

Joint Legislative Education Oversight Committee



**Report To The 1993
General Assembly**

NORTH CAROLINA GENERAL ASSEMBLY
STATE LEGISLATIVE BUILDING
RALEIGH 27611



February 1, 1993

TO THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, THE PRESIDENT PRO TEMPORE OF THE SENATE, THE LIEUTENANT GOVERNOR, AND MEMBERS OF THE 1993 GENERAL ASSEMBLY:

The Joint Legislative Education Oversight Committee, G.S. 120-70.80 et. seq., submits for your consideration its first report to the 1993 General Assembly. In addition to those issues referred by the General Assembly and those initiated by the Committee, this report includes recommendations in response to the Legislative Research Commission's charge that the Committee study and report to the 1993 session on the study of tuition for out-of-state students attending North Carolina Schools (1991) Chapter 900, Section 74, and, the Education and Training of Nurses and Shortage of Nurses (1991), Chapter 754, Section 2.1 (9).

Respectfully submitted,

Ed N. Warren
Senator Ed N. Warren
Co-Chair

Anne C. Barnes
Representative Anne C. Barnes
Co-Chair

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MINUTES AND REPORTS RECEIVED BY THE COMMITTEE ARE ON FILE IN THE
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**NORTH CAROLINA GENERAL ASSEMBLY
EDUCATION OVERSIGHT COMMITTEE MEMBERS**

Sen. Ed N. Warren, Co-Chair
227 Country Club Drive
Greenville, NC 27835
(919) 756-2671

Sen. Austin M. Allran
Box 2907
Hickory, NC 28603
(704) 324-5200

Sen. Franklin H. Block
520 Princess Street
Wilmington, NC 28401
(919) 763-3463

Sen. Donald R. Kincaid
P. O. Box 988
Lenior, NC 28645
(704) 758-5181

Sen. Howard N. Lee
9 Riggsbee Road
Chapel Hill, NC 27514
(919) 942-6528

Sen. A. P. Sands, III
P. O. Box 449
Reidsville, NC 27323
(919) 349-7041

Sen. James D. Speed
Route 6, Box 542
Louisburg, NC 27549
(919) 853-2167

Sen. William Staton
P. O. Box 1320
Sanford, NC 27330
(919) 775-5616

Rep. Anne Barnes, Co-Chair
313 Severin Street
Chapel Hill, NC 27516
(919) 967-7610

Rep. James B. Black
114 S. Tryon Street
Charlotte, NC 28202
(704) 377-5936

Rep. Aaron E. Fussell
1201 Briar Patch Lane
Raleigh, NC 27609
(919) 876-0240

Rep. Lyons Gray
P. O. Box 10887
Winston-Salem, NC 27108
(919) 773-1600

Rep. Joe H. Hege, Jr.
P. O. Box 833
Lexington, NC 27292
(704) 249-9141

Rep. Mary E. McAllister
1506 Edgecombe Avenue
Fayetteville, NC 28301
(919) 483-2579

Rep. Frank E. Rhodes
4701 Whitehaven Road
Winston-Salem, NC 27106
(919) 924-2878

Rep. R. Eugene Rogers
908 Woodlawn Drive
Williamston, NC 27892
(919) 792-4245

STAFF

**Mary D. Thompson, Committee Counsel
General Research Division
(919) 733-2578**

**Jim Watts, Education Specialist
General Research Division
(919) 733-2578**

**Eula M. B. Turner, Committee Clerk
(919) 733-5607**

ACKNOWLEDGEMENTS

The Committee thanks all those who made reports to the Committee including:

Kathy Baker-Smith, Community Colleges
Bob Bellamy, Department of Public Instruction
Charles Bishop, MDC, Incorporated
Bill Brown, Director of Accountability Services - Department of Public Instruction
Roy Carroll, Vice President for Planning - University of North Carolina
Bill Church, Department of Public Instruction
Curtis Clark, Government Performance Audit Committee
J. Earl Danieley, University of North Carolina Board of Governors
David Dodson, MDC, Incorporated
Peggy Franklin, Mathematics Science Education Network
E. K. Fretwell, MDC, Incorporated
Susan Friel, Mathematics Science Education Network
Bob High, Department of the State Treasurer
Sam Houston, Superintendent, Mooresville City Schools
Jim Johnson, Senior Fiscal Analyst, Fiscal Research Division
Henry Johnson, Assistant State Superintendent - Department of Public Instruction
Tom King, Community Colleges
Carol Malloy, Mathematics Science Education Network
Jim Newlin, Analyst, Fiscal Research Division
Maxine O'Kelley, Co-Chair, Education Leadership Taskforce
Cary Owen, State Board of Education
Philip Price, Department of Public Instruction
Jay Robinson, Vice President for Public Affairs, University of North Carolina
Suzanne Triplett, Assistant State Superintendent for Research and Development - Department of Public Instruction
Robert Wentz, Superintendent of Wake County

**JOINT LEGISLATIVE EDUCATION OVERSIGHT
COMMITTEE**

**FIRST REPORT
AND
RECOMMENDATIONS
TO THE 1993 GENERAL ASSEMBLY**

**Joint Legislative Education Oversight Committee
First Report to the 1993 General Assembly**

I. COMMITTEE STRUCTURE AND PURPOSE

The Joint Legislative Education Oversight Committee was created during the 1990 regular session of the General Assembly. It is a permanent committee; sixteen legislative members are appointed to two year terms, eight members from each of the two chambers.

The Committee's charge is to improve public education. It has authority to consider education issues ranging from kindergarten through higher education. Specifically, G.S. 120-70.81 directs the Committee to:

1. Study budgets, programs and policies of all education agencies; and aid in the development of integrated methods of institutional accountability;
2. Examine the Basic Education Program and the School Improvement and Accountability Act of 1989 to determine whether any changes need to be made in implementation, policy goals and funding patterns;
3. Study out-of-State education initiatives to glean implications for North Carolina; and
4. Study any other educational matters necessary to fulfill the Committee's charge.

The Committee may make interim reports to the General Assembly which may include proposed legislation.

Several studies were referred to the Committee by the General Assembly for action prior to the 1993 General Assembly:

1. Education and Training of Nurses and Shortage of Nurses
[1991 Session Laws, Ch. 754, Sec. 2.1 (9)]
This study was completed and is discussed in Section IV of this report.
2. Public School Administrators
[1991 Session Laws, Ch. 754, Sec. 2.1(59)].
This study was taken up by the Committee and reported to the 1992 Session of the 1991 General Assembly. Additional recommendations based on the study done by the Educational Leadership Task Force will be reported to the General Assembly

in the Committee's next report.

3. Length of School Year and Compulsory School Attendance Ages.
[1991 Session Laws, Ch. 754, Sec. 2.1(39)].
The Committee's report on this issue will be included in its next report.
4. Pursuant to Ch. 900, S.74 (1991), the Committee studied the issue of tuition for public school students who are not domiciled in the State. The Committee's recommendations on this issue are discussed in Section IV of this report.
5. Building Improvement Reports - Chapter 900, s. 75 (g) requires the State Board of Education to develop a plan to implement a system for building improvement reports. Following the Board's report to the Oversight Committee the Committee is to submit a plan to the General Assembly for its approval. The Committee's recommendations on this issue are discussed in Section IV of this report.

II. Activities of the Committee Since Its 1992 Report to the General Assembly

The Committee met June 8, 1992. At that meeting the Co-Chairs reported on their discussions with the University of North Carolina, Department of Public Instruction, and Community College representatives concerning a possible bond issue.

The Committee met October 1-2, October 28, November 24, and December 1, 1992. It heard the following mandated reports:

1. May 1, 1992
Low Wealth Funds - Analysis of Use of Funds
Local Government Commission
(1991) Ch. 689 S201.2(c)
2. October 1, 1993 (Quarterly Reports)
Special Responsibility Constituent Institutions
Implementation of Legislation
Board of Governors
(1991) Ch. 689 s. 206.2(c)
3. December 1, 1992
Education Information Exchange
Include exchange of information in annual report card

**State Board of Education
(1991) Ch. 880 s. 5**

4. December 31, 1992
Building Improvement Reports
Reports - State Board of Education Plan
State Board of Education
(1991) Ch. 900 s. 75(g).

Additional information on these reports is found in
Appendix

B.

In addition to mandated reports, the Committee heard
presentations on the following topics:

Education Leadership Taskforce
Teacher Training Taskforce
Implementation of the amended Accountability Act
The State Testing Program
Southern Workforce Development, MDC Report
**Community College - Report on Future Plans for
Workforce Development**
Mathematics and Science Education Network
Family and Youth Services Centers
UNC Institutional Accountability

III. Reports received by the Committee

The following statutory reports received by the committee are available for review along with the committee minutes in the legislative Library.

1. Low Wealth Funds - Analysis of Use of Funds

This report, which is mandated by Chapter 689, s. 201.2(c) of the 1991 session laws, asks the Local Government Commission to analyze the budgets and expenditures of school administrative units receiving low-wealth funds to determine whether those funds were used to supplement and not supplant State and local funding for public schools. A second report on this topic is due to the Committee on May 1, 1993. The first report was received by the Committee on October 1, 1992.

Bob High, Director, State and Local Government Finance, presented the report to the Committee. He stated that there had been a net increase in local current expenses expenditures and that he was unable to detect if any school funds had been supplanted. He observed that the legislation did not define "supplant". Given the variety of school expenses, including capital expenses, it is possible that some funds may have been shifted among school funds from program to facility expense. See table on low wealth fund expenditures in Appendix B.

The co-Chairs will notify the Supplemental School Funding Committee that Mr High raised a question about the meaning of "supplant" in that legislation.

2. Special Responsibility Constituent Institutions

This report, which is mandated by Chapter 689, s. 206.2(c) of the 1991 session laws, directs the Board of Governors to report quarterly on its decisions and directives concerning the Special Responsibility Constituent Institutions (SRCI). This legislation grants additional management responsibility to designated campuses including the ability to move funds across line items and among budget purposes; retention of up to 2 1/2 percent of reversions above the historic reversion rate; management of personnel positions; and increased flexibility concerning purchases up to \$25,000.

Dr. Jay Robinson, Vice President for Public Affairs, University of North Carolina, and Jim Newlin, Fiscal Analyst, made the report to the Committee on October 1, 1993.

Thirteen of sixteen campuses have been designated SRCI. After required reversions were made, \$10 million was carried forward and used by the campuses to make one-time purchases of high priority items including research equipment, renovation of classrooms and laboratories, and computer hardware and software. Reallocation of \$17.2 million (95 percent from lapsed salaries) was used to replace obsolete scientific and computer equipment, repair and renovate library equipment and make library purchases. See report in Appendix B.

3. Education Information Exchange

This report, which is mandated by Chapter 880, s. 5 of the 1991 session laws, requires the State Board to report to the Committee on how information on the college performance of high school graduates will be included in the annual report card. A final report is due to the Committee May 1, 1993.

Dr. Bill Brown made this report on behalf of the State Board on December 1, 1992. He stated that the information would be included in the annual report card as it becomes available, beginning with the 1993 report cards. See report in Appendix B.

4. Building Improvement Reports

This report, which is mandated by Chapter 900, s. 75(g) of the 1991 session laws, requires the State Board of Education to develop and implement a system for building improvement reports which are to be produced by local school administrative units by March 15, 1995. The purpose of the reports is to measure improvement in student performance at each school building from year to year, not to compare school buildings.

Dr. Bill Brown made the report on behalf of the State Board on December 1, 1992. The reports will provide information to parents, school-based committees and members of the general school community. Data for the reports will be generated by local data centers created as part of the State testing program. Report formats will vary depending on how an individual school is organized for instruction and other services. However, all reports will include certain basic information: school characteristics, average student performance, and school performance. The Department will provide technical assistance to schools as the reports are being developed.

The Committee discussed whether the disaggregation of

data by race and gender should be mandated and whether the reports will include information on the progress gained on individual school goals. Recommendations concerning the building improvement reports are included in Section IV.5 of this report.

See the State Board's Report in Appendix B.

IV. Recommendations

The Committee presents the following recommendations to the 1993 General Assembly:

A. Proposed Legislation

1. Accountability Act - Central Office Staff Waivers

Rationale: Current law as amended in 1992 states that waivers "shall be granted only for the specific schools for which they are requested in building-level plans." The amendment allows local school boards to request waivers which affect central office staff only without obtaining approval of each building in the system. An example of this type of waiver is a request to transfer months of employment among central office staff.

The bill is found in Appendix A.

2. Teacher Training Task Force Changes

Rationale: The bill broadens the membership of the Task Force to include teachers and makes technical changes to the powers of appointment granted the State Board of Education and the UNC Board of Governors.

The bill mandates that four members of the Task Force shall be teachers. It also allows that appointments made to the Task Force by the State Board of Education of its own members, or, by the UNC Board of Governors of its own members, may be continued beyond the expiration of the members' term on the appointing board.

The bill is found in Appendix A.

3. Charlotte Mecklenburg School Funding Pilot Amendments

Rationale: The bill solves a technical effective date error in the original bill, clarifies reporting requirements, and adds a definition of "World Class Pilot School".

The bill is found in Appendix A.

4. K-12 Residence Clarification - K-12 Tuition Study

The 1992 General Assembly requested that the Committee study the issue of requiring out-of-state students who attend public schools in North Carolina to pay the full cost of their education. To fulfill its charge, the Committee presents a bill which clarifies K-12 residence requirements, defines who shall be treated as an "in-state" student, that is, who shall have the privileges currently accorded a child domiciled in a school unit, and finally, who shall be charged for the full cost of a North Carolina public education.

Current law provides that persons domiciled in a North Carolina school unit may attend school in that unit free of local tuition charges. Several groups are currently excepted from the domicile rule: children in foster homes, homeless children, children living on federal military installations providing federal impact aid, and, children of employees of colleges, universities, and the National Humanities Center. Local boards

of education may admit anyone else, and may charge up to the amount of the local supplement.

This bill includes current law and adds three new exceptions to the domicile rule to qualify children for a tuition-free education: children residing on Indian lands; children of migrant workers; and, children actually living with a non-legal guardian who provides substantial support and is willing to be responsible for education decisions on behalf of the child. Persons in the last category will be required to provide an "education power of attorney", or, an affidavit pledging responsibility for the child.

Currently, local boards of education may admit out-of-state students but can only charge tuition up to the amount of the local supplement. The bill proposes that an out-of-state student whose family does not earn at least fifty-one percent of its income in North Carolina may be charged both the State and local portion of tuition, and, these children will not be included in the ADM count for funding by the State.

The bill is found in Appendix A.

5. School Building Improvement Reports

As discussed in Section III.4 of this report, the Committee received the State Board report concerning the plan for School Building Improvement Reports. The Committee submits to the General Assembly a resolution which approves the the State Board's report with three modifications:

1. Performance data shall be disaggregated by race and by gender on each school building improvement report; and
2. Progress made on each building's unique goals for qualitative improvements shall be emphasized in the development of the plan and reported by each building in its report; and
3. Reports shall be sent by the local school administrative unit to the Department of Public Instruction and shall be available to any person requesting the report.

The resolution is found in Appendix A.

B. Other Recommendations

1. Nursing Study

The 1991 General Assembly requested that the Committee study the issue of the education and training of nurses and the shortage of nurses.

At the Committee's October 1, 1992 meeting, Jim Newlin, Fiscal Analyst presented information to show that the General Assembly's recent initiatives to improve nursing had resulted in increased enrollment in nursing programs. He stated that the North Carolina Center for Nursing is developing and monitoring the supply and demand issues of the profession and working to improve the profession.

The Committee is satisfied that no additional legislative initiatives need to be introduced at this time.

APPENDIX A

PROPOSED LEGISLATION

Teacher Training Task Force Changes.....	A1
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GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1993

S

D

SENATE DRS7505*-RC004(1.22)

Short Title: Teacher Training Task Force Changes.

(Public)

Sponsor: EDUCATION OVERSIGHT COMMITTEE

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO AMEND THE TEACHER TRAINING TASK FORCE TO ADD
3 TEACHER MEMBERS AND MAKE OTHER CLARIFYING CHANGES.
4 The General Assembly of North Carolina enacts:
5 Section 1. Section 2 of Chapter 971 of the 1991 Session Laws reads as
6 rewritten:
7 "Sec. 2. Membership. The Task Force shall consist of 20 23 members as follows:
8 (a) The President Pro Tempore of the Senate and the Speaker of the House of
9 Representatives shall each appoint one member of the Joint Legislative Education
10 Oversight Committee to serve on the Task Force.
11 (b) The Superintendent of Public Instruction, or a designee.
12 (c) The nine members of the Joint Committee on Teacher Education of the Board
13 of Governors of The University of North Carolina and the State Board of Education.
14 In the event that a State Board or Board of Governors member's term expires, and
15 that person serves as a Joint Committee member to the Task Force, the appointing
16 board may elect to reappoint the expired member to continue to serve on the Task
17 Force.
18 (c1) Four teachers currently employed in the North Carolina public schools. One
19 teacher shall be chosen from each of the following types of school systems: small,
20 urban, rural, and low-wealth. At least one of the four teachers shall have graduated
21 from a North Carolina teacher training program since 1989. In so far as possible,
22 teacher members shall represent gender, ethnic, and racial diversity. New teacher
23 members shall be chosen by the cochairs from a list compiled by the State
24 Superintendent of several suggested candidates in each category. If a teacher
25 member was previously appointed under subsection (d) of this section, that person

1 may continue to serve, and may become the representative of one of the types of
2 school systems listed in this subsection. Teacher Task Force members appointed by
3 the cochairs to serve on an ad hoc basis prior to the effective date of this legislation
4 shall, with the approval of the cochairs, be entitled to per diem, subsistence, and
5 travel allowances retroactively and in accordance with G.S. 138-5, 138-6, or 120-3.1.

6 (d) The Board of Governors of The University of North Carolina and the State
7 Board of Education shall jointly appoint ~~eight~~ seven members from a list of
8 recommended members to be suggested by the Joint Committee on Teacher
9 Education of the Board of Governors of The University of North Carolina and the
10 State Board of Education. Members may be recommended from among
11 representatives of practicing public school teachers and personnel; public school
12 administrators; the deans of schools of education; the chancellors of the constituent
13 institutions of The University of North Carolina and the chief officers of private
14 institutions of higher education. Other qualified persons may be recommended by
15 the Joint Committee and approved by the Boards. Task Force members shall receive
16 per diem, subsistence, and travel allowances in accordance with G.S. 138-5, 138-6, or
17 120-3.1, as appropriate. Appointments to the Task Force shall be made no later than
18 September 1, 1992. If a vacancy occurs in the membership, the appointing authority
19 shall appoint another person to serve for the balance of the unexpired term."

20 Sec. 2. Sec. 3.1 of Chapter 971 of the 1991 Session Laws reads as
21 rewritten:

22 "Sec. 3.1. Cochairs. The State Board of Education and the Board of Governors of
23 The University of North Carolina shall each appoint a cochair from the nine
24 members of the Joint Committee on Teacher Education of the Board of Governors of
25 The University of North Carolina and the State Board of Education. The Task Force
26 shall meet upon the call of the cochairs. In the event that a State Board or Board of
27 Governors member's term expires, and that person serves as a cochair of the Task
28 Force, the appointing board may reappoint the expired member to continue to serve
29 as cochair of the Task Force."

30 Sec. 3. Per diem, subsistence, and travel for members appointed pursuant
31 to this act shall be paid from within funds available to the Teacher Training Task
32 Force for the 1992-93 fiscal year.

33 Sec. 4. This act is effective upon ratification.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

H

D

HOUSE DRH2001*-RCZ001b(1.22)

Short Title: Charlotte-Mecklenburg School Funding Amendments

(Public)

Sponsors: Representatives Barnes, Black, Fussell, Gray, McAllister, and Rogers

Referred to:

A BILL TO BE ENTITLED

2 AN ACT TO CHANGE THE REPORTING REQUIREMENTS OF THE
3 CHARLOTTE-MECKLENBURG SCHOOL FUNDING PILOT, TO DEFINE
4 "WORLD CLASS PILOT SCHOOL" AND TO MAKE OTHER TECHNICAL
5 AND CONFORMING CHANGES

6 The General Assembly of North Carolina enacts:

9 "Sec. 1.1. A school may be designated a World Class Pilot School by the
10 Charlotte-Mecklenburg Board of Education if the goals for the school include (i)
11 offering core areas of instruction in mathematics, science, history, geography, and
12 English, as well as instruction in foreign languages, the arts, career development,
13 physical education and health; (ii) setting high standards for achievement for each
14 student; (iii) implementation of instructional methods which recognize that students
15 learn at different rates using varying learning styles; (iv) involving the entire school
16 community in educating children; and (v) encouraging experimentation and
17 innovation to maximize learning for each student."

18 Sec. 2, Section 2 of Chapter 986 of the 1991 Session Laws (1992 Regular
19 Session) reads as rewritten:

20 "Sec. 2. The State Board shall conduct an independent evaluation to study the
21 impact of this pilot project on student performance and shall report the results of its
22 study to the Joint Legislative Education Oversight Committee by Committee. An
23 interim report shall be made to the Committee by June 1, 1994, and a final report by
24 January 1, 1995."

1 Sec. 3. Section 3 of Chapter 986 of the 1991 Session Laws (1992 Regular
2 Session) reads as rewritten:

3 "Sec. 3. This act becomes effective July 1, ~~1992~~, 1992. Sections 1 and 1.1 of this
4 act and expire July 1, 1994."

5 Sec. 4. This act is effective upon ratification.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1993

H

D

HOUSE DRHA006*-RC003(1.22)

Short Title: Central Office Staff Waivers.

(Public)

Sponsors: EDUCATION OVERSIGHT COMMITTEE

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO ALLOW LOCAL SCHOOL BOARDS TO REQUEST WAIVERS
3 FOR CENTRAL OFFICE STAFF AS PROVIDED BY THE SCHOOL
4 IMPROVEMENT AND ACCOUNTABILITY ACT.

5 The General Assembly of North Carolina enacts:

6 Section 1. G.S. 115C-238.3 is amended by adding a new subsection to
7 read:

8 "(b2) Waivers concerning central office staff--A local board of education may
9 request waivers of State laws, regulations, or policies which are included in the
10 building plans described in subsection (b1) of this section, and it may also request
11 waivers which affect the organization, duties, and assignment of central office staff
12 only. Provided, none of the duties to be performed pursuant to G.S. 115C-436 may be
13 waived. A request for a waiver shall (i) identify the State laws, regulations, or
14 policies that inhibit the local unit's ability to reach its local accountability goals, (ii)
15 set out with specificity the circumstances under which the waiver may be used, and
16 (iii) explain how a waiver of those laws, regulations, or policies will permit the local
17 unit to reach its local goals."

18 Sec. 2. G.S. 115C-238.6(a) reads as rewritten:

19 "(a) Prior to June 30 each year, the State Superintendent shall review local school
20 improvement plans submitted by the local school administrative units in accordance
21 with policies and performance indicators adopted by the State Board of Education. If
22 the State Superintendent approves the plan for a local school administrative unit, that
23 unit shall participate in the Program for the next fiscal year.

24 If a local plan contains a request for a waiver of State laws, regulations, or policies,
25 in accordance with G.S. 115C-238.3(b1) or (b2), the State Superintendent shall

1 determine whether and to what extent the identified laws, regulations, or policies
2 should be waived. The State Superintendent shall present that plan and his
3 determination to the State Board of Education. If the State Board of Education
4 deems it necessary to do so to enable a local unit to reach its local accountability
5 goals, the State Board, only upon the recommendation of the State Superintendent,
6 may grant waivers of:

(1) State laws pertaining to class size, teacher certification, assignment of teacher assistants, the use of State-adopted textbooks, and the purposes for which State funds for the public schools, except for funds for school health coordinators, may be used: Provided, however, the State Board of Education shall not permit the use of funds for teachers for expanded programs under the Basic Education Program for any other purpose;

(2) All State regulations and policies, except those pertaining to State salary schedules and employee benefits for school employees, the instructional program that must be offered under the Basic Education Program, the system of employment for public school teachers and administrators set out in G.S. 115C-325, health and safety codes, compulsory school attendance, the minimum lengths of the school day and year, and the Uniform Education Reporting System.

22 Except for waivers requested by the local board in accordance with G.S. 115C-
23 238.3(b2) for central office staff. Waivers waivers shall be granted only for the specific
24 schools for which they are requested in building-level plans and shall be used only
25 under the specific circumstances for which they are requested."

Sec. 3. This act is effective upon ratification.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1993

5

D

SENATE DRS4516*-RCZ005C(1.29)

Short Title: K-12 Residence Clarification

(Public)

Sponsors: Senators Warren, Allran, Lee, Sands, and Speed

Referred to:

1 register of deeds of the county having on file the record of the birth of such child, or
2 other satisfactory evidence of date of birth."

3 Sec. 2. G.S. 115C-366 is repealed.

4 Sec. 3. G.S. 115C-366.2 is repealed.

5 Sec. 4. Article 25 of Chapter 115C is amended by adding a new section
6 to read:

7 **§ 115C-364.1. Eligibility to attend public schools; school assignment.**

8 (a) All persons under the age of 21 years who are domiciled in a school
9 administrative unit and who have neither been removed from school for cause, nor
10 obtained a high school diploma, shall be entitled to all the privileges and advantages
11 of the public schools to which they are assigned by the local boards of education.

12 (b) It is the policy of the State that every child of a homeless individual and every
13 homeless child shall have access to a free, appropriate public education on the same
14 basis as all children who are domiciled in this State. The local board of education of
15 the school administrative unit in which the child is actually living shall enroll the
16 child in that school administrative unit. In no event shall the child be denied
17 enrollment because of uncertainty regarding the child's domiciliary status, regardless
18 of whether the child is living with the homeless parents or has been temporarily
19 placed elsewhere by the parents. The local board shall not charge the homeless child,
20 as defined in this subsection, tuition for enrollment.

21 In the event the local board of education denies enrollment to the child, the child's
22 parent, guardian, or person standing in loco parentis to the child may, within 10 days
23 after notification of the denial, apply in writing to the local board for reconsideration
24 of the decision. Written notification of the board's decision shall be delivered to the
25 applicant in person. If the reconsideration is denied, the applicant shall have a right
26 of appeal on the question of the child's enrollment in accordance with the hearing
27 procedures set out in G.S. 115C-369 and G.S. 115C-370, however, written notification
28 of all decisions shall be delivered to the applicant in person.

29 As used in this subsection, the term 'homeless' refers to an individual who (i) lacks
30 a fixed, regular, and adequate nighttime residence or (ii) has a primary nighttime
31 residence in a supervised publicly or privately operated shelter for temporary
32 accommodations, an institution providing temporary residence for individuals
33 intended to be institutionalized, or a public or private place not designated for, or
34 ordinarily used as, a regular sleeping accommodation for human beings. The term
35 does not include persons who are imprisoned or otherwise detained pursuant to
36 federal or State law.

37 (c) The following persons under the age of 21 years who actually live in a North
38 Carolina school administrative unit for reasons other than to attend school or to
39 participate in school athletics, and who have neither been removed from school for
40 cause, nor obtained a high school diploma, shall be entitled to attend public schools
41 on the same basis as children who are domiciled in a school administrative unit in
42 this State:

43 (1) Persons under the care, custody, control, and supervision of an
44 institution established, operated, or incorporated for the purpose of

rearing and caring for children who do not live with their parents. This subdivision includes foster homes and group homes.

(2) Persons living with a parent, guardian, or custodian who is a student, employee, or faculty member, of a college or university, or a visiting scholar at the National Humanities Center.

(3) Persons residing on federal property located in the State with a parent, guardian, or custodian who is employed on federal property, or assigned to active duty in the uniformed services.

(4) Persons residing on Indian lands located in the State with a parent, guardian, or custodian.

(5) Persons living with a parent, guardian, or custodian who is a migrant agricultural worker as defined in G.S. 130A-417(2).

(6) Persons living with and under the care, control, and supervision of a domiciliary of the school unit provided that domiciliary provides substantial support for the person. Local boards shall require persons admitted under this subdivision to provide, on a yearly basis:

- a. An education power of attorney in accordance with Article 4 of Chapter 32A; or
- b. A notarized affidavit as set out in G.S. 115C-364.2 by the person enrolling the child if a child's parents, guardian, or custodian is unknown, or cannot be found after reasonable investigation, or is unwilling or unable to sign an education power of attorney due to death, serious illness, incarceration or, abandonment of the child. The local school board shall notify the county office of social services of any child admitted in accordance with this subdivision.

oses of this subsection a 'guardian' or 'custodian' is a person or agency awarded legal guardianship or legal custody by a court.

child who is qualified under the laws of this State for admission to a school and who has a place of residence in a local school administrative unit his or her parent's or guardian's service in the General Assembly, other local school administrative unit in which the child is domiciled, is entitled to attend school in the local school administrative unit of that residence as if the child had resided there, subject to the payment of applicable out-of-county fees.

local board of education shall assign to a public school each student assignment under this section. Except as otherwise provided by law, and the provisions of G.S. 115C-369 and G.S. 115C-370, the authority of each local school board in the matter of assignment of children to the public schools shall be complete, and its decision as to the assignment of any child to any school shall be final.

Student domiciled in one local school administrative unit may be assigned to or without the payment of tuition to a public school in another local school administrative unit upon the terms and conditions agreed to in writing.

1 between the local boards of education involved and entered in the official records of
2 the boards. The assignment shall be effective only for the current school year, but
3 may be renewed annually in the discretion of the boards involved. The assignment of
4 students living in one local school administrative unit or district to a school located in
5 another local school administrative unit or district, shall have no effect upon the right
6 of the local school administrative unit or district to which the students are assigned to
7 levy and collect any supplemental tax heretofore or hereafter voted in that local
8 school administrative unit or district.

9 (g) The boards of education of adjacent local school administrative units may
10 operate schools in adjacent units upon written agreements between the respective
11 boards of education and approval by the county commissioners and the State Board
12 of Education.

13 (h) This section shall not be construed to allow students to transfer from one local
14 school administrative unit to another for athletic participation purposes in violation
15 of eligibility requirements established by the State Board of Education and the North
16 Carolina High School Athletic Association."

Sec. 5. Chapter 32A is amended by adding a new Article to read:

"ARTICLE 4

ARTICLE V.

"Education Powers of Attorney

§ 32A-30. General purpose of this section.

21 The purpose of this Article is to establish a method by which a parent or legal
22 guardian who has legal and physical custody of a child may give to an agent the
23 power to make any and all educational decisions concerning the child.

"§ 32A-31. Definitions.

25 As used in this Article, unless the context clearly requires otherwise, the following
26 terms have the meanings specified:

(1) 'Educational decisions' means any decision concerning the instruction, supervision, or service provided for the education of a principal's child including enrolling the child in school and signing any school-related documents, including individual education plans, report cards, and permission slips.

(2) 'Education agent' means the person appointed as an education attorney-in-fact.

(3) 'Education power of attorney' means a written instrument, signed in the presence of two qualified witnesses, and acknowledged before a notary public, pursuant to which an attorney-in-fact or agent is appointed to act for the principal in matters relating to the education of a child of the principal, and which substantially meets the requirements of this Article.

(4) 'Principal' means the parent or legal guardian having physical and legal custody of the child making the education power of attorney.

(5) 'Qualified witness' means a witness in whose presence the principal has executed the education power of attorney, and who believes the principal to be of sound mind.

1 § 32A-32. Who may make an education power of attorney.

2 Any parent or legal guardian having legal and physical custody of a child may
3 make an education power of attorney. Legal custody is custody granted by a court of
4 competent jurisdiction. Whenever possible, the parent or legal guardian making the
5 education power of attorney shall notify any other parent or guardian of the child.

6 § 32A-33. Who may act as an education attorney-in-fact.

7 Any competent person 18 years of age or older, who is domiciled in a school
8 administrative unit and who provides a home, care, control, supervision, and
9 substantial support for the child of the principal may act as an education agent. The
10 education agent's notarized acceptance of the agency shall be included in an
11 education power of attorney.

12 § 32A-34. Extent of authority; limitations of authority.

13 (a) A principal, pursuant to an education power of attorney, may grant to the
14 education agent full power and authority to make education decisions to the same
15 extent that the principal could make those decisions for his or her child, including,
16 without limitation, the power to enroll the child in school, approve an individual
17 education plan, sign report cards, and grant permission to attend school functions and
18 outings.

19 (b) The powers and authority granted to the education agent pursuant to an
20 education power of attorney shall be limited to the matters addressed in it and shall
21 not confer any power or authority with respect to the property or financial affairs of
22 the principal.

23 (c) This Article shall not be construed to invalidate a power of attorney that
24 authorizes an agent to make education decisions for the principal's child which was
25 executed prior to October 1, 1993.

26 § 32A-35. Effectiveness and duration; revocation.

27 (a) An education power of attorney shall become effective when signed by the
28 principal in accordance with this section. It shall be valid for no more than one year.
29 It may be revoked at any time by the principal.

30 The principal may exercise such right of revocation by executing and
31 acknowledging an instrument of revocation, by executing and acknowledging a
32 subsequent education power of attorney, or in any other written manner by which the
33 principal is able to communicate his or her intent to revoke. Such revocation shall
34 become effective only upon communication by the principal to each education agent
35 named in the revoked education power of attorney and to the school administrative
36 unit where the child named in the power of attorney attends school.

37 § 32A-36. Relation of the education agent to a court-appointed fiduciary and to a
38 general attorney-in-fact.

39 (a) If, following the execution of an education power of attorney, a court of
40 competent jurisdiction appoints a guardian of the person of the principal or a general
41 guardian with powers over the person of the principal, the education power of
42 attorney shall cease to be effective upon the appointment and qualification of the
43 guardian. If, following the execution of an education power of attorney, a court of
44 competent jurisdiction appoints a guardian of the person of the principal's child, or a

1 general guardian with powers over the person of the principal's child, the education
2 power of attorney shall cease to be effective upon the appointment and qualification
3 of the guardian.

4 (b) The execution of an education power of attorney shall not revoke, restrict, or
5 otherwise affect any powers granted by the principal to an attorney-in-fact pursuant
6 to a general power of attorney; provided that the powers granted to the education
7 agent with respect to the education of the principal's child shall be superior to any
8 similar powers granted by the principal to an attorney-in-fact under a general power
9 of attorney.

10 (c) An education power of attorney may be combined with or incorporated into a
11 general power of attorney which is executed in accordance with the requirements of
12 this Article.

13 **"§ 32A-37. Reliance on education power of attorney; defense.**

14 (a) Any education provider involved in the education of the principal's child may
15 rely upon the authority of the education agent contained in a signed and
16 acknowledged education power of attorney in the absence of actual knowledge of
17 revocation of the education power of attorney.

18 (b) Any education provider relying in good faith on the authority of an education
19 agent shall be protected to the full extent of the power conferred upon the education
20 agent, and no person so relying on the authority of the education agent shall be
21 liable, by reason of his or her reliance, for actions taken pursuant to a decision of the
22 education agent.

23 **"§ 32A-38. Statutory form education power of attorney.**

24 The use of the following form in the creation of an education power of attorney is
25 lawful and, when used, it shall meet the requirements of and be construed in
26 accordance with the provisions of this Article:

27 (Notice: This document gives the person you designate your education agent broad
28 powers to make education decisions for your child. Because the powers granted by
29 this document are broad and sweeping, you should discuss your wishes concerning
30 your child's education with your education agent.)

31 Use of this form in the creation of an education power of attorney is lawful and is
32 authorized pursuant to North Carolina law. However, use of this form is an optional
33 and nonexclusive method for creating an education power of attorney, and North
34 Carolina law does not bar the use of any other or different form of power of attorney
35 that meets the statutory requirements.)

36 1. Designation of education agent.

37 I....., being of sound mind, hereby appoint:

38 Name:.....

39 Home Address:.....

40 Home Telephone Number.....

41 Work Telephone Number.....

42 as my education attorney-in-fact (herein referred to as my 'education agent') to act
43 for me and in my name (in any way I could act in person) to make education
44 decisions for my child as authorized in this document.

1 If the person named as my education agent is unable or unwilling to act as my
2 agent, then I appoint the following persons (each to act alone and successively, in the
3 order named), to serve in that capacity: (Optional)

4 A. Name:.....

5 Home Address:.....

6 Home Telephone Number..... Work Telephone Number.....

7 B. Name:.....

8 Home Address:.....

9 Home Telephone Number..... Work Telephone Number.....

10 Each successor education agent designated shall be vested with the same power and
11 duties as if originally named as my education agent.

12 2. Effectiveness of appointment.

13 (Notice: This education power of attorney may be revoked by you at any time in any
14 written manner by which you are able to communicate your intent to revoke to your
15 education agent and your child's school administrative unit.)

16 Absent revocation, the authority granted in this document shall be effective for one
17 year.

18 3. General statement of authority granted.

19 Except as indicated in section 4 below, I hereby grant to my education agent
20 named above full power and authority to make decisions regarding the education,
21 care, control, and supervision of my child. Educational decisions on behalf of my
22 child shall include enrolling my child in school and signing any school-related
23 documents including individual education plans, report cards, and permission slips.

24 My education agent may take any lawful actions that may be necessary to carry out
25 these decisions, including the granting of releases of liability to service providers.

26 4. Special provisions and limitations.

27 (Notice: The above grant of power is intended to be as broad as possible so that your
28 education agent will have authority to make any decisions you could make to obtain
29 or terminate any type of education services for your child. If you wish to limit the
30 scope of your education agent's powers, you may do so in this section.)

31 In exercising the authority to make education decisions for my child on my behalf,
32 the authority of my education agent is subject to the following special provisions and
33 limitations (Here you may include any specific limitations you deem appropriate.):

34
35
36
37

38 5. Reliance of third parties on education agent.

39 A. No person who relies in good faith upon the authority of or any
40 representations by my education agent shall be liable to me, my
41 estate, my heirs, successors, assigns, or personal representatives, for
42 actions or omissions by my education agent.

43 B. The powers conferred on my education agent by this document
44 may be exercised by my education agent alone, and my education

1 agent's signature or act under the authority granted in this
2 document may be accepted by persons as fully authorized by me
3 and with the same force and effect as if I were personally present,
4 competent, and acting on my own behalf. All acts performed in
5 good faith by my education agent pursuant to this power of
6 attorney are done with my consent and shall have the same validity
7 and effect as if I were present and exercised the powers myself,
8 and shall inure to the benefit of and bind me, my estate, my heirs,
9 successors, assigns, and personal representatives.

10 6. Miscellaneous provisions.

11 A. I revoke any prior education power of attorney.
12 B. My education agent shall be entitled to sign, execute, deliver, and
13 acknowledge any contract or other document that may be
14 necessary, desirable, convenient, or proper in order to exercise and
15 carry out any of the powers described in this document. However,
16 under no circumstances shall my education agent have any
17 authority over my property or financial affairs.
18 C. My education agent and my education agent's estate, heirs,
19 successors, and assigns are hereby released and forever discharged
20 by me, my estate, my heirs, successors, and assigns and personal
21 representatives from all liability and from all claims or demands of
22 all kinds arising out of the acts or omissions of my education agent
23 pursuant to this document, except for willful misconduct or gross
24 negligence.

25 7. Signature of principal.

26 By signing here, I indicate that I am mentally alert and competent, fully informed
27 as to the contents of this document, and understand the full import of this grant of
28 powers to my education agent.

30
31 Signature of Principal

.....
32 Date

33 8. Signatures of Witnesses.

34 I hereby state that the Principal,....., being of sound mind, signed the
35 foregoing education power of attorney in my presence.

36 Witness:..... Date:.....

38 Witness:..... Date:.....

39 9. Acceptance by Education Agent.

40 I....., agree to act as education agent for, pursuant to this
41 education power of attorney.

42 This the.....day of....., 19.....

43
44

1
2 STATE OF NORTH CAROLINA
3
4 COUNTY OF.....
5

6 CERTIFICATE
7

8 I....., a Notary Public for.....County, North Carolina, hereby
9 certify that.....appeared before me and swore to me and to the witnesses in my
10 presence that this instrument is an education power of attorney, and that he/she
11 willingly and voluntarily made and executed it as his/her free act and deed for the
12 purposes expressed in it.

13 I further certify that.....and....., witnesses, appeared before me
14 and swore that they witnessed.....sign the attached education power of attorney,
15 believing him/her to be of sound mind. I further certify that I am satisfied as to the
16 genuineness and due execution of the instrument.

17 I further certify that appeared before me and swore to me
18 that he/she agreed to act as education agent pursuant to this power of attorney, and
19 that he/she willingly and voluntarily accepted that agency.

20 This the.....day of....., 19.....
21
22

23
24 Notary Public

25 My Commission Expires:
26
27

28 (A copy of this form should be given to your education agent and any alternate
29 named in this power of attorney, and to your child's school administrative unit.)"

30 Sec. 6. Subdivision (9) of G.S. 32A-2 reads as rewritten:

31 "(9) Personal Relationships and Affairs. -- To do all acts necessary for
32 maintaining the customary standard of living of the principal, the
33 spouse and children, and other dependents of the principal; to
34 provide medical, dental and surgical care, hospitalization and
35 custodial care for the principal, the spouse, and children, and other
36 dependents of the principal; to continue whatever provision has
37 been made by the principal, for the principal, the spouse, and
38 children, and other dependents of the principal, with respect to
39 automobiles, or other means of transportation; to continue
40 whatever charge accounts have been operated by the principal, for
41 the convenience of the principal, the spouse, and children, and other
42 dependents of the principal, to open such new accounts as
43 the attorney-in-fact shall think to be desirable for the
44 accomplishment of any of the purposes enumerated in this section,

1 and to pay the items charged on such accounts by any person
2 authorized or permitted by the principal or the attorney-in-fact to
3 make such charges; to continue the discharge of any services or
4 duties assumed by the principal, to any parent, relative or friend of
5 the principal; to continue payments incidental to the membership
6 or affiliation of the principal in any church, club, society, order or
7 other organization, or to continue contributions thereto.

8 In the event the attorney-in-fact named pursuant to G.S.
9 32A-1 makes a decision regarding the health care of the principal
10 that is contradictory to a decision made by a health care agent
11 appointed pursuant to Article 3 of this Chapter, the decision of the
12 health care agent shall overrule the decision of the attorney-in-fact.

13 In the event the attorney-in-fact named pursuant to G.S.
14 32A-1 makes a decision regarding the education of a child of the
15 principal that is contradictory to a decision made by an education
16 agent appointed pursuant to Article 4 of this Chapter the decision
17 of the education agent shall overrule the decision of the attorney-
18 in-fact."

19 Sec. 7. Article 25 of Chapter 115C is amended by adding a new section
20 to read:

21 "**§ 115C-364.2. Affidavit for school attendance.**

22 The use of the following form shall meet the requirements of G.S. 115C-
23 364.1(c)(6)(ii):

24 **STATE OF NORTH CAROLINA**
COUNTY OF

EDUCATION AGENT AFFIDAVIT
G.S. 115C-364.1(c)(6)(ii)
G.S. 115C-364.2

25 The undersigned affiant, being first duly sworn, says that:

26 1. I am domiciled in _____ County.

27 2. _____ name of child _____ date of birth

28 actually lives with me for other than to attend school or to participate in
29 school athletics; and has neither been removed from school for cause, nor
30 obtained a high school diploma; and

31 3. I provide substantial support for the above-named child; and

32 4. The above-named child's parent(s), legal guardian or legal custodian is:

1 daily membership of the local school administrative unit for the
2 purpose of allocating State funds: Provided, persons who live in a
3 household in a state bordering North Carolina in which at least
4 fifty-one percent (51%) of the gross household income is derived
5 from a business, trade, profession, or occupation carried on in this
6 State may be admitted by the local board of education, and, if
7 admitted, shall be included in the average daily membership of the
8 local school administrative unit for the purpose of allocating State
9 funds. The tuition charge for these persons may not exceed the
10 amount of the local supplement.

11 (2) Persons of school age who are domiciliaries of the State but who
12 do not reside within the school administrative unit or district, unit,
13 and who are not entitled to attend North Carolina schools in
14 accordance with G.S. 115C-364.1(b) or (c). This subdivision
15 applies to students admitted in accordance with G. S. 115C-
16 364.1(f). The tuition charge for these students shall not exceed the
17 amount of per pupil local funding.

18 (3) Persons of school age who reside on a military or naval reservation
19 located within the State and who are not domiciliaries of the State.
20 Provided, however, that no person of school age residing on a
21 military or naval reservation located within the State and who
22 attends the public schools within the State may be charged tuition
23 if federal funds designed to compensate for the impact on public
24 schools of military dependent persons of school age are funded by
25 the federal government at not less than fifty percent (50%) of the
26 total per capita cost of education in the State, exclusive of capital
27 outlay and debt service, for elementary or secondary pupils, as the
28 case may be, of such school administrative unit.

29 (4) Persons who are 21 years of age or older before the beginning of
30 the school year in which they wish to enroll.

31 (b) The tuition charge for a student shall not exceed the amount of per pupil local
32 funding.

33 (c) The tuition required in this section shall be determined by local boards of
34 education each August 1 prior to the beginning of a new school year. Persons subject
35 to tuition charges shall be notified of the current local amount and the prior year's
36 State amount as soon as possible but no later than that person's entering the school
37 system. Persons subject to State tuition shall be notified of the current amount as
38 soon as possible after the tenth school day of the current school year."

39 Sec. 9. G.S. 115C-113.1 reads as rewritten:

40 "§ 115C-113.1. Surrogate parents.

41 In the case of a child whose parent or guardian is unknown, whose whereabouts
42 cannot be determined after reasonable investigation, or who is a ward of the State,
43 the local educational agency shall appoint a surrogate parent for the child. The An
44 education agent enrolling a child pursuant to G.S. 115C-364.1(c)(6) shall be named

1 the surrogate parent. In other cases the surrogate parent shall be appointed from a
2 group of persons approved by the Superintendent of Public Instruction and the
3 Secretary of Human Resources, but in no case shall the person appointed be an
4 employee of the local educational agency or directly involved in the education or
5 care of the child. The Superintendent shall ensure that local educational agencies
6 appoint a surrogate parent for every child in need of a surrogate parent."

7 Sec. 10. The State Board of Education shall promulgate rules and
8 regulations to administer this act, and in particular Section 8 of this act, no later than
9 October 1, 1993.

10 Sec. 11. The Department of Public Instruction shall report to the Joint
11 Legislative Education Oversight Committee on January 15, 1994, and every year
12 thereafter on how Section 8 of this act is being administered and on the number of
13 students that fall into each of the categories of students enrolled in the public schools
14 in accordance with Sections 4 and 8 of this act.

15 Sec. 12. This act becomes effective July 30, 1993.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

H

D

HOUSE JOINT RESOLUTION DRHJR5015*-RCZ006(2.2)

Sponsors: Representatives Barnes, Black, Fussell, Gray, McAllister, and Rogers.

Referred to:

1 A JOINT RESOLUTION TO APPROVE A SYSTEM TO DEVELOP AND
2 IMPLEMENT A SYSTEM FOR BUILDING IMPROVEMENT REPORTS.

3 Whereas, the 1991 General Assembly charged the State Board of
4 Education to develop a system of school building improvement reports for each
5 school building; and

6 Whereas, the building improvement reports are intended to regularly and
7 systematically report school progress to the parents and citizens of the communities
8 served by the schools; and

9 Whereas, the State Board of Education developed a system and reported
10 its plan to the Joint Legislative Education Oversight Committee on December 1,
11 1992; and

12 Whereas, the 1991 General Assembly charged the Joint Legislative
13 Education Oversight Committee to submit a proposed plan for school building
14 reports to the 1993 General Assembly for its approval; and

15 Whereas, the Joint Legislative Education Oversight Committee reviewed
16 the plan submitted by the State Board of Education which includes technical
17 assistance by the Department of Public Instruction to local units so that those units
18 may by computer program use local test data to create unique reports for each school
19 building; and

20 Whereas, according to the State Board Report all building reports will
21 include the following minimum information:

22 Average daily attendance;

23 The number and percent of students in each of the following categories:
24 race, gender, gifted, handicapped, and those educationally disadvantaged;
25 Number and types of staff members by category;

26 Student/teacher ratios;

1 Characteristics of classroom teachers;
2 Parent education levels;
3 Percent of students eligible for free and reduced lunch;
4 Absentee rates;
5 Student performance;
6 Postgraduation performance;
7 School performance on Accountability Act goals;
8 Advanced placement performance and participation;
9 Diploma and certificate ratios; and
10 Graduation, retention, and dropout rates; and

11 Whereas, the State Board plan recommended but did not require that
12 school reports disaggregate school performance data by race and gender; and

13 Whereas, the Joint Legislative Education Oversight Committee finds that
14 disaggregation of performance data by race and gender will result in opportunities to
15 specifically target the needs and school performance of specific populations; and

16 Whereas, the Joint Legislative Education Oversight Committee finds that
17 the State Board plan mentions but does not emphasize that building improvement
18 reports shall specifically report on progress made on each building's unique goals for
19 qualitative improvement, for example, increased parent involvement and welcome or
20 dynamic school environments; and

21 Whereas, G.S. 115C-12(9) requires that the first building improvement
22 reports shall be produced by local school units by March 15, 1995;

23 Now, therefore, be it resolved by the House of Representatives, the Senate
24 concurring:

25 Section 1. The plan by the State Board of Education to develop and
26 implement a system for building improvement reports is approved with the following
27 modifications:

- 28 (1) Performance data shall be disaggregated by race and by gender on
29 each school building improvement report;
- 30 (2) Progress made on each building's unique goals for qualitative
31 improvements shall be emphasized in the development of the plan
32 and reported by each building in its report; and
- 33 (3) Reports shall be sent to the Department of Public Instruction by
34 the local school administrative unit and shall be made available by
35 the unit to any person requesting the report.

36 Sec. 2. This resolution is effective upon ratification.

APPENDIX B

REPORTS RECEIVED BY THE COMMITTEE

Table: Low Wealth Fund Expenditures.....	B1
UNC Accountability/Flexibility Implementation.....	B3
Higher Education Information Exchange Data.....	B13
Summary of North Carolina School Reports.....	B15
School Building Improvements Reports.....	B16

Low Wealth Supplemental Funding Report on Expenditures As of June 1992

State Summary

Total Allotment: **\$6,000,000**

Expenditure Description	Expended	Percent of Total
Teachers	\$881,781.12	15.03%
Teacher Assistants	213,915.33	3.65%
Instructional Support (Note)	152,847.04	2.61%
Clerical Personnel	211,263.73	3.60%
Other – Salary Related:		
Substitute Pay	8,949.70	0.15%
Overtime Pay	1,024.14	0.03%
Matching Benefits	350,339.07	5.97%
Instructional Supplies	1,870,700.73	31.69%
Computer Software and Supplies	365,835.42	6.24%
Textbooks (Supplemental)	75,848.93	1.29%
Library Books and Periodicals	117,265.52	2.00%
Audiovisual Supplies	20,381.97	0.35%
Instructional Equipment	869,936.73	14.84%
Computer Equipment	727,108.68	12.39%
Total	\$5,867,198.11	100.0%

Unexpended Balance: **\$132,801.89** 2.2%

Note: Instructional Support includes Guidance, Library/Media Specialist, Social Workers, and Health Services.

Low Wealth Supplemental Funding

LEA Name	1991-92 Allotment	Expended 6/30/92	Unexpended	Unexpended Percent
Alleghany County	\$2,587	\$2,587.00	\$0.00	0.00%
Anson County	92,254	90,075.98	2,178.04	2.38%
Bertie County	84,862	70,688.80	14,173.40	16.70%
Bladen County	91,319	90,155.12	1,163.88	1.27%
Cabarrus County	36,736	33,792.80	2,943.20	8.01%
Kannapolis City	8,796	8,596.88	199.32	2.27%
Caldwell County	143,048	143,048.00	0.00	0.00%
Camden County	9,596	9,596.00	0.00	0.00%
Caswell County	69,354	58,849.13	10,504.87	15.15%
Chowan County	37,988	35,852.58	2,135.42	5.62%
Cleveland County	88,321	87,727.41	593.59	0.67%
Kings Mountain City	42,306	42,306.00	0.00	0.00%
Shelby City	34,738	34,738.00	0.00	0.00%
Columbus County	166,657	166,657.00	0.00	0.00%
Whiteville City	58,341	58,160.61	180.39	0.31%
Cumberland County	714,898	702,769.98	12,128.02	1.70%
Duplin County	154,632	154,629.29	2.71	0.00%
Edgecombe County	99,520	99,520.00	0.00	0.00%
Tarboro City	63,311	63,311.00	0.00	0.00%
Franklin County	80,706	68,543.02	12,162.98	15.07%
Franklinton City	22,815	22,815.00	0.00	0.00%
Gaston County	247,520	247,520.00	0.00	0.00%
Gates County	25,139	24,833.13	305.87	1.22%
Greene County	57,472	54,707.09	2,764.91	4.81%
Halifax County	122,996	122,996.00	0.00	0.00%
Roanoke Rapids City	54,831	54,830.83	0.17	0.00%
Weldon City	22,615	18,927.93	3,687.07	16.30%
Harnett County	241,979	241,976.58	2.42	0.00%
Haywood County	24,442	22,529.33	1,912.67	7.83%
Hertford County	85,904	85,903.33	0.67	0.00%
Hoke County	127,109	127,109.00	0.00	0.00%
Johnston County	235,389	235,389.00	0.00	0.00%
Jones County	28,605	28,601.26	3.74	0.01%
Lee County	50,959	48,952.50	2,006.50	3.94%
Lenoir County	94,819	94,147.63	671.37	0.71%
Kinston City	69,893	65,440.32	4,452.68	6.37%
Martin County	63,868	63,113.40	754.60	1.18%
Rocky Mount City	69,901	69,901.00	0.00	0.00%
Northampton County	70,935	49,025.01	21,909.99	30.89%
Pasquotank County	92,249	89,921.86	2,327.14	2.52%
Pitt County	183,143	183,127.36	15.64	0.01%
Richmond County	163,625	163,497.45	127.55	0.08%
Robeson County	570,809	570,809.00	0.00	0.00%
Rockingham County	34,614	34,614.00	0.00	0.00%
Eden City	42,171	42,171.00	0.00	0.00%
Western Rockingham	32,972	32,314.75	657.25	1.99%
Reidsville City	34,563	34,562.99	0.01	0.00%
Sampson County	126,917	123,322.30	3,594.70	2.83%
Clinton City	53,080	51,082.89	1,997.11	3.76%
Scotland County	152,303	152,303.00	0.00	0.00%
Surry County	78,113	78,112.96	0.04	0.00%
Elkin City	10,618	10,618.00	0.00	0.00%
Mount Airy City	20,705	20,705.00	0.00	0.00%
Tyrrell County	7,238	7,238.00	0.00	0.00%
Warren County	39,762	39,732.09	29.91	0.08%
Washington County	55,940	52,024.91	3,915.09	7.00%
Wayne County	249,021	249,021.00	0.00	0.00%
Goldsboro City	82,388	82,159.88	228.12	0.28%
Wilson County	136,074	113,005.09	23,068.91	16.95%
Yadkin County	36,554	36,552.06	1.94	0.01%
Total	\$6,000,000	\$5,867,198.11	132,801.89	2.21%

Total of 60 LEAs Received Funding.



The University of North Carolina

GENERAL ADMINISTRATION

POST OFFICE BOX 2688, CHAPEL HILL, NC 27515-2688

G. D. SPANGLER, JR. President

Telephone 919 962-1000

**Appalachian State
University**

**East Carolina
University**

**Elizabeth City
State University**

**Fayetteville State
University**

**North Carolina
Agricultural and
Technical State
University**

**North Carolina
Central University**

**North Carolina
School of
the Arts**

**North Carolina
State University
at Raleigh**

**Pembroke State
University**

**University of
North Carolina
at Asheville**

**University of
North Carolina
at Chapel Hill**

**University of
North Carolina
at Charlotte**

**University of
North Carolina
at Greensboro**

**University of
North Carolina
at Wilmington**

**Western Carolina
University**

**Winston-Salem
State University**

**An Equal Opportunity
Affirmative Action
Employer**

September 14, 1992

Members of the Joint Legislative Education Oversight Committee

Senator Ed Warren, Chairman

Senator Austin M. Allran

Senator Franklin L. Block

Senator Donald R. Kincaid

Senator Howard N. Lee

Senator Alexander P. Sands, III

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Representative Mary E. McAllister

Representative Frank E. Rhodes

Representative Eugene Rogers

**Subject: UNC Accountability/Flexibility Legislation Quarterly Report
on Implementation by the Board of Governors**

The UNC Fiscal Accountability/Flexibility legislation calls upon the Board of Governors to report quarterly to the Joint Legislative Education Oversight Committee on its decisions and directives implementing the legislation. This is the third report, which covers the Board's actions during the last quarter of the 1991-92 fiscal year, 1991-92 operating results, and the first quarter of 1992-93.

Since the previous report of April 13, 1992, the following actions have been taken with respect to the implementation of the flexibility legislation:

Designation of Special Responsibility Constituent Institutions

One additional institution, North Carolina Agricultural and Technical State University, was formally designated by the Board of Governors on June 12, 1992, to be effective July 1, 1992. This brings the number of designated institutions to thirteen:

Appalachian State University

East Carolina University

Elizabeth City State University

Fayetteville State University

North Carolina Agricultural and Technical State University

North Carolina School of the Arts

North Carolina State University at Raleigh

Members of the Joint Legislative Education Oversight Committee
Page Two
September 14, 1992

Pembroke State University
The University of North Carolina at Chapel Hill
The University of North Carolina at Charlotte
The University of North Carolina at Greensboro
The University of North Carolina at Wilmington
Western Carolina University

The other three constituent institutions (North Carolina Central University, The University of North Carolina at Asheville, and Winston-Salem State University) are expected to request designated status at a later date.

Approval of the 1992-93 Operating Budgets

On July 31, 1992, the Board of Governors approved the 1992-93 current operations budgets for The University. It was noted that 1992-93 marks the first full year that these constituent institutions designated by the Board of Governors as "special responsibility constituent institutions" will administer their operating budgets under the FISCAL ACCOUNTABILITY/FLEXIBILITY legislation enacted by the 1991 Regular Session of the General Assembly.

First Annual Report on Flexibility

The Operating Guidelines for Special Responsibility Constituent Institutions require that an Annual Report be prepared by the Chancellor of each designated institution and submitted to UNC-General Administration. A summary of the institutional reports (a copy is enclosed) was given to the Board of Governors on September 11, 1992.

Related Significant Administrative Actions

A copy of each institutional flexibility report was provided to the Office of State Budget and Management and the Fiscal Research Division in early August. On August 25, 1992, the finance staff of UNC-General Administration met with representatives of these two staffs to review the institutional reports for 1991-92. These discussions were considered helpful to all three staffs in carrying out their respective responsibilities.

Respectfully submitted,



C. D. Spangler, Jr.

Enclosure

Special Responsibility Constituent Institutions
Designated Under the UNC Fiscal Accountability/Flexibility Legislation
Annual Reports Summary
1991-92

The Regular Session of the 1991 General Assembly enacted the UNC FISCAL ACCOUNTABILITY/FLEXIBILITY legislation (Appendix I) which grants significant additional authority in the areas of budgeting, personnel administration, and purchasing to those institutions designated as "special responsibility constituent institutions." The Board of Governors, acting on the recommendation made by the President after consultation by him with the State Auditor, is authorized to designate one or more institutions as special responsibility constituent institutions. In this regard, the Board of Governors adopted *Selection Criteria and Operating Guidelines for Special Responsibility Constituent Institutions* (Appendix II) on September 13, 1991. In subsequent Board of Governors' actions, the following 12 institutions were designated as special responsibility constituent institutions on the dates indicated and operated under flexibility legislation for the remainder of the 1991-92 fiscal year.

Appalachian State University	4/09/92
East Carolina University	10/11/91
Elizabeth City State University	10/11/91
Fayetteville State University	10/11/91
North Carolina School of the Arts	10/11/91
North Carolina State University	10/11/91
Pembroke State University	10/11/91
The University of North Carolina at Chapel Hill	10/11/91
The University of North Carolina at Charlotte	10/11/91
The University of North Carolina at Greensboro	10/11/91
The University of North Carolina at Wilmington	10/11/91
Western Carolina University	3/06/92

The operating guidelines require that each designated institution prepare an Annual Report. On May 13, 1992, a uniform reporting format (Appendix III) was

sent to each Chancellor of a designated institution. In response to this request, each designated institution described its operating results under budget flexibility during 1991-92. The purpose of this document is to summarize the activities reported by the Chancellors. Copies of the individual campus reports, which total 160 pages, are available upon request.

Although the campuses necessarily described the results that were unique to their particular institution, some summary observations can be made which reflect common experiences for all or most of the designated institutions. These observations, which follow, are based on information provided by the campuses.

Enhancement of the Mission of the Institution. The annual assessment reports, which focus on the areas of student learning and development, faculty development and quality, and progress toward the institution's mission, will describe how these areas were enhanced by the use of flexibility granted. In addition, specific measures have been developed to assure a standard measure of student learning and development in general undergraduate education. These measures will also be filed annually. In its report to the 1993 General Assembly, which is due by March 31, 1994, the flexibility legislation's impact on education will be addressed by the Board.

Fiscal Savings. In the broadest context of savings, each of the 12 designated institutions met its required five-year historical reversion rate which resulted in reversions, or savings, to the General Fund totaling \$22.2 million. In addition, appropriations of \$10 million were unspent in these operating budgets and available for carry-forward into 1992-93 for one-time expenditures. Schedule A indicates the

Special Responsibility Constituent Institutions
Designated Under the UNC Fiscal Accountability/Flexibility Legislation
Annual Reports Summary
1991-92

The Regular Session of the 1991 General Assembly enacted the UNC FISCAL ACCOUNTABILITY/FLEXIBILITY legislation (Appendix I) which grants significant additional authority in the areas of budgeting, personnel administration, and purchasing to those institutions designated as "special responsibility constituent institutions." The Board of Governors, acting on the recommendation made by the President after consultation by him with the State Auditor, is authorized to designate one or more institutions as special responsibility constituent institutions. In this regard, the Board of Governors adopted *Selection Criteria and Operating Guidelines for Special Responsibility Constituent Institutions* (Appendix II) on September 13, 1991. In subsequent Board of Governors' actions, the following 12 institutions were designated as special responsibility constituent institutions on the dates indicated and operated under flexibility legislation for the remainder of the 1991-92 fiscal year.

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The University of North Carolina at Wilmington	10/11/91
Western Carolina University	3/06/92

The operating guidelines require that each designated institution prepare an Annual Report. On May 13, 1992, a uniform reporting format (Appendix III) was

required reversions and appropriations carried forward by the designated institutions.

At the programmatic level, the institutional reports identified limited savings achieved during the 1991-92 fiscal year. Several institutions cited the fact that the relatively short period of operating under flexibility was insufficient to accrue sizable cost savings. Specific examples reported by other institutions include: the ability to save funds by purchasing items at a favorable price when a special buying opportunity became available; energy conservation improvements by reducing usage and the installation of energy savings devices; and more effective management of the personnel complement. One area identified by several institutions was the savings resulting from less time being spent in the preparation and processing of budget revisions. Under flexibility, most of the revisions that formerly required the approval of the Office of State Budget and Management can now be accomplished on campus.

Management Initiatives. A major initiative has been an increased level of participation by the Chancellors, Vice Chancellors and their managers in budget planning and execution. This involvement has permitted certain expenditure decisions to be made at a lower level in the organization, often at the department or school. Since budget flexibility allows the expenditure of unspent salary funds from vacant positions to be spent for non-personnel purposes, the execution of detailed expenditure plans has been more comprehensive than previously possible. Flexibility has allowed management to focus decisions on program priorities instead of budget categories.

A programmatic initiative which was reflected in most reports was the attention focused on meeting high priority non-personnel needs in teaching and research. Expenditures for renovations and improvements in classrooms and laboratories, which had been deferred in many cases, were sizable; and equipment purchases, especially computer hardware and software, received special attention. Available resources were also used to purchase books and journals and equipment for the libraries. The institutional reports elaborated on the particular program areas for which expenditures were made.

Management initiatives were also undertaken to maximize the carry forward of unspent appropriations into the next fiscal year to meet high priority needs, especially for capital improvements projects and equipment. Several institutions planned expenditures in a manner so that funds would be available to finance specific, high priority renovations projects. Such initiatives were not permitted before enactment of the flexibility legislation. Release from the rigid time frame of the fiscal year affords the campuses some opportunity for multi-year budget planning.

Increased Efficiency and Effectiveness Achieved. Many specific examples were reported where the institutions were able to operate more efficiently as a result of flexibility. These examples resulted principally from institutions' ability to transfer funds to update and replace obsolete educational, scientific, and computing equipment; and to repair and renovate teaching and research facilities. Also, personnel positions can be more efficiently managed. The flexibility legislation enables the institutions to integrate more fully planning and budgeting.

Flexibility also provides the opportunity to reallocate resources in accordance with institutional priorities in the long-term and to respond to unforeseen opportunities, as well as problems, in the short-term. The ability to spend funds across the total budget and carry forward appropriations gives the designated institutions a clear incentive to be cost-conscious. A more efficient operation is a logical result.

Documentation of Reallocation of Resources. Each designated institution reported all net budget transfers which were authorized by the Chancellor during the year and which previously required the approval of the Office of State Budget and Management. These reallocations, which distinguished between one-time and permanent transfers, were described in considerable detail, often at the school or departmental level.

As shown on Schedule B, one-time reallocations totaled \$17.2 million, which represented 1.43% of the authorized budget requirements of the designated institutions at June 30, 1992. Most of the funds available for one-time reallocations resulted from unspent salary funds from positions that were vacant for a portion of the fiscal year. In total, \$16.4 million of the one-time transfers were made from personnel compensation accounts; 95.41% of the budget reallocations were made from these accounts.

All major budget increases (\$50,000 or more) are shown on Schedule C. Unspent salary resources were reallocated principally to update and replace obsolete educational, scientific, and computing equipment and for repairing and renovating teaching and research facilities. Available funds were also used to purchase library books and journals. Equipment purchases totaled \$7 million, repairs and maintenance totaled \$3 million, and \$853,000 was reallocated to purchase library

books and journals. As identified on Schedule C, one-time increases were also made in a variety of other accounts.

Transfers among the purposes of academic budgets are shown on Schedule D. Libraries budget purposes received the largest net increase; the principal source of this reallocation was lapsed salaries in the Regular Term Instruction budgets.

Permanent reallocations are shown on Schedule E. This schedule reflects the conservative approach that the designated institutions took with respect to the permanent reallocation of resources. Several designated institutions made no permanent reallocations; other institutions made a limited number. Salary related adjustments were the principal reasons for permanent reallocations.

Availability and Use of Appropriations Carried Forward. As noted previously, each of the designated institutions met its required historical reversion rate. The institutional appropriations available for carry-forward ranged from zero to the maximum allowable of 2.5%, and totaled \$10 million. Schedule A shows the appropriations carried forward by each designated institution and the percentage this represents of the authorized appropriation at June 30, 1992. The flexibility legislation provides that the appropriations carried forward "may be used for one-time expenditures that will not impose additional financial obligations on the State." Therefore, almost all of the funds carried forward are proposed to be spent on equipment and repairs and renovations projects, which are sizable in some cases. Schedule F identifies the proposed uses of these appropriations by each designated institution.

Additional Cost Incurred. Most of the designated institutions reported no additional cost incurred as a result of implementing budget flexibility. In some instances, references were made to minor items of costs but these were not quantified. However, the required reversion amounts were cited as "costs" of flexibility; this cost was considered burdensome, particularly in view of budget reductions during the past two years.

Positions Established and Positions Abolished. Eight of the 12 designated institutions reported that positions were neither established nor abolished under flexibility. Four institutions reported a limited number of changes: Fayetteville State University – 1 Full Time Equivalent (FTE) position abolished; North Carolina State University (all budget codes) – 6.9 FTE positions established; The University of North Carolina at Chapel Hill (all budget codes) – 8 FTE positions established and 3 FTE positions abolished; and The University of North Carolina at Charlotte – 3 FTE positions established and 2 FTE positions abolished. None of these changes involved teaching positions.

State Board of Education
Interim Report on a Plan
for
Inclusion of Higher Education Information Exchange Data
in
Annual School System Report Cards
November 5, 1992

Senate Bill 1028, ratified by the General Assembly on July 8, 1992, provides for the establishment of a system to exchange information among public schools and institutions of higher education. The system is to be developed jointly by the Board of Governors, the State Board of Community Colleges, and the State Board of Education, in consultation with private higher education institutions. It is to be implemented no later than June 30, 1995. A joint progress report is to be submitted to the Joint Legislative Education Oversight Committee by February 15, 1993, and annually thereafter.

The legislation also provides that the State Board of Education plan how to include specified information exchange data in the annual school system report cards. The following data are to be included:

1. The number of high school graduates who apply to, are admitted to, and enroll in institutions of higher education.
2. College performance of high school graduates for the year immediately following high school graduation, including each student's need for remedial course work at the institution of higher education that the student attends, performance in standard freshman courses, and continued enrollment in a subsequent year in the same or another institution of higher education in the State.

The following is presented as an interim report on the development of a plan for including higher education information exchange data in the annual school system report cards. A final report will be presented to the General Assembly by May 1, 1993.

Although June 30, 1995 is set as the completion date for implementing the higher education information exchange system, it should be noted that an initial report on student performance in public universities already has been prepared by the university system, based on 1989-90 high school graduates. Similar information is being prepared by the community college system. This information will be phased into the school system report cards as it becomes available in a timely manner. Other information will be added as the higher education information system becomes operational.

Following is a calendar of activities for developing a plan to include data on student higher education performance in school system report cards.

September 30- October 1, 1992	Discussion of Proposed Plan Interim Report by the State Board of Education
October 2- November 4, 1992	Receipt of comments about Proposed Plan Interim Report
November 4-5, 1992	Review of comments and adoption of Proposed Plan Interim Report
December 1, 1992	Deadline for submission of Proposed Plan Interim Report to Joint Legislative Education Oversight Committee
December 2, 1992- March 2, 1993	Staff preparation of Final Report on Proposed Plan for Inclusion of Higher Education Information Data in Annual School System Report Card
March 3-4, 1993	Discussion of Proposed Plan and Final Report by State Board of Education
March 5-31, 1993	Receipt of comments about Proposed Plan and Final Report
April 1, 1993	Adoption of Plan and Final Report by State Board
May 1, 1993	Deadline for submission of Final Report to General Assembly

		State	School-System	School	Student
Title	<i>The State of the State: Education Performance in North Carolina</i>	<i>Report Card: The State of School Systems In North Carolina</i>	<i>School Improvement Report</i>	<i>Student Report</i>	<i>Student Report</i>
Audience	For state policy makers and superintendents	For state policy makers and superintendents	For school superintendents, principals, and teachers	For students, teachers, and parents	For students, teachers, and parents
Function	Guides state-level planning, policy decisions	Guides state-level and local-level planning and policy decisions Used to make state-level accountability decisions required by law	Guides schools in planning and policy decisions	Provides an independent context within which to examine student performance at the end of the school year	Provides an independent context within which to examine student performance at the end of the school year
Date	January	January	March, beginning in 1995	May/June	May/June
Content	Achievement, performance, and other outcome indicators	Characteristics of the state and its public school system	Achievement, performance, and other outcome indicators	School characteristics	Achievement and other performance indicators
Features	Shows state performance across time	Compares N.C. to nation and to other states	Shows school system performance across time	Shows school performance across time	Shows end-of-year student performance and overall proficiency
			Compares school performance to school goals	Compares student to others in class, school, school system, and state	Compares student to others in class, school, school system, and state

December 1, 1992

State Board of Education
Development and Implementation
of a
System of School Building Improvement Reports
Proposed Plan

Background

During its 1992 session, the General Assembly adopted legislation requiring the State Board of Education to develop a system of school building reports to measure improvement in student performance. The legislation further requires that each administrative unit produce these improvement reports. The first reports are to be issued by March 15, 1995, and, then, annually thereafter.

The State Board is to submit its proposed plan to develop and implement the system of school building reports to the Joint Legislative Education Oversight Committee by December 31, 1992. The Joint Committee, in turn, is to submit a proposed plan to the 1993 General Assembly for approval during the 1993 session.

The State Board of Education proposed plan for developing and implementing the reports follows.

Purpose of School Building Improvement Reports

As stated in the legislation, "(the) purpose of school building improvement reports is to measure improvement in student performance at each school building from year to year, not to compare school buildings." Accordingly, these reports should be produced by each administrative unit primarily as measures of progress in implementing improvement plans developed by individual schools under provisions of the Performance-Based Accountability Program, G.S. 115C-138.3(b1).

Audiences for School Building Improvement Reports

Improvement reports are intended to provide information about the performance of individual schools to members of the communities in which they are located. The audiences include parents of children in the school, teachers and other school staff members, the superintendent and other school system personnel, members of the local school board, and the general public in that community. Information needs of the varied audiences must be considered when improvement reports are designed.

System of Centers for Scoring Tests

The system of centers for scoring tests that is operated by the Department of Public Instruction will provide a wide variety of data for use by schools in the preparation of their improvement reports. For example, schools will be encouraged to disaggregate their data by gender, race, and other pertinent characteristics when they report student performance. Reporting of data that has been disaggregated in this manner will result in a greater public understanding of the total school performance. Accordingly, in designing improvement reports that will be of the greatest use by the communities in which they are located, schools will have the option of selecting from among these and many other data items provided by the scoring centers.

Format of Improvement Reports

There are about 50 different grade combinations found in the nearly 2,000 individual schools in North Carolina. Obviously, a single format is not appropriate for each school report. Nevertheless, each school report must contain the following categories of information: school characteristics, average student performance, and school performance. These are detailed below. In some cases, specific items of information parallel those which are included in the school system report cards issued annually by the State Board of Education and the State-of-the-State Report that is to be issued later by the State Board. Consequently, the public may find a certain level of continuity in information presented at the school level, school system level, and state level.

Content of School Improvement Reports

Schools are expected to include a wide range of information items in their improvement reports, but, depending upon the type of school and the grade levels involved, items shown below are to be included in each school improvement report at a minimum.

School Characteristics

- Average Daily Attendance
- Number and Percent of Students Enrolled by Ethnic Background (American Indian, Asian, Hispanic, Black, White)
- Percent Gifted
- Percent Handicapped
- Percent Eligible/Enrolled in Compensatory Education Programs
- Number of Staff Members by Category (classroom teachers; professional support personnel; administrators; non-professional support personnel)
- Student/Classroom Teacher Ratio
- Percent of Classroom Teachers with Advanced Degrees
- Parental Education Levels (percent less than 8th grade; 8th grade or more, but less than high school diploma; high school diploma; more than high school)
- Percent of Students Eligible for Free and Reduced Price Lunches
- Chronic Absenteeism (percent absent more than 14 days per year)

Student Performance

- Three-Year Test Scores (End-of-Grade, End-of-Course, SAT)
- Post-Graduation Performance (Higher Education performance information will be incorporated into school improvement reports as it becomes available during the development of the higher education information exchange process--G.S. 116-11(10a); vocational education completer employment.

School Performance

- Performance on goals established for Performance-Based Accountability Program, including degree to which goals have been met
- Advanced Placement Program Participation
- Diploma/Certificate Ratio
- Retention Rate
- Dropout Rate

Technical Assistance

Following General Assembly approval of a plan for developing school improvement reports during its 1993 session and the subsequent establishment of implementation policies by the State Board of Education, the State Superintendent will designate personnel to provide technical assistance to local school systems in the design of school improvement reports. As noted earlier, technical assistance will also include scoring of student end-of-grade and end-of course tests for each school and school system through the system of test scoring centers provided by the Department of Public Instruction for each LEA. Local Boards of Education are responsible for preparing and issuing the reports.

Calendar for Developing and Implementing School Improvement Reports

The following calendar of activities is proposed for developing and implementing school building improvement reports:

September 30- October 1, 1992	Discussion of proposed plan by the State Board of Education
October 2- November 4, 1992	Receipt of comments about proposed plan
November 4-5, 1992	Review of comments and adoption of Proposed Plan for Developing and Implementing School Building Improvement Reports by the State Board
December 31, 1992	Deadline for submission of Proposed Plan to the Joint Legislative Education Oversight Committee
January-July, 1993	General Assembly consideration of plan for School Building Improvement Reports

May-June, 1993	Department of Public Instruction Scoring Centers provide each LEA and school with student test performance results
July-December, 1993	State Board develops implementation policies
September, 1993-June, 1994	First school year for which school improvement reports will be prepared
January, 1994-continuing	Department of Public Instruction provides technical assistance to LEAs in designing reports, including services of test Scoring Centers
July, 1994-March, 1995	LEAs collect and analyze data, draft school improvement reports
March 15, 1995	Deadline for LEAs to issue first School Improvement Reports

(e) G.S. 115C-12(9) is amended by adding a new sub-subdivision to read:
"(9) Miscellaneous Powers and Duties. -- All the powers and duties
exercised by the State Board of Education shall be in conformity
with the Constitution and subject to such laws as may be enacted
from time to time by the General Assembly. Among such duties
are:

- a. To certify and regulate the grade and salary of teachers and other school employees.
- b. To adopt and supply textbooks.
- c. To adopt rules requiring all local boards of education to implement the Basic Education Program on an incremental basis within funds appropriated for that purpose by the General Assembly and by units of local government. Beginning with the 1991-92 school year, the rules shall require each local school administrative unit to implement fully the standard course of study in every school in the State in accordance with the Basic Education Program so that every student in the State shall have equal access to the curriculum as provided in the Basic Education Program and the standard course of study.

The Board shall establish benchmarks by which to measure the progress that each local board of education has made in implementing the Basic Education Program. The Board shall report to the Joint Legislative Education Oversight Committee and to the General Assembly by December 31, 1991, and by February 1 of each subsequent year on each local board's progress in implementing the Basic Education Program, including the use of State and local funds for the Basic Education Program.

The Board shall develop a State accreditation program that meets or exceeds the standards and requirements of the Basic Education Program. The Board shall require each local school administrative unit to comply with the State accreditation program to the extent that funds have been made available to the local school administrative unit for implementation of the Basic Education Program.

The Board shall use the State accreditation program to monitor the implementation of the Basic Education Program.

- c1. To issue an annual 'report card' for the State and for each local school administrative unit, assessing each unit's efforts to improve student performance and taking into account progress over the previous years' level of performance and the State's performance in comparison with other states.

This assessment shall take into account demographic, economic, and other factors that have been shown to affect student performance.

c2. To develop management accountability indicators to measure the efficiency and appropriate use of staff in each school and at the administrative office. Staff development for school administrators shall be a high priority of the Department of Public Instruction.

c3. To develop a system of school building improvement reports for each school building. The purpose of school building improvement reports is to measure improvement in student performance at each school building from year to year, not to compare school buildings. The Board may consider for inclusion in the building reports the following criteria: test scores, the success of graduating students in postsecondary institutions, attendance, graduation and dropout rates, the numbers of children enrolled in free lunch or Chapter 1 programs, the education level of the parents of children enrolled in the school, the teaching experience of the school staff, and whether the building has been successful in meeting the goals of the building and systemwide plans developed in accordance with G.S. 115C-238.1 through G.S. 115C-238.6. Local school administrative units shall produce school building improvement reports by March 15, 1995, and annually thereafter. Each report shall be based on building-level data for the prior school year.

d. To formulate rules and regulations for the enforcement of the compulsory attendance law.

e. To manage and operate a system of insurance for public school property, as provided in Article 38 of this Chapter.

In making substantial policy changes in administration, curriculum, or programs the Board should conduct hearings throughout the regions of the State, whenever feasible, in order that the public may be heard regarding these matters."

(f) G.S. 115C-47 is amended by adding a new subdivision to read:

"(35) To produce school building improvement reports. -- Each administrative unit shall produce school building improvement reports for each school building in the local school administrative unit, in accordance with G.S. 115C-12(9)c3."

(g) The State Board of Education shall submit its proposed plan to develop and implement a system for building improvement reports to the Joint Legislative Education Oversight Committee no later than December 31, 1992. The Joint Legislative Education Oversight Committee shall submit a proposed plan to the 1993 General Assembly for its approval during its 1993 session.

APPENDIX C

MEETING AGENDAS, OCTOBER - DECEMBER 1992

October 1-2.....	C1
October 28.....	C2
November 24 and December 1.....	C3
December 1.....	C4

AGENDA
JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE
October 1-2, 1992, Room 544 LOB

October 1 - Meeting begins at 1:00 p.m.

Minutes - Committee Workplan

LRC Studies

1. Length of School Year/compulsory attendance
Year-round schools HB 1186 (1991)

Dr. Sam Houston, Mooresville City Schools
Dr. Robert Wentz, Wake County Schools

2. Education and Training of Nurses

UNC Management flexibility - Board of Governors
G.S. 116-44.6 et. seq (1991)

Jim Newlin, Fiscal Analyst
Dr. Jay Robinson, General Administration

Supplemental Funding of Low Wealth Units
Budget analysis by Local Government Commission
Chapter 689 s. 201.2(c)(1991)

Bob High, Department of the State Treasurer

October 2 - Meeting begins at 9:30 a.m.

Education Leadership Task Force Workplan

Maxine O'Kelley, Co-Chair
Member of the Board of Governors

Implementation of amendments to the Improvement and Accountability Act - DPI

Dr. Bill Church, Department of Public Instruction

Update on the Statewide Testing Program - DPI

Dr. Suzanne Triplett, Department of Public Instruction

Bills for Committee Consideration

Amend the accountability act to allow for central office staff
waivers.

Future Meetings

October 28

November 23, 24 (note date change)

December 30

February 1, 15, 22

92C-MT-096

JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE

AGENDA

Wednesday, October 28, 1992
9:30 A.M., Legislative Office Building, Room 544

Welcome and Opening Remarks

Senator Ed Warren, Cochair

"Greater Expectations: The South's Workforce Is the South's Future". A report from the MDC Advisory Panel on Southern Workforce Development.

Dr. Charles "Ed" Bishop - Panel Chairman

Dr. David L. Dodson - Executive Vice President, MDC, Inc.

"On the Edge: Three Years After the Report of the Commission on the Future of the North Carolina Community College System". A report from the Monitoring Committee on the Future of the Community College System.

Dr. E.K. Fretwell - Monitoring Committee

Community College Report

Mr. Tom King - Senior Vice President

Ms. Kathy Baker Smith - Associate Vice President

JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE

Tuesday - November 24, 1992 - 10am Room 544

Family and Youth Resource Centers - Collaborative Services for Children at Risk of School Failure

Kentucky Education Reform Act

Discussion of Kentucky visit - Representative Barnes, Lori Ann Harris, Jo Ann Norris, Jim Watts, Mary Thompson

At Risk Commission - update on activities
Senator Martin, Representative Fussell

Government Performance Audit - Education Study
Curtis Clark, Barbara Spier, Eva Klein

Bills for Committee Consideration
School Funding Pilot amended
Teacher Training Taskforce Membership

Tuesday - December 1, 1992 - 10am Room 544

Out-of-State Students Tuition Study

Reports from Research Services - DPI
Information Exchange - Chapter 880 (1991)
Including this information in the annual report card.

Building Reports - Chapter 900 s.75(g)
Development plan

Pathways - College Awareness program
A new initiative of DPI, the Community Colleges and Higher Education.

Testing Program - Public Relations
Update on how DPI is preparing teachers, parents and administrators for the new testing program.

Higher Education Institutional Accountability

Universities - Chapter 752 sec. 94 (1989) required each UNC institution to develop a plan to measure its effectiveness, especially in the area of student learning and development, faculty development and quality, and progress towards institutional goals.

Community Colleges - Critical Success Factors, funding formula.

JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE
Senator Ed Warren, Representative Anne Barnes - Cochairs

Tuesday - December 1, 1992 - 10am Room 544

Out-of-State Students Tuition Study
Bob Bellamy - Chief Consultant, DPI
Philip Price - Financial Services, DPI
Jim Johnson, Fiscal Analyst, General Assembly
Mary D. Thompson, Committee Counsel

Reports from Research Services - DPI
Information Exchange - Chapter 880 (1991)
Including this information in the annual report
card.
Building Reports - Chapter 900 s.75(g)
Development plan
Testing Program - Public Relations
Update on how DPI is preparing teachers, parents and
administrators for the new testing program.

Dr. Suzanne Triplett, Asst. State Superintendent
Dr. Bill Brown, Testing and Research Services
Dr. Bill Church, Technical Assistance Centers
Dr. Henry Johnson, Asst. State Superintendent

Higher Education Institutional Accountability

Community Colleges - Critical Success Factors, funding
formula.

Kathy Baker-Smith, Assoc. VP for Planning and Research
Tom King, VP for Financial Services
Charlotte Todd - Fiscal Analyst, General Assembly

Universities - Chapter 752 sec. 94 (1989) required each UNC
institution to develop a plan to measure its effectiveness,
especially in the area of student learning and development,
faculty development and quality, and progress towards
institutional goals.

Dr. Roy Carroll, VP for Planning - UNC
Dr. Jay Robinson, VP for Public Affairs - UNC
Jim Newlin - Fiscal Analyst, General Assembly

APPENDIX D

AUTHORIZING LEGISLATION

ARTICLE 12H.

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

The Joint Legislative Education Committee is established. The Committee consists of 16 members as follows:

(1) Eight 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) Eight 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, except the terms of the initial members, which begin on appointment and end on the day of the convening of the 1991 General Assembly. 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. (1989 (Reg. Sess., 1990), c. 1066, s. 115.)

§ 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. (1989 (Reg. Sess., 1990), c. 1066, s. 115.)

S 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 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 nine 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 Administrative 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. (1989 (Reg. Sess., 1990), c. 1066, s. 115.)

