

JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE

Agenda

Tuesday, May 21, 2002, 2:00 p.m.
Room 643, Legislative Office Building
Senator Dalton, presiding

♦ WELCOME AND INTRODUCTIONS

Senator Dalton and Representative Rogers, Cochairs

♦ PROPOSED RECOMMENDATIONS AND LEGISLATION

Committee Staff

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JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE

PROPOSED RECOMMENDATIONS
TO THE 2002 SESSION OF THE 2001 GENERAL ASSEMBLY

I. DROPOUTS – The Committee recommends enactment of the following legislation:

❖ G.S.115C-12

(27a) Reducing School Dropout Rates–

- a. The State Board of Education shall develop a statewide plan to better track dropout data so that accurate and useful comparisons can be made over time. The plan shall include, at a minimum, how dropouts are counted and the methodology for calculating the dropout rate, the ability to track students' movements among schools and districts, and the ability to provide information on who drops out and why.
- b. The State Board of Education shall examine the ABCs formula for high schools to determine how to modify the formula to incorporate greater rewards for high schools that reduce their dropout rates and improve their graduation rates.
- c. The State Board of Education, in cooperation with the State Board of Community Colleges, shall identify technical high schools and career centers currently in operation in the State and make recommendations to strengthen concurrent enrollment opportunities with the community colleges. The State Board shall report its findings to the Joint Legislative Education Oversight Committee.
- d. The State Board of Education (Board) shall study the relationship between academic rigor and reducing school dropout rates. As part of this study, the Board shall include the following:
 - (1) The development of a proposal to accelerate the learning of students able to complete high school in 3 years;
 - (2) The elimination of low-level classes at the middle school and high school levels;
 - (3) The examination of the appropriateness of electives and exploratory courses at the middle school level;
 - (4) A review of current vocational courses to determine the rigor of the content; and
 - (5) The development of up-to-date standards for vocational/technical teachers.

❖ G.S. 115C-47

Local boards of education are encouraged to adopt policies that require superintendents to assign to the core academic courses in seventh through ninth grades teachers who have at least four years teaching experience and who have received within the last three years an overall rating on a formal evaluation that is at least above standard.

II. LEANDRO ISSUES –The Committee recommends enactment of the following legislation:

A BILL TO BE ENTITLED

AN ACT TO DIRECT THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE TO STUDY THE FISCAL AND INSTRUCTIONAL ACCOUNTABILITY OF LOCAL SCHOOL ADMINISTRATIVE UNITS, AND TO DIRECT THE STATE BOARD OF EDUCATION TO TAKE OVER ALL POWERS AND DUTIES RELATED TO A SCHOOL WHEN THAT SCHOOL AND ITS LOCAL BOARD OF EDUCATION FAIL TO IMPLEMENT RECOMMENDATIONS OF AN ASSISTANCE TEAM ASSIGNED TO THAT SCHOOL.

The General Assembly of North Carolina enacts:

SECTION 1. The Joint Legislative Education Oversight Committee shall study the fiscal and instructional accountability of local school administrative units. As part of this study, the Committee shall:

- (1) Evaluate the fiscal management and instructional leadership provided by local school administrative units.
- (2) Analyze whether local school administrative units are utilizing their funding and resources in a proper, strategic manner with regard to their at-risk children.
- (3) Evaluate State fiscal controls that are available to ensure that local allocation of funding and resources is cost-effective and is appropriately focused on enhancing educational leadership, teaching the standard course of study, and improving student learning.
- (4) Analyze State and local procedures for identifying superintendents, principals, and teachers who need additional training or assistance in order to implement a strategic and cost-effective instructional program that meets the needs of all children, including at-risk children, so that they obtain a sound basic education by achieving grade level or above academic performance.
- (5) Identify current and possible actions that the State may implement in order to correct ineffective instructional leadership or teaching in a school or school system. In particular, the Committee shall ensure that fair and efficient procedures are available to the State for removing ineffective superintendents, principals, or teachers and for replacing them with effective, competent ones.

The Committee shall report its findings and any recommendations to the 2003 Session of the 2001 General Assembly.

1 **SECTION 2.** G.S. 115C-105.38 is amended by adding the following new
2 section to read:

3 "(b1) Report to the State Board of Education if a school and its local board of
4 education are not responsive to the team's recommendations. A copy of that report shall
5 be made available to the local board and the local board shall have an opportunity to
6 respond. Notwithstanding G.S. 115C-36 and other provisions of this Chapter, if the
7 State Board confirms the school and local board have failed to take appropriate steps to
8 improve student performance at that school, the State Board shall assume all powers and
9 duties previously conferred upon that local board and that school and shall have general
10 control and supervision of all matters pertaining to that school until student performance
11 at the school meets or exceeds the standards set for the school. The State Board may, as
12 it considers appropriate, delegate any powers and duties to that local board or school
13 before the school meets or exceeds those standards."

14 **SECTION 3.** This act is effective when it becomes law.
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16 **III. PRIVATE COLLEGES SCHOLARSHIP FUND** – The Committee
17 recommends enactment of the following legislation:

18 A BILL TO BE ENTITLED

19 AN ACT TO AMEND G.S. 116-19 BY DEFINING THE TERM "NEEDY NORTH
20 CAROLINA STUDENTS".

21 The General Assembly of North Carolina enacts:

22 **SECTION 1.** G.S. 116-19(a) reads as rewritten:

23 "(a) In order to encourage and assist private institutions to continue to educate
24 North Carolina students, the State Education Assistance Authority may enter into
25 contracts with the institutions under the terms of which an institution receiving any
26 funds that may be appropriated pursuant to this section would agree that, during any
27 fiscal year in which such funds were received, the institution would provide and
28 administer scholarship funds for needy North Carolina students in an amount at least
29 equal to the amount paid to the institution, pursuant to this section, during the fiscal
30 year. Under the terms of the contracts the State Education Assistance Authority would
31 agree to pay to the institutions, subject to the availability of funds, a fixed sum of money
32 for each North Carolina student enrolled at the institutions for the regular academic
33 year, said sum to be determined by appropriations that might be made from time to time
34 by the General Assembly pursuant to this section. Funds appropriated pursuant to this
35 section shall be paid by the State Education Assistance Authority to an institution on
36 certification of the institution showing the number of North Carolina students enrolled
37 at the institution as of October 1 of any year for which funds may be appropriated. For
38 purposes of this subsection, "needy North Carolina students" are those eligible students
39 who have financial need as determined by the institution under the institutional
40 methodology or the federal methodology as defined by the State Education Assistance
41 Authority. For purposes of this subsection, "institutional methodology" means a need-
42 analysis formula, developed by College Scholarship Service, that determines the
43 student's and family's capacity to pay for postsecondary education each year."

44 **SECTION 2.** This act is effective when it becomes law.

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2 **IV. COORDINATION OF DISTANCE LEARNING COURSES** – The
3 Committee recommends enactment of the following legislation:

4 **A BILL TO BE ENTITLED**

5 **AN ACT TO AMEND THE POWERS AND DUTIES OF THE STATE BOARD OF**
6 **EDUCATION TO INCLUDE THE DUTY TO APPROVE INTERNET OR**
7 **WEB-BASED COURSES.**

8 The General Assembly of North Carolina enacts:

9 **SECTION 1.** G.S. 115C-12 is amended by adding a new subdivision to read:

10 "(31) Duty to Approve Internet or Web-based Courses. –The Board shall
11 coordinate the development of Internet or web-based courses offered
12 for credit by a public school. A local board of education seeking to
13 offer an Internet or web-based course must submit an application to the
14 Board before developing a course, contracting for the development of
15 a course, or purchasing an existing course. The application shall
16 include the reason that the course is needed, the estimated cost to
17 develop or purchase the course, the number of students expected to
18 take the course, and whether the course will be developed by the local
19 school administrative unit, a non-profit school-based provider or a for-
20 profit commercial provider. The Department of Public Instruction,
21 with the approval of the Board, shall approve the applications.

22 The Board shall provide technical assistance to local school
23 administrative units interested in developing their own Internet or web-
24 based course. The Board shall establish guidelines on the
25 characteristics of high-quality courses to assist in course
26 development."

27 **SECTION 2.** The State Board of Education shall study the feasibility of the
28 Department of Public Instruction, in collaboration with local school administrative
29 units, to develop an online course template to aid in Internet or web-based course
30 development and to build a library of courses modeled on the Community College
31 System's Virtual Learning Community Project. The State Board shall report on its
32 findings to the Joint Legislative Education Oversight Committee by December 15,
33 2002.

34 **SECTION 3.** The State Board of Education shall conduct a survey of Internet
35 or web-based courses that were offered during the 2001-02 school year to determine the
36 following: (a) the total number of schools that offered courses, (b) the total number of
37 courses offered, (c) the total number of students who participated in the courses, (c) the
38 number of courses, the subject area of the courses, and the number of students that
39 participated by school, (d) the reasons that the courses were offered and (e) the cost to
40 develop and provide the courses. The State Board shall report on the survey results to
41 the Joint Legislative Education Oversight Committee by December 15, 2002.

42 **SECTION 4.** This act is effective when it becomes law.
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1 **V. REPEAL TERM LIMITS FOR BOARDS OF EDUCATION** – The
2 Committee recommends, at the request of the NC School Boards Association,
3 enactment of legislation that would repeal various local laws that impose term limits for
4 four local boards of education: Alexander, Haywood, Edenton-Chowan, and
5 Iredell-Statesville.

6 In *Moore v. Knightdale Board of Elections*, 331, N.C. 1 (1992), the North
7 Carolina Supreme Court held that the North Carolina Constitution has set forth the
8 qualifications of who is eligible for elective office. Article VI, Section 6 of the
9 Constitution provides: "Eligibility to elective office. Every qualified voter in North
10 Carolina who is 21 years of age, except as in this Constitution disqualified, shall be
11 eligible for election by the people to office." N.C. Const. Art. VI, § 6. Article VI,
12 Section 8 contains three enumerated disqualifications and other constitutional
13 provisions describe additional qualifications and other prerequisites for particular
14 offices. However, there is no constitutional provision for term limits for school board
15 members. *State v. Moore*, states that the Legislature cannot render a person ineligible
16 for election by requiring additional qualifications. 331 N.C. at 5. The Court held
17 unconstitutional a statute which required the holder of one elective office to resign that
18 office before filing to run for another elective office. 331 N.C. at 5.

19 This same reasoning can be held to apply to term limitations for school board
20 members. By imposing a term limitation on the school board members for the above
21 counties, the Legislature has created an additional disqualification which is not found in
22 the Constitution and that is outside the realm of the Legislature's authority.
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