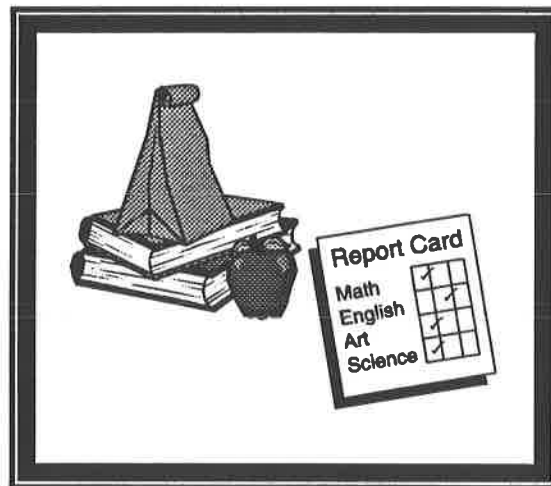


# **JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE**



**REPORT TO THE 1995 GENERAL ASSEMBLY  
OF NORTH CAROLINA**

**1995 REGULAR SESSION**

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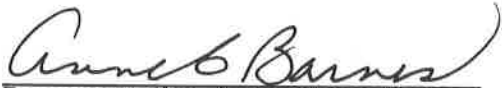
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January 19, 1995

TO THE MEMBERS OF THE 1995 GENERAL ASSEMBLY:

Pursuant to Article 12H of Chapter 12 of the General Statutes, the Joint Legislative Education Oversight Committee hereby submits its report of recommendations and findings to the 1995 North Carolina General Assembly.

Respectfully submitted,



Representative Anne Craig Barnes  
Co-Chair



Senator Beverly M. Perdue  
Co-Chair

JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE



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## HISTORY OF COMMITTEE

The Joint Legislative Education Oversight Committee was created during the 1990 Regular Session of the 1989 General Assembly. (See Appendix A -- Article 12H of Chapter 120 of the General Statutes.) It is a permanent committee. Sixteen members legislative members are appointed to two-year terms -- eight from the Senate and eight from the House of Representatives.

The Committee's charge is to improve public education. It may 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 the implementation, policy goals, and funding patterns.
3. Study out-of-State education initiatives to glean implications for North Carolina.
4. Study any other educational matters necessary to fulfill the Committee's charge.

The Committee may make interim reports to the General Assembly.

The Committee met five times between the end of the 1994 Regular Session of the 1993 General Assembly and the beginning of the 1995 Regular Session of the 1995 General Assembly. Lists of those attending the meetings, as well as minutes of those meetings, are contained in the Committee's records on file in the Legislative Library. A list of the members of the Committee are found in Appendix B.





## REPORTS RECEIVED

### First Meeting -- October 3, 1994

**I. CLASS SIZE ALLOTMENTS, EXCEPTIONS, AND WAIVERS:** Mary D. Thompson, Committee Counsel, explained the current class size law and the circumstances under which schools may receive waivers of that law. In July, 1994, the General Assembly appropriated \$26,320,319 to provide teachers and teacher assistants to reduce class size in kindergarten resulting in an allotment ratio of 1:23 in kindergarten for the 1994-95 school year. Despite this change in the allotment ratio, many questions have arisen concerning class size in kindergarten and other grades. In 1988, the General Assembly rewrote G.S. 115C-301(c):

**(c) Maximum Class Size.** -- The average class size for each grade span in a local school administrative unit shall at no time exceed the funded allotment ratio of teachers to students. At the end of the second school month and for the remainder of the school year, the size of an individual class shall not exceed the allotment ratio by more than three students. . . .

This allows individual classes to exceed the funded allotment ratio by three students, so long as the average class size in the school unit is no more than the funded allotment ratio. Current allotment ratios for 1994-95 are:

Grade	Allotment Ratio	Maximum class size
K	1:23	1:26
1-9	1:26	1:29
10-12	1:28.425	1:32

Under G.S. 115C-301, school units may request waivers after the fact, if they are unable to correct serious conditions that create circumstances resulting in (i) more than an average of 23 students in a kindergarten classes within the school unit or (ii) individual classes with more than 26 pupils.

The School Improvement and Accountability Act of 1989 (Senate Bill 2) allows the State Board to grant waivers of the class size law at the request of local school governance committees for their planning purposes. These waivers have been granted routinely. G.S. 115C-238.3(b1) allows school planning committees to request waivers, including class size waivers, as part of a building-level plan. The request must (i) identify the State laws, regulations, or policies that inhibit the local unit's ability to reach its local accountability goals, (ii) set out with specificity the circumstances under which the waiver may be used, and (iii) explain how a waiver will permit the local unit to reach its local goals. The following reasons for waiver requests are typical: (i) to avoid combination classes; (ii) to provide opportunities to teach at-risk students in smaller groups; (iii) to avoid the use of trailers; and (iv) to avoid reassignment of teachers and students in the second month of school.

As part of a building-level plan, a waiver request is subject to debate and a vote by the school staff before being approved as part of the plan. This system was designed to ensure that any request for a departure from standard State policy established either by the General Assembly or the State Board is debated thoroughly before it is requested. Building-level plans are for three years; waivers may be requested at any time and, if approved, run concurrently with the plan.

School units also may request waivers under the Basic Education Plan, Outcome Based Education pilots, and Project Genesis.

Approximately 54% of school buildings had a waiver of class size laws during the 1993-94 school year, so that the limitation of not more than 3 students in an individual class above the allotment ratio did not apply to the majority of schools. But even where the law has been in place, it is difficult to monitor and change class sizes once the school year has begun.

Under G.S. 115C-301, class size is audited only after the second month of school, after teachers and students are accustomed to their situations. Though the statute allows the State Board to withhold a local superintendent's salary for violations of G.S. 115C-301, this has never been done.

Another issue concerns space for smaller classes. Concerning how to house classes, G.S. 115C-47((10) states, "In addition to assuring that the requirements of G.S. 115C-301 are met, each local board of education shall also have the duty to provide an adequate number of classrooms to meet the requirements of that statute."

The Department of Public Instruction reports that 1275 K-3 classes had more than 29 students in 1993-94. As yet, figures are not available for the current school year.

Since July, 1994, the State Board of Education has gone on record as supporting class size reductions in the primary grades. The Board and the Superintendent have submitted a joint 1995-97 expansion budget request to reduce class size to 1:17 for the K-3 grades. At its November board meeting, the State Board gave notice that it will study when it would be feasible to implement a policy that it no longer will grant class size waivers in the K-3 grades. The NCAE and the NC Federation of Teachers are on record as supporting lowering class size.

In response to the concerns raised in relation to the issue of class size waivers, the Committee voted on January 18, 1995, to recommend that the General Assembly enact **AN ACT TO LIMIT THE USE OF CLASS-SIZE WAIVERS IN THE K-3 GRADES.** (See Appendix C)

**II. QUALITY CANDIDATE COMMITTEE:** Part of the Education Leadership package enacted by the General Assembly in 1993, Section 5 of Chapter 199 of the 1993 Session Laws required the Board of Governors to convene a "Quality Candidate Committee" made up of representatives of various education organizations. The Committee was directed "to create admissions criteria for its School Administrator Training Programs and to assist local education agencies in developing procedures to hire the best qualified candidates." In particular, the Committee was asked to (i) create admissions criteria, which could encompass leadership ability and relevant experience, as well as attract qualified women and minorities and be capable of measurement; and (ii) analyze current employment practices of public schools and private business, and determine ways to attract and employ minorities and women.

Dr. William F. Little, Senior Vice President, Academic Affairs, UNC, summarized the Committee's report, which has not yet been approved by either the Board of Governors or the State Board of Education, makes 24 recommendations. Its recommendations concerning admissions criteria for program candidates will be presented to the Board of Governors for its approval at its next meeting. The recommendations concerning selection criteria for job candidates and how to assist local boards in their selection of school administrators will be presented to the State Board of Education for its approval by November 1, 1994. Both Boards are required to report to the Joint Legislative Education Oversight Committee by November 15, 1994.

that target juvenile crime by (i) enhancing educational attainment through coordinated services to respond to the needs of students who are at risk of school failure and at risk of participation in juvenile crime and (ii) providing for a safe and secure learning environment. The legislation also directed the Department of Public Instruction to develop and implement an evaluation system to assess the overall quality, efficiency effectiveness and impact of the Intervention/Prevention Grant Program.

Dr. Henry Johnson, Assistant State Superintendent, and Norman Camp, Staff Assistant, Instructional Services, DPI, presented the report, which outlines the grant process and review, geographic distribution of grants and program descriptions by grantee. The grants were awarded on a competitive basis and provide for the establishment or expansion of one or more of five models outlined in the legislation including: **school-based resource centers (4.7%); after-school program (6.2%); Cities-in-Schools (9%); alternative schools (66.1%) and; safe schools programs (12%).**

The evaluation will utilize both a "process" evaluation and "outcome" evaluation approach, examining the following questions: (i) What types of programs have been implemented with grants?; (ii) How are funds used?; (iii) What is the impact of the programs?; and (iv) How can the program be improved? The methodology to be used in the evaluation is reviewed in the report as well as a summary of advantages and disadvantages and problems inherent in this evaluation design. The report also includes a timeline and task chart, outlining activities scheduled for the coming two years.

**XVII. SAFE SCHOOLS GRANT PROGRAM:** - 1993, Chapter 321, Section 139(a) (January 15, 1995): Sylvia Massey, Consultant, Safe Schools/Social Work, High School Curriculum Team, DPI, reported to the Committee on how these funds are being used.

#### Fifth Meeting -- January 18, 1995

**XVIII. SITE BASED MANAGEMENT TASK FORCE:** - 1994, Chapter 677, Section 7 (December annually): Annual report on the implementation of site-based management in the public schools, including recommendations for changes in any law, rule and policy that would improve site-based management.

Myra Copenhaver, Director of the Site-Based Management Task Force, presented this annual report.

**XIX. EDUCATION CABINET:** One of the recommendations of the Government Performance Audit Committee, Chapter 393 of the 1993 Session Laws created the Education Cabinet, consisting of the Governor, the President of UNC, the President of the Community College System, and the Superintendent of Public Instruction. The Cabinet was to "develop a strategic design for a continuum of education programs" to be reported to this Committee by January 1, 1995. This design process was to have included a "vigorous examination of all programs as if they were created for the first time" and a comparison of existing structures, funding levels, and responsibilities.

Tom Houlihan, Education Advisor, Office of the Governor, summarized the Cabinet's report to the Committee as follows:

1. The Cabinet met five times, one of which was on January 12, 1995.
2. The Cabinet accomplished the following:
  - a. Developed a standardized high school transcript, the use of which began in the fall of 1994.

- b. Developed common freshman application forms, which are now in use.
  - c. Are in the process of exploring the Pathways Project.
  - d. Reviewed "intersystems" programs such as Tech Prep, Smart Start, and others.
  - e. Formulated a new exchange between community colleges and universities for the purpose of acquainting certain students with education opportunities afforded by the community colleges.
  - f. Received periodic reports from the State Postsecondary Review Entity.
  - g. Discussed articulation and community college transfer programs.
  - h. Identified a standard course numbering system for the community colleges.
  - i. Gave priority to providing staff support for the Professional Teaching Standards Commission.
  - j. Noted that various commissions and task forces, such as the Standards and Accountability Commission, are involved in studying many issues that should be included in a continuum of education and are expected to make major recommendations for changes in the system of education.
3. The Cabinet identified the following future strategies:
- a. Review budget requests for the 1995-97 biennium to identify and collaborate on duplicative items.
  - b. Identify relevant education matters to be undertaken as the initial effort in the preparation of a strategic design.
  - c. Include the General Assembly's recent legislative initiatives and develop a continued level of cooperation and support with members of the General Assembly concerning the intent, specific expectations, and depth/breadth of the concept of a strategic design.

The Committee noted its appreciation for the Cabinet's cooperative efforts in the past two years; however, the members emphasized that they look forward to reviewing the strategic design when it is completed.

**XX. VOCATIONAL EDUCATION TASK FORCE:** Section 19.10 of Chapter 769 of the 1994 Session Laws created this task force to study various issues related to vocational and technical education. An interim report is due by January 15, 1995, with a final report by March 1, 1996. The appointment of members was completed in December, 1994, and the first meeting is scheduled for January 18, 1995.

## **RECOMMENDATIONS TO THE 1995 GENERAL ASSEMBLY**

The Committee recommends the enactment of the following proposed bills:

1. **AN ACT TO LIMIT THE USE OF CLASS SIZE WAIVERS IN THE K-3 GRADES. (Appendix C)**
2. **AN ACT TO ESTABLISH A UNIFORM REVERSION RATE UNDER THE UNC MANAGEMENT FLEXIBILITY AND ACCOUNTABILITY ACT. (Appendix D)**
3. **AN ACT TO MAKE TECHNICAL AND CLARIFYING CHANGES TO LAWS CONCERNING THE SCHOOL ADMINISTRATOR STANDARDS BOARD AND TO EXTEND TO 1998 THE DATE FOR IMPLEMENTATION OF THE STANDARDS BOARD EXAM. (Appendix E)**
4. **AN ACT TO APPROPRIATE FUNDS TO ESTABLISH NEW DEGREE PROGRAMS AND TO EXPAND EXISTING DEGREE PROGRAMS IN CERTAIN ALLIED HEALTH FIELDS AT VARIOUS INSTITUTIONS OF HIGHER EDUCATION. (Appendix F)**
5. **AN ACT TO APPROPRIATE FUNDS FOR CONSTRUCTION OF NEW AND ADDITIONAL FACILITIES FOR ALLIED HEALTH PROGRAMS AT THE UNIVERSITY OF NORTH CAROLINA. (Appendix G)**



## APPENDIX A

### 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.

#### § 120-70.81. Purpose and powers of Committee.

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

- (1) Study the budgets, programs, and policies of the Department of Public Instruction, the State Board of Education, the Department of Community Colleges, the Board of Governors of The University of North Carolina, and the constituent institutions of The University of North Carolina to determine ways in which the General Assembly may encourage the improvement of all education provided to North Carolinians and may aid in the development of more integrated methods of institutional accountability;

- (2) Examine, in particular, the Basic Education Plan and the School Improvement and Accountability Act of 1989, to determine whether changes need to be built into the plans, whether implementation schedules need to be restructured, and how to manage the ongoing development of the policies underlying these legislative plans, including a determination of whether there is a need for the legislature to develop ongoing funding patterns for these plans;

- (3) Study other states' educational initiatives in public schools, community colleges, and public universities, in order to provide an ongoing commentary to the General Assembly on these initiatives and to make recommendations for implementing similar initiatives in North Carolina; and

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

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

report to the General Assembly may contain any legislation needed to implement a recommendation of the Committee.

**§ 120-70.82. Organization of Committee.**

(a) The President Pro Tempore of the Senate and the Speaker of the House of Representatives shall each designate a cochair of the Joint Legislative Education 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.



**APPENDIX B  
JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE  
MEMBERSHIP 1993 - 1994**

**President Pro Tempore's Appointments**

Sen. Beverly M. Perdue, Cochair  
P. O. Box 991  
New Bern, NC 28563  
(919)633-2667

Sen. J. Richard Conder  
P.O. Box 1627  
Rockingham, NC 28379  
(910)997-5551

Sen. Fletcher L. Hartsell, Jr.  
P.O. Box 368  
Concord, NC 28026-0368  
(704)786-5161

Sen. Howard N. Lee  
109 Glenview Place  
Chapel Hill, NC 27514  
(919)942-6528

Sen. Paul S. Smith  
P.O. Box 916  
Salisbury, NC 28145  
(704)633-9463

Sen. Marvin Ward  
641 Yorkshire Road  
Winston-Salem, NC 27106  
(910)724-9104

Sen. Ed N. Warren  
227 Country Club Drive  
Greenville, NC 27834  
(919)758-1543

Sen. Leslie Winner  
2120 Greenway Avenue  
Charlotte, NC 28204  
(704)376-8201

**Staff:**

Dr. Jim Watts  
Ms. Mary Thompson  
Ms. Robin Johnson  
Research Division  
(919)733-2578

**Speaker's Appointments**

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

Rep. James B. Black  
417 Lynderhill Lane  
Matthews, NC 28105  
(704)377-5936

Rep. Theresa H. Esposito  
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Winston-Salem, NC 27104  
(919)765-5176

Rep. Aaron E. Fussell  
1201 Briar Patch Lane  
Raleigh, NC 27615  
(919)876-0240

Rep. Lyons Gray  
P.O. Box 11863  
Winston-Salem, NC 27116-1863  
(919)759-2030

Rep. Warren C. Oldham  
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Winston-Salem, NC 27105  
(919)767-6936

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

Rep. Stephen W. Wood  
1221-E N. Main Street  
High Point, NC 27262  
(919)883-9663

**Clerk:**

Ms. Gail Osborne  
(919)715-3003



**APPENDIX C  
GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 1995**

**S or H     D**

H95-rcz-3.3  
**THIS IS A DRAFT 15-MAY-95 10:45:42**

Short Title: Limit class size waivers     (Public)

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Sponsors:

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Referred to:

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1                                    A BILL TO BE ENTITLED  
2 AN ACT TO LIMIT THE USE OF CLASS SIZE WAIVERS IN THE K-3 GRADES.  
3 The General Assembly of North Carolina enacts:  
4                Section 1.    G.S. 115C-238.6 is amended by adding the following  
5 subsection:  
6        "(a1) No waiver of class size in grades K-3 shall be granted which would allow the  
7 use outside of the K-3 grades of resources allotted to reduce class size in grades K-3."  
8                Sec. 2. This bill is effective July 1, 1995.



January 10, 1995

**MEMORANDUM**

**TO:** Senator Beverly Perdue and Rep. Anne Barnes  
Members JLEOC  
**FROM:** Mary D. Thompson, Committee Counsel  
**RE:** Limit Class size Waivers - K-3

The proposed bill responds to a request by the State Board of Education that the General Assembly direct that funds appropriated for class size reduction in grades K-3 only be used for that purpose. The bill would amend the section of the Accountability Act which allows the State Board of Education to grant waivers of class size laws.

The bill amends G.S. 115C-238.6 by adding a new paragraph (a1) which would read:

No waiver of class size in grades K-3 shall be granted which would allow the use outside of the K-3 grades of resources allotted to reduce class size in grades K-3."

The bill would be effective July 1, 1995.

The entire of G.S. 115C-238.6 is set out below for reference purposes, the proposed new language is highlighted:

**§ 115C-238.6. Approval of local school administrative unit plans by the State Superintendent; conditions for continued participation.**

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

If a local plan contains a request for a waiver of State laws, regulations, or policies, in accordance with G.S. 115C-238.3(b1) or (b2), the State Superintendent shall determine whether and to what extent the identified laws, regulations, or policies should be waived. The State Superintendent shall present that plan and his determination to the State Board of Education. If the State Board of Education deems it necessary to do so to enable a local unit to reach its local accountability goals, the State Board, only upon the recommendation of the State Superintendent, 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.

The provisions of G.S. 115C-12(16)b. regarding the placement of State-allotted office support personnel, teacher assistants, and custodial personnel on the salary schedule adopted by the State Board shall not be waived.

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

(a1) No waiver of class size in grades K-3 shall be granted which would allow the use outside of the K-3 grades of resources allotted to reduce class size in grades K-3.

(b) Local school administrative units shall continue to participate in the Program and receive funds for differentiated pay, if their local plans call for differentiated pay, so long as (i) they demonstrate satisfactory progress toward student performance goals set out in their local school improvement plans; or (ii) once their local goals are met, they continue to achieve their local goals and they otherwise demonstrate satisfactory performance, as determined by the State Superintendent in accordance with guidelines set by the State Board of Education.

If the local school administrative units do not achieve their goals after two years, the Department of Public Instruction shall provide them with technical assistance to help them meet their goals. If after one additional year they do not achieve their goals, the State Board of Education shall decide what steps shall be taken to improve the education of students in the unit.

APPENDIX D  
GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 1995

D

95-RHZ-001.1  
THIS IS A DRAFT 15-MAY-95 10:45:43

Short Title: UNC/Uniform Reversion Rate (Public)

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Sponsors:

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Referred to:

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1 A BILL TO BE ENTITLED  
2 AN ACT TO IMPLEMENT THE RECOMMENDATION OF THE JOINT  
3 LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE TO ESTABLISH A  
4 UNIFORM REVERSION RATE UNDER THE UNC MANAGEMENT  
5 FLEXIBILITY AND ACCOUNTABILITY ACT.  
6 The General Assembly of North Carolina enacts:  
7 Section 1. G.S. 116-30.3 reads as rewritten:  
8 "§ 116-30.3. Reversions.  
9 Of the General Fund current operations appropriations credit balance remaining in  
10 each budget code code, except for that of the Area Health Education Centers of The  
11 University of North Carolina at Chapel Hill, of a special responsibility constituent  
12 institution at the close of a fiscal year, any amount greater than the percentage of the  
13 General Fund appropriations historically reverted to the State treasury over the  
14 preceding five fiscal years, multiplied by the General Fund appropriations for that  
15 budget code, two percent (2%) of the General Fund appropriation for that fiscal year  
16 may be carried forward by the institution to the next fiscal year and may be used for  
17 one-time expenditures that will not impose additional financial obligations on the State.  
18 Of the General Fund current operations appropriations credit balance remaining in the  
19 budget code of the Area Health Education Centers of The University of North Carolina  
20 at Chapel Hill, any amount greater than one percent (1%) of the General Fund  
21 appropriation for that fiscal year may be carried forward in that budget code to the next  
22 fiscal year and may be used for one-time expenditures that will not impose additional  
23 financial obligations on the State. The historic reversion percentage shall be  
24 determined by the. However, the amount carried forward under this section shall not  
25 exceed two and one-half percent (2 1/2%) of the General Fund appropriation. The  
26 Director of the Budget, after making adjustments for allotment reductions made to meet  
27 revenue shortfalls and to force credit balances during the preceding five fiscal years

1 under the authority set forth in ~~G.S. 143-25~~, G.S. 143-25, shall establish the General  
2 Fund current operations credit balance remaining in each budget code of each  
3 institution. Any special responsibility constituent institution that does not revert a  
4 percentage of the General Fund appropriations for the budget code equal to the  
5 five-year historic reversion rate established in this section at least two percent (2%) of  
6 its General Fund current operations credit balance remaining in each budget code of  
7 that institution shall cease to be a special responsibility constituent institution unless the  
8 Board of Governors finds that the low reversion rate is due to adverse and unforeseen  
9 conditions. In this instance, the Board may allow the institution to remain a special  
10 responsibility constituent institution for one year to come into conformity with this  
11 section. The Board may make this exception only one time for any special  
12 responsibility constituent institution, and shall report these exceptions to the Joint  
13 Legislative Commission on Governmental Operations."

14 Sec. 2. This act becomes effective July 1, 1995.



January 5, 1995

MEMORANDUM

**TO:** Senator Perdue and Representative Barnes, Cochairs  
**FROM:** Robin S. Johnson, Committee Counsel  
**RE:** SUMMARY: UNC/Uniform Reversion Rate

The UNC Fiscal Accountability and Flexibility Act, effective July 13, 1991, authorizes the Board of Governors to specify certain institutions of the University as Special Responsibility Constituent Institutions (SRCIs). These institutions (which currently include all 16 of the constituent institutions) are given greater discretionary authority over certain aspects of budgeting, purchasing, and personnel.

The bill would establish a uniform reversion rate of 2% for all operating budget codes under budget flexibility, other than for the Area Health Education Centers Program at UNC-CH, which would be 1%. Currently, G.S. 116-30.3 permits the nonreversion of certain credit balances by a SRCI. If a credit balance remains in any budget code of the SRCI at the end of the fiscal year, then the amount that exceeds the percentage of funds reverted to the General Fund over the past five years (to be determined by the Director of the Budget), multiplied by the General Fund appropriations for that budget code, may be carried forward to the next fiscal year and may be used for one-time expenditures. Each carry-over is limited to 2-1/2% of the General Fund appropriation.

If a SRCI fails to revert a percentage equal to the five-year reversion rate, it ceases to be a SRCI unless the Board finds the low reversion rate is due to adverse and unforeseen circumstances. In this case, the Board may allow the institution to remain a SRCI for one year in order to conform with the requirements of this section. The Board may grant this exception only once per institution and shall report these exceptions to the Joint Legislative Commission on Governmental Operations.

The Board of Governors reported to Ed Oversight that the adjusted reversion rates (excluding AHEC) for 1994-95 range from 3.31% at Pembroke State University to 1.98% at The University of North Carolina at Asheville. It also was estimated that the recommendation would result in \$6.8 million less in reversions to the General Fund in the next fiscal year.

The bill would become effective July 1, 1995.



APPENDIX E

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

S or H D

H95-rcz-10(1.10)

THIS IS A DRAFT 15-MAY-95 10:45:44

Short Title: Teacher/Administrator Licensure (Public)

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Sponsors:

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Referred to:

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1 A BILL TO BE ENTITLED  
2 AN ACT TO MAKE TECHNICAL AND CLARIFYING CHANGES TO PUBLIC  
3 SCHOOL LAWS CONCERNING TEACHER AND SCHOOL ADMINISTRATOR  
4 CERTIFICATION AND LICENSURE, AND TO EXTEND TO 1998 THE DATE  
5 FOR IMPLEMENTATION OF THE STANDARDS BOARD EXAM.

6 The General Assembly of North Carolina enacts:

7 Section 1. G.S. 115C-5 is amended by adding a new subsection to read:

8 "(k) The terms "certify", "certificate" or "certification" may mean "license" or  
9 "licensure". The terms "certified" or "certificated" may mean "licensed"."

10 Sec. 2. G.S. 115C-290.2 reads as rewritten:

11 "§ 115C-290.2. Definitions.

12 The following definitions apply in this Article:

13 (1) Standards Board. -- The North Carolina Standards Board for Public  
14 School Administration.

15 (2) Exam. -- The North Carolina Public School Administrator Exam.

16 (3) School administrator. -- Public school superintendents, deputy  
17 superintendents, associate superintendents, assistant superintendents,  
18 principals, and assistant principals."

19 Sec. 2.1. G.S. 115C-290.3 reads as rewritten:

20 "§ 115C-290.3. (Effective January 1, 1997) False representation of qualifications  
21 prohibited.

1 It is unlawful for a person whom the Standards Board has not ~~qualified~~ recommended  
2 for certification as a public school administrator to represent himself or herself as  
3 having been ~~qualified~~ recommended by the Standards Board or to hold himself or  
4 herself out to the public by any title or description denoting that he or she has been  
5 ~~qualified~~ recommended by the Standards Board for certification. A person who violates  
6 this section is guilty of a Class 2 misdemeanor."

7 Sec. 2.2. G.S. 115C-290.4 reads as rewritten:

8 **§ 115C-290.4. North Carolina Standards Board for Public School Administration;**  
9 **appointments; terms; composition.**

10 (a) The North Carolina Standards Board for Public School Administration is created.  
11 The Standards Board shall be located for administrative purposes in the Office of the  
12 Governor. The Standards Board shall exercise its powers independently of that Office.

13 (b) The Standards Board shall consist of seven members appointed by the Governor  
14 as follows:

- 15 (1) Two local superintendents employed by a local school administrative  
16 unit.
- 17 (2) Three principals employed by a local school administrative unit.
- 18 (3) One dean of a school of education or a designee.
- 19 (4) One representative of the public at large.

20 Composition of the Standards Board as to the race and sex of its members shall  
21 reflect the composition of the population of the State. Members of the Standards  
22 Board shall be residents of the State and shall each reside in a different congressional  
23 district.

24 With the exception of the member representing the public at large, each member  
25 must be qualified under this Article, and must be actively engaged in the practice of  
26 public school administration or in the education and training of students in public  
27 school administration. Before their appointment to the Standards Board, these  
28 professional Standards Board members must have been actively engaged in the practice  
29 of public school administration or in the education and training of students in public  
30 school administration for at least three years, at least two of which occurred primarily  
31 in this State.

32 (c) The Governor may only remove a member of the Standards Board for neglect of  
33 duty, malfeasance, or conviction of a felony or other crime of moral turpitude.

34 (d) Effective July 1, 1993, the Governor shall appoint one superintendent, two  
35 principals, and the dean of a school of education for terms of three years, and one  
36 superintendent, one principal, and the representative of the public for terms of two  
37 years. Thereafter the terms shall be for three years. Each term of service on the  
38 Standards Board shall expire on the 30th day of June of the year in which the term  
39 expires. No member shall serve more than two consecutive three-year terms. As the  
40 term of a member expires, the Governor shall make the appointment for a full term, or,  
41 if a vacancy occurs for any other reason, for the remainder of the unexpired term.

42 (e) Members of the Standards Board shall receive compensation for their services  
43 and reimbursement for expenses incurred in the performance of duties required by this  
44 Article, at the rates prescribed in G.S. 93B-5.

1 (f) The Standards Board shall elect from its membership a chairperson, a vice-  
2 chairperson, and a secretary-treasurer, and adopt rules to govern its proceedings. All  
3 members are voting members, and a majority of the membership constitutes a quorum.

4 (g) The Standards Board may employ, subject to Chapter 126 of the General  
5 Statutes, the necessary personnel for the performance of its functions, and fix their  
6 compensation within the limits of funds available to the Standards Board.

7 Sec. 3. G.S. 115C-290.5(a) reads as rewritten:

8 "(a) The Standards Board shall administer this Article. In fulfilling this duty, the  
9 Standards Board shall:

- 10 (1) Develop and implement a North Carolina Public School Administrator  
11 Exam, based on the professional standards established by the  
12 Standards Board.
- 13 (2) Establish and collect an application fee not to exceed fifty dollars  
14 (\$50.00), and an exam fee not to exceed one hundred fifty dollars  
15 (\$150.00). Fees collected under this Article shall be credited to the  
16 General Fund as nontax revenue.
- 17 (3) Review the educational achievements of an applicant to take the exam  
18 to determine whether the achievements meet the requirements set by  
19 G.S. 115C-290.7.
- 20 (4) Notify the State Board of Education of the names and addresses of the  
21 persons who passed the exam and are thereby qualified recommended  
22 to be certified as public school administrators by the State Board of  
23 Education.
- 24 (5) Maintain accounts and records in accordance with the Executive  
25 Budget Act, Article 1 of Chapter 143 of the General Statutes.
- 26 (6) Adopt rules in accordance with Chapter 150B of the General Statutes  
27 to implement this Article.
- 28 (7) Submit an annual report by December 1 of each year to the Joint  
29 Legislative Education Oversight Committee of its activities during the  
30 preceding year, together with any recommendations and findings  
31 regarding improvement of the profession of public school  
32 administration."

33 Sec. 4. G.S. 115C-290.6 reads as rewritten:

34 "§ 115C-290.6. (Effective January 1, 1997) Application for qualification by to the  
35 Standards Board.

36 An individual who seeks to be qualified recommended by the Standards Board ~~as a~~  
37 ~~public school administrator, thereby becoming eligible~~ for certification by the State  
38 Board of Education, shall file a written application with the Standards Board. The  
39 application must be on a form provided by the Standards Board, must be accompanied  
40 by the required application and exam fees established by the Standards Board, and must  
41 include any information required by the Standards Board."

42 Sec. 5. G.S. 115C-290.7 reads as rewritten:

43 "§ 115C-290.7. (Effective January 1, 1997) Qualification Recommendation by the  
44 Standards Board.

1 (a) The Standards Board shall ~~qualify~~ recommend for certification by the State  
2 Board an individual who submits a complete application to the Standards Board and  
3 satisfies all of the following requirements:

- 4 (1) Pays the application fee established by the Standards Board.
- 5 (2) Pays the exam fee established by the Standards Board.
- 6 (3) Has a bachelors degree from an accredited college or university and  
7 has a graduate degree from a public school administration program  
8 that meets the public school administrator program approval standards  
9 set by the State Board of Education.
- 10 (4) Passes the exam.

11 (b) The State Board of Education may not certify an individual as a public school  
12 administrator unless it has received notice from the Standards Board ~~of the individual's~~  
13 ~~qualification~~ that the person is recommended by the Standards Board under this  
14 Article."

15 Sec. 6. G.S. 115C-290.8 reads as rewritten:

16 "§ 115C-290.8. (Effective January 1, 1997) Exemptions from ~~qualification~~  
17 requirements.

18 The ~~qualification~~ requirements of this Article do not apply to a person who, at any  
19 time during the five years preceding January 1, 1997, was engaged in public school  
20 administration at either a public school in North Carolina or a school in North Carolina  
21 operated by the United States government. A person who is exempt from the  
22 ~~qualification~~ requirements of this Article but applies ~~for qualification~~ to the Standards  
23 Board under this Article ~~shall be is~~ subject to ~~it~~, the Article."

24 Sec. 7. G.S. 115C-290.9 reads as rewritten:

25 "§ 115C-290.9. (Effective January 1, 1997) Grounds for refusal to ~~qualify~~  
26 recommend a person.

27 The Standards Board may, in accordance with Chapter 150B of the General Statutes,  
28 refuse to ~~qualify~~ recommend a person for certification by the State Board of Education  
29 for any of the following reasons:

- 30 (1) Submitting a false application ~~for qualification~~ or otherwise  
31 attempting to obtain ~~qualification~~ a recommendation from the  
32 Standards Board by fraud or misrepresentation.
- 33 (2) Failure to meet the requirements set in G.S. 115C-290.7.
- 34 (3) Violating a provision of this Article or a rule adopted by the Standards  
35 Board."

36 Sec. 8. Section 5 of Chapter 392 of the 1993 Session Laws reads as  
37 rewritten:

38 "Sec. 5. G.S. 115C-290.3 and G.S. 115C-290.6 through G.S. ~~115C-290.10, 115C-~~  
39 290.9, as established in Section 1 of this act, become effective January 1, ~~1997, 1998~~.  
40 The remaining provisions of Article 19A of Chapter 115C, as established in Section 1  
41 of this act, and the remaining sections of this act are effective upon ratification.  
42 Notwithstanding G.S. 115C-290.4, members appointed to the North Carolina Standards  
43 Board for Public School Administration before January 1, ~~1997, 1998~~, are not required

1 to be qualified under Article 19A of Chapter 115C of the General Statutes, as enacted  
2 by this act."

3           Sec. 9. This bill is effective upon ratification.





January 9, 1995

MEMORANDUM

**TO:** Rep. Anne Barnes and Senator Beverly Perdue  
Members JLEOC  
**FROM:** Mary D. Thompson, Committee Counsel  
**RE:** Teacher/Administrator Licensure Bill

**A BILL TO MAKE TECHNICAL and CLARIFYING CHANGES TO PUBLIC SCHOOL LAWS CONCERNING TEACHER and SCHOOL ADMINISTRATOR CERTIFICATION and LICENSURE, AND TO EXTEND TO 1998 THE DATE FOR IMPLEMENTATION OF THE STANDARDS BOARD EXAM** was requested by the Department of Public Instruction to clarify the use of the words license and licensure by the Department; and, by the School Administrators Standards Board to clarify the roles of that Board to recommend and the State Board of Education to qualify school administrators for licensure.

Section 1 of the bill adds a new subsection to G.S. 115C-5, the definitions section of Chapter 115C, to clarify that:

The terms "certify", "certificate" or "certification" may mean "license" or "licensure". The terms "certified" or "certificated" may mean "licensed".

**Explanation:** DPI has changed the name of its "Certification Section" to "Licensure Section" and now issues licenses as well as performing some certification activities. The Department calls the initial credential a license. A "certificate" is a credential to be reserved to denote advanced skill.

Committee Counsel, DPI staff and education attorneys from the Attorney General's office reviewed the use of the words "certify", "certificate", "certification", "certified" and "certificated" in the statutes and found that often, but not always, the word license, licensure or licensed could be substituted depending on context. Rather than make changes to the many statutes involved, this simpler way to make the change is advised.

**Sections 2 through 7** - These sections of the bill all amend Article 19A of Chapter 115C, **Standards Board for Public School Administration**, to clarify that its role is to recommend candidates for certification by the State Board of Education. This change in wording follows the NC Supreme Court's holding in Guthrie v. Taylor, 279 NC 703 (1971), that it is the State Board of Education's power and duty to qualify and certify individuals for professional work in the public schools.

Section 2 makes a technical change to the definitions section of the Article so that the North Carolina Standards Board for Public School Administration will uniformly be referred to as "Standards Board" throughout the article. This technical change eliminates a conflict with G.S. 115C-5 which refers to the State Board of Education as the "Board" throughout Chapter 115C. Conforming technical changes adding the word "Standards" before the word "Board" are made throughout the sections of the bill.

**Section 8** would delay the effective date of the exam and the requirement that the exam be passed in order for a candidate to be recommended for certification by the Standards Board. This extension was requested by the Standards Board to allow more time to develop and field test the exam.

The bill would be effective upon ratification.

**APPENDIX F**

**GENERAL ASSEMBLY OF NORTH CAROLINA**

**SESSION 1995**

**D D**

**95-RHZ-003.2**

**THIS IS A DRAFT 15-MAY-95 10:45:45**

Short Title: Allied Health Programs/Funds. (Public)

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Sponsors:

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Referred to:

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1 A BILL TO BE ENTITLED  
2 AN ACT TO IMPLEMENT THE RECOMMENDATION OF THE JOINT  
3 LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE TO APPROPRIATE  
4 FUNDS TO ESTABLISH NEW DEGREE PROGRAMS AND TO EXPAND  
5 EXISTING DEGREE PROGRAMS IN CERTAIN ALLIED HEALTH FIELDS AT  
6 VARIOUS INSTITUTIONS OF HIGHER EDUCATION.

7 Whereas, there is clear evidence that North Carolina is experiencing a  
8 critical shortage of personnel in various allied health fields, especially in physical  
9 therapy, occupational therapy, and speech and language pathology;

10 Whereas, there is also a disproportionate underrepresentation of minority  
11 allied health professionals as compared with the State's general population;

12 Whereas, the demand for occupational therapy, physical therapy, and speech  
13 and language services, which is expected to continue in the future, has increased over  
14 the past decade as the population has aged and as children and adults with disabilities  
15 have achieved greater eligibility for rehabilitative services;

16 Whereas, these shortages can be reversed by strengthening and expanding  
17 existing educational programs in the university and community college systems;

18 Now, therefore,

19 The General Assembly of North Carolina enacts:

20 Section 1. There is appropriated from the General Fund to the Board of  
21 Governors of The University of North Carolina the sum of two million two hundred  
22 fifty thousand dollars (\$2,250,000) for the 1995-96 fiscal year and three million three

1 hundred thousand dollars (\$3,300,000) for the 1996-97 fiscal year to (1) expand and  
2 strengthen existing programs in various allied health fields, especially in physical  
3 therapy, occupational therapy, and speech and language pathology, in order to increase  
4 productivity and to improve quality, and (2) accelerate the initiation of new allied  
5 health programs recently authorized for planning or establishment.

6         Sec. 2. There is appropriated from the General Fund to the Board of  
7 Governors of The University of North Carolina the sum of six million dollars  
8 (\$6,000,000) for the 1995-96 fiscal year and the sum of seven million six hundred  
9 thousand dollars (\$7,600,000) for the 1996-97 fiscal year to allow the Area Health  
10 Education Centers Program to expand and develop new programs to train students in  
11 the allied health field.

12         Sec. 3. There is appropriated from the General Fund to the Board of  
13 Governors of The University of North Carolina the sum of two hundred thousand  
14 dollars (\$200,000) for the 1995-96 fiscal year and the sum of two hundred thousand  
15 dollars (\$200,000) for the 1996-97 fiscal year to create a new campus-based health  
16 careers centers at Fayetteville State University, which will provide student exposure and  
17 enrichment in the health professions and will ultimately increase the number of health  
18 practitioners in an area of the State currently underserved by health care services.

19         Sec. 4. There is appropriated from the General Fund to the Department of  
20 Community Colleges the sum of nine hundred thousand dollars (\$900,000) for the  
21 1995-96 fiscal year and the sum of nine hundred thousand dollars (\$900,000) for the  
22 1996-97 fiscal year to establish new allied health programs.

23         Sec. 5. This act becomes effective July 1, 1995.

January 18, 1995

**MEMORANDUM**

**TO:** Chairs, Sen. Perdue & Rep. Barnes, and Members of Joint Legislative Education Oversight Committee

**FROM:** Robin S. Johnson, Committee Counsel

**RE:** Summary: Allied Health Programs/Funds

This draft legislation would appropriate funds that have been included in the Board of Governor's budget request and the Community Colleges' budget request for the next biennium. The funds would establish new programs and enhance existing programs for allied health professionals, particularly speech and language pathologists, occupational therapists, and physical therapists.

<b><u>SECTION</u></b>	<b><u>95-96 FY</u></b>	<b><u>96-97 FY</u></b>	<b><u>TO WHOM</u></b>
Section 1	\$2,250,000	\$3,300,000	UNC - strengthen & expand programs; recurring; 1/2 to 2/3 would be for allied health
Section 2	\$6,000,000	\$7,600,000	AHEC Program; recurring; 10.8 positions
Section 3	\$200,000	\$200,000	UNC - FSU to create new health careers centers; recurring
Section 4	\$900,000	\$900,000	Com. Coll. - est. new programs (since this is for start-up programs, some of the funds will be one-time)



**APPENDIX G**

**GENERAL ASSEMBLY OF NORTH CAROLINA**

**SESSION 1995**

**D D**

**95-RHZ-003.3**

**THIS IS A DRAFT 15-MAY-95 10:45:46**

**Short Title: Allied Health Capital Funds. (Public)**

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**Sponsors:**

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**Referred to:**

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**A BILL TO BE ENTITLED**

**AN ACT TO IMPLEMENT THE RECOMMENDATION OF THE JOINT  
LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE TO APPROPRIATE  
FUNDS FOR CONSTRUCTION OF NEW AND ADDITIONAL FACILITIES FOR  
ALLIED HEALTH PROGRAMS AT THE UNIVERSITY OF NORTH CAROLINA.**

**Whereas, there is clear evidence that North Carolina is experiencing a  
critical shortage of personnel in various allied health fields, especially in physical  
therapy, occupational therapy, and speech and language pathology;**

**Whereas, there is also a disproportionate underrepresentation of minority  
allied health professionals as compared with the State's general population;**

**Whereas, the demand for occupational therapy, physical therapy, and speech  
and language services, which is expected to continue in the future, has increased over  
the past decade as the population has aged and as children and adults with disabilities  
have achieved greater eligibility for rehabilitative services;**

**Whereas, these shortages can be reversed by strengthening and expanding  
existing educational programs in the university and community college systems;**

**Now, therefore,**

**The General Assembly of North Carolina enacts:**

**Section 1. There is appropriated from the General Fund to the Board of  
Governors of The University of North Carolina the sum of twenty-four million seven  
hundred seventy-six thousand eight hundred dollars (\$24,776,800) for the 1995-96  
fiscal year for the Medical Allied Health and Community Programs Building for the**

1 School of Medicine at the University of North Carolina at Chapel Hill - Health Affairs  
2 and the sum of three million three hundred eighty-four thousand one hundred dollars  
3 (\$3,384,100) for the 1995-96 fiscal year for the construction of an addition to the F. L.  
4 Atkins Building at Winston-Salem State University.

5           Sec. 2. This act becomes effective July 1, 1995.



January 18, 1995

**MEMORANDUM**

**TO:** Chairs, Sen. Perdue & Rep. Barnes, and Members of Joint Legislative Education Oversight Committee

**FROM:** Robin S. Johnson, Committee Counsel

**RE:** Summary: Allied Health Capital Funds

This draft legislation would appropriate funds that have been included in the Board of Governor's budget request and the Community Colleges' budget request for the next biennium. The funds would be used to construct new and additional facilities for allied health programs at The University of North Carolina.

<b><u>SECTION</u></b>	<b><u>95-96 FY</u></b>	<b><u>96-97 FY</u></b>	<b><u>TO WHOM</u></b>
Section I	\$24,776,800	\$3,384,100	UNC - buildings at UNC-CH (will cost \$1.3 million/yr to operate beginning 99-2000) and Winston-Salem State Univ. (will cost \$55,000/yr to operate beginning 98-99)

