

DRAFT MINUTES

JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE

April 13, 2010

The Joint Legislative Education Oversight Committee met on Tuesday, April 13, 2010, at 1:00 p.m. in room 544 of the Legislative Office Building. Senator Tony Foriest, Senate Co-Chairman, presided and the following senators were in attendance: Senators Apodaca, Dannelly, Davis, Dorsett, Goss, Hartsell, Queen, Stevens, Swindell, and Tillman. The following House members were present: Representative Douglas Yongue, House Co-Chairman, Representatives Bell, Blackwood, Cotham, Fisher, Glazier, Jeffus, Lucas, McLawhorn, Parmon, Rapp, Tolson, Warren, and Wiley. The following members of the Legislative Research Staff were in attendance: Shirley Iorio, Drupti Chauhan, Kara McCraw, Sara Kamprath and Dee Atkinson. Members of the Fiscal Research Division were present. Committee Clerks Jackie Ray and Katie Stanley were present as well. Members of the sergeant-at-arms were present.

Chairman Foriest convened the meeting and welcomed members, staff and guests. He extended a special welcome to the three South African students from Appalachian State University who were attending the Committee meeting today.

Career-Ready Task Force

Dr. June Atkinson, Superintendent, NC Department of Public Instruction, addressed the Committee regarding the recommendations of the Career-Ready Task Force (Attachment 1). Dr. Atkinson noted that, at the Governor's request, she appointed a Career-Ready Commission (Commission) comprised of legislators, business leaders and educators to look at the following five issues:

- Alignment of Goals (economic development and workforce development)
- Systems Development and Implementation
- Entrepreneurship's Role
- 16 Career Clusters
- Business Engagement

The Commission's book, "A Crisis of Relevance" talks about how NC must better prepare all high school students for their next step in education, job training or a career. The Commission's report can be viewed on line, www.ncpublicschools.org/statesuperintendent/office/commissions/.

The Commission made three broad recommendations which include:

1. Cultivate and culture of innovation in education.
2. Connect students to careers and the business community by instituting teaching and learning innovations.

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3. Create a system for collaboration among education, workforce, and economic development entities.

Dr. Atkinson discussed the following six policy goals as proposed by the Commission to guide local, regional and state leaders in education reform efforts:

Policy Goal 1: Make Career and Technical Education (CTE) a valuable part of all student's overall high school experience and use it to help them prepare for postsecondary education and/or training and career success.

Policy Goal 2: Drive innovation and creativity in the state's high schools by developing students' skills in entrepreneurialism to accelerate their career interests.

Policy Goal 3: Transform the culture of education in NC so every school produces lifelong learners who are both academically-skilled and career-ready.

Policy Goal 4: Expand the assistance available to high school students to enable them to make both wise academic and career choices and achieve their goals for the future.

Policy Goal 5: Connect business leaders with educators in a unified effort to help students understand the relevance of their education to their future goals and prepare them with the knowledge, talent and skills valued and needed in today's workplace.

Policy Goal 6: Build on existing governance structures to bring state, regional and local leaders in education, workforce and economic development together to support and grow NC's economy.

Dr. Atkinson indicated that these policy goals will be beneficial to the 1.5 million children in NC's schools and, as a result of the Commission's work, the recommendations were officially passed on to Lt. Governor Walter Dalton's JOBS (Joining Our Businesses and Schools) Study Commission to move forward with these recommendations.

Dr. Atkinson addressed questions from Committee members regarding the Career-Ready Commission's recommendations.

Success NC

Chairman Foriest introduced Ms. Norma Houston, Executive Director, UNC Tomorrow, UNC General Administration, and Dr. Kennon Briggs, Executive Vice-President and Chief of Staff, NC Community College System, who addressed the Committee regarding the latest collaborative effort that has been formed between the UNC System and the NC Community College System called Success NC/UNC Tomorrow Collaborative (Attachment 2).

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The goal of Success NC is to increase the number of North Carolinians with college degrees and workplace relevant credentials to prepare them for success in today's 21st century knowledge-based workforce.

Ms. Houston explained the following action plan steps for Success NC for the remainder of 2010:

- Align goals and system processes to achieve increased student success
- Accelerate successful degree completion through online learning
- Assist students in successfully moving from high school into and through college

Dr. Briggs addressed the Committee with status information on the action plans. He noted that it takes good enrollment projection planning together between the two systems to determine where student demand is coming from. Dr. Briggs defined the completion process in the Community College system through the following five ways:

1. Associates Degree (usually 2 years)
2. Diploma (usually 1 years)
3. Certificate (usually 6 months or less)
4. Baccalaureate (transfer to UNC System)
5. Advanced Level Education

Ms. Houston noted that they are working together to revise and refine course transfer requirements in order that students can progress seamlessly between community college and university campuses. Dr. Briggs indicated that statistically community college students who complete the required gatekeeper courses (in math and English) perform better when they transfer to the UNC system. He noted that they are focused on STEM (Science Technology Engineering and Math) students and the transfer demand in those disciplines.

Five community college campuses will be identified to serve as pilots for on-line degree completion centers to aid students, who are matriculating at the community college campuses, to proceed from an associate's degree successfully to a completed baccalaureate degree without having to leave their home community college campus.

The community college program will work with the university system to expand the Minority Male Mentoring Program, streamline financial aid resources, and develop professional development to ensure that students have the skills needed to succeed.

Ms. Houston and Dr. Briggs answered questions from Committee members regarding the Success NC program.

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Tarheel ChalleNGe

Chairman Foriest welcomed Major Robert Carver, USAF ANG, Director of Civil-Military Affairs, NC National Guard, who addressed the Committee regarding the Tarheel ChalleNGe Academy (Attachment 3). Major Carver introduced the Academy cadets who accompanying him to Raleigh.

The Tarheel ChalleNGe Academy is a joint federal/state program in Salemburg, NC, that focuses on high school dropouts aged 16-18 years old. The Academy is a program for at risk youth with curriculum emphasis on life skills, values, education and self discipline tools necessary to succeed as adults. The program begins in January and July of each year. It is a 22-week in residence program (Phase I) followed by one year of mentorship/post-residential (Phase II). Each class begins with approximately 175. Major Carver noted that nearly 72% of the Academy graduates receive their GED.

The Academy's eligibility requirements include:

- School dropout between 16 – 18 years of age
- Volunteer to Attend
- No pending criminal offenses (no felony convictions)
- Drug Free
- NC Resident

Core Components of the Academy include academic excellence, leadership, physical fitness, community service, employment and life-coping skills, and responsible citizenship.

Major Carver noted the benefits of the Academy include the following:

- Motivated youth
- 80% placement rate for youth in the workforce or enlistment in school
- Drug, alcohol and smoke free environment

The operating budget to run the Academy is \$3.5 million per year. Major Carver indicated that the initial \$5,600 per graduate will be reduced to \$3,500 per graduate. Also, the initial cost share match of 60% federal funding and 40% state funding for the program will change to 75% and 25% respectively.

The Academy has two recruiters who cover the entire state of NC and meet with various referral sources (school officials, resource officers, guidance counselors, social service workers, court counselors, etc.). The website for the Academy is www.ngycp.org/state/nc.

Major Carver addressed questions from Committee members regarding the Tarheel ChalleNGe Academy.

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Update on School Construction Needs

Chairman Foriest introduced Dr. Ben Matthews, Director, School Support Division, NC Department of Public Instruction, who addressed the Committee regarding the progress on school capital construction (Attachment 4).

Dr. Matthews indicated that 2005-2006 was the last survey identified \$10+ billion in school construction needs at that time. The next survey will be performed between October 2010 and January 2011. Dr. Matthews noted that from 2006-2009 the state spent about \$4.7 billion on school capital construction.

The current spending on actual projects is listed as follows:

FUND TYPE	NUMBER OF FUNDS	COST
COPS, QZABs, QSCBs	109	\$2,099,465,937
Local Bonds	15	\$3,096,305,000
PSBCF Corp Income Tax Projects	1195	\$ 355,142,817
PSBCF Lottery Projects & Debt Payments	908	\$ 367,122,486
TOTAL SPENDING & BORROWING – From January 2006 – March 2010	2227	\$5,918,036,240

Dr. Matthews noted that some of the things they are looking for in the future include additional engineering positions, green building design, and solar and wind energy sources. The website for the School Planning Section, Division of School Support is www.schoolclearinghouse.org.

Dr. Matthews answered questions from Committee members related to school capital construction.

Calendar Adjustment for Inclement Weather

Chairman Foriest recognized Dr. Shirley Iorio and Kara McCraw, Legislative Analysts, Research Division, NC General Assembly and Dr. Tony Baldwin, Superintendent, Buncombe County Schools, who addressed the Committee regarding public school calendar issues due to inclement weather.

Dr. Iorio gave background information on what the law states about the school calendar as explained in G.S. 115C-84.2 (Attachment 5), what the Committee has done in the past to alleviate the calendar issue problem, and what options are currently available. She noted that

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under the current law, missed days due to inclement weather can be made up as follows:

- Using the plan already built into the beginning school calendar
- Using non-protected teacher workdays
- Using days added at the end of the school year
- Using spring break
- Using Saturdays
- Using holidays

It was noted that it has been an unusually hard school year in terms of school closings for inclement weather. In the past the NC General Assembly has taken action in those circumstances where limited one time exceptions (for counties declared disaster areas) have been made to the 180 day requirement and the 1,000 hours of instruction.

The two bills currently in the Senate Education/Higher Education Committee that have passed through the House that could be amended or passed as is are:

- **H 593. CHANGE SCHOOL STARTING DATE.** Filed 3/12/09. *TO CHANGE THE SCHOOL STARTING DATE FOR STUDENTS.*
- **H 636. STAFF DEV. OK ON PROTECTED TEACHER WORKDAYS.** Filed 3/17/09. *TO MODIFY THE SCHOOL CALENDAR LAW TO PERMIT SCHOOLS TO CONDUCT SCHEDULED STAFF DEVELOPMENT ON PROTECTED TEACHER WORKDAYS.*

The Committee also has the option of introducing a new bill for consideration.

Kara McKraw addressed the Committee regarding information gathered from school systems relating to inclement weather survey for 24 of NC's western counties (Attachment 6 and 7). The survey included the LEA name, days missed, days made up, days to still make up, scheduled last day of school, adjusted last day of school, and other days used for make up. The information in the survey was current as of March 19, 2010.

Most of the western counties have adjusted their last day of school to some degree. The latest last school date was June 15, 2010 for Haywood and Transylvania counties. All counties had used other methods to make up some of the missed days. LEAs eligible for a waiver for 2011-2012 were listed on the second survey. Based on predictions from information received, all counties eligible for waivers this year will be eligible for waivers next year. Two additional LEAs (Buncombe and Asheville City) are eligible for waivers next year but did not receive waivers this year. This information was provided to staff by DPI.

Kara reported the following information related to the 24 counties losing seven or more days this school year:

- (6) LEAs missed 7-10 days
- (4) LEAs missed 11-15 days
- (4) LEAs missed 16-20 days

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- (2) LEAs missed 21-25 days
- (1) LEAs missed over 26 days

Dr. Baldwin addressed the Committee regarding challenges faced by the Buncombe County School System (BCSS). He noted that this was the first year that the BCSS has not received a calendar waiver and discussed how the severity of the prolonged winter weather has negatively impacted the BCSS. Dr. Baldwin referenced a letter sent to DPI by the BCSS and the Buncombe County Board of Education asking for a waiver request and revised 2010-2011 calendar for Buncombe County Schools (Attachment 8).

Dr. Baldwin addressed questions and concerns from Committee members regarding calendar adjustments for inclement weather.

Athletic Injuries and Athletic Trainers in Secondary Schools

The Chairman introduced Bill Griffith, Legislative Chair of the NC Athletic Trainers' Association (NCATA), who addressed the Committee regarding H.B. 1006 and S.B. 864, funds for athletic trainers in high schools.

Mr. Griffith noted that NC has over 175,000 high school student athletes – 66% who participate in more than one sport. It is estimated that there are over 10,000 reportable injuries per year. A reportable injury is defined as one that limits athletic participation, involves a concussion, fracture or eye injury, or requires the attention of a medical professional. Studies show that 20% of high school athletics will suffer a reportable injury at some point during their career.

Mr. Griffith reported that fewer than one-half of public schools have a licensed athletic trainer to care for injured athletics. The remaining one-half of public schools rely on care provided by first responders or have no individual designated to provide such care. He noted that football programs are mandated to have a first responder present; however, other high risk sports, such as soccer, basketball, cheerleading, lacrosse, field hockey or wrestling have little or no health care available outside EMS or hospital emergency rooms.

The NCATA has been actively working to bring athletic trainers to the public high schools by educating the DPI, State Board of Education, school administrators, and the legislature about the role and importance of athletic trainers. Mr. Griffith noted that it is imperative to seek the athletic trainer mandate now due to several tragic deaths that have occurred during the 2008-2009 school year.

The bills requested for support would provide a non-teaching athletic trainer in each public high school. The presence of an on site athletic trainer is essential to providing adequate care to high school athletics.

Mr. Griffith answered questions from Committee members regarding athletic injuries and trainers.

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Chairman Foriest announced that the Committee would reconvene on Wednesday, April 14, 2010, at 9:00 a.m.

The meeting adjourned at 4:10 p.m.

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Joint Legislative Education Oversight Committee
Wednesday, April 14, 2010

The Joint Legislative Education Oversight Committee met today, April 14, 2010 at 9:00 a.m. in Room 544 of the Legislative Office Building. The following House members were in attendance: Representatives Bell, Blackwood, Cotham, Glazier, Lucas, McLawhorn, Rapp, Tolson, and Wiley. Chairman Foriest and Senators Hartsell, Stevens, and Tillman attended the meeting. Please refer to the attached attendance, visitor registration, and agenda (*Attachments 1-3*).

Draft Committee Report Discussion
Recommendation #1: School Calendar

As the first order of business, Chairman Yongue asked committee members to review the first draft of the proposed committee report (Attachment 4). Dr. Shirley Iorio introduced the report and guided members through each draft recommendation. Recommendation #1 dealt with “amending the current school calendar law to provide LEAs the flexibility needed to make up the missed days” resulting from inclement weather. Representative McLawhorn asked Dr. Iorio to review the options available to the committee based on past action taken by the legislature. Dr. Iorio noted that previous legislatures amended the law to read that students must attend 180 days or 1,000 hours of instruction, as opposed to requiring both 180 days and 1,000 instructional hours. Another option based on previous legislative action involved amending the statutes to allow LEAs to make-up between 0 and three days by adding additional hours to the school day. Representative McLawhorn asked if previous legislative action required that a provision apply only after schools missed a certain number of days. Dr. Iorio noted that this was indeed an option, and had been used in the past. One past legislative action offered LEAs flexibility within the law only after having missed 13 days due to inclement weather. Chairman Yongue asked that members consider leaving the draft language as is in order to give the Education Committee discretion to work out the specifics. Representative Lucas moved to approve the draft recommendation stating intent to provide some flexibility to LEAs with unexpected inclement weather, and to allow this flexibility only in the current 2009-2010 school year. The committee voted to approve draft Recommendation #1.

Recommendation #2: School Transition

Based on data provided by Dr. Gene Bottoms, Senior Vice President, Southern Regional Education Board, this draft recommendation, as seen on page 8 of the draft report, acknowledges that students often have some difficulty when transitioning from middle to high school, resulting in lower performance or even dropping out of high school (*Attachment 4*). Chairman – Senator Foriest raised concerns that counselors or some alternative educator follow a student through high school -from ninth to twelfth grade - to ensure high school completion and provide the student with information on the available opportunities for college attendance. Dr. Iorio noted that the Career Ready Commission, led by Superintendent June Atkinson, will report soon to the JOBS Commission at which point the recommendations may include this intent. Representative Blackwood agreed that students should have more information about college going feasibility.

Dr. Iorio suggested adding language to this recommendation to include the need for career coaches in high school - an idea mentioned by Superintendent Atkinson at a previous meeting when reviewing the possible recommendations of the Career Ready Commission. The committee agreed to add the language and moved on to the next recommendation. There is no attached bill draft associated with this recommendation

Recommendation #3: College and Career-Ready Students

Dr. Iorio explained the recommendation, as stated on page 9 in the draft report, stating that the committee “strongly supports the ongoing efforts” of the three public education agencies – K-12, community colleges, and universities (*Attachment 4*). Representative Tolson suggested the inclusion of all interested education entities, noting that NC Independent Colleges and Universities should be added. With no objection, the committee agreed.

Recommendation #4: School Leadership

Dr. Iorio explained the recommendation which states that NC realizes the need to provide “quality professional development” to improve the “skills of principals and other school leaders”. The recommendation mentions the undergoing efforts of the National Board Certification for Educational Leaders to provide a rigorous and quality certification process for principals, much like the National Board Certification process for teachers across the nation. Representative Tolson noted his support by adding that the committee should offer stronger support of this initiative. Chairman Yongue noted his support and said given the current state of the economy, it would be difficult to require the legislature to expand funding. Dr. Iorio suggested adding language to emphasize the committee’s support by saying the committee “strongly” recommends (*Attachment 4*). Members agreed to the change.

Recommendation #5: Positive Behavior Support Initiative

The Positive Behavior Support Initiative has shown success in improving academic performance and reducing discipline issues. Senator Stevens suggested adding language to encourage the legislature to consider funding this initiative. The members agreed to add language to identify the successful results of the program.

Recommendation #6: Education Value-Added Assessment System (EVASS)

Dr. Iorio explained the background and intent of this draft recommendation, which “strongly recommends that local school systems, schools, and teachers use EVASS to collect diagnostic information on students and use the data to help raise student achievement”. The committee further discussed the critical need to collect this data and the extent to which the committee should support longitudinal data collection in order to measure student achievement. The committee agreed to strongly support a bill to require that school systems and school improvement teams collect data using EVASS or some other compatible equivalent, so that student achievement data is interchangeable and available.

Recommendation #7: Broadband Access

The committee reviewed this recommendation and had no objections. Representative Tolson asked the committee to consider changing the language to read the committee strongly recommends that state works to “continue to improve” broadband access for all public schools. There were no objections to the change.

Recommendation #8: Students with Disabilities (Parts A & B)

Part A – Banning Corporal Punishment for Students with Disabilities

The committee discussed this possible recommendation at length. Representative Blackwood asked for a definition of a student with a disability, and questioned the need to change the statutes. Representative Glazier pointed his attention to the data presented at an earlier meeting, which provided a county by county breakdown of the number of incidents reported in a national survey. He further stated that a student with disabilities is designated as an exceptional child according to federal statutes. Representative Glazier encouraged the committee to adopt the recommended bill draft. Representative Wiley went on the record in a previous meeting to note her support of banning corporal punishment for all students. She further expressed the need to carefully protect students with disabilities that are manifest into behavioral problems. Representative Lucas agreed with Representative Wiley, that corporal punishment should be wholly banned. Representative Glazier then moved that the committee consider banning corporal punishment for all students, with the option for parents to opt out. Under Senate Rule 53 – Effective Defeat and Measure – a bill may not be drafted for consideration in the upcoming short session, which embodies the exact language or principal ideas of a bill that previously failed the chamber or had been tabled. Such a bill passed the House in 2009, but failed in the Senate on 2nd reading. Representative Glazier then offered a substitute motion to adopt the current draft bill, with the understanding that the bill may be vetted and perfected in the standing Education Committee. The committee voted to approve the current bill draft as is.

Part B – Delay the Sunset of an Act Pertaining to Discipline and Homebound Instruction of Students with Disabilities

Dr. Iorio reviewed the draft recommendation. There was no disagreement or further discussion with the understanding that the draft bill and recommendation would simply bring NC in compliance with federal law and avoid a state statute sunset. The sunset would be extended from March 1, 2011 to June 1, 2013.

Recommendation #9: Substitute Teacher Unemployment

Senator Hartsell proposed a bill draft to address unemployment compensation for substitute teachers. The NC School Board Association favors the language. The pre-existing law allowed substitute teachers to claim unemployment benefits – whether or not the substitute teacher was employed on a part-time or full-time basis. After staff attorneys worked out the details with the US Department of Labor, Senator Hartsell offered the committee some clarity on how to amend our state statutes in order to be in compliance with federal law. Please see *Attachment 5*.

Recommendation #10: School Support Division Appropriation

Representative Tolson proposed that the committee recommend appropriated \$2 million to support the Plant Operations or School Support Division at DPI. The funds would be used to support the division and allow the hiring of an electrical engineer and an environmental engineer. This proposal would require a change to G.S. 115C-546.1 and 115C-546.2. Staff will draft a bill to include in the report at the next meeting. Mr. Ben Matthews, Director of School support at the Department of Public Instruction spoke to the effect of such a bill. He explained how the addition of these two positions would help schools to manage energy and environmental efficiency, provide more green design oversight, etc. Please see *Attachment 6* for the proposed language in its entirety.

Recommendation #11: Athletic Trainers

Representative Cotham asked the committee to consider a recommendation that would offer support to the language contained in House Bill 536, which was referred to House Rules Committee and was never considered. Please see House Bill 536 as attached (*Attachment 7*). Dr. Iorio suggested that a new bill draft would be eligible since House Bill 536 was not formally considered in 2009.

Recommendation #12: Training for School Board Members

Representative Glazier passed out a chart showing that only 45 out of 115 school boards complied with training requirements set in state statutes. Representative Glazier suggested that the legislature enforce the current law by giving the State Board of Education some enforcement authority. The NC School Board Association supports House Bill 348 – which allows the State Board of Education to assess a \$50 fine for each hour of the 12-hour required training that is not completed. The funds would then be distributed to the LEA in which the school board member sits. This recommendation would support the passage of House Bill 348, as it left the House of Representatives. Please see the attached bill and chart (*Attachments 8-9*).

With no further suggestions or discussion, Chairman Yongue announced the date and time of the next planned meeting as April 27, 2010 at 11:00 am. The committee adjourned at 10:35 am.

Respectfully submitted by,

Co-Chair – Representative Douglas Yongue

Katie Stanley, Committee Clerk



SuccessNC/UNC Tomorrow Collaborative



Our Goal: To increase the number of North Carolinians with college degrees and workplace relevant credentials to prepare them for success in today's 21st century knowledge-based workforce.

Our Partners: The SuccessNC/UNC Tomorrow Collaborative is a joint initiative between The University of North Carolina and the North Carolina Community College System.

Our Plan: By the end of 2010 we will:

ALIGN our goals and processes to achieve increased student success:

1. Set joint goals to increase degree completion and attainment of job-relevant credentials for both traditional and non-traditional students, including underrepresented students and regions in our state and adult degree-completers.
2. Revise and refine course transfer requirements so that students can progress seamlessly between our community colleges and universities.
3. Align course content and develop curriculum/instructional support resources in fundamental (i.e. gatekeeper) English, math and science courses to improve student learning outcomes.

ACCELERATE successful degree completion through online learning:

1. Identify up to 5 pilot community college campuses where we'll establish "UNC Online Degree Centers" so that more students can have the opportunity to earn their university diplomas.
2. Develop a coordinated support system for community college students so that more of them can successfully complete university degrees while at their community college campuses.

ASSIST students in successfully moving from high school into and through college:

1. Jointly expand the successful Minority Male Mentoring Program to help address the achievement gap among African American male students.
2. Streamline and consolidate financial aid programs so that more students can afford college.
3. Develop focused professional development and instructional resources to support college developmental education and high school remediation efforts to ensure students begin college with the skills needed to succeed.

Public School Calendar

G.S. 115C-84.2 is the statute which established the parameters of the school calendar. Local boards of education must adopt a school calendar which meets the following criteria:

- Must be 215 days, all of which fall within the fiscal year.
- Must include a minimum of 180 days and 1000 hours of instruction covering at least 9 calendar months.
- Must include a plan for making up days and instructional hours missed due to inclement weather.
- Must include a minimum of 10 annual vacation leave days.
- Must include the same or an equivalent number of legal holidays occurring within the school calendar year as those designated by the State Personnel Commission for State employees.
- Must include five days designated for use as protected teacher workdays.

All remaining days must be scheduled by the local board in consultation with each school's principal for use as teacher workdays, additional instructional days, or other lawful purpose. In order to make up days for school closing due to inclement weather, a local board may designate any of these days as additional make-up days to be scheduled after the last day of student attendance.

The total number of teacher workdays for teachers employed for a 10 month term may not exceed 195 days.

The calendar must include at least 42 consecutive days when teacher attendance is not required unless the school is a year-round school or the teacher is employed for an excess of 10 months.

School may not be held on Sundays.

Veteran's Day must be a holiday for all public school personnel and students.

Except for year-round schools, the opening date of school for students may not be before August 25, and the closing date for students may not be after June 10. A local board may revise the scheduled closing date if necessary in order to comply with the minimum requirements for instructional days or instructional time.

The State Board of Education may grant waivers from the August 25 and June 10 opening and closing dates for the following reasons:

- A showing of good cause. "Good cause" means schools in the local school administrative unit have been closed 8 days per year during any 4 of the last 10 years because of severe weather conditions, energy shortages, power failures, or other emergency situations.
- An educational purpose. "Educational purpose" means that a local school administrative unit establishes a need to adopt a different calendar for:

- a specific school to accommodate a special program offered generally to students in that school;
- a school that primarily serves a special population of students; or
- a defined program within a school.

The State Board may grant the waiver for an educational purpose to the extent that the State Board finds that the educational purpose is reasonable, the accommodation is necessary to accomplish the educational purpose, and the request is not an attempt to circumvent the August 25 and June 10 opening and closing dates. The law prohibits the use of a waiver request for an educational purpose to accommodate system-wide class scheduling preferences.

Inclement Weather Survey 2009-2010 (Western Counties)**

LEA	Days Missed	Days Already	Days to Still	Scheduled Last	Adjusted Last	Other days used for makeup
	(as of 3/18)	Made Up (3/18)	Make Up	Day of School	Day of School	(Sat., workdays, holidays, etc.)
Alleghany*	16	0	16	May 24	June 7	Yes
Ashe*	21	2	19	May 19	June 9	Yes
Avery*	21	4	17	May 20	June 4	Yes
Buncombe	4 subdistricts: 11 1 subdistrict: 13 1 subdistrict: 16	4 subdistricts: 4 1 subdistrict: 5 1 subdistrict: 5	4 subdistricts: 7 1 subdistrict: 8 1 subdistrict: 11	June 10	June 14	Yes
Asheville City	8	4	4	June 10	June 11	Yes
Burke	5	5	0	June 10	No	Yes
Caldwell	3	1	2	June 10	No	Yes
Cherokee	5	4	1	June 10	No	Yes
Clay	6	2	4	June 4	June 14	Yes
Graham	12	3	9	June 4	June 11	Yes
Haywood*	13	2	11	June 3	June 15	Yes
Henderson	7	2	5	June 8	June 11	Yes
Jackson	7	2	5	June 9	June 11	Yes
Macon	1 subdistrict - 7 1 subdistrict - 7 1 subdistrict - 6	5 5 4	2 2 2	June 10	June 11 or June 14 (TBD)	Yes
Madison*	18	1	17	May 19	June 9	Yes
McDowell	5	1	4	June 9	June 11	Yes
Mitchell*	17	1	16	May 21	June 8	Yes
Polk	1 subdistrict - 4 1 subdistrict - 6	1 1	3 5	June 9	June 11	Yes
Rutherford	6	4	2	June 9	June 10	Yes
Swain	9	2	7	June 3	June 11	Yes
Transylvania	12	5	7	June 9	June 15	Yes
Watauga*	26	5	21	May 20	June 11	Yes
Wilkes+	5	2	3	May 21	May 27	Yes
Yancey*	18	2	16	May 18	June 10	Yes

*LEAs with good-cause (weather-related) waivers for 2009-2010 school year.

**Information obtained from phone survey of Central Office staff conducted March 18-19, 2010.

+On modified pilot calendar permitting 180 days or 1000 hours over nine months.

**Number of Days for LEA School Closings
2000-01 to 2009-10
(Individual School Closings Not Included)**

LEA	2009-10	2008-09	2007-08	2006-07	2005-06	2004-05	2003-04	2002-03	2001-02	2000-01	Years >=8 Days	Eligible for Waiver 2011-12	Received Waiver in 2010-11
010 Alamance-Burlington	5	3	2	1	1	1	6	8	3	0	1	No	No
020 Alexander County	3	1	0	1	2	2	8	8	0	2	2	No	No
030 Alleghany County	17	10	6	5	6	10	11	14	7	10	6	Yes	Yes
040 Anson County	1	2	0	0	0	0	5	5	2	0	0	No	No
050 Ashe County	21	15	7	6	9	13	14	16	7	10	7	Yes	Yes
060 Avery County	21	17	7	6	10	22	17	16	8	16	8	Yes	Yes
070 Beaufort County	*	0	0	0	1	0	3	2	2	2	0	No	No
080 Bertie County	*	3	0	0	1	4	11	3	0	2	1	No	No
090 Bladen County	0	2	0	0	2	0	6	2	0	1	0	No	No
100 Brunswick County	0	2	0	1	5	1	1	2	2	0	0	No	No
110 Buncombe County	10	7	5	4	4	10	10	8	4	6	4	Yes	No
111 Asheville City ⁽¹⁾	8	5	4	2	3	9	7	6	4	3	2	Yes	No
120 Burke County	5	1	1	1	2	5	9	8	0	3	2	No	No
130 Cabarrus County	*	5	1	1	0	0	6	7	1	0	0	No	No
132 Kannapolis City	2	3	1	1	0	0	6	7	2	0	0	No	No
140 Caldwell County	3	1	1	1	1	3	8	8	1	3	2	No	No
150 Camden County	2	1	0	2	2	1	7	2	2	1	0	No	No
160 Carteret County	*	2	0	1	4	0	5	2	1	1	0	No	No
170 Caswell County	*	2	2	2	2	6	9	6	0	0	1	No	No
180 Catawba County	4	2	1	1	2	2	7	7	2	1	0	No	No
181 Hickory City	3	1	1	1	2	1	6	6	2	1	0	No	No
182 Newton-Conover	*	1	1	1	2	1	6	7	2	1	0	No	No
190 Chatham County	4	2	0	1	0	0	9	7	3	0	1	No	No
200 Cherokee County	6	2	2	2	2	2	3	4	1	3	0	No	No
210 Edenton/Chowan	2	2	0	2	1	1	10	2	0	1	1	No	No
220 Clay County	7	1	3	0	2	1	3	0	4	2	0	No	No
230 Cleveland County	2	2	1	1	2	0	7	6	2	1	0	No	No
240 Columbus County	*	2	0	0	2	0	5	1	2	0	0	No	No
241 Whiteville City	0	1	0	0	2	0	5	1	0	0	0	No	No
250 Craven County	0	2	0	1	2	2	3	2	2	1	0	No	No
260 Cumberland County	*	2	0	0	1	0	6	3	2	1	0	No	No
270 Currituck County	*	2	0	1	2	0	5	2	0	1	0	No	No
280 Dare County	*	2	0	4	2	0	10	5	1	0	1	No	No

Number of Days for LEA School Closings
2000-01 to 2009-10
(Individual School Closings Not Included)

	LEA	2009-10	2008-09	2007-08	2006-07	2005-06	2004-05	2003-04	2002-03	2001-02	2000-01	Years >=8 Days	Eligible for Waiver 2011-12	Received Waiver in 2010-11
290	Davidson County	*	4	2	1	1	1	9	8	3	1	2	No	No
291	Lexington City	4	4	1	1	1	1	9	8	0	1	2	No	No
292	Thomasville City	*	3	1	1	1	1	8	8	2	1	2	No	No
300	Davie County	4	2	1	1	2	1	7	9	0	1	1	No	No
310	Duplin County	*	2	0	1	2	0	5	3	0	1	0	No	No
320	Durham County	3	2	0	1	0	2	7	9	2	0	1	No	No
330	Edgecombe County	*	0	0	0	0	1	5	3	3	2	0	No	No
340	Forsyth County	4	4	2	1	2	1	8	10	2	0	2	No	No
350	Franklin County	*	4	0	1	0	2	5	7	1	1	0	No	No
360	Gaston County	2	2	1	1	2	0	5	6	0	0	0	No	No
370	Gates County	3	1	0	1	3	1	10	2	0	1	1	No	No
380	Graham County	*	7	3	2	2	6	5	5	6	5	0	No	No
390	Granville County	*	2	1	1	2	4	9	9	3	2	2	No	No
400	Greene County	2	0	0	1	1	0	3	0	0	2	0	No	No
410	Guilford County	*	4	2	1	2	1	7	9	1	0	1	No	No
420	Halifax County	3	0	0	2	0	2	10	7	0	1	1	No	No
421	Roanoke Rapids City	3	1	0	0	0	1	7	6	3	1	0	No	No
422	Weldon City	*	3	0	2	0	1	6	2	2	1	0	No	No
430	Harnett County	2	3	0	1	0	0	7	4	3	0	0	No	No
440	Haywood County	13	8	7	5	6	13	7	10	1	11	5	Yes	Yes
450	Henderson County	7	4	3	4	4	6	9	6	1	6	1	No	No
460	Hertford County	*	0	0	1	0	1	12	3	3	2	1	No	No
470	Hoke County	*	0	0	0	0	0	5	4	0	0	0	No	No
480	Hyde County	0	0	0	2	8	0	3	4	0	1	1	No	No
490	Iredell-Statesville	*	3	1	1	2	1	7	8	2	1	1	No	No
491	Mooresville City	2	2	1	1	1	0	5	6	2	0	0	No	No
500	Jackson County	*	3	3	3	3	6	6	7	5	6	0	No	No
510	Johnston County	2	2	0	1	0	0	7	5	2	0	0	No	No
520	Jones County	*	1	0	0	2	0	4	2	0	1	0	No	No
530	Lee County	3	2	0	2	0	0	7	4	2	0	0	No	No
540	Lenoir County	1	0	0	1	1	1	6	2	2	1	0	No	No
550	Lincoln County	*	4	1	1	1	1	6	7	2	0	0	No	No
560	Macon County	*	5	3	2	2	1	2	3	2	1	0	No	No
570	Madison County	19	15	10	7	8	13	13	13	5	14	8	Yes	Yes

**Number of Days for LEA School Closings
2000-01 to 2009-10
(Individual School Closings Not Included)**

	LEA	2009-10	2008-09	2007-08	2006-07	2005-06	2004-05	2003-04	2002-03	2001-02	2000-01	Years >=8 Days	Eligible for Waiver 2011-12	Received Waiver in 2010-11
580	Martin County	*	2	0	1	1	1	5	2	0	2	0	No	No
590	Mcdowell County	*	2	2	2	2	5	9	7	0	6	1	No	No
600	Mecklenburg County	*	2	1	1	0	0	5	7	2	0	0	No	No
610	Mitchell County	18	16	11	8	11	14	15	16	7	12	9	Yes	Yes
620	Montgomery County	1	2	0	1	0	0	6	7	2	0	0	No	No
630	Moore County	1	3	0	1	0	0	6		3	0	0	No	No
640	Nash-Rocky Mount	*	3	0	2	0	2	6	5	3	1	0	No	No
650	New Hanover County	*	2	0	2	3	1	1	2	2	0	0	No	No
660	Northampton County	*	2	0	2	0	2	9	5	0	1	1	No	No
670	Onslow County	*	2	0	1	3	0	5	2	0	1	0	No	No
680	Orange County	3	3	1	1	0	1	9	9	2	0	2	No	No
681	Chapel Hill-Carrboro	2	2	0	2	0	0	8	8	0	0	2	No	No
690	Pamlico County	0	1	0	1	2	0	1	2	0	1	0	No	No
700	Pasquotank County	*	1	0	3	2	1	8	2	2	1	1	No	No
710	Pender County	*	3	0	1	3	0	3	2	0	0	0	No	No
720	Perquimans County	3	2	0	2	1	1	9	2	2	1	1	No	No
730	Person County	5	3	2	1	2	6	10	10	1	2	2	No	No
740	Pitt County	*	0	0	0	0	0	7	2	0	2	0	No	No
750	Polk County	5	1	1	2	2	3	7	6	1	2	0	No	No
760	Randolph County	5	4	0	1	1	1	9	9	1	0	2	No	No
761	Asheboro City	5	2	1	1	1	0	6	7	2	0	0	No	No
770	Richmond County	1	3	0	1	0	0	5	3	3	0	0	No	No
780	Robeson County	*	2	0	1	0	0	6	3	2	1	0	No	No
790	Rockingham County	5	4	2	1	2	4	11	12	0	3	2	No	No
800	Rowan-Salisbury	4	4	1	1	2	1	8	8	3	0	2	No	No
810	Rutherford County	*	1	0	1	2	2	5	6	2	2	0	No	No
820	Sampson County	*	0	0	1	1	0	6	2	3	1	0	No	No
821	Clinton City	2	0	0	0	1	0	5	3	2	1	0	No	No
830	Scotland County	0	3	0	0	0	0	5	2	2	0	0	No	No
840	Stanly County	2	2	0	2	0	0	5	6	0	0	0	No	No
850	Stokes County	4	2	1	1	3	5	14	13	3	2	2	No	No
860	Surry County	*	4	2	2	4	4	14	13	3	7	2	No	No
861	Elkin City	5	2	1	1	2	3	11	10	2	3	2	No	No
862	Mount Airy City	6	1	1	1	3	4	11	10	2	4	2	No	No

**Number of Days for LEA School Closings
2000-01 to 2009-10
(Individual School Closings Not Included)**

	LEA	2009-10	2008-09	2007-08	2006-07	2005-06	2004-05	2003-04	2002-03	2001-02	2000-01	Years >=8 Days	Eligible for Waiver 2011-12	Received Waiver in 2010-11
870	Swain County	9	7	3	2	2	2	4	5	4	2	1	No	No
880	Transylvania County	12	2	4	3	3	6	9	6	2	7	2	No	No
890	Tyrrell County	2	2	0	1	1	0	8	2	2	0	1	No	No
900	Union County	1	3	0	2	0	0	5	6	2	0	0	No	No
910	Vance County	3	1	0	1	1	3	5	9	3	2	1	No	No
920	Wake County	3	3	0	1		1	7	6	3	0	0	No	No
930	Warren County	*	2	0	2	0	4	7	8	1	2	1	No	No
940	Washington County	2	0	0	0	1	1	9	2	2	1	1	No	No
950	Watauga County	27	18	6	6	9	15	18	17	7	14	7	Yes	Yes
960	Wayne County	*	2	0	2		0	5	4	2	1	0	No	No
970	Wilkes County	6	3	2	2	3	5	13	10	0	5	2	No	No
980	Wilson County	*	2	0	0	0	1	6	3	2	1	0	No	No
990	Yadkin County	*	2	1	1	3	3	9	9	2	3	2	No	No
995	Yancey County	19	15	13	6	12	15	13	13	8	14	9	Yes	Yes
State Total		364	351	145	179	227	283	833	685	226	246	131	10	8

This is an interim report containing missed school days reported by LEAs on 3/26/10.

* Indicates the LEA did not submit a report.

(1) Is eligible based on being located within a county LEA that is eligible.



Tony Baldwin, Ed.D., Superintendent

175 Bingham Road, Asheville, NC 28806

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www.buncombe.k12.nc.us

April 12, 2010

Mr. Andrew Cox
School Business Services
Department of Public Instruction
6334 Mail Service Center
Raleigh, N.C. 27699-6334

Dear Mr. Cox,

On behalf of the Buncombe County School System, an LEA-Based Calendar Waiver Request for Weather Related Causes along with a revised 2010-11 school calendar is being submitted. The significant impact of winter weather from December 2009 through March 2010, combined with the strict guidelines of General Statute § 115C-84.2, clearly justify both the process of calendar resubmission and the decision to grant a waiver effective for the 2010-2011 school year. The revised calendar was developed through the efforts of our system-wide calendar committee utilizing the same process as structured to set the initial calendar. The starting date of August 17th was derived from the desire to match the start dates of our local community college and school system.

The severity of the prolonged winter weather has negatively impacted the Buncombe County School System in the following manner:

- 1) All schools within the six districts of the system were closed on at least eleven days due to inclement weather.
- 2) Based on a closure policy that allows up to two districts to be closed without affecting the opening of the other four districts, the Erwin and North Buncombe districts respectively missed thirteen and sixteen total days of instruction due to weather conditions.
- 3) Makeup sessions for students and staff have included the conversion of six Saturdays and three days previously identified as Spring Break holidays.
- 4) Due to the exceptional circumstances created by the prolonged extent of inclement weather, our local board extended the school year by two days, with a third day of calendar extension approved for the North Buncombe district.
- 5) A total of twenty hours of instruction time was lost due to delayed start times and/or early dismissals made necessary due to inclement weather.

The current school year is the first in which Buncombe County Schools has not received a Calendar Waiver. Pursuant to 115C-84.2, section (d) of the statute dictates the justification for an LEA to qualify for a waiver for "good cause." Specifically, the law provides for a waiver when "schools in any local school administrative unit in a county have been closed eight days per year during any four of the last ten years because of severe weather conditions, energy shortages, power failures, or other emergency situations." The eleven days of system-wide closures for the current 2009-2010 school year represent the fourth year (including 04-05, 03-04, and 02-03) within the most recent ten years where eight or more days have been lost due to severe weather conditions. In short, Buncombe County Schools qualifies under the statute for a waiver for the 2010-2011 school year.

Mr. Andrew Cox
Page 2
April 12, 2010

While it is impossible to predict the severity of future winters, the reflective damage to the instructional environment that our school system has experienced this year and in years past clearly warrants the pursuit of any option available to prevent or mitigate this most recent negative experience in the future. (Optional Language) Our intention is simply to provide a flexible, yet reasonable calendar that meets the needs of our community as permitted by law.

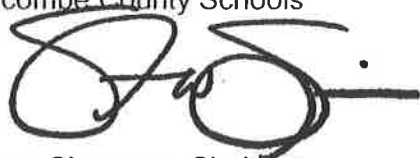
The Buncombe County Board of Education approved by unanimous vote the 2010-2011 Academic Calendar and the LEA-Based Calendar Waiver Request 115C-84.2 for Weather-Related Causes at their April 1, 2010 regular meeting.

It is our sincere hope that the submitted waiver and revised 2010–2011 calendar for Buncombe County Schools will be approved in recognition of the qualifications met through state law and ultimately as the correct decision to protect the best interests of our 25,531 students. Furthermore, due to a concern for public notification of any school calendar change in as early a manner as possible; our request is for this item to be added to the May 2010 Agenda of the State Board of Education for consideration and decision.

Sincerely,



Tony Baldwin, Ed.D.
Superintendent
Buncombe County Schools



Steven Sizemore, Chairman
Buncombe County Board of Education

TB/clj

C: Representative Susan C. Fisher
Representative Jane Whilden
Representative Bruce Goforth
Representative Ray Rapp
Senator Martin Nesbitt
Mr. William Harrison, Chairman, State Board of Education
Mr. Wayne McDevitt, Vice Chairman, State Board of Education
Ms. Katie G. Cornetto, Attorney, State Board of Education
Dr. June Atkinson, State Superintendent
Mr. Philip Price, Chief Finance Officer, Department of Public Instruction
Members, Buncombe County Board of Education

2010-2011 ACADEMIC CALENDAR

AUGUST 2010						
S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12 DTWD	13 PTWD	14
15	16 DTWD	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

SEPTEMBER 2010						
S	M	T	W	T	F	S
			1	2	3	4
			12	13	14	
5	6 AL	7	8	9	10	11
	15	16	17	18		
12	13	14	15	16	17	18
	19	20	21	22	23	24
19	20 Early Rel.	21	22	23	24	25
	26	27	28	29	30	
26	27	28	29 EBAS	30		

OCTOBER 2010						
S	M	T	W	T	F	S
					1	2
					32	
3	4	5	6	7	8	9
	23	24	25	26	27	
10	11	12	13	14	15	16
	28	29	30	31		
17	18	19	20	21	22	23
	31					
24	25	26	27	28	29	30

NOVEMBER 2010						
S	M	T	W	T	F	S
	1	2 Early Rel.	3	4	5	6
	8	9	10	11	12	13
	15	16	17	18	19	20
	22	23	24	25	26	27
28	29	30				

DECEMBER 2010						
S	M	T	W	T	F	S
			1	2	3	4
			7	8	9	10
5	6	7	8 Early Rel.	9	10	11
	13	14	15	16	17	18
12	13	14	15	16	17	18
	19	20	21	22	23	24
19	20	21	22	23	24	25
	26	27	28	29	30	31

JANUARY 2011						
S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
	10	11	12	13	14	15
9	10	11	12	13	14	15
	17	18	19	20	21	22
16	17	18	19	20	21	22
	24	25	26	27	28	29
23	24	25	26	27	28	29
	31					
30	31					

FEBRUARY 2011						
S	M	T	W	T	F	S
		1	2	3	4	5
		8	9	10	11	12
6	7	8	9	10	11	12
	14	15	16	17	18	19
13	14	15	16	17	18	19
	21	22	23	24	25	26
20	21	22	23	24	25	26
	28					
27	28					

MARCH 2011						
S	M	T	W	T	F	S
		1	2	3	4	5
			8	9	10	11
6	7	8	9	10	11	12
	14	15	16	17	18	19
13	14	15	16	17	18	19
	21	22	23	24	25	26
20	21	22	23	24	25	26
	28	29	30	31		
27	28	29	30	31		

APRIL 2011						
S	M	T	W	T	F	S
					1	2
					14	
3	4	5	6	7	8	9
	11	12	13	14	15	16
10	11	12	13	14	15	16
	18	19	20	21	22	23
17	18	19	20	21	22	23
	25	26	27	28	29	30
24	25	26	27	28	29	30

MAY 2011						
S	M	T	W	T	F	S
1	2	3	4	5	6	7
	9	10	11	12	13	14
8	9	10	11	12	13	14
	16	17	18	19	20	21
14	16	17	18	19	20	21
	23	24	25	26	27	28
22	23	24	25	26	27	28
	30	31				
29	30	31				

JUNE 2011						
S	M	T	W	T	F	S
			1	2	3	4
			8	9	10	11
5	6	7	8	9	10	11
	13	14	15	16	17	18
12	13	14	15	16	17	18
	19	20	21	22	23	24
19	20	21	22	23	24	25
	26	27	28	29	30	
26	27	28	29	30		

JULY 2011						
S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
	11	12	13	14	15	16
10	11	12	13	14	15	16
	17	18	19	20	21	22
17	18	19	20	21	22	23
	25	26	27	28	29	30
24	25	26	27	28	29	30

- 8/12/10-DTWD-No School
- 8/13/10-PTWD-No School
- 8/16/10-DTWD-No School
- 8/17/10-1st Day for Students
- 9/6/10-Labor Day-AL-No School
- 9/20/10-2 hr. Early Release
- 9/29/10-PTWD (H.S. Only)-No School
- 9/29/10-DTWD (ES/MS Only)-No School
- 10/21/10-DTWD (H.S. Only)-No School
- 10/21/10-PTWD (ES/MS Only)-No School
- 11/01/10-2 hr. Early Release
- 11/11/10-Veterans Day Holiday-No School
- 11/24/10-AL-No School
- 11/25/10-Thanksgiving Holiday-No School
- 11/26/10-AL-No School
- 12/8/10-2 hr. Early Release
- 12/22/10-AL-No School
- 12/23/10-Holiday-No School
- 12/24/10-Holiday-No School
- 12/27/10-Holiday-No School
- 12/28/10-12/29/10-AL-No School
- 12/30-12/31/10-Holiday-No School
- 1/3/11-OTWD-No School
- 1/14/11-PTWD-No School
- 1/17/11-MLK Holiday-No School
- 2/01/11-2 hr. Early Release
- 2/14/11-OTWD-No School
- 3/03/11-OTWD-No School
- 3/09/11-2 hr. Early Release
- 3/24/11-PTWD-No School
- 4/11/11-4/15/11-Spring Break-No School
- 4/22/11-AL-No School
- 5/30/11-OTWD-No School
- 6/02/11-Last Day for Students-2 Hr. Early Release
- 6/03/11-PTWD-No School
- 6/06/11-DTWD-No School
- 6/07/11-OTWD-No School
- 6/08/11-OTWD-No School

HIGH SCHOOL SUMMARY	
1st Grading Period Ends-	Report Cards-
2nd Grading Period Ends-	Report Cards-
3rd Grading Period Ends-	Report Cards-
4th Grading Period Ends-	Report Cards-
5th Grading Period Ends-	Report Cards-

MIDDLE/ELEMENTARY SCHOOL SUMMARY	
1st Grading Period Ends-	Report Cards-
2nd Grading Period Ends-	Report Cards-
3rd Grading Period Ends-	Report Cards-

LEGEND	
4 OTWD	10 Holidays
5 PTWD	10 AL
4 DTWD	4 Early Release
2 Accrued Vac. Lv	180 Instructional Days
2 Early Rel-Prof. Dev.	

**JOINT LEGISLATIVE
EDUCATION OVERSIGHT COMMITTEE**



***REPORT TO THE 2010
REGULAR SESSION
OF THE
2009 GENERAL ASSEMBLY
OF NORTH CAROLINA***

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STATE OF NORTH CAROLINA

JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE



April 27, 2010

TO THE MEMBERS OF THE 2010 REGULAR SESSION OF THE 2009 GENERAL ASSEMBLY
OF NORTH CAROLINA:

Attached for your consideration is the report to the 2010 Regular Session of the 2009
General Assembly of North Carolina. This report was prepared by the Joint Legislative
Education Oversight Committee pursuant to G.S. 120-70.81.

Respectfully submitted,

Senator Tony Foriest
Cochair

Representative Douglas Yongue
Cochair

**JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE
2009-2010**

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ARTICLE 12H.
Joint Legislative Education Oversight Committee.

§ 120-70.80. Creation and membership of Joint Legislative Education Oversight Committee.

The Joint Legislative Education Oversight Committee is established. The Committee consists of 22 members as follows:

- (1) Eleven members of the Senate appointed by the President Pro Tempore of the Senate, at least two of whom are members of the minority party; and
- (2) Eleven members of the House of Representatives appointed by the Speaker of the House of Representatives, at least three of whom are members of the minority party.

Terms on the Committee are for two years and begin on the convening of the General Assembly in each odd-numbered year. Members may complete a term of service on the Committee even if they do not seek reelection or are not reelected to the General Assembly, but resignation or removal from service in the General Assembly constitutes resignation or removal from service on the Committee.

A member continues to serve until his successor is appointed. A vacancy shall be filled within 30 days by the officer who made the original appointment.

§ 120-70.81. Purpose and powers of Committee.

(a) The Joint Legislative Education Oversight Committee shall examine, on a continuing basis, the several educational institutions in North Carolina, in order to make ongoing recommendations to the General Assembly on ways to improve public education from kindergarten through higher education. In this examination, the Committee shall:

- (1) Study the budgets, programs, and policies of the Department of Public Instruction, the State Board of Education, the Department of Community Colleges, the Board of Governors of The University of North Carolina, and the constituent institutions of The University of North Carolina to determine ways in which the General Assembly may encourage the improvement of all education provided to North Carolinians and may aid in the development of more integrated methods of institutional accountability;
- (2) Examine, in particular, the Basic Education Plan and the School Improvement and Accountability Act of 1989, to determine whether changes need to be built into the plans, whether implementation schedules need to be restructured, and how to manage the ongoing development of the policies underlying these legislative plans, including a determination of whether there is a need for the legislature to develop ongoing funding patterns for these plans;
- (3) Study other states' educational initiatives in public schools, community colleges, and public universities, in order to provide an ongoing commentary to the General Assembly on these initiatives and to make

recommendations for implementing similar initiatives in North Carolina;
and

(4) Study any other educational matters that the Committee considers necessary to fulfill its mandate.

(b) The Committee may make interim reports to the General Assembly on matters for which it may report to a regular session of the General Assembly. A report to the General Assembly may contain any legislation needed to implement a recommendation of the Committee.

§ 120-70.82. Organization of Committee.

(a) The President Pro Tempore of the Senate and the Speaker of the House of Representatives shall each designate a cochair of the Joint Legislative Education Oversight Committee. The Committee shall meet at least once a quarter and may meet at other times upon the joint call of the cochairs.

(b) A quorum of the Committee is 10 members. No action may be taken except by a majority vote at a meeting at which a quorum is present. While in the discharge of its official duties, the Committee has the powers of a joint committee under G.S. 120-19 and G.S. 120-19.1 through G.S. 120-19.4.

(c) Members of the Committee receive subsistence and travel expenses as provided in G.S. 120-3.1. The Committee may contract for consultants or hire employees in accordance with G.S. 120-32.02. The Legislative Services Commission, through the Legislative Services Officer, shall assign professional staff to assist the Committee in its work. Upon the direction of the Legislative Services Commission, the Supervisors of Clerks of the Senate and of the House of Representatives shall assign clerical staff to the Committee. The expenses for clerical employees shall be borne by the Committee.

§ 120-70.83. Additional powers.

The Joint Legislative Education Oversight Committee, while in discharge of official duties, shall have access to any paper or document, and may compel the attendance of any State official or employee before the Committee or secure any evidence under G.S. 120.19. In addition, G.S. 120-19.1 through G.S. 120-19.4 shall apply to the proceedings of the Committee as if it were a joint committee of the General Assembly.

§§ 120-70.84 through 120-70.89: Reserved for future codification purposes.

COMMITTEE PROCEEDINGS

The Joint Legislative Education Oversight Committee held 12 meetings between October 13, 2009 and April 27, 2010.

October 13, 2009

Budget/Authorizing Legislation/Reports

Dr. Shirley Iorio, Committee Staff

Effect of Budget Reductions

Dr. Hope Williams, President, NC Independent Colleges and Universities

Erskine Bowles, President, The University of North Carolina

Dr. Scott Ralls, President, NC Community College System

Dr. June Atkinson, State Superintendent of Public Instruction

October 14, 2009

Race to the Top Fund

Dr. June Atkinson, State Superintendent of Public Instruction

Dr. Rebecca Garland, Associate State Superintendent/Chief Academic Officer, DPI

Adam Levinson, Director, Policy and Strategic Planning, DPI

Update on DPI Organization

Dr. William Harrison, Chairman, North Carolina State Board of Education

Dr. June Atkinson, North Carolina State Superintendent

November 9, 2009

Middle Grade Transition to High School

Dr. Gene Bottoms, Senior Vice President, SREB

Charter Schools

Jack Moyer, Director, Office of Charter Schools, Department of Public Instruction

Paul LeSieur, Director, School Business Administration, Department of Public Instruction

Bill Harrison, Chair, State Board of Education

Common Core Standards

Angela Quick, Deputy Chief Academic Officer, Academic Services & Instructional Support

Department of Public Instruction

November 10, 2009

Dual Enrollment for High School Students

Van Wilson, Associate Vice-President of Student Services, Community Colleges System Office

UNC Tech Transfer

Dr. Steve Leath, Vice President for Research, UNC

December 8, 2009

National Board Teacher Applications

Kris Nordstrom, Fiscal Analyst, NCGA Fiscal Research Division
Philip Price, Associate Superintendent/Chief Financial Officer, NC Department of Public Instruction

UNC Teacher Data System

Dr. Alisa Chapman, Associate Vice President for Academic Planning and University School Programs
UNC General Administration

Dr. Gary Henry, Professor and Director of the Carolina Institute for Public Policy, UNC-CH

Teacher Vacancies

Alexis Schauss, Assistant Director, School Business Administration, NC Department of Public Instruction

The Practice of School Social Work

Nadine Ejire, Assistant Section Chief, Licensure Section, NC Department of Public Instruction
Teresa Smith, Consultant, K-12 Student Support Services, NC Department of Public Instruction

School Board Member Training

Leanne Winner, Director, Governmental Relations, NC School Boards Association
Wendell Hall, President, NC School Boards Association and Member, Hertford County Board of Education

UNC Hiring Practices

Laurie Charest, Interim Vice President, Human Resources, UNC General Administration

February 16, 2010

Overview of Ed Oversight Website

Dee Atkinson, Research Assistant, Education Team, NCGA Research Division

The Bain Report and Resulting Efficiency Measures Throughout The University of North Carolina

Dr. Holden Thorp, Chancellor, University of North Carolina at Chapel Hill
Dr. Linda Brady, Chancellor, University of North Carolina at Greensboro

National Board Certification

Karen Garr, Regional Outreach Director, National Board for Professional Teaching Standards
Dr. Alvera Lesane, Senior Director, Professional Growth and Development, Durham Public Schools
Sheila Evans, Principal and National Board Certified Teacher, DF Walker School, Edenton/Chowan Schools
Joan Célestino, National Board Certified Teacher, Mineral Springs Middle School, Winston-Salem/Forsyth Schools

Update of EVAAS

Dr. June Rivers, Manager, SAS EVAAS for K-12, SAS Institute Inc.

NC 1:1 Learning Collaborative

Dr. Jenifer Corn, Senior Research Associate, Friday Institute for Educational Innovation, NCSU
Phil Emer, e-Learning Commission

Draft Social Studies Curriculum

Dr. Rebecca Garland, Chief Academic Officer, North Carolina Department of Public Instruction

February 17, 2010

The Collaborative Project: The First Two Years

Dr. Charles Thompson, LW King Professor in Education, East Carolina University

Teacher Preparation in Other Countries

John Dornan, Executive Director, Public School Forum of North Carolina

Center for International Understanding – Teacher Exchanges with China and Other Recent Initiatives

Millie Ravenel, Executive Director, North Carolina Center for International Understanding

Visiting International Faculty Program

David B. Young, CEO

March 9, 2010

Funding Multicampus Colleges in the Community College System

Jennifer Haygood, Vice President and Chief Financial Officer, North Carolina Community College System

Higher Education Graduation Rates

- **North Carolina Community College**
Dr. Scott Ralls, President, North Carolina Community College System
- **UNC System**
Dr. Alan Mabe, Sr. Vice President for Academic Affairs, UNC General Administration
Dr. James Anderson, Chancellor, Fayetteville State University
- **Independent Colleges and Universities**
Dr. Hope Williams, President, North Carolina Independent Colleges and Universities

Demonstration – Online and Distance Education

Dr. Marilyn Sheerer, Provost, East Carolina University

Dr. Elmer Poe, Assoc. Vice Chancellor for Academic Outreach, East Carolina University

March 10, 2010

Exceptional Children ARRA Update

Mary Watson, Director, Division for Exceptional Children, NC Department of Public Instruction

Banning Corporal Punishment for Students With Disabilities

Tom Vitaglione, Senior Fellow, Action for Children North Carolina

Sheri Strickland, Preschool Disabilities Coordinator, Pitt County School System; Parent of a Student with Special Needs; and current President of the North Carolina Association of Educators

Update – Restructuring the ABCs Accountability System

Dr. Lou Fabrizio, Accountability Policy and Communications Director, NC Department of Public Instruction

North Carolina Virtual Public School (NCVPS)

Kris Nordstrom, Fiscal Analyst, NC General Assembly Fiscal Research Division

Bryan Setser, Executive Director, NC Virtual Public School

April 13, 2010

Success NC

Norma Houston, Executive Director, UNC Tomorrow, UNC General Administration
Kennon Briggs, Executive Vice-President and Chief of Staff, NC Community College System

Career-Ready Task Force

Dr. June Atkinson, Superintendent, NC Department of Public Instruction

Tarheel Challenge

Robert N. Carver, Major, USAF ANG, Director of Civil-Military Affairs
North Carolina National Guard

Update on School Construction Needs

Dr. Ben Matthews, Director, School Support, NC Department of Public Instruction

Calendar Adjustment for Inclement Weather

Dr. Shirley Iorio, Legislative Analyst, Research Division, NC General Assembly
Kara McCraw, Legislative Analyst, Research Division, NC General Assembly
Dr. Tony Baldwin, Superintendent, Buncombe County Schools

Athletic Injuries and Athletic Trainers in Secondary Schools

Bill Griffin, Legislative Chair, North Carolina Athletic Trainers' Association

April 14, 2010

Committee Discussion – Draft Report

SUMMARY OF COMMITTEE PROCEEDINGS

October 13, 2009

Dr. Shirley Iorio, Committee Staff, presented the committee's authorizing legislation, estimated budget, and the studies and reports that are due to the committee.

Dr. Hope Williams, President, NC Independent Colleges and Universities, highlighted the various struggles facing colleges and students as a result of budget reductions. She spoke about three major program areas that were affected by the cuts in the 2009 budget: the Legislative Tuition Grant which was cut by \$100 per student, the program elimination of aid to part-time or half-time students which targets adult students who take courses evenings/weekends in order to complete a bachelor's degree, and the EARN scholarship program which was cut in half for the fall semester and eliminated for the spring semester. She did mention other financial aid resources that students may benefit from such as the need-based lottery scholarships or other institutional aid programs.

Erskine Bowles, President, The University of North Carolina, spoke next about the impact of the recession and the recent legislative budget cuts. Although administrative positions were cut, President Bowles cited several initiatives to increase efficiency such as the work of the UNC Tomorrow Commission, the Bain Study, the PACE Initiative, the Financial Improvement and Transformation project, and other internal reviews. He stated that administrative costs have been reduced by more than 23%, which includes a permanent reduction of 18%, and academic costs have been reduced by 5%, which includes a 1% permanent cut. He said these cuts were aimed at protecting the academic core and reducing duplication. President Bowles also explained the five major goals of the UNC Tomorrow Commission's 2009-2010 Action Plan.

Dr. Scott Ralls, President, NC Community College System, presented an overview of budget reductions totaling 1.24 million in state dollars. He talked about the enrollment trends in the last decade in which a 30% spike in enrollment occurred in 2008-2009. He mentioned that enrollment in arts and science courses have more than doubled. He also discussed growing program areas such as health sciences, public service, technical programs, and business technologies. He stated that colleges are trying to accommodate students when one course is unavailable by suggesting another required course instead; however, with the issue of physical space available and classroom capacity, students have been turned away from specific courses at 24 colleges.

Dr. June Atkinson, State Superintendent of Public Instruction, discussed the impact of the budget on public schools. She said that the 2009 budget reductions occurred in four main areas: program elimination, permanent program cuts, non-recurring program cuts, and a discretionary adjustment for each LEA. She stated that the discretionary cuts have impacted personnel through teacher and teacher assistant layoffs. She also stated that the Department has cut 64 positions and felt the impact in cuts to school support.

October 14, 2009

Dr. June Atkinson, State Superintendent of Public Instruction, spoke to the Committee about what North Carolina is doing to get Race To The Top (RTTP) funds. She noted that this is Governor Perdue's initiative and there are many partners working together to try to secure these competitive dollars. She mentioned that the RTTP program is a part of the American Recovery and Reinvestment Act (ARRA). The Secretary of the US Department of Education has discretionary funds of \$5 billion and North Carolina is competing for part of that money, hopefully somewhere between \$300 and \$500 million. Dr. Atkinson noted that funding decisions are scheduled to be announced in April 2010. She indicated that there are many successful factors that place North Carolina at or near the top for receiving funding. These factors include: NC being a leading state for education reform and improvement, NC being a model state where

educational initiatives can be replicated, NC having a well-designed, research-based plan, and NC's adherence to RTTT criteria and guidelines.

Dr. Rebecca Garland, Associate State Superintendent/Chief Academic Officer, and Adam Levinson, Director of Policy and Strategic Planning, Department of Public Instruction, spoke next about the status of the four core reforms (standards and assessments, longitudinal data systems, turning around struggling schools, and effective leaders) that are required for Race To The Top.

Dr. Bill Harrison, State Board of Education Chairman, and Dr. June Atkinson, State Superintendent of Public Instruction, addressed the organization of the State Board of Education and the Department of Public Instruction. Dr. Harrison noted that the status of the court case has been resolved and that they will move forward and will continue to focus on policy and ensure that the needs of every child in the State are met. Dr. Atkinson concurred that she was glad the court case was behind them and that she has had a tradition of working well with the State Board of Education. Dr. Atkinson provided an organizational chart referencing the different areas of the Public Schools of North Carolina. She noted that DPI employees are doing their best to be responsive to the General Assembly, as well as any other agency that calls with questions or concerns.

November 9, 2009

Dr. Gene Bottoms, Senior Vice President, Southern Regional Education Board (SREB), spoke about the middle grade transition to high school. He said that the transition from middle school to high school is one of the most difficult transitions that students have to make. He talked about the state of Maryland and what it has done to improve NAEP eighth-grade reading results. He also talked about Texas making a major investment in increasing NAEP eighth-grade math results and noted that Texas is a state to study if you want to increase math standards in terms of a sustained emphasis over a period of time. Dr. Bottoms spoke on narrowing achievement gaps for racial/ethnic groups, having effective middle grade benchmarks based on the success rate of students in grade nine, and having well-prepared teachers and principals who know curriculum instruction. Dr. Bottoms also stressed the need for the Committee to look at authorizing the State Board of Education to set up a special commission to put together a product on what an effective middle school would look like. He referenced Virginia, Tennessee, Florida, and Maryland as states that have comprehensive plans for improving middle schools.

Jack Moyer, Director, Office of Charter Schools, Department of Public Instruction, spoke about the structure and governance of charter schools. He gave an overview of the definition of charter schools, the make up of the board of directors, and provided information on charter school application statistics, relinquished and revoked charters, and testing comparisons of charter schools. He also mentioned how charter schools are monitored and he reviewed the application process.

Paul LeSieur, Director, School Business Administration, Department of Public Instruction, spoke next about the funding allocation for charter schools. He gave a review of the state, local, and federal funding.

Dr. Bill Harrison, Chairman, State Board of Education, talked about the role of the Leadership For Innovation (LFI) Committee and the role of the charter schools adhoc committee. He also noted that the Governor asked the State Board of Education to look at the charter school process and to come up with some type of rubric mechanism to evaluate whether or not a charter school is going to be innovative and do things differently than is being done in traditional public schools. He said they are looking at a process to deal with charter schools that are not performing well and developing specific criteria that charter schools need to adhere to or face revocation. He also mentioned that an adhoc committee is looking at recommendations from the Blue Ribbon Commission on Charter Schools.

Angela Quick, Deputy Chief Academic Officer, Academic Services and Instructional Support, Department of Public Instruction, spoke about the common core standards, how these standards relate to DPI's work referred to as ACRE (Accountability and Curriculum Revision Effort), and international assessments. She

noted that the timeline for common core standards spans from August 2009 for drafts to early 2010 for adoption. She also mentioned three international tests that are being used at DPI as it relates to the their work with the common core standards. Those 3 tests are: PISA (Program for International Student Assessment), TIMSS (Trends in International Mathematics and Science Study), and PIRLS (Progress in International Reading Literacy Study).

DRAFT

COMMITTEE FINDINGS AND RECOMMENDATIONS

Based on information presented to the Joint Legislative Education Oversight Committee during their regularly scheduled meetings, the Committee makes the following findings and recommendations to the 2010 Regular Session of the 2009 General Assembly:

1. School calendar

The current school calendar law requires that school systems adopt a calendar that includes a plan for making up days and instructional hours missed when schools are not opened due to inclement weather. The law also provides waivers for "good cause". On a showing of good cause, the State Board may grant a school system a waiver of the opening/closing dates to the extent that school calendars are able to provide sufficient days to accommodate makeup days due to school closings. "Good cause" means that schools in any LEA in a county have been closed eight days per year during any four of the last 10 years because of severe weather conditions, energy shortages, power failures, or other emergency situations. However, the Committee finds that for the 2009-2010 school year the calendar law did not provide the flexibility necessary for school systems to make up the unusually large number of days missed due to inclement weather.

The Committee recommends amending the current calendar law to provide LEAs the flexibility needed to make up the missed days. The amended law will apply only to the 2009-2010 school year and only to counties that missed _____ or more days due to inclement weather.

2. School Transition

The Committee finds that the transition from middle school to high school represents a significant event in the lives of adolescents and requires support from teachers, parents, counselors, and school administrators at both educational levels. Students' experiences in ninth grade often determine their success throughout high school, but the ninth-grade year is often characterized by a decline in grades and attendance. Students who are promoted to tenth grade, but who are off track—as indicated by failed grades, a lack of course credits or a lack of attendance during their ninth-grade year—may have already missed the opportunity to get on a graduation track. Too often a poor start in high school leads a student to drop out. In North Carolina, students dropped out most frequently at ninth grade.

The Committee recommends that the State Board of Education consider for implementation the following suggestions to better prepare students academically to make the transition from middle school to high school:

- Develop and adopt a vision for the middle grades to prepare more students for challenging high school studies.
- Consider having a team of professionals within the Department of Public Instruction, whose job is to bring focus to the middle grades, including a plan for transition to high school.
- Make adolescent reading an immediate and sustained priority.
- Better prepare students for Algebra I by eighth or ninth grade.
- Support professional development of teachers and school principals.
- Build student aspirations for college, advanced training and careers by engaging them in exploration and planning for future career and educational opportunities.

3. College and Career-Ready Students

The Committee finds that one of the goals of high school reform is to ensure that all students graduate "college and career-ready". Being ready for college and career means that a high school graduate has the English and mathematics knowledge and skills necessary to be placed and succeed in entry-level, credit-bearing college courses or the job training and/or education necessary for a chosen career without the need for remedial coursework. Although North Carolina is making progress in preparing all students to be college and career-ready, the job is not yet done.

The Committee strongly supports the ongoing efforts of The University of North Carolina, the North Carolina Community College System, and the Department of Public Instruction to ensure that all students are college and career-ready without needing remediation and recommends that they continue their work in this area.

4. School Leadership

Effective principals are critical to the success of students, teachers, and entire schools. However, research suggests that many current and potential principals lack the skills necessary to lead in today's schools. The Committee finds that comprehensive, quality professional development is necessary to provide training to improve the skills of principals and other school leaders.

The National Board for Professional Teaching Standards (NBPTS), the organization that sets and maintains the standards for teacher excellence, recently announced National Board Certification for Educational Leaders, which includes the development of National Board Certification for Principals. National Board Certification for Principals will be the first national certification program focused on principals and builds on the National Board's 20-year certification program for teachers and school counselors.

The Committee recommends that the State of North Carolina closely examine this NBPTS program and consider supporting, when funds become available, principals who are interested in participating in this professional development program.

5. Positive Behavior Support Initiative

The Committee finds that the Positive Behavior Support Initiative is a comprehensive and systematic initiative that improves the learning environment for all students by establishing and reinforcing clear behavioral expectations throughout the school building and school day. It is a proactive instructional approach to behavior management implemented by all school personnel that focuses on teaching social behavior to help improve educational outcomes for all students.

The Committee recommends that the General Assembly fund the Positive Behavior Support Initiative at a level that allows for Statewide implementation when funds are available.

6. Education Value-Added Assessment System

The Committee finds that the Education Value-Added Assessment System (EVAAS) is an effective program that provides important diagnostic information to local school systems and school building staff in an efficient manner. EVAAS provides reliable and precise information regarding student progress at the individual, subgroup and school levels. The Committee recognizes the importance of such data in improving student achievement because it allows instructional modifications to occur more quickly in order to meet the needs of students.

The Committee strongly recommends that local school systems, schools, and teachers use EVAAS to collect diagnostic information on students and use the data to help raise student achievement.

7. Broadband Access

The Committee finds that ensuring broadband access in every school in North Carolina is an important component in the State's efforts to raise student achievement and prepare a globally competitive workforce and citizenry for the 21st Century. Broadband connectivity for all public schools will help eliminate barriers to resources, services, and learning options, particularly for schools that are in rural and geographically isolated areas of the State. Such access will help keep students engaged in school as well as provide teachers with opportunities for collaboration throughout the State.

The Committee strongly recommends that the General Assembly make broadband access for all public schools a funding priority when funds are available.

8. Students with Disabilities

a. Banning Corporal Punishment for Students with Disabilities

The Committee finds that neither federal laws and regulations nor State laws prohibit corporal punishment from being administered on students with disabilities. Furthermore, there is no State data in North Carolina on the numbers of times corporal punishment is administered on students with disabilities. In light of North Carolina's position as a leader in the education of students with disabilities, the Committee believes that corporal punishment should be banned at the State level for students with disabilities. Although local school systems currently have the option to adopt a policy enacting such a ban, the Committee believes that a uniform statewide ban would reinforce the State's commitment to students with disabilities and encourage local school systems to use alternative methods such as the Positive Behavior Support Initiative to improve behavior.

The Committee recommends the enactment of legislation to ban the use of corporal punishment on students with disabilities. See attached **LEGISLATIVE PROPOSAL I: 2009-RQz-6[v.3]**

b. Delay the Sunset of an Act Pertaining to Discipline and Homebound Instruction of Students with Disabilities

In the 2004 reauthorization of the federal Individuals with Disabilities Education Act (IDEA), the "behavior or performance of the child demonstrates the need for these services" was eliminated as a standard for the public agency's basis of knowledge for children not determined eligible for special education and related services. In 2008 a similar standard was added to the North Carolina Statutes where the local educational agency is deemed to have a "basis of knowledge" that a child is a child with a disability if, prior to the behavior that precipitated the disciplinary action, the behavior and performance of the child clearly and convincingly establishes the need for special education. The statute specifically states that past disciplinary infractions, on their own, do not constitute clear and convincing evidence that there was a need for special education. This provision will expire March 1, 2011.

The Committee recommends the enactment of legislation to delay the sunset of this provision that adds a protection for students not yet determined eligible for special education. See attached **LEGISLATIVE PROPOSAL II: 2009-LN-188 [v.1]**

LEGISLATIVE PROPOSAL I

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009**

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BILL DRAFT 2009-RQz-6 [v.3] (03/29)

**(THIS IS A DRAFT AND IS NOT READY FOR INTRODUCTION)
3/30/2010 11:49:03 AM**

Short Title: Ban Corp. Punish. for Children W/Disabilit. (Public)

Sponsors: Unknown.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO PROHIBIT THE USE OF CORPORAL PUNISHMENT FOR STUDENTS WITH DISABILITIES AS RECOMMENDED BY THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-107.7 reads as rewritten:

"§ 115C-107.7. ~~Discipline~~Discipline, corporal punishment, and homebound instruction.

(a) The policies and procedures for the discipline of students with disabilities shall be consistent with federal laws and regulations.

(a1) Corporal punishment shall not be administered on students with disabilities.

(b) If a change of placement occurs under the discipline regulations of IDEA, a local educational agency shall not assign a student to homebound instruction without a determination by the student's IEP team that the homebound instruction is the least restrictive alternative environment for that student. If it is determined that the homebound instruction is the least restrictive alternative environment for the student, the student's IEP team shall meet to determine the nature of the homebound educational services to be provided to the student. In addition, the continued appropriateness of the homebound instruction shall be evaluated monthly by the designee or designees of the student's IEP team.

(c) **(Effective January 1, 2009, and expires March 1, 2011 – see notes)** A local educational agency shall be deemed to have a "basis of knowledge" that a child is a child with a disability if, prior to the behavior that precipitated the disciplinary action, the behavior and performance of the child clearly and convincingly establishes the need for special education. Prior disciplinary infractions shall not, standing alone, constitute clear and convincing evidence."

SECTION 2. G.S. 115C-391(a) reads as rewritten:

LEGISLATIVE PROPOSAL I

1 "(a) Local boards of education shall adopt policies not inconsistent with the
2 provisions of the Constitutions of the United States and North Carolina, governing the
3 conduct of students and establishing procedures to be followed by school officials in
4 suspending or expelling any student, or in disciplining any student if the offensive
5 behavior could result in suspension, expulsion, or the administration of corporal
6 punishment. Local boards of education shall include a reasonable dress code for
7 students in these policies.

8 The policies that shall be adopted for the administration of corporal punishment shall
9 include at a minimum the following conditions:

10 (1) Corporal punishment shall not be administered in a classroom with
11 other ~~children~~-students present;

12 (1a) As provided in G.S. 115C-107.7(a1), corporal punishment shall not be
13 administered on a student who is a child with a disability as defined in
14 G.S. 115C-106.3(1);

15 (2) The student body shall be informed beforehand what general types of
16 misconduct could result in corporal punishment;

17 (3) Only a teacher, substitute teacher, principal, or assistant principal may
18 administer corporal punishment and may do so only in the presence of
19 a principal, assistant principal, teacher, substitute teacher, teacher
20 assistant, or student teacher, who shall be informed beforehand and in
21 the student's presence of the reason for the punishment; and

22 (4) An appropriate school official shall provide the ~~child's~~-~~student's~~ parent
23 or guardian with notification that corporal punishment has been
24 administered, and upon request, the official who administered the
25 corporal punishment shall provide the ~~child's~~-~~student's~~ parent or
26 guardian a written explanation of the reasons and the name of the
27 second school official who was present.

28 Each local board shall publish all the policies mandated by this subsection and make
29 them available to each student and ~~his~~-~~each~~ student's parent or guardian at the beginning
30 of each school year. Notwithstanding any policy adopted pursuant to this section, school
31 personnel may use reasonable force, including corporal punishment, to control behavior
32 or to remove a person from the scene in those situations when necessary:

33 (1) To quell a disturbance threatening injury to others;

34 (2) To obtain possession of weapons or other dangerous objects on the
35 person, or within the control, of a student;

36 (3) For self-defense;

37 (4) For the protection of persons or property; or

38 (5) To maintain order on school property, in the classroom, or at a
39 school-related activity on or off school property."

LEGISLATIVE PROPOSAL II

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009**

H

D

HOUSE DRH30455-LN-188 (03/25)

Short Title: Amend Sunset/Children w/Disab.

(Public)

Sponsors: Representative Glazier.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO DELAY THE SUNSET OF AN ACT PERTAINING TO THE
DISCIPLINE AND HOMEBOUND INSTRUCTION OF STUDENTS WITH
DISABILITIES.

The General Assembly of North Carolina enacts:

SECTION 1. Section 5 of S.L. 2008-90 reads as rewritten:

"**SECTION 5.** Section 3 of this act becomes effective January 1, 2009, and expires
~~March 1, 2011.~~ June 1, 2013. The remainder of this act is effective when it becomes
law."

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

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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D

BILL DRAFT 2009-RR-56 [v.4] (04/05)

(THIS IS A DRAFT AND IS NOT READY FOR INTRODUCTION)
4/13/2010 4:32:23 PM

Short Title: Substitute Teacher Unemployment. (Public)

Sponsors: Senator Hartsell.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO RESTORE A BALANCE TO THE LAW ON UNEMPLOYMENT
3 COMPENSATION FOR SUBSTITUTE TEACHERS.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. G.S. 96-8(10) is amended by adding a new sub-subdivision to read:

6 "f. No substitute teacher or other substitute school personnel shall be
7 considered unemployed for days or weeks when not called to work
8 unless the individual is or was employed as a full-time substitute
9 during the period of time for which the individual is requesting
10 benefits. For the purposes of this subsection, full-time substitute is
11 defined as a substitute employee who works more than thirty hours a
12 week on a continual basis for a period of six months or more."

13 SECTION 2. G.S. 96-8(6)k.21. is repealed.

14 SECTION 3. G.S. 96-8(6)k.22. is repealed.

15 SECTION 4. This act is effective when it becomes law.



Mr. Moses Carey, Jr.
Chairman
Employment Security Commission of North Carolina
700 Wade Avenue
Raleigh, NC 27605

Dear Chairman Carey:

We have reviewed enacted Senate Bill (SB) 894, and House Bill (HB) 1090, for conformity with Federal unemployment compensation (UC) law. We only became aware of these bills recently and, as a result, were unable to offer comments prior to their enactment. The enactments raise issues with the required coverage and experience rating provisions of Federal UC law. A detailed discussion follows.

SB 894 and the Required Coverage Requirement. The enactment would exclude from the definition of "employment," and therefore coverage under your UC law, services performed by a substitute teacher or other substitute employee for a "public, charter, or private school" unless the individual was employed for more than 30 hours per week over six consecutive months of a school year. Additionally, it would exclude from coverage any services by an individual who performs "extra duties" for such entities (such as being an athletic coach or a choral director).

Section 3304(a)(6)(A) of the Federal Unemployment Tax Act (FUTA) requires, as a condition of certification of a state's UC law, that UC be payable based on certain services that are not subject to the FUTA tax. UC must be payable based on services excepted from the Federal definition of employment solely by reason of being performed for the state governmental entities or federally-recognized Indian tribes described in Section 3306(c)(7), FUTA, or for nonprofit organizations described in Section 3306(c)(8), FUTA. (See Section 3309(a)(1), FUTA.) States may only exclude services from this required coverage if they are exempt under other provisions of Federal law. (See Sections 3306(c) and 3309(b) of FUTA.) No provision of Federal law exempts services performed by substitute teachers, or services classified as "extra duties," as described in the bill, from the required coverage provision.

As a result, for purposes of conformity with Federal law, North Carolina may not exclude these services from "employment" when they are performed for governmental, tribal, or nonprofit entities. We also note that, if these services are performed for a for-profit employer liable for the

FUTA tax, no conformity issue would exist. However, the employer would not be able to take credit against the FUTA tax for the excluded services, and would be required to pay at the full 6.2% rate rather than the 0.8% rate applicable after the credit.

HB 1090 and the Experience Rating Requirement. The enactment amends the provision of your UC law pertaining to payments such as wages in lieu of notice, accrued vacation pay, terminal leave pay, and separation or dismissal pay other than severance pay. An individual may be considered "unemployed," and thus potentially eligible for UC, for any week in which the payment is "applicable to less than the entire week." The enactment adds language providing that any UC paid under this provision "shall not be charged" to base period employers.

In the UC program, rates are assigned under an experience rating system. The primary purpose of this experience rating provision is to equitably allocate the benefit costs of the UC program among those employers who create unemployment. Under an experience rating system, states project the employer's future tax liability by measuring the history of UC claims based on work performed for the employer.

Section 3303(a)(1), FUTA, contains this experience rating requirement. A state's law must contain conforming experience rating provisions as a condition for employers in the state to receive the additional credit against the Federal tax. In brief, FUTA requires that rates be assigned on a basis that bears "a direct relation to unemployment risk." In North Carolina, as in many other states, benefits paid to an employer's former workers are used to measure the risk of unemployment. (The measurement of "risk" is discussed more thoroughly in Item 1. of the Attachment to UIPL 29-83, which was published at 56 Fed. Reg. 54891 at 54892 (October 23, 1991).)

Whether an individual is receiving the payments under discussion is not directly related to unemployment risk. Many people who receive these payments are laid off. Relieving an employer of charges when it is responsible for the unemployment is inconsistent with the experience rating requirement. While North Carolina may reduce UC due to the receipt of these payments, it may not relieve the employer of charges since this is not a factor related to unemployment risk. Thus, HB 1090 raises an issue under Federal law.

The provisions discussed in this letter are effective October 1, 2009. We note that Section 96-19(b) your UC law authorizes your agency to suspend enforcement of a provision of your UC law when notified by the Department of Labor that such provision is not in conformity with Federal law, until such time as your legislature may consider the conflict in its next session. If possible, please use this suspension provision to hold the issue in abeyance until your legislature has an opportunity to review our concerns.

Please respond in writing, within thirty days of the date of your letter, with your plans to resolve this issue, including application of your suspension provision. Please contact Dianna Milhollin, your Regional Office's UI Director, at (404) 302-5358 or Milhollin.dianna@dol.gov should you have questions regarding this letter.

Sincerely,

Gay M. Gilbert
Administrator
Office of Unemployment Insurance

cc: Helen Parker
Regional Administrator
Atlanta

REQUESTED LEGISLATIVE CHANGES, 2010 GENERAL ASSEMBLY

SECTION OF LAW TO BE AMENDED	SUGGESTED CHANGES	Contact
<p>15C-546.2 (a) of the monies credited to the fund by the Secretary of Revenue pursuant to G.S. 115C-546.1 (b), the State Board of Education shall allocate up to two million (\$2,000,000) each year to the Department of Public Instruction to support positions in the Department of Public Instruction's School Support Services Division. These funds shall be used to assist local school administrative units with effective energy and environmental management, effective water management, green building design oversight, hazardous material management, clean air quality and engineering and architectural support for safe, functional, sanitary and effective environmental practices.</p>	<p>Change language</p>	<p>Per Ben Matthews</p>

Chris Minard
 Legislative Liaison
 State Board of Education
 807-4035 (phone)
 218-8173 (cell)
cminard@dpi.state.nc.us

PROGRESS ON SCHOOL CAPITAL CONSTRUCTION 2006-PRESENT

2005/2006 Statewide Survey identified almost 10 billion in needs (Schools only)
Next Statewide Survey will be performed between October 2010 and January 2011

Two ways of looking at progress:

1. Actual expenditures on Capital Construction from cumulative Accounting Codes
(Note that the figures below include only current expenses and may not include any monies paid by the county on behalf of the LEA. Figures do not include debt payments for prior construction. Figures do not include any 2009/2010 expenditures but may include administration, maintenance, transportation and similar facilities)

2005/2006 -	\$1,019,157,019
2006/2007 -	\$1,192,041,132
2007/2008 -	\$1,260,093,638
2008/2009 -	\$1,278,958,164

TOTAL CURRENT SPENDING - \$4,750,249,953

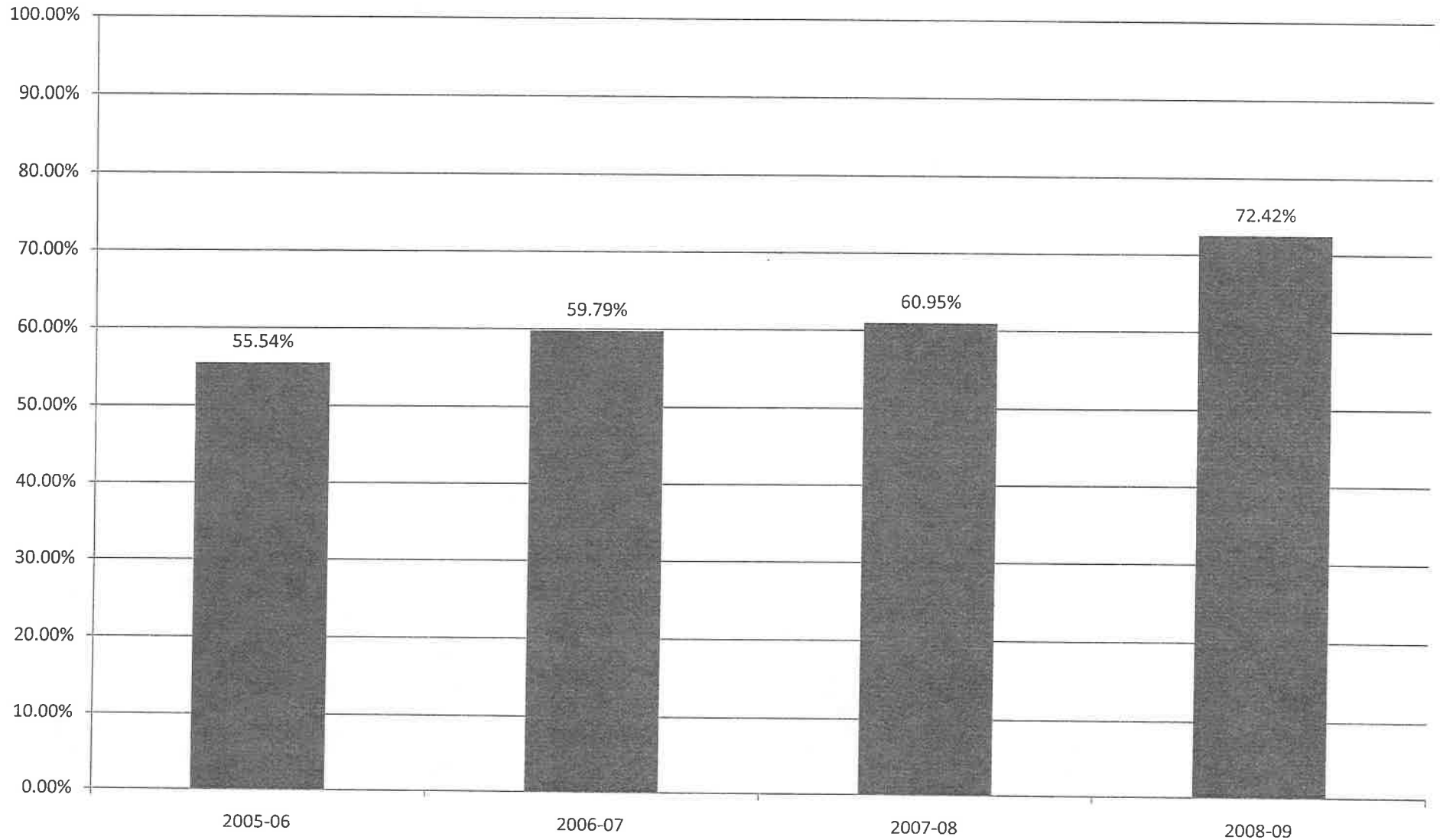
2. Bonds, COPS, Public School Building Capital Fund
(Note that the below figures include borrowing for current construction and do not include any "pay -as-you-go" funds from current local property tax or sales tax. Approximate 50% of figures from PSBCF also include debt payments for prior construction)

Number of COPS, QZABs, QSCBs Issues -	109	
Total Amount of 2006-March 2010 QSCBs, COPS, QZABs -		\$2,099,465,937
Number of Local Bond Issues Passed -	15	
Total Amount of Local Bond Issues Passed -		\$3,096,305,000
Number of PSBCF Corp Inc Tax Projects and Debt Payments -	1195	
Total Amount of PSBCF Corp Income Tax Spending -		\$355,142,817
Number of PSBCF Lottery Projects & Debt Payments -	908	
Total Amount of PSBCF Lottery Spending -		\$367,122,486
Total Spending & Borrowing -	2227	\$5,918,036,240
From January 2006 through March 2010, inclusive		

SCHOOL PLANNING SECTION - DIVISION OF SCHOOL SUPPORT :: www.schoolclearinghouse.org
NC Department of Public Instruction :: Dr. Ben Matthews, Director of School Support
6319 Mail Service Center :: Raleigh, North Carolina 27699-6319 :: 919.807.3554 :: Fax 919.807.3558
An Equal Opportunity/Affirmative Action Employer

Tuesday, April 13, 2010

COMPLIANCE OF NORTH CAROLINA SCHOOL BOARD MEMBERS



COMPLIANCE OF NORTH CAROLINA SCHOOL BOARDS

