall be set by the Governor.  
15 Unless otherwise provided for in the Executive Organization Act of 1973, and subject to the  
16 provisions of the ~~Personnel~~ Human Resources Act, the head of each principal State department  
17 shall designate the administrative head of each transferred agency and all employees of each  
18 division, section, or other unit of the principal State department."

19 **SECTION 39.** This Part is effective when it becomes law.

#### 20 21 **PART IV. ESTABLISH TASK FORCE FOR SAFER SCHOOLS; TRANSFER CENTER** 22 **FOR SAFER SCHOOLS**

23 **SECTION 41.1.(a)** Effective December 15, 2016, the Center for Safer Schools is  
24 hereby moved to the Department of Public Instruction, Division of Safe and Healthy Schools  
25 Support. This transfer shall have all of the elements of a Type I transfer, as defined in  
26 G.S. 143A-6.

27 **SECTION 41.1.(b)** Article 8C of Chapter 115C of the General Statutes is amended by  
28 adding two new sections to read:

#### 29 **"§ 115C-105.55. Establish Task Force for Safer Schools.**

30 (a) Task Force Established. – There is hereby created the Task Force for Safer Schools  
31 within the North Carolina Department of Public Instruction.

32 (b) Membership. – The Task Force shall consist of 25 members. The composition of the  
33 Task Force shall include all of the following:

34 (1) The Secretary of the Department of Public Safety or the Secretary's designee.

35 (2) The Secretary of the Department of Health and Human Services or the  
36 Secretary's designee.

37 (3) A member of the State Board of Education appointed by the Governor.

38 (4) Two local school board members appointed by the Chair of the State Board of  
39 Education.

40 (5) A representative from the North Carolina Department of Public Safety,  
41 Division of Emergency Management, appointed by the Secretary of the  
42 Department of Public Safety.

43 (6) A representative from the North Carolina Justice Academy appointed by the  
44 Attorney General.

45 (7) A member of the Governor's Crime Commission appointed by the Governor.

46 (8) Two local law enforcement officers appointed by the Governor.

47 (9) Two public school administrators appointed by the Chair of the State Board of  
48 Education.

49 (10) A public school teacher appointed by the Chair of the State Board of Education.

50 (11) A public school psychologist appointed by the Governor.

51 (12) A public school resource officer appointed by the Governor.

- 1           (13) Two high school students currently enrolled at public high schools appointed by  
2           the Governor.
- 3           (14) A parent of a currently enrolled public school student appointed by the  
4           Governor.
- 5           (15) A juvenile justice professional appointed by the Governor.
- 6           (16) A North Carolina licensed social worker appointed by the Governor.
- 7           (17) A North Carolina licensed school counselor appointed by the Governor.
- 8           (18) An expert in gang intervention and prevention in schools appointed by the  
9           Governor.
- 10          (19) Three at-large members appointed by the Governor.
- 11          (c) Appointment of Chair and Vice-Chair. – The Governor shall appoint a Chair and  
12 Vice-Chair from among the membership of the Task Force. The Chair and Vice-Chair shall serve  
13 at the pleasure of the Governor.
- 14          (d) Terms; Vacancies. – Effective December 1, 2016, all members shall be appointed for a  
15 term of four years. Members may be reappointed to successive terms. Any appointment to fill a  
16 vacancy on the Task Force created by the resignation, dismissal, death, disability, or  
17 disqualification of a member shall be for the balance of the unexpired term.
- 18          (e) Removal. – The Governor shall have the authority to remove any member of the Task  
19 Force for misfeasance, malfeasance, or nonfeasance, pursuant to the provisions of G.S. 143B-13.
- 20          (f) Per Diem, Etc. – Members of the Task Force may receive necessary per diem,  
21 subsistence, and travel allowances in accordance with G.S. 120-3.1, 138-5, or 138-6, as  
22 appropriate.
- 23 **"§ 115C-105.56. Task Force for Safer Schools; powers and duties.**
- 24          The Task Force shall have all of the following duties:
- 25               (1) To serve as an advisory board to the Center for Safer Schools.
- 26               (2) To provide guidance and recommendations to the Governor, Superintendent of  
27 Public Instruction, and the General Assembly to improve statewide policy to  
28 enhance statewide and local capacities to create safer schools.
- 29               (3) To encourage interagency collaboration among State and local government  
30 agencies to achieve effective policies and streamline efforts to create safer  
31 schools.
- 32               (4) To Assist the Center for Safer Schools in collecting and disseminating  
33 information on recommended best practices and community needs related to  
34 creating safer schools in North Carolina.
- 35               (5) Other duties as assigned by the State Board of Education."

## 37 **PART V. SEVERABILITY CLAUSE AND EFFECTIVE DATE**

38           **SECTION 42.** If any provision of this act or its application is held invalid, the  
39 invalidity does not affect other provisions or applications of this act that can be given effect  
40 without the invalid provisions or application, and to this end, the provisions of this act are  
41 severable.

42           **SECTION 43.** Except as otherwise provided, this act is effective when it becomes  
43 law.