

# **JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE**

## **Agenda**

**Tuesday, April 16, 2002, 8:30 a.m.**  
**Room 544, Legislative Office Building**  
**Representative Rogers, presiding**

### **◆ WELCOME AND INTRODUCTIONS**

Representative Rogers and Senator Dalton, Cochairs

### **◆ 21<sup>st</sup> CENTURY TECHNOLOGY FOR A 21<sup>st</sup> CENTURY EDUCATION (8:30–10:00)**

Dr. Robert H. Bellamy, Associate Superintendent/Chief Technology Officer,  
Information and Technology Services, DPI

Ms. Frances Bradburn, Director, Instructional Technology, DPI

Ms. Wynn Smith, Section Chief, Technology Planning and Support, DPI

Ms. Linda DeGrand, Section Chief, Distance Learning, DPI

Mr. John Brim, Section Chief, Educational Resources Evaluation Services, DPI

Dr. Wandra Polk, Assistant Director, Instructional Services, DPI

Mr. Bennie Hendrix, Director, Infrastructure Technologies, DPI

### **◆ UNC DISTANCE EDUCATION (10:00–11:00)**

Dr. Gretchen Bataille, Senior Vice President for Academic Affairs, Office of the  
President, UNC

Dr. Alan Mabe, Vice President for Academic Planning, Office of the President,  
UNC

Dr. Donna Benson, Associate Vice President for Academic Affairs, Office of  
the President, UNC

### **◆ LEANDRO UPDATE (11:00-12:00)**

Ms. Robin Johnson, Committee Counsel



# JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE

2001-2002 Session

April 16, 2002

## TABS

1. Membership List
2. Authorizing Legislation; Issues to Study/ Reports Due to Committee
3. Committee Budget
4. Minutes
5. Public School Technology in the 21<sup>st</sup> Century
6. UNC Distance Education



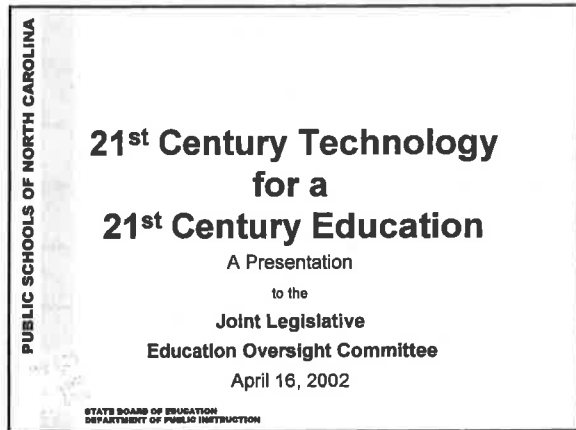
# **21<sup>st</sup> Century Technology for a 21<sup>st</sup> Century Education**

**A Presentation to the  
Joint Legislative Education  
Oversight Committee**

**April 16, 2002**







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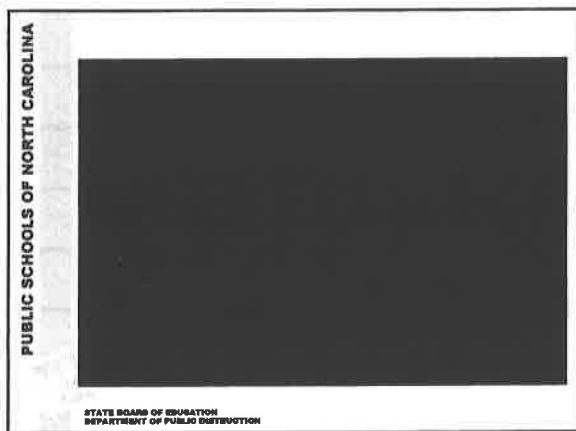
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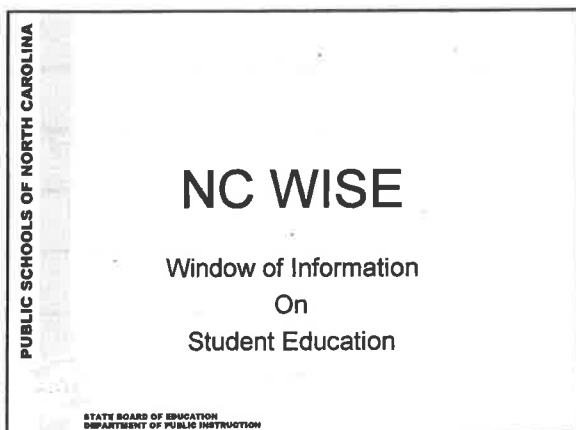
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**PUBLIC SCHOOLS OF NORTH CAROLINA**

### 21<sup>st</sup> Century Expectations

- The people have a right to the privilege of education and it is the duty of the state to guard and maintain that right - *North Carolina Constitution, Article 1, Section 15*
- Expectations reflect the 21<sup>st</sup> century
- Schools and teachers must have 21<sup>st</sup> century tools

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**PUBLIC SCHOOLS OF NORTH CAROLINA**

### NC WISE – *Window of Information on Student Education*

- NC WISE will give teachers the information they need about their students – and give it to them while they are sitting right there in the classroom.
- NC WISE will help parents know whether their children are learning, and it will help taxpayers know whether their money is being spent appropriately and effectively.
- NC WISE will make the same information available to those of us who are responsible for the success of our public schools: principals, the LEA, DPI, the State Board of Education, and the General Assembly.

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**PUBLIC SCHOOLS OF NORTH CAROLINA**

### NC WISE – *Window of Information on Student Education*

**Reports –**

- Principal's Monthly Report
- School Activity Report
- Grade, ethnicity, gender
- School dropouts
- Vocational Education
- Hope Scholarship
- Exceptional Children
- Electronic transcript

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**PUBLIC SCHOOLS OF NORTH CAROLINA**

**NC WISE – *Window of Information on Student Education***

**Replacing SIMS**

- SIMS is outdated, obsolete, unstable
- SIMS won't run on modern computers
- SIMS won't run on Macs
- SIMS never heard of the Internet

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**PUBLIC SCHOOLS OF NORTH CAROLINA**

**NC WISE – *Window of Information on Student Education***

**LEAs Implementing:**

- Catawba, Chapel Hill/Carrboro, Wake implementing
- Gates, Whiteville, Cumberland coming on board

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**PUBLIC SCHOOLS OF NORTH CAROLINA**

**NC WISE – *Window of Information on Student Education***

**Pilot Problems:**

- Project management
- Contractor relationship
- Quality assurance
- Customer input
- Communication

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## NC WISE – *Window of Information on Student Education*

**Next Steps –**

- IRMC certification – Spring 2002
- Transition from development to deployment
  - Data conversion
  - Training
  - Support
- Statewide deployment
  - Wave A (2002-03) – 400-600 schools
  - Wave B (2003-04) – 700 schools
  - Wave C (2004-05) – 700 schools
  - Wave D ???

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**PUBLIC SCHOOLS OF NORTH CAROLINA**

## Distance Learning

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## DL Student Registration

	1999-2000	2000-2001	2001-2002
Satellite	1,202	1,066	1,187
DPI On-Line	86	246*	390
Web Academy	922	1,177	1,036
NCIH	N/A	3,540 (est.)	N/A

\*Plus 600 students in AP review courses

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### 2000-2001 Staff Development via DL

Satellite	12,642 users (1,599 CEUS earned)
NCIH	4,105 participants in DPI sessions
Videotape loan	701 tapes circulated
On-line	2,100 registered users

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### DL Instructional Resources

- School TV - 11,770 K-8 teachers used in '00-01 (36%)
- Video on Demand Web Site - 10,573 accesses last 12 months
- United Streaming Web Site - 12,127 accesses since Jan. '01
- NC WISE Owl - 1,954,332 accesses since Jan. '01

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### DPI Perspective: Curriculum Needs

- Low Incidence
- Honors
- AP and IB courses

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**Stakeholders' Perspective:  
Needs**

- Re-engineering the system
  - Bring state assessments on-line
  - Streamline policies
- Assuring Equity
  - Ensure high-quality educators for all children
  - Provide access to robust equipment & the Internet at school
  - Provide after-school access

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**Stakeholders' Perspective:  
Needs**

- Delivering Quality Instruction
  - Offer on-line courses for credit
  - Provide other quality e-learning resources

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**Stakeholders' Recommendations**

- Provide funding
- Establish e-learning clearing house of courses, resources, and information
- Provide adequate connectivity/assure access
- Develop effective e-teachers
- Develop a variety of model, portable courses

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### Stakeholders' Recommendations

- Develop an environment for virtual education:
  - local flexibility
  - experimentation
  - standards-based
  - private/public partnerships

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### Funding: National Investment

- Florida VHS and Nebraska Class Project - ca. \$150,000-245,000 per course for development (\$22 million to date invested in Florida)
- Illinois - \$1.5 million to develop a *model* for an on-line course
- California - \$1 million per course development
- Kentucky - \$1.9M - 10 contracted courses - 2.5 yrs in operation

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### NC Funding Resources

- DPI - \$181,000 to date, exclusive of Web Academy, other LEAs
- Superintendent Survey Data
- AP Grant

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**Superintendent Survey Data**  
(42 respondents)

- Currently involved in on-line education  
- 17 yes; 22 no
- Willing to contribute state funds - 25  
yes; 5 no; 8 undecided
- Average contribution - \$2.00

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**AP Grant**

- year one = \$306,144
- year two = \$296,784
- year three = \$296,784

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**Quality Assurance: DPI Efforts**

- Evaluation Criteria for on-line courses,  
web sites, and on-line staff  
development
- Small pilots
- Programs with known track records

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### Quality Assurance: Local Efforts

- Preparation/screening of students
- On-site facilitator
- Scheduled class time
- Equitable access to equipment

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### Needed Policies and Procedures for On-line Instruction

- Seat time
- Accountability
  - EOC
  - Monitoring and evaluation
- Teacher Certification
- Transfer of credit
- Development Costs

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### Technology Infrastructure for DL

- Equity of Access
- Technical Support
- Connectivity

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# Connectivity

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## K-12 Connectivity Today

Number of classrooms	76,000	
Classrooms with Internet access	65,000	86%
Schools with LANs	2,156	98%
Schools connected to WAN	2,068	94%

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## LEA WAN Connection Speed

Dial-Up	1.2%
56K/64K	12.1%
Fractional T1	32.1%
T1	47.7%
Greater than T1	2.2%
N/A	3.1%

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**Compared With Other States:**

- South Carolina - Currently T1 to all schools
- California - DS3 to all high schools by June 2002; others to follow
- Missouri - 45 Mbps to all districts planned; 10 Mbps recommended to schools

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**Do the numbers matter?**

To transmit 33 volumes of the  
Encyclopedia Britannica at:

- 56 kbps - 14 hours
- T1 - 31 minutes
- DS 3 - 1 minute
- 155 Mbps (entry level Internet 2) - 18 seconds

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**K-12 Internet Providers**

Each LEA chooses their Internet service  
provider and amount of bandwidth (56K-up)

ISPs	LEAs
ITS	50
Bellsouth	14
Sprint	12
Curly, Moe, Larry, et. al.	41
Totals:	117

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### Standards...or lack thereof...

- Different switches, routers, filters & firewalls
- Different security levels
- Different quality of service

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### Connectivity

LEA-Optional Wide-Area Networks:	Statewide Educational Wide-Area Network:
Varied bandwidth with no control of quality of service (QOS)	Robust bandwidth with controlled QOS, especially necessary for instructional video
Varied security standards	Statewide security level
NC WISE data sent over open commercial Internet	NC WISE data sent over secure, state-managed IP network
Some LEAs with connectivity, based on local funding ability	All LEAs with connectivity for data and instructional activities

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**ITS**  
Office of Information Technology Services

**ITS 2002 Current Infrastructure**  
9/25/2002

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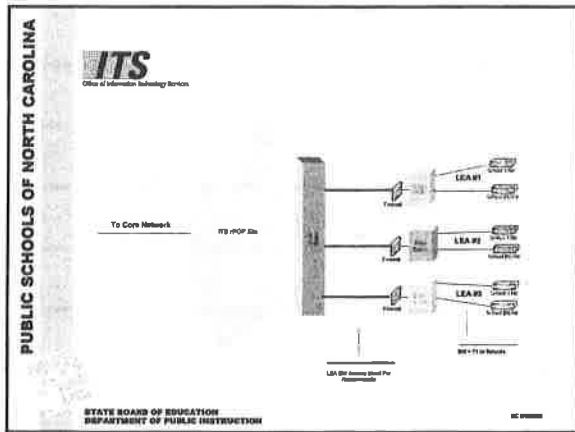
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### **K-12 Network Connectivity for North Carolina**

- NC WISE is an Internet-based system that requires...**BANDWIDTH**...
- Distance Learning requires...**BANDWIDTH**...
- DPI's proposal ensures...
  - Quality of service
  - Network management
  - Security...and *maximizes available funding and existing local connectivity.*

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## **E-Rate**

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### E-Rate Funding

	Internal Connections	Internet Access	Telecomm. Services	Grand Totals
Year 1	\$10,739,803.39	\$2,278,291.68	\$13,900,883.52	\$26,918,978.59
Year 2	\$19,122,521.10	\$3,951,987.40	\$14,987,322.40	\$38,061,830.90
Year 3	\$8,116,033.40	\$5,942,340.16	\$13,817,048.19	\$27,875,421.75
Year 4	\$4,066,108.09	\$5,899,325.43	\$15,099,030.00	\$25,064,463.52
Totals	\$42,074,485.98	\$19,071,944.67	\$57,804,286.01	\$118,950,696.66

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### DPI & E-rate (Since August 2001)

- Regularly updated Web site
- Established database, monitoring \$ received for years 1-4 of program, by funding category, by LEA
- Conducted 12 group training sessions
- Directly contacted 78% of the LEAs

**-- Note: 116 LEAs have filed for Year 5**

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### E-rate Issues Uncovered

- E-rate per-pupil \$
  - National average = \$35
  - NC = \$22.17
- Application inhibitors
  - Average admin costs = \$11,500 per LEA
  - LEA staff coordination, training and turnover
  - Process complexity
  - **Lack of matching funds to initiate process (~\$13M statewide)**

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### E-rate and Maintaining Connectivity

*2001 – 2002 NC activity*

E-rate funds granted	\$26M
LEA matching funds needed	<u>\$13M</u>
Total	\$39M+

Matching funds needed 33%

E-rate 67%

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### E-rate Issues Uncovered

- Funding Inhibitors
  - National cap = \$2.25B / year
  - National demand = \$5.7 B ('02-'03)
  - National funded internal connection ~ 90% discount level
  - NC average discount rate ~ 67%
  - LEA inability or unwillingness to apply in all categories
  - Some LEA private consultants' fee = 30%
  - Labor-intensive efforts required to maximize alternative discount methods

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## Instructional Technology

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### NC WiseOwl

- Web site with both free and subscription-based resources
  - The Gale Group's InfoTrac and Scribner Writers Series
  - Grolier Online Encyclopedias
- Authoritative, safe Internet resources
- Remote access to students, teachers, and parents

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**PUBLIC SCHOOLS OF NORTH CAROLINA**

### NC WiseOwl

is the only online  
subscription reference  
service for 74% of K-12  
public schools in North  
Carolina.

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## ***Report on Distance Education***

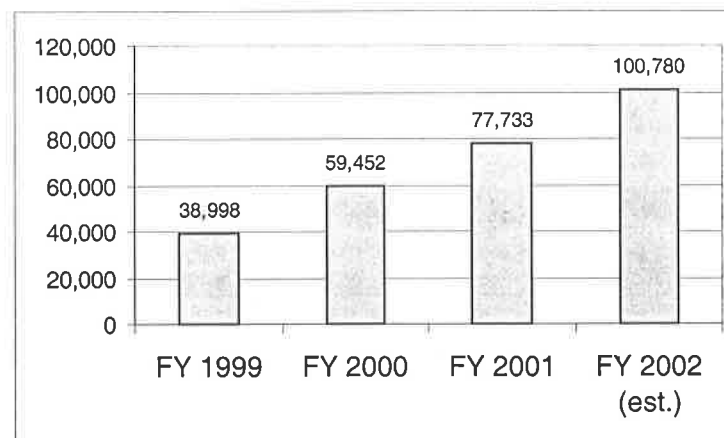


Joint Legislative Education  
Oversight Committee  
April 16, 2002

Dr. Gretchen Bataille  
Senior Vice President

The University of North Carolina  
Office of the President

### ***Total UNC Funding Model Distance Education Student Credit Hours (SCHs) by Year: FY 1999-FY 2002 (est.)***

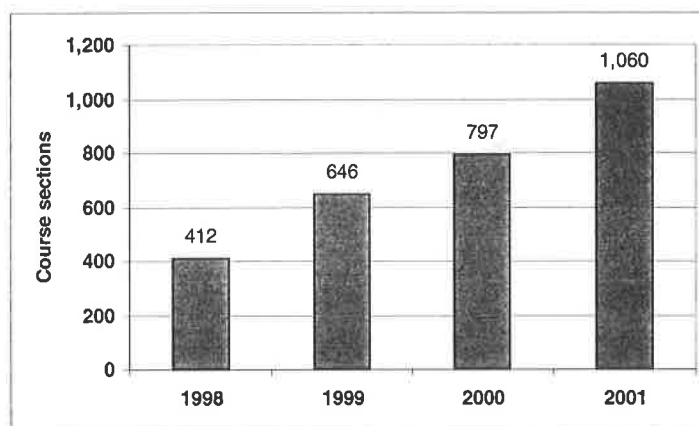


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### *Growth in Distance Education Course Sections: Fall 1998 – Fall 2001*

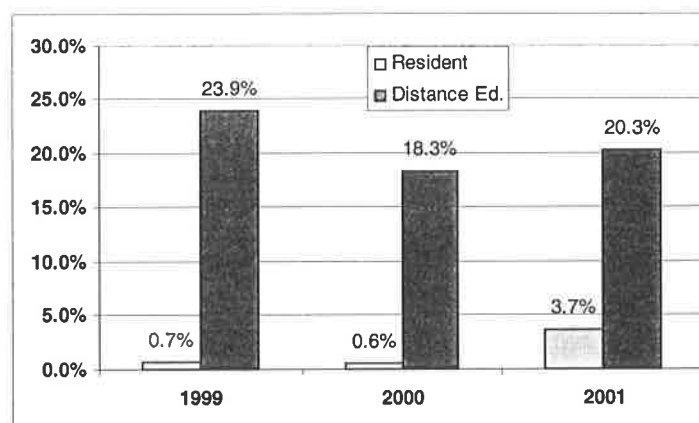


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### *Percent Increase of Distance Education and Resident Credit Students: Fall 1999-Fall 2001*



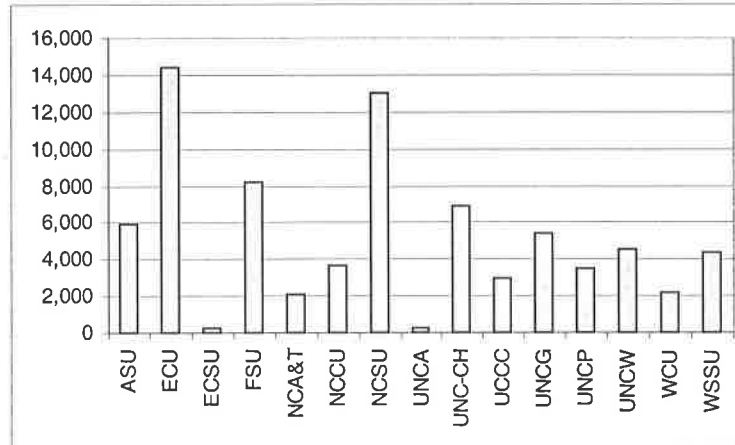
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***Funding Model Distance Education  
Student Credit Hours (SCHs)  
Produced by UNC Institution: FY 2001***

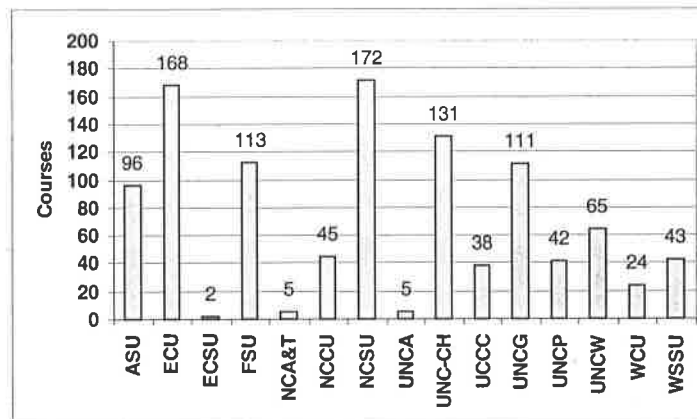


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***State-Funded Distance Education Courses  
Offered by UNC Institutions, Fall 2001***



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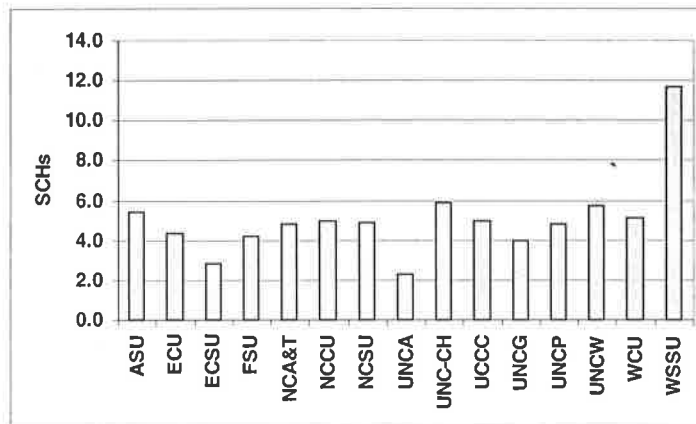
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### *Average Distance Education Student Credit Hour (SCH) Semester Load by UNC Institution, Fall 2001*

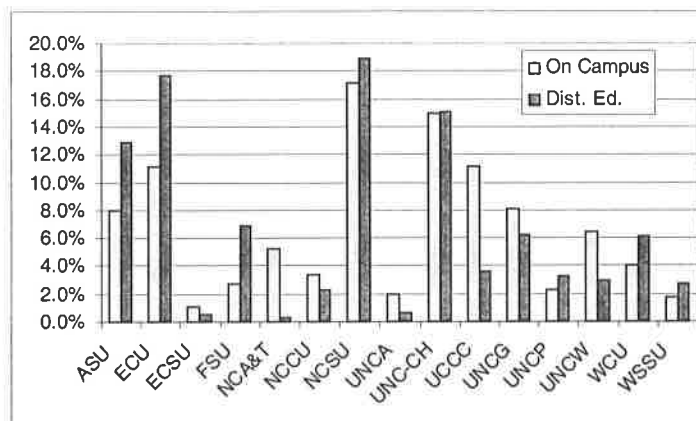


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### *Comparison of Campus Percentages of Total UNC Students by Distance Education/On-Campus Status, Fall 2001*



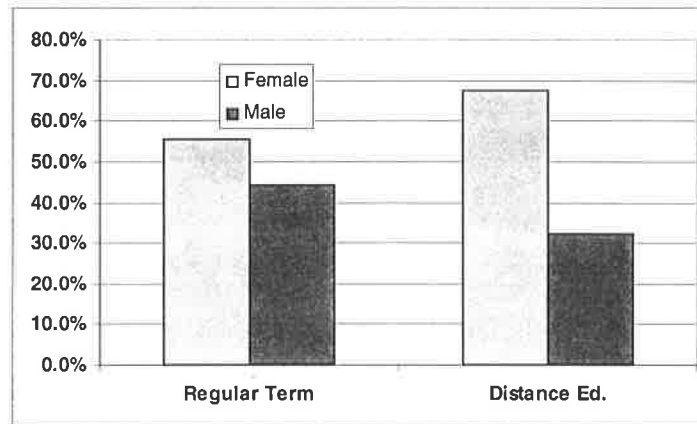
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### *Comparison of Students Enrolled in Regular Term and Distance Education Programs by Gender, Fall 2001*

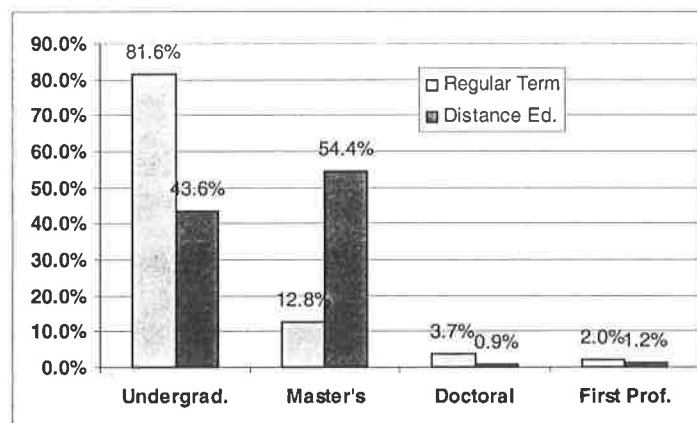


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### *Percentages of Students Enrolled in Regular Term and Distance Education Programs by Degree Level, Fall 2001*



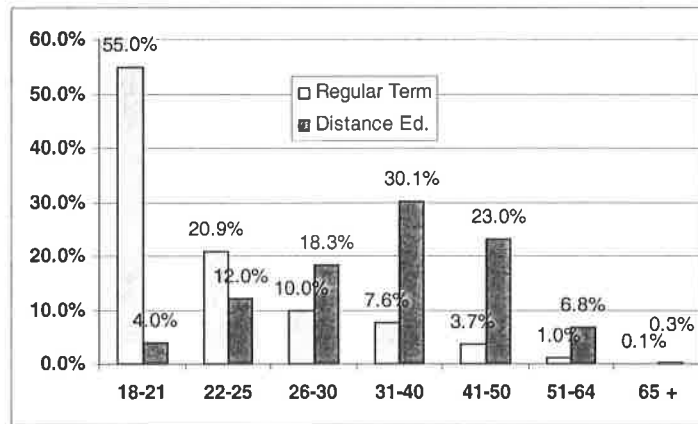
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***Percentages of Students Enrolled  
in Regular Term and Distance Education Programs  
by Age Group, Fall 2001***

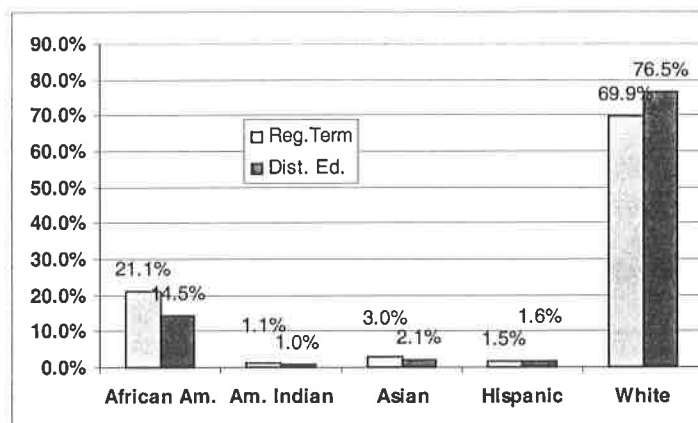


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***Comparison of Students Enrolled  
in Regular Term and Distance Education Programs  
by Race/Ethnicity, Fall 2001***



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## *Overview of Fall 2001 Distance Education Enrollments*

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- 6,994 students are enrolled solely in UNC distance education classes (20.3% increase over fall 2000).
- 1,925 other students are enrolled in both distance and on-campus classes.
- 83.5% of distance education students are 25 or older.
- 91.1% are part-time students.



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## *Overview of UNC Distance Education Degree Programs*

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- 30 online degree programs as of summer 2002.
- Site-based programs offered in 48 NC counties.
- 55 degree programs offered at 27 NC community college sites.
- Other sites include military bases, public schools and centers, hospitals and AHEC locations, and UNC graduate centers.
- Total of 156 authorized distance education degree programs.
- 14 non-degree licensure or certificate programs also offered.



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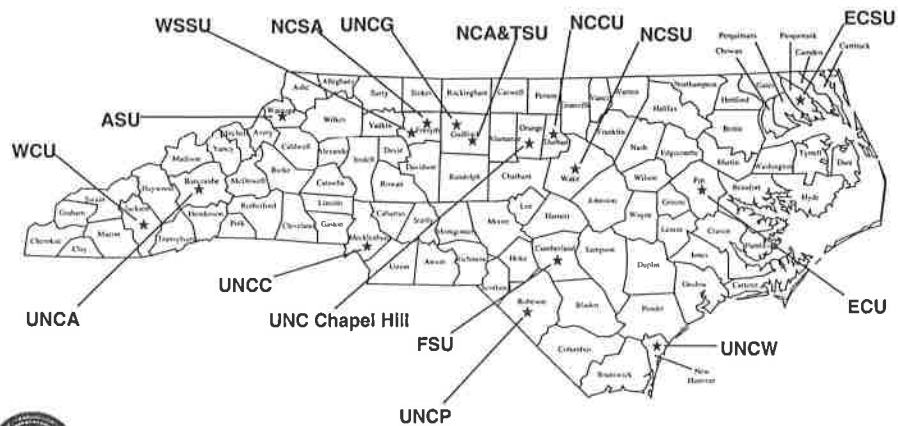
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## *Locations of UNC Institutions*



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## *UNC Institutions and UNC Distance Programs at Community College Sites*



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## *Total North Carolina Counties with UNC Degree Programs*

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## *Areas of Critical Need in North Carolina*

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- **Teacher and administrator education**
- **Nursing and selected allied health fields**
- **Technology**



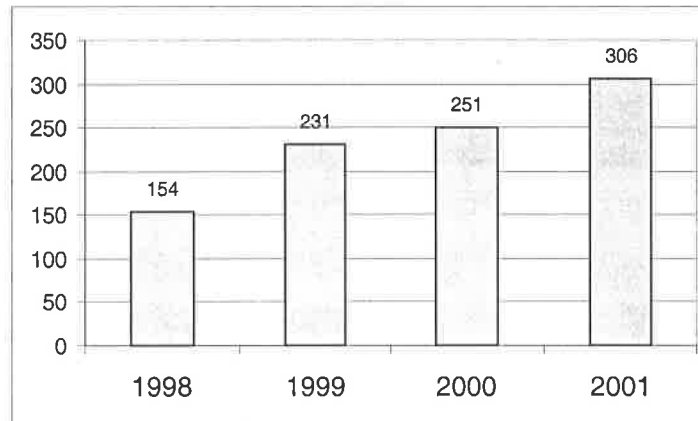
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18



***Growth in UNC Distance Courses  
in Teacher Education:  
Fall 1998-Fall 2001***

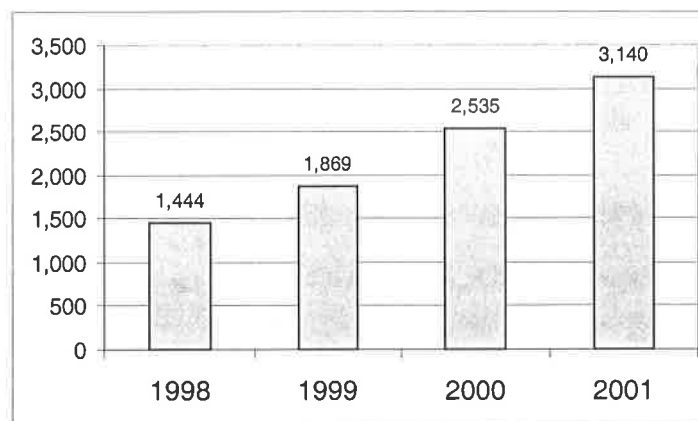


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***Growth in Number of Individuals Enrolled  
in UNC Distance Courses in Teacher Education:  
Fall 1998-Fall 2001***



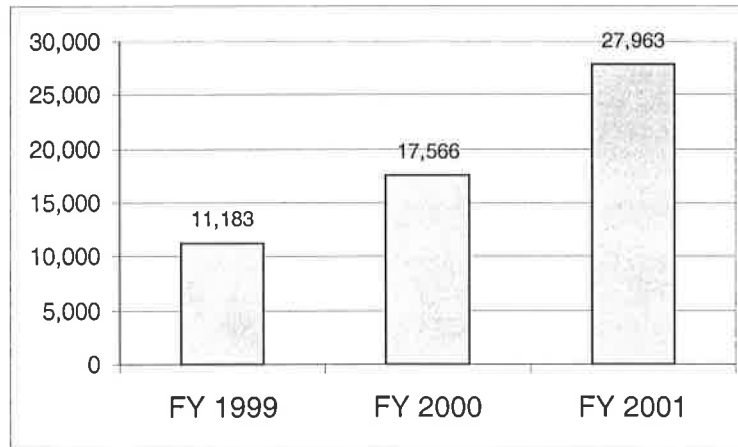
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***Growth in Student Credit Hours (SCHs)  
for UNC Distance Courses in Teacher Education:  
FY 1999-FY 2001***

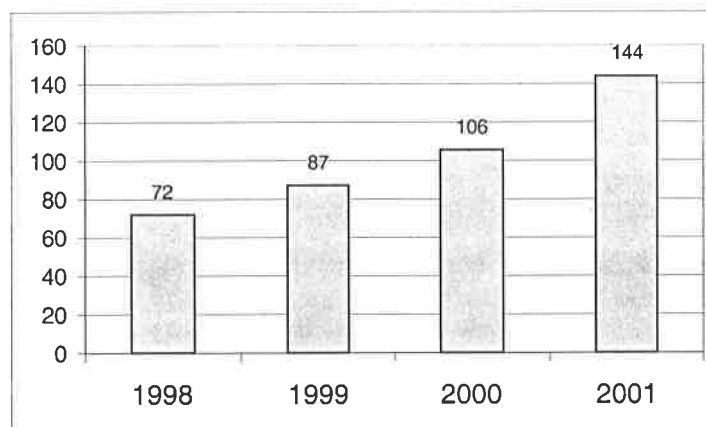


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***Growth in Number of UNC Distance Courses  
in Nursing and Other Health Sciences:  
Fall 1998-Fall 2001***



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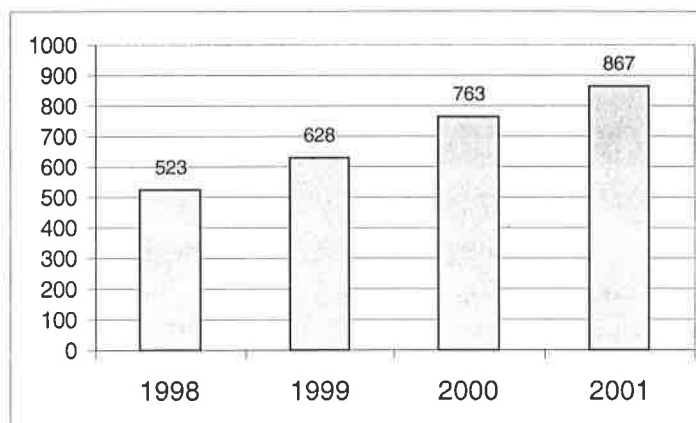
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***Growth in Number of Individuals Enrolled  
in UNC Distance Courses in Nursing and  
Other Health Sciences: Fall 1998-Fall 2001***

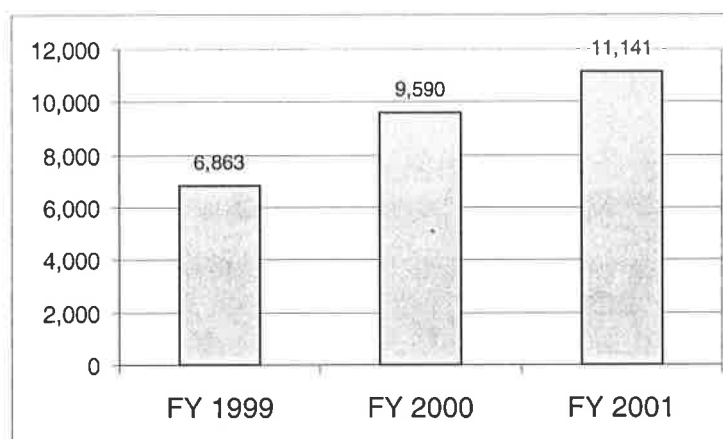


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***Growth in Student Credit Hours (SCHs)  
for UNC Distance Courses in Nursing and  
Other Health Sciences: FY 1999-FY 2001***



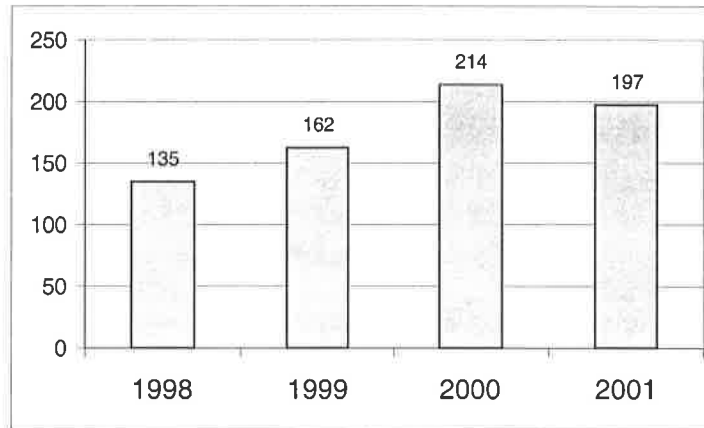
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***Growth in Number  
of UNC Distance Courses in Technology:  
Fall 1998-Fall 2001***

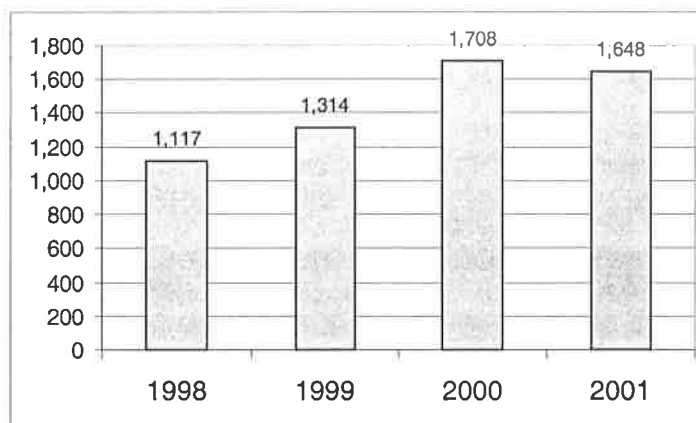


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***Growth in Number of Individuals Enrolled  
in UNC Distance Courses in Technology:  
Fall 1998-Fall 2001***



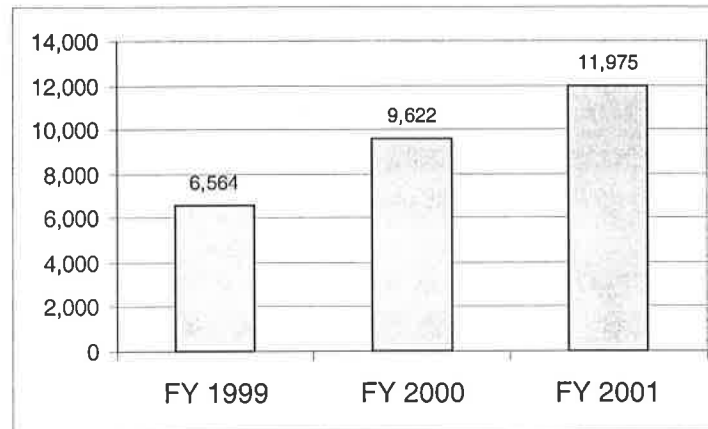
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***Growth in Student Credit Hours (SCHs)  
for UNC Distance Courses in Technology:  
FY 1999-FY 2001***

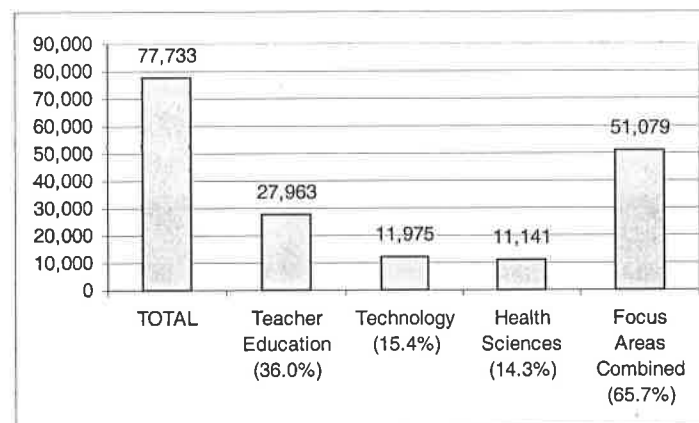


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***Distribution of Student Credit Hours  
by Content Area:  
FY 2001***



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## *UNC Responds to Needs: Distance Learning Health Program Offerings*

### **Nursing**

#### **Baccalaureate Programs**

FSU/UNCP (RN to BSN)	Moore
ECU (RN to BSN)	Carteret, Halifax, Jackson, Northampton, Pasquotank, Wayne
NCCU (RN to BSN)	Franklin, Granville, Person, Vance, Wake AHEC
UNC Chapel Hill (RN to BSN)	Johnston, Montgomery
UNCC (RN to BSN)	Internet, UNCC Clinics
UNCG (RN to BSN)	Catawba
UNCW (RN to BSN)	Onslow
WCU (RN to BSN)	Cherokee, Macon, NCIH/Internet
WSSU (RN to BSN)	Davidson, Rowan, Surry, Watauga, Wilkes

#### **Master's Programs**

ECU with Duke (MSN)	32 counties/Eastern NC, Cumberland, Wilmington AHEC
UNC Chapel Hill (MSN)	Buncombe, Wake AHEC
UNCC (MSN)	Cabarrus, Gaston, NCIH/Internet
UNCG (MSN)	Catawba



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## *UNC Responds to Needs: Distance Learning Health Program Offerings*

<b>Clinical Laboratory Science</b>	WCU (BS)	Burke
	WSSU (BS)	Internet
<b>Communication Disorders &amp; Speech Pathology</b>	Joint Programs	
	ASU, NCCU, UNC-CH, UNCG, WCU	Statewide
<b>Community Health Ed.</b>	UNCG (BS)	Wake
<b>Emergency Medical Care</b>	WCU (BS)	Buncombe, Henderson, Internet
<b>Health Administration</b>	UNC-CH (MPH)	Buncombe, Catawba, Cumberland, Mecklenburg, AHEC
<b>Nutrition</b>	ECU (MS)	Internet
	UNC-CH (MPH)	Orange, Statewide
<b>Occupational Safety</b>	NCA&T (BS)	Internet
	ECU (MSOS)	Internet



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## *UNC Responds to Needs: Distance Learning Health Program Offerings*

<b>Pharmacy</b>	UNC-CH (PharmD)	Statewide AHEC
<b>Physician Assistant</b>	ECU with Duke (BS)	32 counties/Eastern NC
<b>Public Health</b>	UNC-CH (MPH)	Cumberland, Halifax, Nash, New Hanover, Orange, Wilson, Mecklenburg AHEC, Internet
<b>Social Work</b>	ASU (BSW)	Burke, Caldwell, Cleveland, Rutherford
	ECU (MSW)	Cumberland, New Hanover
	UNC-CH (MSW)	Buncombe, Mecklenburg, Robeson, Wake, Cumberland AHEC
	UNCP/UNC-CH (MSW)	Wake
<b>Speech, Language, &amp; Auditory Pathology</b>	ECU (MS)	Cumberland, New Hanover, Pasquotank



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## *Distance Learning versus Online Learning*

**Distance Learning**—Courses delivered to students not in residence on the campus. Encompasses off-site courses that are delivered face-to-face as well as those delivered by way of interactive TV or the Internet.

**Online Learning**—Internet-based courses delivered to students at any time and to any place they have access to a computer. Can provide access to a single student in the most remote area of the state. “E-Learning” often used for this type.



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## *Comparison of the Two Types*

### ***Site-Based, Distance Learning***

- Minimum class-size requirements
- Often cohort-based
- Limited by travel distance for faculty
- May be a hardship for students to meet at a set class time

### ***Online Learning, or E-Learning***

- Can accept as few as one student in an area
- New enrollment each term or each year
- Faculty interacts with students from main campus or home
- Student interacts with course material and faculty at time of student's choosing



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## *Development of Online Degrees and Licensure Programs in Education (1)*

- ECU:
  - BS In Elementary Education
  - BS In Middle Grades Education
  - BS In Birth-Kindergarten Education
  - MAEd In Instructional Media Design
- NCA&T:
  - BS In Agricultural Education
  - BS In Business Education
  - MS In Technology Education
  - MAEd In Adult Education
  - MS In Instructional Technology
  - Licensure for Elementary and Special Education
  - Licensure for Technology Education
- NCCU:
  - BS In Family and Consumer Science Education
- NCSU:
  - Licensure In Science Education



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## *Development of Online Degrees and Licensure Programs in Education (2)*

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- UNC Chapel Hill
  - Licensure for School Library Media
  - Licensure for Middle Grades Education, Lateral Entry
- UNCC:
  - Licensure for Middle or Secondary Education
- UNCG:
  - MEd In Elementary Education
  - MEd In English as a Second Language
- WCU:
  - BS In Special Education
- WSSU:
  - Licensure for Special Education, Lateral Entry



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## *Development of Online Degree Programs in Nursing and Other Health-Related Areas*

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- |   |  |
|---|--|
| <ul style="list-style-type: none"> <li>● ECU:               <ul style="list-style-type: none"> <li>– RN to BSN In Nursing</li> <li>– BS In Physician Assistant</li> <li>– MSN In Nursing</li> <li>– MS In Nutrition and Dietetics</li> <li>– MS In Occupational Health</li> </ul> </li> <li>● NCA&amp;T:               <ul style="list-style-type: none"> <li>– BS In Occupational Safety and Health</li> </ul> </li> <li>● UNC Chapel Hill:               <ul style="list-style-type: none"> <li>– MPH In Public Health</li> </ul> </li> <li>● UNCC &amp; UNCW:               <ul style="list-style-type: none"> <li>– RN to BSN In Nursing</li> </ul> </li> </ul> | <ul style="list-style-type: none"> <li>● UNCG:               <ul style="list-style-type: none"> <li>– MS In Nursing Education</li> </ul> </li> <li>● WCU:               <ul style="list-style-type: none"> <li>– BS In Emergency Medical Care</li> <li>– BSN In Nursing</li> </ul> </li> <li>● WSSU:               <ul style="list-style-type: none"> <li>– BS In Clinical Laboratory Science</li> </ul> </li> </ul> |
|---|--|



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## *Development of Online Degree Programs in Technology*

- ECU:
  - BSBE In Information Technology
  - BS In Industrial Technology
  - MS In Industrial Technology
- NCA&T:
  - MS In Computer Science
- NCCU:
  - BS In Information Science
- NCSU:
  - MS in Wood and Paper Science
  - MSC In Computer & Information Sciences
  - M In Textiles
  - MS In Textile Chemistry
  - M In Engineering
- UNCC:
  - BS In Electrical Engineering
  - BS In Engineering Technology (Fire Safety)



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## *Distance Education Combined with E-Learning Can Reach All North Carolina Counties*



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## North Carolina General Assembly Legislative Services Office

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(919) 733-2578

**TO:**

**FROM:** Robin S. Johnson

**DATE:** April 4, 2002

**RE:** **Leandro v. State – School Funding Litigation – Fourth Ruling**

On Thursday, April 4, 2002, Superior Court Judge Howard E. Manning, Jr., issued the fourth trial court decision regarding the Hoke County portion of Leandro v. State, the school funding case. The Court incorporated the prior three rulings and declared all four “constitute the Decision and Judgment of this Court.” However, the Court retains jurisdiction for purposes of resolving any remaining issues, including enforcement of this judgment.

Last September and October the Court convened hearings to gather evidence to determine the cause(s) for the “large numbers of at-risk children failing to obtain a sound basic education”. The Court focused its inquiry on “whether the failure to implement successful educational programs and strategies in schools with low performing at-risk populations is due to (a) lack of funding; (b) the lack of proper allocation of resources with the LEA; (c) lack of cost-effective implementation of successful strategies because of a lack of leadership and effort; or (d) a combination of two or more of these factors.”

In answering this question, the Court essentially finds that the State has ultimate responsibility for providing each child access to this sound basic education. The Court also finds that a large number of children are NOT being provided this access. However, the Court leaves it to the State (i.e., the General Assembly and the State Board of Education) to determine how to remedy this. The Court does NOT order the State to appropriate additional funds. It does, however, require the State to do what is necessary to require LEAs to remedy what the Court identifies as constitutional deficiencies and to assist LEAs in this endeavor.

### **COURT FINDINGS**

1. The Leandro guarantee that each child has the right to an equal opportunity to obtain a sound basic education requires that each child be afforded the opportunity to attend a public school which has the following educational resources, at a minimum:
  - a. Every classroom must be staffed with a competent, certified, well-trained teacher who is teaching the standard course of study by implementing effective educational methods that provide differentiated, individualized instruction, assessment and remediation to the students in that classroom.
  - b. Every school must be led by a well-trained competent principal with the leadership skills and the ability to hire and retain competent, certified and well-trained teachers who can implement an effective and cost-effective instructional program that meets the needs of

at-risk children so that they can have the equal opportunity to obtain a sound basic education by achieving grade level or above academic performance.

- c. Every school must be provided, in the most cost effective manner, the resources necessary to support the effective instructional program within that school so that the educational needs of all children, including at-risk children, to have the equal opportunity to obtain a sound basic education, can be met.
2. There are children at-risk of educational failure who are not being provided the equal opportunity to obtain a sound basic education because their particular LEA, such as the Hoke County Public Schools, is not providing them with one or more of the basic educational services set out in the first paragraph.
3. The State is ultimately responsible for providing each child with access to a sound basic education, and this ultimate responsibility cannot be abdicated by transferring responsibility to local boards of education.
4. The State is ordered to remedy the Constitutional deficiency for those children in any county who are not being provided the basic educational services set out in the first paragraph.
5. How to accomplish this task belongs to the Executive and Legislative Branches of Government.
6. The Court's prior decisions entered on October 12, 2000 (Section One); October 26, 2000 (Section Two); March 26, 2001 (Section Three) as amended by Order entered May 29, 2001, are incorporated as part of this Memorandum of Decision and Judgment. All Four Memoranda of Decision constitute the Decision and Judgment of this Court.
7. The State is directed to keep the plaintiff-parties fully informed of the progress of its efforts to remedy the constitutional deficiencies identified and the plaintiff-parties are directed to fully cooperate with the State in accomplishing its task.
8. The State is directed to keep the Court advised of the remedial actions taken by the State by written report filed with the Court every 90 days, or as otherwise may be directed by the Court.
9. The Court retains jurisdiction over this matter for purposes of resolving any remaining issues, including, but not limited to, enforcement of this judgment.

## **COURT DISCUSSION**

1. The Court noted the "credible" evidence presented in the hearings last Fall did not controvert its earlier decisions.
2. The Court reiterated its earlier rejection of the State's argument that the equal opportunity to receive a sound basic education is provided with a minimum education as measured by scores of Level II or higher on State tests.

3. The Court noted that successful schools strive to meet similar criteria:
- ❖ An effective, competent and motivated principal is key to a school's success.
  - ❖ High quality, full time teachers who teach in their fields of expertise is essential and mandatory.
  - ❖ Safe and orderly environment in the school is essential in order for students to learn.
  - ❖ Teaching the Standard Course of Study in a focused and effective manner.
  - ❖ Instructional leadership from the principal which is effectively implemented by the classroom teachers and staff.
  - ❖ High expectations of teachers and students.
  - ❖ Staff development and on-going training for teachers is essential and necessary.

*The Court cited provisions in last year's budget bill (i.e., staff development in high priority school; Teacher Academy) as evidence that the State has acknowledged this criteria because it funds staff development for teachers who teach in smaller classes in grades K-5.*

- ❖ Principals, not just teachers, need to receive regular, high-quality professional staff development.
- ❖ Students should be provided with the opportunity to learn and time on task coupled with an effective educational program and strategy. The evidence shows there are multiple strategies and programs which achieve success with at-risk students and that no one program fits all schools.
- ❖ Frequent monitoring of student progress – the teacher must always know where the child is in the instructional cycle and be prepared to help the child catch up if he or she is falling behind.
- ❖ At-risk children need adequately targeted remediation services.

*The Court cited Sections 28.17 and 28.33 in last year's budget bill (i.e., targeting funds and requiring intervention and remediation plans for children who are not performing at grade level) as the State's "irrefutable" admission that students below Level III on State tests need more focused assistance and intervention, and "that financial resources are necessary to accomplish the action mandated."*

- ❖ Positive home-school relations – Parents must be informed and take responsibility for their children.
- ❖ At-risk children need smaller classes in early grades.

*The Court again cited the budget provisions dealing with High Priority Schools as "an irrefutable admission by the State ... that at-risk children in elementary schools need smaller class size."*

4. The Court enumerates numerous laws and policies, by which the State "has admitted and acknowledged: (1) the effectiveness and importance of pre-kindergarten programs for at-risk children; (2) the effectiveness of small class size for at-risk children in the early elementary grades; (3) the necessity for all children to be reading on grade level by the second grade (4) the necessity for focused intervention with children who are not performing at grade level; (5) the need to close the achievement gap between white students and minority students; and (6) the necessity for intervention in schools that are not successful with high populations of at-risk children."
5. "The numbers of students whose performance on the ABCs EOG and EOC tests show that they are failing to obtain a sound basic education, combined with the other credible evidence in the record, constitutes strong evidence that the equal opportunity to obtain a sound basic education is not being provided to at-risk children throughout North Carolina."

6. The State's "obligation includes not only funding, but providing assistance to LEAs who are not carrying out their duties in regard to the sound basic education."
7. "The solution to this problem is properly left to the State working with the LEAs....The solution lies first in the hands of the General Assembly and the State Board of Education. The solution may or may not require the expenditure of additional funds so long as the Leandro mandate is followed." However, the Court asserts that the State must cause effective educational change. It "must step in with an iron hand and get the mess straight. If it means removing an ineffective Superintendent, Principal, teacher, or group of teachers and putting effective, competent ones in their place, so be it."
8. If the State is correct in its assertion that sufficient appropriate funds are already provided, then it must require "LEAs that are not getting the job done to implement and maintain cost-effective, successful educational programs in their schools as required by Leandro. If not, then the State will have to look for other resources to get the job done."
9. The Court agrees that the State can require LEAs to take corrective action, but maintains that the State has responsibility, "through forceful leadership and effective management, to show an ineffective LEA, or an ineffective school within an LEA: (1) how to get the job done if the LEA's leadership and educational staff is ineffective and inept; (2) how to cost-effectively manage and allocate the resources which the State contends it so adequately provides to support each child's equal opportunity to receive a sound basic education; and (3) how to implement effective educational programs, using competent, well-trained certified teachers and principals."
10. The Court asserts that the State has been unwilling to step in and provide this assistance because of "local control and flexibility". The Court claims this "flawed policy" allowed the State to "consciously set the alarm threshold too low."

*Leandro – 4th trial decision 4-4-02*

**SUPREME COURT RULING:** In 1997, the North Carolina Supreme Court ruled that children have a constitutional right to an opportunity to receive a sound basic education in the public schools. The Court defined, in very broad terms, what constitutes a sound basic education:

*A "sound basic education", at a minimum, is one that will provide the student with at least: (1) sufficient ability to read, write, and speak the English language and a sufficient knowledge of fundamental mathematics and physical science to enable the student to function in a complex and rapidly changing society; (2) sufficient fundamental knowledge of geography, history, and basic economic and political systems to enable the student to make informed choices with regard to issues that affect the student personally or affect the student's community, state, and nation; (3) sufficient academic and vocational skills to enable the student to successfully engage in post-secondary education or vocational training; and (4) sufficient academic and vocational skills to enable the student to compete on an equal basis with others in further formal education or gainful employment in contemporary society.*

## **UPON REMAND TO THE TRIAL COURT**

### **I. Is the State system for funding public education constitutional?**

In general, the State has provided a school funding system that meets the constitutional requirement. The Court did not, however, rule as to whether the State provides sufficient funding under that system.

### **II. Does the State have an obligation to provide pre-kindergarten programs to some students?**

- ❖ A child's constitutional right to an equal opportunity to receive a sound basic education does not depend on the age of the child.
- ❖ An "at-risk" child is being denied a constitutional right if no quality pre-kindergarten educational program is available for the child.
- ❖ It is the duty of the Executive Branch and the Legislative Branch of government to act at a reasoned and deliberate pace to expand pre-kindergarten educational programs to serve all of the at-risk children throughout North Carolina.

The decision specifically did not require the State to provide a universal pre-kindergarten program for four-year olds at State expense.

### **III. Are students, particularly those in Hoke County, provided an equal opportunity to receive a sound basic education?**

- ❖ The Court found and concluded as a matter of law that there are at-risk students failing to achieve a sound basic education statewide, as well as in Hoke County and that the low performance of at-risk students is similar regardless of the wealth and resources of the school system attended.

- ❖ The school boards have not yet proved, by clear and convincing credible evidence that the failure of at-risk children to obtain a sound basic education is the result of lack of sufficient funding by the State of North Carolina.
- ❖ The reason at-risk children in North Carolina are not obtaining a sound basic education appears to be the lack of a coordinated, effective educational strategy for at-risk children statewide.
- ❖ The evidence was not clear and convincing that the State and each LEA is utilizing its funding and resources in a proper, strategic manner with regard to its at-risk children.
- ❖ Leandro requires that each LEA and the State must strategically plan and spend the resources funded in a manner that helps all children have an equal opportunity to a sound basic education. The State and each LEA must apply their resources toward the sound basic opportunity curriculum first and provide adequate strategic allocation of resources and funding to assist the at-risk population of children in having an equal opportunity to obtain a sound basic education.

**IV. Is the failure to implement successful educational programs and strategies in schools with low performing at-risk populations due to (a) lack of funding; (b) lack of proper allocation of resources with the LEA; (c) lack of cost-effective implementation of successful strategies because of a lack of leadership and effort; or (d) a combination of two or more of these factors?**

The Court found and concluded as a matter of law that:

- ❖ The Leandro guarantee that each child has the right to an equal opportunity to obtain a sound basic education requires that each child be afforded the opportunity to attend a public school which has the following educational resources, at a minimum:
  - Every classroom must be staffed with a competent, certified, well-trained teacher who is teaching the standard course of study by implementing effective educational methods that provide differentiated, individualized instruction, assessment and remediation to the students in that classroom.
  - Every school must be led by a well-trained competent principal with the leadership skills and the ability to hire and retain competent, certified and well-trained teachers who can implement an effective and cost-effective instructional program that meets the needs of at-risk children so that they can have the equal opportunity to obtain a sound basic education by achieving grade level or above academic performance.
  - Every school must be provided, in the most cost effective manner, the resources necessary to support the effective instructional program within that school so that the educational needs of all children,

including at-risk children, to have the equal opportunity to obtain a sound basic education, can be met.

- ❖ There are children at-risk of educational failure that are not being provided the equal opportunity to obtain a sound basic education because their particular LEA, such as the Hoke County Public Schools, is not providing them with one or more of the basic educational services set out above.
- ❖ The State is ultimately responsible for providing each child with access to a sound basic education, and this ultimate responsibility cannot be abdicated by transferring responsibility to local boards of education.
- ❖ The State must remedy the Constitutional deficiency for those children in any county who are not being provided the basic educational services set out in the first paragraph.
- ❖ How to accomplish this task belongs to the Executive and Legislative Branches of Government.
- ❖ The Court's prior decisions entered on October 12, 2000 (Section One); October 26, 2000 (Section Two); March 26, 2001 (Section Three) as amended by Order entered May 29, 2001, are incorporated as part of this Memorandum of Decision and Judgment. All Four Memoranda of Decision constitute the Decision and Judgment of this Court.
- ❖ The State must keep the plaintiff-parties fully informed of the progress of its efforts to remedy the constitutional deficiencies identified and the plaintiff-parties are directed to fully cooperate with the State in accomplishing its task.
- ❖ The State must keep the Court advised of the remedial actions taken by the State by written report filed with the Court every 90 days, or as otherwise may be directed by the Court.
- ❖ The Court retained jurisdiction over this matter for purposes of resolving any remaining issues, including, but not limited to, enforcement of this judgment.

