

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

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HOUSE BILL 17
PROPOSED COMMITTEE SUBSTITUTE H17-PCS10040-TCy-3

Short Title: Elect the SBE/SPI as SBE Chair.

(Public)

Sponsors:

Referred to:

January 26, 2023

1 A BILL TO BE ENTITLED
2 AN ACT TO AMEND THE CONSTITUTION OF NORTH CAROLINA TO ELECT
3 MEMBERS OF THE STATE BOARD OF EDUCATION, TO MAKE THE
4 SUPERINTENDENT OF PUBLIC INSTRUCTION THE CHAIR OF THE STATE BOARD
5 OF EDUCATION AS AN EX OFFICIO MEMBER, AND TO REQUIRE THAT
6 VACANCY APPOINTMENTS BE FILLED AS PROVIDED BY LAW.

7 The General Assembly of North Carolina enacts:

8 **SECTION 1.** Section 4 of Article IX of the Constitution of North Carolina reads as
9 rewritten:

10 "**Sec. 4. State Board of Education.**

11 (1) Board. The State Board of Education shall consist of the Lieutenant Governor, the
12 Treasurer, ~~and eleven members appointed by the Governor, subject to confirmation by the~~
13 ~~General Assembly in joint session. The General Assembly shall divide the State into eight~~
14 ~~educational districts. Of the appointive members of the Board, one shall be appointed from each~~
15 ~~of the eight educational districts and three shall be appointed from the State at large.~~
16 ~~Appointments shall be for overlapping terms of eight years. Appointments to fill vacancies shall~~
17 ~~be made by the Governor for the unexpired terms and shall not be subject to confirmation.~~
18 the Superintendent of Public Instruction, and a number of elected members equal to the membership
19 of the House of Representatives of the Congress of the United States apportioned to the State by
20 federal law.

21 (2) Superintendent of Public Instruction. The Superintendent of Public Instruction shall
22 be the secretary-chair and chief administrative officer of the State Board of Education.

23 (3) Elected members. Elected members of the State Board of Education shall be elected
24 to overlapping four-year terms of office. Elected members shall be elected from districts
25 established by the General Assembly by the voters of each district in the manner prescribed by
26 law. Vacancies for elected members shall be filled for the remainder of the term of office in the
27 manner prescribed by law by the General Assembly."

28 **SECTION 2.** The amendment set out in Section 1 of this act shall be submitted to
29 the qualified voters of the State at a statewide general election to be held in November 2024,
30 which election shall be conducted under the laws then governing elections in the State. Ballots,
31 voting systems, or both may be used in accordance with Chapter 163 of the General Statutes. The
32 question to be used in the voting systems and ballots shall be:

33 "[] FOR [] AGAINST

34 A constitutional amendment providing for the following changes to the State Board
35 of Education, beginning January 1, 2026:



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- 1 (1) The Superintendent of Public Instruction will serve as a member and chair of
- 2 the State Board of Education.
- 3 (2) Except for the Council of State members serving on the State Board of
- 4 Education, the voters of the district will elect all members of the State Board
- 5 of Education to four-year terms from districts established by the General
- 6 Assembly.
- 7 (3) All vacancies for elected positions on the State Board of Education will be
- 8 filled in a manner provided by law."

9 **SECTION 3.** If a majority of the votes cast on the question are in favor of the
10 amendment set out in Section 1 of this act, the State Board of Elections shall certify the
11 amendment to the Secretary of State. The Secretary of State shall enroll the amendment so
12 certified among the permanent records of that office.

13 **SECTION 4.** If the amendment is approved by the qualified voters as provided in
14 this act, Section 1 of this act becomes effective January 1, 2026, and applies to terms of office
15 beginning January 1, 2027. Except as otherwise provided, this act is effective when it becomes
16 law.