

**JOINT LEGISLATIVE
EDUCATION OVERSIGHT COMMITTEE**



**REPORT TO THE
1995 GENERAL ASSEMBLY
OF NORTH CAROLINA
1996 REGULAR SESSION**

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TABLE OF CONTENTS

LETTER OF TRANSMITTAL	i
JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE MEMBERSHIP	ii
COMMITTEE PROCEEDINGS.....	1
RECOMMENDATIONS.....	12
AUTHORIZING LEGISLATION.....	14
APPENDICES	16
LEGISLATIVE PROPOSAL I – A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE RECOMMENDATION OF THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE TO IMPLEMENT THE STATE BOARD OF EDUCATION’S ABC’S PLAN IN ORDER TO (i) ESTABLISH AN ACCOUNTA- BILITY MODEL FOR THE PUBLIC SCHOOLS TO IMPROVE STUDENT PERFORMANCE AND (ii) INCREASE LOCAL FLEXIBILITY AND CONTROL, AND TO MAKE CONFORMING CHANGES, AND A SECTION BY SECTION ANALYSIS OF THE BILL.....	16
LEGISLATIVE PROPOSAL II - A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE RECOMMENDATION OF THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE TO IMPLEMENT THE STATE BOARD OF EDUCATION’S RECOMMENDATION TO ESTABLISH A COMMISSION TO REVIEW AND REVISE THE PUBLIC SCHOOL LAWS, AND A SECTION BY SECTION ANALYSIS OF THE BILL.....	57
LEGISLATIVE PROPOSAL III - A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE RECOMMENDATION OF THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE TO IMPROVE THE PROGRAM AND SERVICES FOR GIFTED STUDENTS, AND A SECTION BY SECTION ANALYSIS OF THE BILL.....	61

LEGISLATIVE PROPOSAL IV - A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE RECOMMENDATION OF THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE TO MAKE AMENDMENTS TO THE LAWS GOVERNING THE STANDARDS BOARD FOR PUBLIC SCHOOL ADMINISTRATION AND THE PUBLIC SCHOOL ADMINISTRATOR EXAM, AND A SECTION BY SECTION ANAYLSIS OF THE BILL.....	73
LEGISLATIVE PROPOSAL V - A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE RECOMMENDATION OF THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE TO CHANGE THE COMPOSITION OF THE PROFESSIONAL TEACHING STANDARDS COMMISSION SO THAT TEACHERS HAVE A MAJORITY, TO EXPAND THE AUTHORITY OF THE PROFESSIONAL TEACHING STANDARDS COMMISSION, AND TO ESTABLISH A PROFESSIONAL PRACTICES BOARD, AND A SECTION BY SECTION ANAYLSIS OF THE BILL.....	79
LEGISLATIVE PROPOSAL VI- A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE RECOMMENDATION OF THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE TO IMPLEMENT AND MONITOR THE PLAN FOR THE TRANSFER OF CREDITS BETWEEN NORTH CAROLINA INSTITUTIONS OF HIGHER EDUCATION, AND A SECTION BY SECTION ANAYLSIS OF THE BILL.....	85
LEGISLATIVE PROPOSAL VII A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE RECOMMENDATION OF THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE TO CHANGE THE NAME OF PEMBROKE STATE UNIVERSITY TO THE UNIVERSITY OF NORTH CAROLINA AT PEMBROKE, AND A SECTION BY SECTION ANAYLSIS OF THE BILL.....	89

April 25, 1996

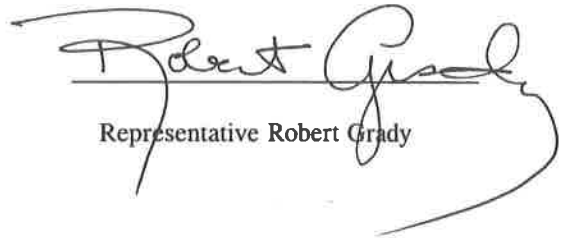
TO THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, THE PRESIDENT PRO TEMPORE OF THE
SENATE, THE LIEUTENANT GOVERNOR, AND MEMBERS OF THE 1996 SESSION OF THE 1995 GENERAL
ASSEMBLY:

The Joint Legislative Education Oversight Committee, pursuant to G.S. 120-70.80, submits for your consideration its report
and recommendations to the 1995 General Assembly (1996 Regular Session).

Respectfully submitted,



Senator Leslie Winner



Representative Robert Grady

Cochairs

JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE

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1995 - 1996**

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COMMITTEE PROCEEDINGS

The Committee met four times during October and November of 1995, and eight times during January, February, March, and April of 1996.

October 19, 1995

The Committee addressed matters related to education in the Public Schools during this meeting. Dr. Jim Watts, committee policy analyst, summarized Senate Bill 16, which directs the State Board of Education to develop a plan to reform the structure and function of the State public school system. The reorganization is to focus on increased local flexibility, promoting local efficiency, and improving student performance. It also directed a substantial reduction in the staff and budget of the Department of Public Instruction (DPI).

Dr. Jay Robinson, Chairman, State Board of Education, reported on the progress relating to Senate Bill 16. He noted that the Board's plan is simple and the biggest problem has been getting people at the local level to believe the plan can work. He reported that DPI has reduced its staff from 789 to 489. He discussed the selection of units for the pilot accountability program. He discussed the procedure used to establish the goals for those schools and explained that if a school achieves beyond its goal, each certified employee will get a cash award. In the event a school significantly falls below its goals, the State Board will provide assistance to assess the problem and recommend methods to get them back on track. The Board would request an alternative route to deal with personnel who clearly can't or won't do their jobs and refuse to cooperate to improve student performance. He assured members that the State Board wanted adequate due process for those individuals. Dr. Robinson closed his remarks by appealing to the Committee to help with incentive award money, and removing unnecessary statutes from the books.

The Committee approved its projected budget.

Dr. Henry Johnson, Associate Superintendent for Accountability, Department of Public Instruction, presented an overview of the ABCs Plan. The goal of the plan is to produce a system of schools where there are high standards, maximum local control and flexibility, and strong accountability measures. He also discussed the core functions of DPI which will be to establish a curriculum framework, curriculum standards, teacher education standards, and quality control.

Dr. James Barber, Associate Superintendent for School Improvement discussed the development of guidelines for the pilot projects. Based upon these pilots, a model will be developed that can be used as of July 1, 1996 when the ABC Plan becomes effective for all schools.

Ms. Laura Crumpler, Attorney General's Office, discussed her research regarding changes that need to be made to the General Statutes. She is soliciting information from a variety of sources. She also suggest that the General Assembly consider establishing a Statutes Commission to rewrite Chapter 115C.

Dr. Jim Watts, committee policy analyst, reviewed Senate Bill 24, which repealed the Commission on Testing, links testing to student improvement, and revises certain aspects of the testing program. Dr. Chris Averette, Director of Accountability, DPI, answered questions regarding changes to the State Testing Program and how that will fit with the upcoming report and recommendations of the Standards and Accountability Commission.

Ms. Robin Johnson, Committee counsel, provided an overview of House Bill 6 which creates greater budget flexibility for schools and local school administrative units.

October 20, 1995

The Committee addressed matters related to higher education during this meeting. Dr. Jim Watts, Committee policy analyst, reviewed the findings and recommendations of the Legislative Study Commission on the Status of Education at The University of North Carolina. Each member of the committee received a copy of the Legislative Commission Study report.

Ms. Kory Goldsmith, Committee counsel, briefly reviewed the 1995 legislation related to higher education. She discussed legislation related to articulation between the community colleges and The University of North Carolina, as well as the mission statements for those institutions.

Mr. Jim Newlin, Committee fiscal analyst, gave a presentation on the history of legislative concerns in the University and higher education. Beginning with legislation from 1989, Mr. Newlin traced three main areas of legislative interest: (1) quality of undergraduate education; (2) increasing access and providing for additional enrollment; and (3) providing funds for access and ensuring all campuses have adequate resources. Mr. Newlin reviewed statistical information that indicates that the University's enrollment growth will increase substantially between now and the year 2004.

Dr. Tom Houlihan, Education Advisor, Office of the Governor presented a progress report on the Education Cabinet's Long Range Plan for Enrollment Growth and the plan to develop an Education Continuum. Both projects are in response to recent legislation.

There were a number of presentations from members of the General Administration of the University of North Carolina. Dr. Gary Barnes, Associate Vice President for Planning, gave a presentation on University enrollment projection methodology. He confirmed that the University expects a substantial growth in

enrollment, most of which will occur between 1999 and 2004. Dr. Judith Pulley, Associate Vice President for Academic Affairs, discussed how the University planned to approach the variety of studies that had been assigned to it in the 1995 legislation. Dr. Roy Carroll, Vice President for Planning, discussed steps the University was taking to improve the quality of undergraduate education.

November 16, 1995

The Committee addressed matters related to higher education during this meeting which was held at the University of North Carolina at Wilmington.

Dr. David Breneman, Dean, Curry School of Education, University of Virginia, discussed a study that he had done on behalf of the California Higher Education Policy Center regarding what California could do to meet its anticipated increase in enrollment. His strongest recommendation was improving undergraduate access which may mean decreasing the amount of graduate training. He also recommended limiting the number of out-of-state students that could enroll in California institutions of higher education.

Dr. Gordon Davies, Executive Director, Council of Higher Education, Commonwealth of Virginia, discussed what Virginia is doing to meet its projected enrollment growth. Among other things, the colleges and universities have agreed to absorb 2% per year enrollment increases with no additional staff. Virginia has also increased its use of technology and reduce to 120 the number of credit hours required to graduate. The committee questioned Dr. Davies at length about the details of Virginia's plan.

Dr. Patricia Turrisi, the 1994 recipient of the University of North Carolina at Wilmington Chancellor's Teaching Excellence Award and the 1995 recipient of the University of North Carolina board of Governors Award for Excellence in Teaching spoke to the committee about teaching.

Dr. James H. Woodward, Chancellor, University of North Carolina at Charlotte discussed institutional long-range plans and how that fit into meeting regional and state-wide demand for higher education. Dr. Woodward explained that in order to respond to the educational needs in and around the region, UNC/C must continue to grow in size; continue to focus on undergraduate programs; selectively add undergraduate and graduate programs; and do a better job of serving non-traditional students.

Dr. James Leutze, Chancellor, University of North Carolina at Wilmington, made a presentation using multimedia technology and discussed UNC/W's planing goals and strengths. He also discussed inequity in funding among the constituent institutions and noted that those institutions that are growing the fastest are actually loosing ground in terms of their funding on an FTE basis.

November 17, 1995

The Committee addressed issues related to Public Schools and held its meeting at Hoggard High School in Wilmington, North Carolina. Principal Jimmy McManus welcomed the Committee.

Ms. Gail Morse, one of the original co-chairs of the School Technology Commission, discussed the North Carolina Instructional Technology Plan. The Commission found that the top three requests from schools regarding technology were in the areas of training, technical assistance, and planning. The Technology Plan addresses those issues.

Dr. Jim Strom, Associate Superintendent for Public Instruction and Mr. Curtis Clark, Deputy State Controller representing the Information Resource Management Commission, explained the process by which school technology plans are submitted, how the \$42 million Technology Trust Fund is being used, and problems schools are having with implementing their plans.

Dr. Richard Thompson, Associate Vice President, The University of North Carolina, General Administration, reviewed the "School Technology Users Task Force Report". The report contains a list of basic technology competencies that support the basic and enhanced skills educators need to effectively use technology in the classroom.

Mr. David T. McCoy, Deputy Secretary, Department of Administration, explained State purchase and contract procedures regarding school technology.

January 4, 1996

The Committee addressed issues related to higher education and received a number of presentations from the Southern Regional Education Board (SREB). Mr. Mark Musick, President, gave a history of the organization. Dr. Joe Marks, Associate Director for Data Services, discussed funding trends in higher education. Dr. Robert Stoltz, Vice President for Education Policy, discussed articulation in higher education.

Ms. Kory Goldsmith, Committee counsel, gave a brief summary of Florida's articulation legislation. She also reviewed the General Assembly's 1995 legislation directing The University of North Carolina and the Community Colleges to develop a plan for the transfer of credits.

Dr. Parker Chesson, Vice President of the Community College System, discussed the substantial and substantive progress that was being made by the University and the Community Colleges to develop a plan in response to the 1995 legislation. He also described the changes that the community college system was going through to be prepared to meet its obligations under those plans.

Dr. Roy Carroll, Vice President for Planning, University of North Carolina, General Administration, presented the outline for the plan for the transfer of credits that was being developed. The plan included a comprehensive articulation agreement, a transfer information system, a transfer student academic performance report, and a proposed timetable for implementation of the plan.

January 5, 1996

The Committee addressed issues related to Public Schools and in particular, testing and assessment as a tool for holding schools accountable.

Mr. Mark Musik, President, Southern Regional Education Board, discussed questions that policy makers should focus on related to testing: (1) what should students know and be able to do, and (2) how good is good enough? He went on to discuss what Maryland and Kentucky are doing regarding these questions. Ms. Lynn Cornett, Vice President for State Services, Southern Regional Education Board, spoke about accountability programs in the region over time.

Dr. Richard Thompson, Deputy Superintendent, Department of Public Instruction, addressed testing assessment and accountability in North Carolina. Dr. Henry Johnson, Assistant Superintendent, Department of Public Instruction, reviewed North Carolina's testing program which is built on the curriculum.

Dr. E. K. Fretwell, Chairman, and Dr. Sam Houston, Executive Director, North Carolina Standards and Accountability Commission, presented an overview of work completed by the Commission, and goals to accomplish by July 1, 1996. The Commission will propose an ongoing assessment plan, measuring student performance against models and standards.

Ms Robin Johnson, Committee counsel, and Mr. Jim Johnson, Committee fiscal analyst, gave a presentation on gifted education. Ms. Johnson discussed the relevant statutory provisions related to academically gifted students and Mr. Johnson discussed the funding formula for those programs.

Ms. Rebecca Garland, Consultant to the Department of Public Instruction on Gifted Education explained what the Department is doing to improve services to gifted children.

The Committee then heard from a panel of educators and parents regarding academically gifted students. The panel consisted of: Ginny Hartley, parent from Wake County; Debbie Patrick, parent from Nash County; Susan Lamar, educator from Nash-Rocky Mount School System; Judith Howard, President of the North Carolina Association for Gifted and Talented and professor at Elon College; and Linda Robinson, teacher, parent, and legislative liaison for the Association for Gifted and Talented.

January 25, 1996

The Committee addressed issues related to Public Schools during this meeting and focused on Site-Based-Management.

Senator Beverly Perdue, Chairman of the Site-Based-Management Task Force, reviewed the "Task Force on Site-Based-Management Annual report to the State Board of Education" submitted December 1, 1995.

The Committee heard from a panel of educators and parents from White Oak Elementary School which has implemented site-based management. The panel was composed of: Mary Nixon, Principal; Christine Fleming, teacher; Anne Ziemer, teacher; and Ava Cooper, parent. The panel explained how they developed and introduced their own model for site-based management.

Mr. Steve Scroggs, former Principal, Teachers Memorial Elementary School, Lenoir County, discussed site-based management from his perspective. He emphasized that true site-based management must be voluntary.

Mr. Jim Barber, Assistant Superintendent, Department of Public Instruction, spoke regarding House Bill 6 and how its provisions are related to site-based management. He noted that in order for schools to use site-based flexibility, principals need to know what types of resources are available and how to use them.

The Committee heard from a panel regarding initiatives to upgrade professional standards for administrators and whether those programs address site-based management. The panelists included: Dr. Robert Phay, Principals Executive Program; Dr. Mike Ward, Director of the North Carolina School Administrative Standards Board; and Dr. Charles Coble, Dean of the School of Education at East Carolina University.

January 26, 1996

The Committee addressed issues related to higher education. Mr. Jim Newlin, Committee fiscal analyst, gave a follow-up presentation to the presentation made by Dr. Joe Marks, SREB, at the previous higher education meeting. Mr. Newlin summarized funding issues in North Carolina as compared with the SREB states.

Dr. Tom Houlihan, Education Advisor, Governor's Office, gave a brief presentation on the Education Cabinet and reviewed the Cabinet's major responsibilities. He introduced Dr. Suzanne Triplett of the Research Triangle Institution. Dr. Triplett presented the discussion draft of the redesign of the education continuum as adopted by the North Carolina Education Cabinet. Members of the Committee asked a number of concerns and expressed concern about the how the plan would be implemented.

Dr. Judith Pulley, Associate Vice President for Academic Affairs, University of North Carolina, General Administration presented an interim report for a plan to expand the availability of higher education. Dr. Pulley reviewed the current status of the UNC system as it presently exists regarding alternative delivery instructional systems.

Dr. Bill Graves, Director, Institute for Academic Technology, University of North Carolina, discussed technology delivery in higher education. He provided a demonstration of the kind of information that is available to students on the World Wide Web.

Dr. Jerry Hickerson, Assistant Vice Chancellor for Continuing Education, Winston-Salem State University, made a presentation regarding issues in adult education delivery. In particular, Dr. Hickerson focused on the needs of non-traditional students. He outlined a number of models that currently exist in other states and discussed the prospects for making similar programs available in North Carolina.

February 21, 1996

The Committee addressed issues related to higher education during this meeting. Dr. Jim Watts, Committee policy analyst, reviewed Chapter 407, 1993 Session Laws that directed The University of North Carolina Board of Governors to review all academic degree programs to determine their productivity. Dr. Roy Carroll, Vice President, University of North Carolina, General Administration, presented the Board's recent review of academic programs. He noted that 143 of the 270 programs that were reviewed were either discontinued or merged into other related programs.

The next presentation related to the exchange of information regarding Freshman performance between The University, the community college system, and the public schools. Dr. Gary Barnes, Associate Vice President, University of North Carolina, General Administration presented the information report. Members of the committee asked a number of questions, including who the information was being provided to and how it was being used. Dr. Barnes then presented information regarding a similar report that is being developed to track how community college transfer students do once they arrive at a constituent institution. Although some of this information has been gathered in the past, there was a need to clarify definitions and what was being reported. The University and the community college system have worked together closely and are satisfied with the format that has been developed. Information from that report will be available in January of 1998.

Dr. Hope Williams, Director, North Carolina Association of Independent Colleges discussed the exchange of information reports as they relate to the independent institutions of higher education in North Carolina. She noted some of the technical difficulties in developing a report, but informed the Committee that progress was being made.

February 22, 1996

The Committee addressed issues related to the Public Schools at this meeting. Dr. Jim Watts, Committee policy analyst, reviewed legislation creating the North Carolina Professional Teaching Standards Commission

Kay Trull, 1995 Vice-Chair of the Teaching Standards Commission, presented an overview of the Commission's work. Dr. Penny Smith, University of North Carolina at Greensboro, presented the Commission's findings and recommendations. The Committee asked questions regarding how recommendations of the Commission would fit with the State Constitutional requirement that education policy be made by the State Board of Education. Dr. Richard Thompson, Deputy Superintendent, Department of Public Instruction, directed the Committee's attention to a letter from Dr. Jay Robinson, Chairman of the State Board of Education regarding this issue.

March 28, 1996

The Committee addressed issues related to both higher education and K-12 during this meeting.

Ms. Kory Goldsmith, committee counsel, briefly reviewed the 1995 legislation that directed The University of North Carolina Board of Governors and the State Board of Community Colleges to develop a plan for the transfer of credits. Dr. Parker Chesson, Vice President of the Community College System, and Dr. Roy Carroll, Vice President for Planning, University of North Carolina, General Administration presented the final version of the Plan for the Transfer of Credits and pointed-out some modifications that had been made since their presentation on January the 4th. Representative Grady noted to the Committee that both institutions had done an excellent job on this project and been very responsive to the intent of the legislation.

Dr. Jay Robinson, Chairman, State Board of Education, presented the State Board's "Examining the Structure and Functions of the Public School System in North Carolina; Responding to Senate Bill 16 with a Report on the ABCs Plan and Recommendations for Needed Legislative Action". Dr. Robinson explained that legislation is being requested to implement: (1) the accountability strategies of the ABCs; (2) the local control strategies of the ABCs; and (3) to authorize a commission to review and update the public school laws. Senator Winner thanked Dr. Robinson and the State Board for its hard work during the past 14 months.

Dr. Richard Thompson, Deputy Superintendent, Department of Public Instruction, explained that the premise of the State Board's plan is that North Carolina's students will get at least a year's worth of education for a year's worth of school. For teachers and principals that go beyond expectations, there will be rewards. For those who don't meet the growth standards, there will be assistance, and rarely, the possibility of intervention.

Dr. Thompson reviewed Section I of the report and answered questions from the Committee. The Committee approved drafting the recommended changes to the statutes contained in Section I.

Dr. Thompson reviewed Section II of the report. The Committee agreed to postpone action on the Board's request to repeal all provisions limiting class size. The Board recommended waiting until the Long Session to address the issue of the use of the Teacher Assistants and the Committee approved that recommendation. The Committee approved the recommendation to repeal the restriction on the length of class periods in grades 7-9, as well as the recommendation to allow local boards to use textbooks that have not been approved by the State Board of Education. The Committee approved the fifth recommendation to amend the statutes regarding the discipline of exceptional children so that North Carolina law is the same as the federal provisions. The Committee also approved the recommendation to allow local boards to develop their own teacher evaluation instruments. The Committee approved the recommendation to allow schools to make repairs and renovations to property not owned in fee simple by the board. After some discussion, the Committee approved certain measures aimed at giving more purchasing flexibility by allowing schools to: (1) lease purchase computers, photocopiers, school buses, and mobile classroom units; and (2) purchase certain items off State term contract.

Dr. Thompson explained Section III which recommends the creation of a commission to review and update the Public School Laws of North Carolina. The Committee approved that recommendation.

Ms. Robin Johnson, Committee counsel, explained draft of legislation the Committee had requested regarding the North Carolina Professional Teaching Standards Commission. After some amendments to the draft, the Committee agreed to include it in the Committee's report to the General Assembly during the Short Session.

Ms. Johnson explained draft legislation regarding the School Administrators Standards Board. There were some questions regarding certain provisions, and the Committee agreed to postpone action until the bill could be clarified.

April 18, 1996

The Committee devoted this meeting to higher education and heard a series of reports from The University of North Carolina. Representative Grady reminded the Committee that the purpose of the meeting was to receive the reports, but that the Committee was not going to act on any of the recommendations at this time.

Mr. Bill McCoy, Vice President for Financial Affairs, The University of North Carolina introduced the first speaker, Mr. J. Kent Caruthners, Senior Partner, MGT of America. Mr. Caruthners presented the interim report on UNC Equity of Funding and Alternatives to Funding Undergraduate and Graduate Enrollment. The first part of the

UNC Equity of Funding study was directed at whether there was equity of funding between the constituent institutions of the University. After looking at four different measures and averaging the results of those measures, the conclusion is that there are inequities in the funding between the constituent institutions. The second half of the study will look at methods to address those inequities. That report is due to the Committee November 15, 1996. The interim report on Funding Undergraduate and Graduate Enrollment examined the impact that different definitions of Full Time Equivalent Student had on the funding formulas. The final report is due November 15, 1996.

Mr. McCoy introduced the second speaker, Ms. Eva Klein, Eva Klein & Associates. Ms. Klein presented the University Capital Request Process and Prioritization Study Final Report. After surveying the methodology used to produce the report, Ms. Klein reviewed the findings and recommendations, including a Matrix of Program Priority Categories and Other Criteria that had been developed and included in the report.

Mr. McCoy introduced the third speaker, Mr. W. K. Boutwell, Senior Executive Partner, MGT of America. Mr. Boutwell presented the Outsourcing/Privatization Study Final Report. Based upon an examination of seven University functions, it was estimated that approximately \$16,892,000 could be saved annually by privatizing those services. The Committee discussed the potential impact on current employees that privatization might have.

Dr. Judith Pulley, Vice President for Planning, The University of North Carolina, General Administration, presented a final report on a Plan to Expand Educational Opportunity. The report included 10 strategies including an increase in off-campus programs with related issues of funding and coordination of services.

Dr. Gary Barnes, Vice President for Assessment, The University of North Carolina, General Administration presented two reports. The first dealt with Incentive Funding and a final report will be presented by April 15, 1997. The second report dealt with Rewarding Faculty Teaching. Dr. Barnes noted that a new system to monitor teaching workloads has been designed and will be implemented in 1996-97.

April 25, 1996

The Committee convened and the members approved this report, including the findings and recommended legislation, to the 1996 Regular Session of the 1995 General Assembly.

Dr. William Little, Senior Vice President, UNC General Administration, presented a report on The Professional Development of Teachers and Administrators.

RECOMMENDATIONS

The Committee makes the following recommendations.

1. The Joint Legislative Education Oversight Committee encourages the State Board of Education to appoint at least one third (6 out of 18) of the membership of the State Evaluation Committee on Teacher Education from the ranks of practicing K-12 teachers.

2. A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE RECOMMENDATION OF THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE TO IMPLEMENT THE STATE BOARD OF EDUCATION'S ABC'S PLAN IN ORDER TO (i) ESTABLISH AN ACCOUNTABILITY MODEL FOR THE PUBLIC SCHOOLS TO IMPROVE STUDENT PERFORMANCE AND (ii) INCREASE LOCAL FLEXIBILITY AND CONTROL, AND TO MAKE CONFORMING CHANGES.

3. A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE RECOMMENDATION OF THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE TO IMPLEMENT THE STATE BOARD OF EDUCATION'S RECOMMENDATION TO ESTABLISH A COMMISSION TO REVIEW AND REVISE THE PUBLIC SCHOOL LAWS.

4. A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE RECOMMENDATION OF THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE TO IMPROVE THE PROGRAM AND SERVICES FOR GIFTED STUDENTS.

5. A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE RECOMMENDATION OF THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE TO MAKE AMENDMENTS TO THE LAWS GOVERNING THE STANDARDS BOARD FOR PUBLIC SCHOOL ADMINISTRATION AND THE PUBLIC SCHOOL ADMINISTRATOR EXAM.

6. A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE RECOMMENDATION OF THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE TO CHANGE THE COMPOSITION OF THE PROFESSIONAL TEACHING STANDARDS COMMISSION SO THAT TEACHERS HAVE A MAJORITY, TO EXPAND THE AUTHORITY OF THE PROFESSIONAL TEACHING STANDARDS COMMISSION, AND TO ESTABLISH A PROFESSIONAL PRACTICES BOARD.

7. A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE RECOMMENDATION OF THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE TO IMPLEMENT AND MONITOR THE PLAN FOR THE TRANSFER

OF CREDITS BETWEEN NORTH CAROLINA INSTITUTIONS OF HIGHER
EDUCATION.

8. A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE
RECOMMENDATION OF THE JOINT LEGISLATIVE EDUCATION OVERSIGHT
COMMITTEE TO CHANGE THE NAME OF PEMBROKE STATE UNIVERSITY TO
THE UNIVERSITY OF NORTH CAROLINA AT PEMBROKE.

§ 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.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

D

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D96-RHZ-007.5
THIS IS A DRAFT 1-MAY-96 11:25:55

Short Title: ABC's Plan.

(Public)

Sponsors:

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO IMPLEMENT THE RECOMMENDATION OF THE JOINT LEGISLATIVE
3 EDUCATION OVERSIGHT COMMITTEE TO IMPLEMENT THE STATE BOARD OF
4 EDUCATION'S ABC'S PLAN IN ORDER TO (i) ESTABLISH AN
5 ACCOUNTABILITY MODEL FOR THE PUBLIC SCHOOLS TO IMPROVE STUDENT
6 PERFORMANCE AND (ii) INCREASE LOCAL FLEXIBILITY AND CONTROL, TO
7 MAKE CONFORMING CHANGES, AND TO MAKE AN APPROPRIATION.
8 The General Assembly of North Carolina enacts:
9 -----SCHOOL-BASED MANAGEMENT AND ACCOUNTABILITY PROGRAM
10 Section 1. G.S. 115C-12(9) reads as rewritten:
11 "(9) Miscellaneous Powers and Duties. -- All the powers
12 and duties exercised by the State Board of Education shall be in
13 conformity with the Constitution and subject to such laws as may
14 be enacted from time to time by the General Assembly. Among such
15 duties are:
16 a. To certify and regulate the grade and salary
17 of teachers and other school employees.
18 b. To adopt and supply textbooks.
19 c. To adopt rules requiring all local boards of
20 education to implement the Basic Education
21 Program on an incremental basis within funds
22 appropriated for that purpose by the General
23 Assembly and by units of local government.
24 Beginning with the 1991-92 school year, the
25 rules shall require each local school
26 administrative unit to implement fully the
27 standard course of study in every school in

1 the State in accordance with the Basic
2 Education Program so that every student in the
3 State shall have equal access to the
4 curriculum as provided in the Basic Education
5 Program and the standard course of study.

6 The Board shall establish benchmarks by
7 which to measure the progress that each
8 local board of education has made in
9 implementing the Basic Education Program.
10 The Board shall report to the Joint
11 Legislative Education Oversight Committee
12 and to the General Assembly by December
13 31, 1991, and by February 1 of each
14 subsequent year on each local board's
15 progress in implementing the Basic
16 Education Program, including the use of
17 State and local funds for the Basic
18 Education Program.

19 The Board shall develop a State
20 accreditation program that meets or
21 exceeds the standards and requirements of
22 the Basic Education Program. The Board
23 shall require each local school
24 administrative unit to comply with the
25 State accreditation program to the extent
26 that funds have been made available to
27 the local school administrative unit for
28 implementation of the Basic Education
29 Program.

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

34 c1. To issue an annual "report card" for the State
35 and for each local school administrative unit,
36 assessing each unit's efforts to improve
37 student performance based on the growth in
38 performance of the students in each school and
39 taking into account progress over the previous
40 years' level of performance and the State's
41 performance in comparison with other states.
42 This assessment shall take into account
43 demographic, economic, and other factors that
44 have been shown to affect student performance,
45 performance and that the State Board considers
46 relevant to assess the State's efforts to
47 improve student performance.

48 ~~c2. To develop management accountability~~
49 ~~indicators to measure the efficiency and~~
50 ~~appropriate use of staff in each school and at~~
51 ~~the administrative office. Staff development~~
52 ~~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 the growth 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. The Board shall include in the building reports any factors shown to affect student performance that the Board considers relevant to assess a school's efforts to improve student performance. Local school administrative units shall produce and make public their school building improvement reports by March 15, 1995, 1997, for the 1995-96 school year, by October 15, 1997, for the 1996-97 school year, and annually thereafter. Each report shall be based on building-level data for the prior school year.

c4. To develop guidelines, procedures, and rules to establish, implement, and enforce the School-based Management and Accountability Program under Article 8B of this Chapter in order to improve student performance, increase local flexibility and control, and promote economy and efficiency.

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."

1 Sec. 2. Part 4 of Article 16 of Chapter 115C of the
2 General Statutes, G.S. 115C-238.1 through G.S. 115C-238.8, is
3 recodified as Article 8B of Chapter 115C of the General Statutes,
4 G.S. 115C-105.20 through G.S. 115C-105.27.

5 Sec. 3. Article 8B of Chapter 115C of the General
6 Statutes, as recodified by Section 2 of this act, reads as
7 rewritten:

8 "ARTICLE 8B.

9 ~~"Performance-based~~ School-based Management and Accountability
10 Program.

11
12 Part 1. Implementation of Program.

13
14 "§ 115C-105.20. Performance-based School-based Management
15 and Accountability Program; development and implementation by
16 State Board. Program.

17 (a) The General Assembly believes that all children can
18 learn. It is the intent of the General Assembly that the mission
19 of the public school community is to challenge with high
20 expectations each child to learn, to achieve, and to fulfill his
21 or her potential. With that mission as its guide, the State Board
22 of Education shall develop and implement a Performance-based
23 Accountability Program. a School-based Management and
24 Accountability Program. The primary goal of the Program shall be
25 to improve student performance. The State Board of Education,
26 after consultation with the Task Force on Site-Based Management,
27 shall adopt:

28 (1) ~~Procedures and guidelines through which local~~
29 ~~school administrative units may participate in the Program; and~~

30 (2) ~~Guidelines for developing local school improvement~~
31 ~~plans with three-year school and student performance goals and~~
32 ~~strategies to achieve the standards adopted by the State Board.~~
33 ~~The guidelines shall require each participating local school~~
34 ~~administrative unit to submit plans for each school in the unit~~
35 ~~for achieving those goals. The guidelines shall also require each~~
36 ~~local school administrative unit to report on an annual basis on~~
37 ~~progress made in achieving those goals at each school in the~~
38 ~~unit.~~

39 ~~The school performance goals may, in the~~
40 ~~discretion of the State Board, but are not~~
41 ~~required to include factors such as community~~
42 ~~involvement, parent involvement, professional~~
43 ~~development of teachers, and the school~~
44 ~~climate with regard to the safety of students~~
45 ~~and employees and the use of positive~~
46 ~~discipline.~~

47 (3), (4) ~~Repealed by Session Laws 1995, c. 272, s. 1.~~

48 (b) In order to support local boards of education and
49 schools in the implementation of this Program, the State Board of
50 Education shall adopt guidelines, including guidelines to:

51 (1) Assist local boards and schools in the development
52 and implementation of school-based management under Part 2 of
53 this Article.

1 (2) Recognize the schools that meet or exceed their
2 goals.

3 (3) Create assistance teams that the Board may assign
4 to schools identified as low-performing under G.S. 115C-105.30.
5 The assistance teams should consist of currently practicing
6 teachers and staff, representatives of institutions of higher
7 education, school administrators, and others the State Board
8 considers appropriate.

9 (4) Enable assistance teams to make appropriate
10 recommendations under G.S. 115C-105.31.

11 (5) Establish a process to resolve disputes between
12 local boards and schools in the development and implementation of
13 school improvement plans under G.S. 115C-105.22(b1).

14 "§ 115C-105.21. Local participation in the Program
15 voluntary; the benefits of local participation. Program.

16 (a) Local school administrative units may, but are not
17 required to, participate in the Performance-based shall
18 participate in the School-based Management and Accountability
19 Program.

20 (b) Local school administrative units that participate in
21 the Performance-based Accountability Program:

22 (1) Are exempt from State requirements to submit
23 reports and plans, other than local school improvement plans, to
24 the State Board of Education and the Department of Public
25 Instruction. They are not exempt from federal requirements to
26 submit reports and plans to the Department.

27 (2) Are subject to the performance standards but not
28 the opportunity standards or the staffing ratios of the State
29 Accreditation Program.

30 (3) Repealed by Session Laws 1995, c. 272, s. 2.

31 (4) May be allowed increased flexibility in the
32 expenditure of State funds, in accordance with G.S. 115C-238.6.

33 (5) May be granted waivers of certain State laws,
34 regulations, and policies that inhibit their ability to reach
35 local accountability goals, in accordance with G.S.
36 115C-238.6(a).

37 (5a) May use State funds allocated for teacher
38 assistants to reduce class size or the student-teacher ratio in
39 kindergarten through third grade, in accordance with a local
40 school improvement plan so long as the affected teacher assistant
41 positions are not filled when the plan is amended or adopted by
42 the building-level staff entitled to vote on the building-level
43 plan or the affected teacher assistant positions are not expected
44 to be filled on the date the plan is to be implemented. Any State
45 funds appropriated for teacher assistants that were converted to
46 certificated teachers before July 1, 1995, in accordance with
47 Section 1 of Chapter 986 of the 1991 Session Laws, as rewritten
48 by Chapter 103 of the 1993 Session Laws, may continue to be used
49 for certificated teachers.

50 (5b) In accordance with a local school improvement plan,
51 may use (i) funds from the funding allotment for Classroom
52 Materials/Instructional Supplies/Equipment for the purchase of
53 textbooks, (ii) funds from the funding allotment for Textbooks

~~1 for the purchase of instructional supplies, instructional
2 equipment, or other classroom materials, and (iii) funds from the
3 allotment for Noninstructional Support Personnel for teacher
4 positions to reduce class size in kindergarten through third
5 grade.~~

~~6 (6) Shall continue to use the Teacher Performance
7 Appraisal Instrument (TPAI) for evaluating beginning teachers
8 during the first three years of their employment; they may,
9 however, develop other evaluation approaches for teachers who
10 have attained career status.~~

~~11 The Department of Public Instruction shall
12 provide technical assistance, including the
13 provision of model evaluation processes and
14 instruments, to local school administrative
15 units that elect to develop dual personnel
16 evaluation processes. A dual personnel
17 evaluation process includes (i) an evaluation
18 designed to provide information to guide
19 teachers in their professional growth and
20 development, and (ii) an evaluation to provide
21 information to make personnel decisions
22 pertaining to hiring, termination, promotion,
23 and reassignment~~

~~24 (b1) The School-based Management and Accountability Program
25 shall provide increased local control of schools with the goal of
26 improving student performance. Local boards of education:~~

~~27 (1) Are allowed increased flexibility in the
28 expenditure of State funds, in accordance with G.S. 115C-105.21A;
29 and~~

~~30 (2) May be granted waivers of certain State laws,
31 regulations, and policies that inhibit their ability to reach
32 local accountability goals, in accordance with G.S. 115C-105.21B.~~

~~33 (c) The School-based Management and Accountability Program
34 shall be based upon an accountability, recognition, assistance,
35 and intervention process in order to hold each school and the
36 school's personnel accountable for improved student performance
37 in the school.~~

"Part 2. School-based Management.

"§ 115C-105.21A. Budget flexibility.

~~42 (a) Consistent with improving student performance, a local
43 board shall provide maximum flexibility to schools in the use of
44 funds to enable the schools to accomplish their goals.~~

~~45 (b) Subject to the following limitations, local boards of
46 education may transfer and may approve transfers of funds between
47 funding allotment categories:~~

~~48 (1) In accordance with a school improvement plan
49 accepted under G.S. 115C-105.22, State funds allocated for
50 teacher assistants may be transferred only for personnel (i) to
51 serve students only in kindergarten through third grade, or (ii)
52 to serve students primarily in kindergarten through third grade
53 when the personnel are assigned to an elementary school to serve~~

1 the whole school. Funds allocated for teacher assistants may be
2 transferred to reduce class size or to reduce the student-teacher
3 ratio in kindergarten through third grade so long as the affected
4 teacher assistant positions are not filled when the plan is
5 amended or approved by the building-level staff entitled to vote
6 on the plan or the affected teacher assistant positions are not
7 expected to be filled on the date the plan is to be implemented.
8 Any State funds appropriated for teacher assistants that were
9 converted to certificated teachers before July 1, 1995, in
10 accordance with Section 1 of Chapter 986 of the 1991 Session
11 Laws, as rewritten by Chapter 103 of the 1993 Session Laws, may
12 continue to be used for certificated teachers.

13 (2) In accordance with a school improvement plan
14 accepted under G.S. 115C-105.22, (i) State funds allocated for
15 classroom materials/instructional supplies/equipment may be
16 transferred only for the purchase of textbooks; (ii) State funds
17 allocated for textbooks may be transferred only for the purchase
18 of instructional supplies, instructional equipment, or other
19 classroom materials; and (iii) State funds allocated for
20 noninstructional support personnel may be transferred only for
21 teacher positions.

22 (3) No funds shall be transferred into the central
23 office allotment category.

24 (4) Funds allocated for exceptional children shall not
25 be transferred.

26 (5) Funds allocated for classroom teachers may be
27 transferred only for teachers of exceptional children, for
28 teachers of at-risk students, and for authorized purposes under
29 the textbooks allotment category and the classroom
30 materials/instructional supplies/equipment allotment category.

31 **"§ 115C-105.21B. Waivers of State laws, rules, or policies.**

32 (a) When included as part of a school improvement plan
33 accepted under G.S. 115C-105.22, local boards of education shall
34 submit requests for waivers of State laws, rules, or policies to
35 the State Board of Education. A request for a waiver shall (i)
36 identify the school making the request, (ii) identify the State
37 laws, rules, or policies that inhibit the school's ability to
38 improve student performance, (iii) set out with specificity the
39 circumstances under which the waiver may be used, and (iv)
40 explain how the requested waiver will permit the school to
41 improve student performance. Except as provided in subsection
42 (c) of this section, the State Board shall grant waivers only for
43 the specific schools for which they are requested and shall be
44 used only under the specific circumstances for which they are
45 requested.

46 (b) When requested as part of a school improvement plan, the
47 State Board of Education may grant waivers of:

48 (1) State laws pertaining to class size, teacher
49 certification, and the duty-free period for classroom teachers
50 under G.S. 115C-301.1; and

51 (2) State rules and policies, except those pertaining
52 to public school State salary schedules and employee benefits for
53 school employees, the instructional program that must be offered

1 under the Basic Education Program, the system of employment for
2 public school teachers and administrators set out in G.S. 115C-
3 287.1 and G.S. 115C-325, health and safety codes, compulsory
4 attendance, the minimum lengths of the school day and year, and
5 the Uniform Education Reporting System.

6 (c) The State Board also may grant requests received from
7 local boards for waivers of State laws, rules, or policies that
8 affect the organization, duties, and assignment of central office
9 staff only. However, none of the duties to be performed under
10 G.S. 115C-436 may be waived.

11 (d) Notwithstanding subsections (b) and (c) of this section,
12 the State Board shall not grant waivers of G.S. 115C-12(16)b.
13 regarding the placement of State-allotted office support
14 personnel, teacher assistants, and custodial personnel on the
15 salary schedule adopted by the State Board.

16 (e) The State Board shall act promptly on requests for
17 waivers under this section.

18 (f) The State Board shall, on a regular basis, review all
19 waivers it has granted to determine whether any rules should be
20 repealed or modified or whether the Board should recommend to the
21 General Assembly the repeal or modification of any laws."

22 "\$ 115C-105.22. Development of local plans; elements of
23 local and approval of school improvement plans.

24 (a) Development of systemwide plan by the local board of
25 education. -- The board of education of a local school
26 administrative unit that elects to participate in the Program
27 shall develop and submit a local school improvement plan for the
28 entire local school administrative unit to the State
29 Superintendent of Public Instruction before April 15 of the
30 fiscal year preceding the fiscal year in which participation is
31 sought.

32 A systemwide improvement plan shall remain in effect for no
33 more than three years.

34 (b) Establishment of school and student performance goals
35 and a systemwide staff development plan by the local board of
36 education for the systemwide plan. -- The local board of
37 education shall establish school and student performance goals
38 and a systemwide staff development plan for the local school
39 administrative unit for inclusion in the systemwide plan.

40 (1) School and student performance goals. -- The
41 performance goals for the local school administrative unit shall
42 address specific, measurable goals for all standards adopted by
43 the State Board. Factors that determine gains in achievement vary
44 from school to school; therefore, socioeconomic factors and
45 previous progress toward school and student performance goals
46 shall be used as the basis of the local school improvement plan.

47 (2) Systemwide staff development plan. -- The
48 systemwide staff development plan shall be consistent with the
49 systemwide goals and shall include a component to accommodate the
50 staff development needs at the building level as expressed in
51 each building's improvement plan. In designing this component of
52 the systemwide staff development plan, direct allocation of a
53 needed portion of the staff development funds to the building

1 level shall be given first priority. Each school building shall
2 have the flexibility to combine its staff development allocation
3 with other schools in the local school administrative unit when
4 the staff development needs of those schools are substantially
5 similar as expressed in their approved building-level plans.

6 (3) Advisory panel. -- The local board of education
7 shall actively involve an advisory panel composed of a
8 substantial number of teachers, school administrators, other
9 school staff, and parents of children enrolled in the local
10 school administrative unit, in developing and achieving the
11 student and school performance goals for the local school
12 improvement plan. Parents serving on an advisory panel shall not
13 be employees of the school unit and shall reflect the racial and
14 socioeconomic composition of the students enrolled in the local
15 school administrative unit. The advisory panel shall ensure
16 substantial parent participation. It is the intent of the General
17 Assembly that teachers have a major role in developing the school
18 and student performance goals for the local school improvement
19 plan; therefore, at least half of the members participating in
20 this advisory panel shall be teachers. Every teacher in the local
21 school administrative unit shall have an opportunity to elect by
22 secret ballot the teachers who are involved in the advisory
23 panel.

24 (b1) Development by each school of strategies for attaining
25 local school and student performance goals. -- The principal of
26 each school, representatives of the assistant principals,
27 instructional personnel, instructional support personnel, and
28 teacher assistants assigned to the school building, and parents
29 of children enrolled in the school shall constitute a school
30 improvement team to develop a building-level plan to address
31 school and student performance goals appropriate to that school
32 from those established by the local board of education. school
33 improvement plan to improve student performance. Parents serving
34 on school improvement teams shall reflect the racial and
35 socioeconomic composition of the students enrolled in that school
36 and shall not be members of the building-level staff. Parental
37 involvement is a critical component of school success and
38 positive student ~~outcomes;~~ achievement; therefore, it is the
39 intent of the General Assembly that parents, along with teachers,
40 have a substantial role in developing school and ~~student~~
41 performance goals at the building level. improvement plans. To
42 this end, school improvement team meetings shall be held at a
43 convenient time to assure substantial parent participation. The
44 strategies for ~~attaining local school and~~ improving student
45 ~~performance goals~~ shall include a plan for the use of staff
46 development funds that may be made available to the school by the
47 local board of education to implement the building-level school
48 improvement plan. The strategies may include a decision to use
49 State funds allocated for teacher assistants to reduce class size
50 or the student-teacher ratio in kindergarten through the third
51 grade in accordance with G.S. 115C-238.2(b)(5a) or to use State
52 funds in accordance with G.S. 115C-238.2(b)(5b). G.S. 115C-
53 105.21A. The strategies may also include requests for waivers of

1 State laws, ~~regulations, rules, or policies~~ for that school. A
2 request for a waiver shall ~~(i) identify the State laws,~~
3 ~~regulations, or policies that inhibit the local unit's ability to~~
4 ~~reach its local accountability goals, (ii) set out with~~
5 ~~specificity the circumstances under which the waiver may be used,~~
6 ~~and (iii) explain how a waiver of those laws, regulations, or~~
7 ~~policies will permit the local unit to reach its local goals.~~
8 ~~meet the requirements of G.S. 115C-105.21B.~~

9 ~~Support among affected staff members is essential to~~
10 ~~successful implementation of a building-level plan to address~~
11 ~~school and student performance goals appropriate to a school;~~
12 ~~therefore, the~~ The principal of the school shall present the
13 proposed ~~building-level school improvement~~ plan to all of the
14 principals, assistant principals, instructional personnel,
15 instructional support personnel, and teacher assistants assigned
16 to the school building for their review and vote. The vote shall
17 be by secret ballot. The principal ~~may~~ shall submit the
18 ~~building-level school improvement~~ plan to the local board of
19 education ~~for inclusion in the systemwide plan~~ only if the
20 proposed ~~building-level school improvement~~ plan has the approval
21 of a majority of the staff who voted on the plan.

22 The local board of education shall accept or reject the
23 ~~building-level school improvement~~ plan. The local board shall not
24 make any substantive changes in any ~~building-level school~~
25 ~~improvement~~ plan that it ~~accepts; the local board shall set out~~
26 ~~any building-level plan that it accepts in the systemwide plan.~~
27 ~~accepts.~~ If the local board rejects a ~~building-level school~~
28 ~~improvement~~ plan, the local board shall state with specificity
29 its reasons for rejecting the plan; the school improvement team
30 may then prepare another plan, present it to the principals,
31 assistant principals, instructional personnel, instructional
32 support personnel, and teacher assistants assigned to the school
33 building for a vote, and submit it to the local board ~~for~~
34 ~~inclusion in the systemwide plan.~~ to accept or reject. If no
35 ~~building-level school improvement~~ plan is accepted for a school
36 before March 15 of the fiscal year preceding the fiscal year in
37 which ~~participation is sought,~~ the plan is to be implemented,
38 the school or the local board may use the process to resolve
39 ~~disagreements recommended in the guidelines developed by the~~
40 ~~State Board under G.S. 115C-105.20(b)(5).~~ If neither the local
41 board nor the school makes a request to use that process, then
42 the local board may develop a ~~school improvement~~ plan for the
43 ~~school for inclusion in the systemwide plan; the~~ school. The
44 General Assembly urges the local board to utilize the school's
45 proposed ~~building-level school improvement~~ plan to the maximum
46 extent possible when developing such a plan.

47 A school improvement plan shall remain in effect for no more
48 than three years; however, the school improvement team may amend
49 the plan as often as is necessary or appropriate. The procedures
50 set out in this subsection also apply to amendments to school
51 improvement plans.

52 ~~(b2) Waivers concerning central office staff. -- A local~~
53 ~~board of education may request waivers of State laws,~~

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

12 (c) Repealed by Session Laws 1995, c. 272, s. 3.

13 (d) Repealed by Session Laws 1991 (Regular Session, 1992),
14 c. 900, s. 75.1(b)."

15 "§ 115C-105.23. Differentiated pay.

16 (a) Local school administrative units may include, but are
17 not required to include as a part of their local school
18 improvement plans, a systemwide differentiated pay plan for all
19 of the staff assigned to school buildings and all classes of
20 staff assigned to the central office that the local boards
21 determine are participants in the development or implementation
22 of the local school improvement plans. Units electing to include
23 differentiated pay plans in their school improvement plans shall
24 base their differentiated pay plans on:

25 (1) A career development pilot program;

26 (2) A lead teacher pilot program;

27 (3) A locally designed school-based performance
28 program, subject to limitations and guidelines adopted by the
29 State Board of Education;

30 (4) A differentiated pay plan that the State Board of
31 Education finds has been successfully implemented in another
32 state; or

33 (5) A locally designed plan including any combination
34 or modification of the foregoing plans.

35 A differentiated pay plan may also authorize the use of State
36 differentiated pay funds for staff development and planning
37 activities and for paying substitute teachers as is necessary to
38 provide time for staff development and planning activities.

39 (a1) All State-differentiated pay funds shall become
40 available for expenditure July 1 of each fiscal year. These funds
41 shall remain available for expenditure for:

42 (1) Bonuses and supplements to implement local
43 differentiated pay plans until November 30 of the subsequent
44 fiscal year; and

45 (2) Staff development to implement local differentiated
46 pay plans until August 31 of the subsequent fiscal year.
47 Provided, however, if funds allocated for bonuses and supplements
48 under a local differentiated pay plan are not spent for that
49 purpose because of a failure to meet local goals, these funds
50 shall remain available until November 30 of the subsequent fiscal
51 year to provide for staff development in accordance with that
52 local plan.

~~(b) Differentiated pay plans shall be developed and voted on in accordance with G.S. 115C-238.3(c).~~

~~Any differentiated pay plan developed in accordance with this section shall be implemented within State, local and any other funds available for differentiated pay. State funds shall be used to implement a differentiated pay plan for employees who derive salary from State funds. State funds may be combined with any other differentiated pay funds at the building level to implement a differentiated pay plan which includes employees who derive salary from any other salary source so long as differentiated pay funds per employee are appropriated from the other salary source in an amount equal to the dollar amount appropriated by the State per State employee for differentiated pay. An employee who derives salary from only one salary source shall be paid differentiated pay monies from that source only; if an employee derives salary from more than one salary source, differentiated pay monies paid to that employee shall be paid proportionally based on the pro rata share of each salary source. Provided, however, a local board of education may provide additional local funds for differentiated pay for any of its employees without regard to the employee's salary source.~~

~~(c), (d) Repealed by Session Laws 1991 (Reg. Sess., 1992), c. 900, s. 75.1(c).~~

~~(e) Any additional compensation received by an employee as a result of the unit's participation in the Program shall be paid as a bonus or supplement to the employee's regular salary. If an employee in a participating unit does not receive additional compensation, such failure to receive additional compensation shall not be construed as a demotion, as that term is used in G.S. 115C-325.~~

~~Payments of bonuses or supplements shall be made no more frequently than once every calendar quarter: Provided, however, payments in the career development pilot units may be made on a monthly basis.~~

~~(f) If a local school administrative unit bases its differentiated pay plan on a locally designed school-based performance program, pursuant to subdivision (a)(3) of this section, the plan shall provide that following the attainment of the local school goals, the local board of education shall make a determination of which staff members contributed to the attainment of those goals. Differentiated pay bonuses shall then be distributed to those designated employees. The local board of education shall make the determination upon recommendation of (i) the superintendent and (ii) any other person or committee designated in the local differentiated pay plan. The other person or committee designated in the local differentiated pay plan may be the principal, a school-based committee, or any other person or local committee.~~

~~"§ 115C-105.24. 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~~

1 local school administrative units in accordance with policies and
2 standards adopted by the State Board of Education and shall
3 recommend to the State Board of Education whether the plan should
4 be approved. If the State Board of Education approves the plan
5 for a local school administrative unit, that unit shall
6 participate in the Program for the next fiscal year.

7 If a local plan contains a request for a waiver of State
8 laws, regulations, or policies, in accordance with G.S.
9 115C-238.3(b1) or (b2), the State Superintendent shall consider
10 and recommend to the State Board whether and to what extent the
11 identified laws, regulations, or policies should be waived. If
12 the State Board of Education deems it necessary to do so to
13 enable a local unit to reach its local accountability goals, the
14 State Board may grant waivers of:

15 (1) State laws pertaining to class size, teacher
16 certification, the use of State-adopted textbooks, and the
17 purposes for which State funds for the public schools may be
18 used;

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

27 The State Board shall act promptly on requests for waivers
28 under this section.

29 (a) Notwithstanding subsection (a) of this section, the
30 following limitations apply to the granting of waivers:

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

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

40 (3) The State Board shall not permit funds under any
41 funding allotment category other than Central Office
42 Administration to be used for central office administrators.

43 (4) The State Board shall not permit funds under the
44 Classroom Teachers allotment category to be used for any
45 additional purpose other than for teachers of exceptional
46 children, for teachers of at-risk students, and for authorized
47 purposes under the Textbooks allotment category and the Classroom
48 Materials/Instructional Supplies/Equipment allotment category.

49 (5) The State Board shall not grant waivers to permit
50 funds under the Teacher Assistant allotment category to be used
51 for any purpose other than for personnel (i) to serve students
52 only in kindergarten through third grade, or (ii) to serve
53 students primarily in kindergarten through third grade when the

1 ~~personnel are assigned to an elementary school to serve the whole~~
2 ~~school.~~

3 ~~(a2) The State Board of Education shall, on a regular basis,~~
4 ~~review all waivers it has granted to determine whether any rules~~
5 ~~should be repealed or whether it should recommend to the General~~
6 ~~Assembly the repeal of any laws.~~

7 ~~(a3) Local boards of education shall provide maximum~~
8 ~~flexibility in the use of funds to individual schools to enable~~
9 ~~them to accomplish their individual schools' goals.~~

10 ~~(b) Local school administrative units shall continue to~~
11 ~~participate in the Program so long as (i) they demonstrate~~
12 ~~satisfactory progress toward school and student performance goals~~
13 ~~set out in their local school improvement plans; or (ii) once~~
14 ~~their local goals are met, they continue to achieve their local~~
15 ~~goals and they otherwise demonstrate satisfactory performance, as~~
16 ~~determined by the State Superintendent in accordance with~~
17 ~~guidelines set by the State Board of Education.~~

18 "§ 115C-105.25. Distribution of Use of funds available to
19 schools; staff development funds.

20 (a) Any funds the local board of education makes available to
21 an individual school building to implement the local school
22 improvement plan at that school shall be used in accordance with
23 the building-level plan set out in the systemwide plan. that
24 plan.

25 (b) Each local board shall distribute seventy-five percent
26 (75%) of the funds in the staff development funding allotment to
27 the schools to be used in accordance with that school's school
28 improvement plan. By October 1 of each year, the principal shall
29 disclose to all affected personnel the total allocation of all
30 funds available to the school for staff development and the
31 superintendent shall disclose to all affected personnel the total
32 allocation of all funds available at the system level for staff
33 development. At the end of the fiscal year, the principal shall
34 make available to all affected personnel a report of all
35 disbursements from the building-level staff development funds,
36 and the superintendent shall make available to all affected
37 personnel a report of all disbursements at the system level of
38 staff development funds.

39 "§ 115C-105.26. Creation of the Task Force on Site-Based
40 School-based Management.

41 (a) There is created the Task Force on Site-Based School-
42 based Management under the State Board of Education.

43 The Task Force shall be composed of 20 members appointed as
44 follows:

- 45 (1) The Superintendent of Public Instruction;
- 46 (2) One member of the State Board of Education
47 Education, one parent of a public school child, and two at-large
48 members, appointed by the State Board of Education;
- 49 (3) Two members of the Senate appointed by the
50 President Pro Tempore of the Senate;
- 51 (4) Two members of the House of Representatives
52 appointed by the Speaker of the House of Representatives;

- 1 (5) One member of a local board of education appointed
2 by the President Pro Tempore of the Senate after receiving
3 recommendations from The North Carolina State School Boards
4 Association, Inc.;
- 5 (6) One member of a local board of education appointed
6 by the Speaker of the House of Representatives after receiving
7 recommendations from The North Carolina State School Boards
8 Association, Inc.;
- 9 (7) One local school superintendent appointed by the
10 President Pro Tempore of the Senate after receiving
11 recommendations from the North Carolina Association of School
12 Administrators;
- 13 (8) One local school superintendent appointed by the
14 Speaker of the House of Representatives after receiving
15 recommendations from the North Carolina Association of School
16 Administrators;
- 17 (9) One school principal appointed by the President Pro
18 Tempore of the Senate after receiving recommendations from the
19 Tar Heel Association of Principals/Assistant Principals and the
20 Division of Administrators of the North Carolina Association of
21 Educators;
- 22 (10) One school principal appointed by the Speaker of
23 the House of Representatives after receiving recommendations from
24 the Tar Heel Association of Principals/Assistant Principals and
25 the Division of Administrators of the North Carolina Association
26 of Educators;
- 27 (11) One school teacher appointed by the President Pro
28 Tempore of the Senate after receiving recommendations from the
29 North Carolina Association of Educators, Inc., the North Carolina
30 Federation of Teachers, and the Professional Educators of North
31 Carolina, Inc.;
- 32 (12) One school teacher appointed by the Speaker of the
33 House of Representatives after receiving recommendations from the
34 North Carolina Association of Educators, Inc., the North Carolina
35 Federation of Teachers, and the Professional Educators of North
36 Carolina, Inc.;
- 37 (13) Repealed by Session Laws 1995, c. 324, s. 17.
- 38 ~~(14) One parent of a public school child appointed by~~
39 ~~the Superintendent of Public Instruction;~~
- 40 ~~(15) Two at-large members appointed by the~~
41 ~~Superintendent of Public Instruction;~~
- 42 (16) One representative of business and industry
43 appointed by the Governor;
- 44 (17) One representative of institutions of higher
45 education appointed by the Board of Governors of The University
46 of North Carolina; and
- 47 (18) One county commissioner appointed by the
48 ~~Superintendent of Public Instruction~~ State Board of Education
49 after receiving recommendations from the North Carolina
50 Association of County Commissioners.
- 51 Members of the Task Force shall serve for two-year terms.
- 52 All members of the Task Force shall be voting members.
- 53 Vacancies in the appointed membership shall be filled by the

1 officer who made the initial appointment. The Task Force on
2 ~~Site-Based~~ School-based Management shall select a member of the
3 Task Force to serve as chair of the Task Force.

4 Members of the Task Force shall receive travel and
5 subsistence expenses in accordance with the provisions of G.S.
6 120-3.1, G.S. 138-5, and G.S. 138-6.

7 (b) The Task Force shall:

8 (1) Advise the State Board of Education on the
9 ~~implementation of the School Improvement and Accountability Act~~
10 ~~of 1989, as amended, especially the development and~~
11 ~~implementation of building-level plans; development of~~
12 guidelines for local boards of education and schools to implement
13 school-based management as part of the School-based Management
14 and Accountability Program;

15 (2) Advise the State Board of Education on how to
16 ~~provide training and assistance to assist~~ the public schools so
17 as to facilitate the implementation of ~~site-based~~ school-based
18 management;

19 (3) ~~Review~~ Advise the State Board of Education about
20 publications to be produced by the Department of Public
21 Instruction on the development and implementation of
22 building-level school improvement plans;

23 (4) Report annually to the State Board of Education on
24 the implementation of ~~site-based~~ school-based management in the
25 public schools on the first Friday in December. This report may
26 contain a summary of recommendations for changes to any law,
27 rule, and policy that would improve ~~site-based~~ school-based
28 management.

29 (c) The Department of Public Instruction shall, with the
30 approval of the State Board of Education, provide staff to the
31 Task Force at the request of the Task Force.

32 (d) The State Board of Education shall appoint a Director of
33 the Task Force on ~~Site-Based~~ School-based Management.

34 "§ 115C-105.27. Parent involvement programs and conflict
35 resolution programs as part of ~~building-level~~ school improvement
36 plans.

37 ~~Beginning with the 1994-95 school year, a A school is~~
38 encouraged to include a comprehensive parent involvement program
39 as part of its ~~building-level school improvement~~ plan under G.S.
40 ~~115C-238.3, 115C-105.22.~~ The State Board of Education shall
41 develop a list of recommended strategies that it determines to be
42 effective, which building level committees may use to establish
43 parent involvement programs designed to meet the specific needs
44 of their schools. The Board shall make the list available to
45 local school administrative units and school buildings by the
46 beginning of the 1994-95 school year.

47 ~~Beginning with the 1994-95 school year, a A school is~~
48 encouraged to review its need for a comprehensive conflict
49 resolution program as part of the development of its
50 ~~building-level school improvement~~ plan under G.S. ~~115C-238.3,~~
51 ~~115C-105.22.~~ If a school determines that this program is needed,
52 it may select from the list developed by the State Board of

1 Education under G.S. 115C-81(a4) or may develop its own materials
2 and curricula to be approved by the local board of education.

3
4 "Part 3. School-based Accountability.

5
6 "§ 115C-105.28. Annual performance goals.

7 The School-based Management and Accountability Program shall
8 (i) focus on student performance in the basics of reading,
9 mathematics, and communications skills in elementary and middle
10 schools, (ii) focus on student performance in courses required
11 for graduation and on other measures required by the State Board
12 in the high schools, and (iii) hold schools accountable for the
13 educational growth of their students. To those ends, the State
14 Board shall design and implement an accountability system that
15 sets annual performance standards for each school in the State in
16 order to measure the growth in performance of the students in
17 each individual school.

18 "§ 115C-105.29. Performance recognition.

19 (a) The personnel in schools that achieve a level of expected
20 growth greater than 100% at a level to be determined by the State
21 Board of Education are eligible for financial awards in amounts
22 set by the State Board. Schools and personnel shall not be
23 required to apply for these awards. For the purpose of this
24 section, 'personnel' includes the principal, assistant principal,
25 instructional personnel, instructional support personnel, and
26 teacher assistants assigned to that school.

27 (b) The State Board shall establish a procedure to allocate
28 the funds for these awards to the local school administrative
29 units in which the eligible schools are located. Funds shall
30 become available for expenditure July 1 of each fiscal year.
31 Funds shall remain available until November 30 of the subsequent
32 fiscal year for expenditure for:

33 (1) Awards to the personnel; or

34 (2) The purposes authorized in a plan that has been:

35 a. Developed and voted on by the personnel in the
36 same manner that a school improvement plan is
37 approved under G.S. 115C-105.22(b1);

38 b. Approved by a majority of the personnel who
39 vote on the plan; and

40 c. Submitted to and approved by the local board
41 of education.

42 The local board shall approve this plan unless the plan
43 involves expenditures of funds that are not for a public purpose
44 or that are otherwise unlawful.

45 "§ 115C-105.30. Identification of low-performing schools.

46 (a) The State Board of Education shall design and implement
47 a procedure to identify low-performing schools on an annual
48 basis. Low-performing schools are those in which there is a
49 failure to meet the minimum growth standards, as defined by the
50 State Board, and a majority of students are performing below
51 grade level.

52 (b) Each identified low-performing school shall notify the
53 parents of students attending that school that the State Board of

1 Education has found that the school has failed to meet the
2 minimum growth standards, as defined by the State Board, and a
3 majority of students in that school are performing below grade
4 level. This notification also shall include a description of the
5 steps the school is taking to improve student performance.

6 "§ 115C-105.31. Assistance teams.

7 (a) The State Board of Education may assign an assistance
8 team to any school identified as low-performing under this
9 Article or to any other school that requests an assistance team
10 and that the State Board determines would benefit from an
11 assistance team. The State Board shall give priority to low-
12 performing schools in which the educational performance of the
13 students is declining. The Department of Public Instruction
14 shall, with the approval of the State Board, provide staff as
15 needed and requested by an assistance team.

16 (b) When assigned to an identified low-performing school, an
17 assistance team shall:

18 (1) Review and investigate all facets of school
19 operations and assist in developing recommendations for improving
20 student performance at that school.

21 (2) Collaborate with school staff, central offices, and
22 local boards of education in the design, implementation, and
23 monitoring of a plan that, if fully implemented, can reasonably
24 be expected to alleviate problems and improve student performance
25 at that school.

26 (3) Make recommendations as the school develops and
27 implements this plan.

28 (4) Review the school's progress.

29 (5) Report, as appropriate, to the local board of
30 education, the community, and the State Board on the school's
31 progress.

32 (c) If a school fails to improve student performance after
33 assistance is provided under this section, the assistance team
34 may recommend that the assistance continues or that the State
35 Board take further action under G.S. 115C-105.32.

36 "§ 115C-105.32. Review by the State Board; dismissal or
37 removal of personnel; appointment of interim superintendent.

38 (a) The State Board shall annually review the progress made
39 in identified low-performing schools. Notwithstanding G.S. 115C-
40 287.1, G.S. 115C-325, or any other law, the State Board may
41 dismiss personnel assigned to that school and may terminate the
42 contract entered into on or after July 1, 1996, of any school
43 administrator assigned to that school when:

44 (1) The Board identifies that school as low-performing
45 under G.S. 115C-105.30;

46 (2) The Board determines that school has failed to make
47 satisfactory improvement after the Board assigned an assistance
48 team to it under G.S. 115C-105.31; and

49 (3) That assistance team makes the recommendation to
50 dismiss or to terminate the contract for one or more grounds
51 established in G.S. 115C-325(e)(1) for dismissal or demotion of a
52 career teacher.

1 The State Board shall adopt procedures to ensure that due
2 process rights, including a hearing, are afforded to persons
3 recommended for dismissal under this subsection. The hearing
4 shall be before a panel of three members of the State Board.
5 Decisions of the panel may be appealed on the record to the State
6 Board, with further right of judicial review under Chapter 150B
7 of the General Statutes. Neither party to a school administrator
8 contract is entitled to damages under this subsection.

9 (b) The State Board may appoint an interim superintendent in
10 a local school administrative unit:

11 (1) Upon the identification of more than half the
12 schools in that unit as low-performing under G.S. 115C-105.30; or

13 (2) Upon the recommendation from an assistance team
14 assigned to a school located in that unit that has been
15 identified as low-performing under G.S. 115C-105.30. This
16 recommendation shall be based upon a finding that the
17 superintendent has failed to cooperate with the assistance team
18 or has otherwise hindered that school's ability to improve.

19 The State Board may assign any of the powers and duties of
20 the local superintendent and the local finance officer to the
21 interim superintendent that the Board considers are necessary or
22 appropriate to improve student performance in the local school
23 administrative unit. The interim superintendent shall perform
24 all of these assigned powers and duties. The State Board of
25 Education may terminate the contract of any local superintendent
26 entered into on or after July 1, 1996, when it appoints an
27 interim superintendent. The Administrative Procedure Act shall
28 apply to that decision. Neither party to that contract is
29 entitled to damages.

30 (c) In the event the State Board has appointed an interim
31 superintendent and the State Board determines that the local
32 board of education has failed to cooperate with the interim
33 superintendent or has otherwise hindered the ability to improve
34 student performance in that local school administrative unit or
35 in a school in that unit, the State Board may suspend any of the
36 powers and duties of the local board of education that the State
37 Board considers are necessary or appropriate to improve student
38 performance in the local school administrative unit. The State
39 Board shall perform all of these assigned powers and duties for a
40 period of time to be specified by the State Board.

41 (d) If the State Board suspends any of the powers and duties
42 of the local board of education under subsection (c) of this
43 section and subsequently determines it is necessary to change the
44 governance of the local school administrative unit in order to
45 improve student performance, the State Board may recommend this
46 change to the General Assembly, which shall consider, at its next
47 session, the future governance of the identified local school
48 administrative unit."

49 Sec. 4. Article 6A of Chapter 115C of the General
50 Statutes is repealed.

51 Sec. 5. G.S. 115C-39 reads as rewritten:

52 "§115C-39. Removal of board ~~members~~. members; suspension of
53 duties by State Board."

1 (a) In case the ~~Superintendent of Public Instruction shall~~
2 ~~have~~ State Board of Education has sufficient evidence that any
3 member of a local board of education is not capable of
4 discharging, or is not discharging, the duties of his office as
5 required by law, or is guilty of immoral or disreputable conduct,
6 he shall notify the chairman of such board of education, unless
7 such chairman is the offending member, in which case all other
8 members of such board shall be notified. Upon receipt of such
9 notice there shall be a meeting of said board of education for
10 the purpose of investigating the charges, and if the charges are
11 found to be true, such board shall declare the office vacant:
12 Provided, that the offending member shall be given proper notice
13 of the hearing and that record of the findings of the other
14 members shall be recorded in the minutes of such board of
15 education.

16 (b) In the event the State Board of Education has appointed
17 an interim superintendent under G.S. 115C-105.32 and the State
18 Board determines that the local board of education has failed to
19 cooperate with the interim superintendent, the State Board shall
20 have the authority to suspend any of the powers and duties of the
21 local board and to act on its behalf under G.S. 115C-105.32."

22 Sec. 6. G.S. 115C-274 reads as rewritten:

23 "~~§115C-274. Removal for cause. Removal.~~

24 (a) Local boards of education are authorized to remove a
25 superintendent who is guilty of immoral or disreputable conduct
26 or who shall fail or refuse to perform the duties required of him
27 by law. In case the ~~Superintendent of Public Instruction shall~~
28 ~~have~~ State Board of Education has sufficient evidence at any
29 time that any superintendent of schools is not capable of
30 discharging, or is not discharging, the duties of his office as
31 required by law or is guilty of immoral or disreputable conduct,
32 he shall report this matter to the board of education employing
33 said superintendent of schools. It shall then be the duty of ~~said~~
34 ~~that~~ board of education to hear the evidence in ~~such the~~ case
35 and, if after careful investigation it shall find the charges
36 true, it shall declare the office vacant at once and proceed to
37 elect a successor: Provided, that such superintendent shall have
38 the right to try his title to office in the courts of the State.

39 (b) If the superintendent shall fail in the duties enumerated
40 in ~~G.S. 115C-276(g) through (i) or such G.S. 115C-276(g), G.S.~~
41 ~~115C-276(h), G.S. 115C-176(i), or any other duties as may be~~
42 assigned him, he shall be subject, after notice, to an
43 investigation by the ~~Superintendent of Public Instruction State~~
44 ~~Board of Education~~ or by his board of education for failure to
45 perform his duties. For persistent failure to perform these
46 duties, ~~his certificate may be revoked by the Superintendent of~~
47 ~~Public Instruction, or he the State Board of Education may revoke~~
48 ~~the superintendent's certificate and the superintendent may be~~
49 dismissed by his board of education.

50 (c) The identification by the State Board of Education of
51 more than half the schools in a local school administrative unit
52 as low-performing under G.S. 115C-105.30 is evidence that the
53 superintendent is unable to fulfill the duties of the office,

1 and the State Board may appoint an interim superintendent to
2 carry out the duties of the superintendent under G.S. 115C-
3 105.32, may revoke the superintendent's certificate under this
4 section, may dismiss the superintendent under G.S. 115C-105.32,
5 or may take any combination of these actions."

6 Sec. 7. G.S. 115C-296 is amended by adding a new
7 subsection to read:

8 "(d) The State Board of Education may revoke or refuse to
9 renew a teacher's certificate when:

10 (1) The Board identifies the school in which the
11 teacher is employed as low-performing under G.S. 115C-105.30; and

12 (2) The assistance team assigned to that school under
13 G.S. 115C-105.31 makes the recommendation to revoke or refuse to
14 renew the teacher's certificate for one or more reasons
15 established by the State Board in its rules for certificate
16 suspension or revocation.

17 The Board's decision under this subsection is subject to
18 procedures established under G.S. 115C-105.32(a)." "

19 Sec. 8. G.S. 115C-325(e)(3) reads as rewritten:

20 "(3) In determining whether the professional performance of a
21 career teacher is adequate, consideration shall be given to
22 regular and special evaluation reports prepared in accordance
23 with the published policy of the employing local school
24 administrative unit and to any published standards of performance
25 which shall have been adopted by the board. The findings and
26 recommendations of the assistance team assigned to a school
27 identified as low-performing under G.S. 115C-105.30 and in which
28 the teacher is employed are substantial evidence of the teacher's
29 inadequate performance. Failure to notify a career teacher of an
30 inadequacy in his performance shall be conclusive evidence of
31 satisfactory performance."

32 ----- LOCAL FLEXIBILITY

33 Sec. 9. G.S. 115C-84(d) is repealed.

34 Sec. 10. G.S. 115C-302(a)(1) reads as rewritten:

35 "(1) Academic Teachers. -- Regular state-allotted teachers
36 shall be employed for a period of 10 calendar months. Each local
37 board of education shall establish a set date on which monthly
38 salary payments to regular State-allotted teachers shall be made.
39 This set pay date may differ from the end of the calendar month
40 of service. Teachers shall only be paid for the days employed as
41 of the set pay date. Payment for a full month when days employed
42 are less than a full month is prohibited as this constitutes
43 prepayment. Teachers employed for a period of 10 calendar months
44 in year-round schools shall be paid in 12 equal installments. Any
45 individual teacher who is not employed in a year-round school may
46 be paid in 12 monthly installments if the teacher so requests on
47 or before the first day of the school year. Such request shall be
48 filed in the local school administrative unit which employs the
49 teacher. The payment of the annual salary in 12 installments
50 instead of 10 shall not increase or decrease said annual salary
51 nor in any other way alter the contract made between the teacher
52 and the said local school administrative unit; nor shall such
53 payment apply to any teacher who is employed for a period of less

1 than 10 months. Included within the 10 calendar months employment
2 shall be annual vacation leave at the same rate provided for
3 State employees, computed at one twelfth (1/12) of the annual
4 rate for State employees for each calendar month of employment;
5 which shall be provided by each local board of education at a
6 time when students are not scheduled to be in regular attendance.
7 However, vacation leave for instructional personnel who do not
8 require a substitute shall not be restricted to days that
9 students are not in attendance. Included within the 10 calendar
10 months employment each local board of education shall designate
11 the same or an equivalent number of legal holidays occurring
12 within the period of employment for academic teachers as those
13 designated by the State Personnel Commission for State employees;
14 on a day that employees are required to report for a workday but
15 pupils are not required to attend school due to inclement
16 weather, a teacher may elect not to report due to hazardous
17 travel conditions and to take an annual vacation day or to make
18 up the day at a time agreed upon by the employee and the
19 employee's immediate supervisor or principal. Within policy
20 adopted by the State Board of Education, each local board of
21 education shall develop rules designating what additional portion
22 of the 10 calendar months not devoted to classroom teaching,
23 holidays, or annual leave shall apply to service rendered before
24 the opening of the school term, during the school term, and after
25 the school term and to fix and regulate the duties of state-
26 allotted teachers during said period, but in no event shall the
27 total number of workdays exceed 200 days. If one or more
28 scheduled teacher work days are displaced due to hazardous
29 weather conditions a local board may select dates, including
30 dates beyond the 10 calendar months, during which teachers and
31 their supervisors may agree to make-up the displaced days
32 provided the work days fall within the fiscal year. Local boards
33 may approve school improvement plans that include teacher work
34 days outside the 10 calendar months provided the work days fall
35 within the fiscal year. A teacher and the teacher's supervisor
36 may agree to schedule work days outside the 10 calendar months
37 provided the work days fall within the fiscal year. Teachers may
38 be paid on the 10th calendar month pay date for work days
39 scheduled to occur after the 10th calendar month but before the
40 end of the fiscal year. A teacher who resigns, is dismissed, or
41 whose contract is not renewed and who fails to make-up previously
42 agreed upon work days scheduled after the 10 calendar months
43 shall repay to the local board any salary payments owed due to
44 the failure to make-up the workday. A teacher who continues to
45 be employed by a local board but fails to make-up previously
46 agreed upon work days scheduled after the 10 calendar months may
47 be subject to dismissal under G.S. 115C-325. Local boards of
48 education shall consult with the employed public school personnel
49 in the development of the 10-calendar-months schedule."

50 Section 11. G.S. 115C-47(23) reads as rewritten:

51 "(23) To Purchase Equipment and Supplies. -- They
52 Local boards shall contract for equipment and
53 supplies pursuant to the provisions of ~~G.S.~~

~~115C-522(a). G.S. 115C-522(a), G.S. 115C-528,
and G.S. 115C-529."~~

Section 12. G.S. 115C-47(28) reads as rewritten:

"(28) To Enter Lease Purchase Contracts for
Automobiles. and Installment Purchase
Contracts. - Local boards may purchase
automobiles by installment contracts that
create in the property purchased a security
interest to secure payment of the purchase
money. A contract entered into under this
subdivision is subject to the provisions of
Article 8 of Chapter 159 of the General
Statutes, except for G.S. 159-148(a)(4) and
(b)(2). The lease purchase contract shall
provide that there be no recourse for default
in payments under the contract other than
return of the automobile. The taxing power of
any tax levying authority is not and may not
be pledged directly or indirectly to secure
any moneys due the seller. enter into lease
purchase and installment purchase contracts as
provided in G.S. 115C-529."

Sec. 13. G.S. 115C-522(a) reads as rewritten:

"(a) It shall be the duty of local boards of education to
purchase or exchange all supplies, equipment and materials in
accordance with contracts made by or with the approval of the
Department of ~~Administration~~. Administration except as provided
in G.S. 115C-528. Title to instructional supplies, office
supplies, fuel and janitorial supplies, enumerated in the current
expense fund budget and purchased out of State funds, shall be
taken in the name of the local board of education which shall be
responsible for the custody and replacement: Provided, that no
contracts shall be made by any local school administrative unit
for purchases unless provision has been made in the budget of the
unit to pay for the purchases, unless surplus funds are on hand
to pay for the purchases, or unless the contracts are made
pursuant to ~~G.S. 115C-47(28)~~ G.S. 115C-47(28) and G.S. 115C-529
and adequate funds are available to pay in the current fiscal
year the sums obligated for the current fiscal year, and in order
to protect the State purchase contractor, it is made the duty of
the governing authorities of the local units to pay for these
purchases promptly and in accordance with the terms of the
contract of purchase."

Sec. 14. Article 37 of Chapter 115C is amended by
adding new sections to read:

"§ 115C-528. Purchases from Non-Certified Sources.

(a) Notwithstanding G.S. 115C-522(a) a local school
administrative unit may purchase the same good or service that is
listed on a State term contract from a vendor that is not
certified on the State term contract for that good or service,
subject to the following conditions:

- 1 (1) The total cost of the good or service, including
2 the delivery costs, is less than the cost under the
3 State term contract;
4 (2) The cost of the purchase shall not exceed the bid
5 value benchmark established under G.S. 143-53.1;
6 (3) The local school administrative unit shall document
7 in writing the cost savings; and
8 (4) The local school administrative unit shall provide
9 annually by July 1 an itemized report of the cost
10 savings to the Department of Administration.
11 (b) This section shall not impair the contractual terms and
12 conditions of State term contracts that allow purchases to be
13 made from noncertified sources. The requirements of subsection
14 (a) of this section shall not apply to those purchases.
15 (c) The Department of Administration shall report to the
16 General Assembly and the Joint Legislative Education Oversight
17 Committee annually by August 1 the cost savings realized under
18 this section.
19 **§ 115C-529. Lease Purchase and Installment Purchase Contracts**
20 **for Certain Equipment.**
21 (a) Local boards of education may purchase or finance the
22 purchase of automobiles, school buses, mobile classroom units,
23 photocopiers, and computers by lease purchase contracts and
24 installment purchase contracts as provided in this section.
25 Computers purchased under this section shall meet the technical
26 standards specified in the North Carolina Instructional
27 Technology Plan as developed and approved under G.S. 115C-102.6A
28 and G.S. 115C-102.6B.
29 (b) A lease purchase contract under this section creates in
30 the local board the right to possess and use the property for a
31 specified period of time in exchange for periodic payments and
32 shall include either an obligation or an option to purchase the
33 property during the term of the contract. The contract may
34 include an option to upgrade the property during the term. A
35 local board may exercise an option to upgrade without rebidding
36 the contract.
37 (c) An installment purchase contract under this section
38 creates in the property purchased a security interest to secure
39 payment of the purchase price to the seller or to an individual
40 or entity advancing moneys or supplying financing for the
41 purchase transaction.
42 (d) The term of a contract entered into under this section
43 shall not exceed the useful life of the property purchased. An
44 option to upgrade shall be considered in determining the useful
45 life of the property.
46 (e) A contract entered into under this section shall be
47 considered a continuing contract for capital outlay and subject
48 to G.S. 115C-441(c1).
49 (f) A contract entered into under this section is subject to
50 Article 8 of Chapter 159 of the General Statutes, except for G.S.
51 159-148(a)(4) and (b)(2).

1 (g) No contract entered into under this section may contain
2 a nonsubstitution clause that restricts the right of a local
3 board to:

- 4 (1) Continue to provide a service or activity; or
5 (2) Replace or provide a substitute for any property
6 financed or purchased by the contract.

7 (h) No deficiency judgment may be rendered against any local
8 board of education or any unit of local government, as defined in
9 G.S. 160A-20(h), in any action for breach of a contractual
10 obligation authorized by this section, and the taxing power of a
11 unit of local government is not and may not be pledged directly
12 or indirectly to secure any moneys due under a contract
13 authorized by this section."

14 Sec. 15. The Information Resource Management Commission
15 shall develop and annually revise guidelines for determining the
16 useful life of computers purchased under G.S. 115C-529. The
17 Division of Purchase and Contract shall develop and periodically
18 revise guidelines for determining the useful life of automobiles,
19 school buses, and photocopiers purchased under G.S. 115C-529.
20 The Local Government Commission shall develop and periodically
21 revise guidelines for determining the useful life of mobile
22 classroom units purchased under G.S. 115C-529. Guidelines for
23 computers and photocopiers shall include provisions for upgrades
24 during the term of the contract. The Information Resource
25 Management Commission, the Division of Purchase and Contract, and
26 the Local Government Commission shall provide their respective
27 guidelines to the State Board of Education by November 1, 1996.
28 The State Board of Education shall provide the guidelines to
29 local boards of education by January 1, 1997.

30 Sec. 16. G.S. 115C-521(d) reads as rewritten:

31 "(d) Local boards of education shall make no contract for the
32 erection or repair of any school building unless the site upon
33 which it is located is owned in fee simple by the board;
34 Provided, that the board of education of a local school
35 administrative unit, with the approval of the board of county
36 commissioners, may board.

37 Notwithstanding G.S. 115C-40 and subject to the approval of
38 the board of county commissioners, local boards of education may:

- 39 (1) enter into contracts for the repair or renovation
40 of school buildings not owned in fee simple by the
41 board; and

- 42 (2) appropriate funds to aid in the establishment of a
43 school facility and the operation thereof in an
44 adjoining local school administrative unit when a
45 written agreement between the boards of education
46 of the administrative units involved has been
47 reached and the same recorded in the minutes of the
48 boards, whereby children from the administrative
49 unit making the appropriations shall be entitled to
50 attend the school so established.

51 In all cases where title to property has been vested in the
52 trustees of a special charter district which has been abolished
53 and has not been reorganized, title to the property shall be

1 vested in the local board of education of the county embracing
2 the former special charter district."

3 Sec. 17. G.S. 153A-158.1(d) reads as rewritten:

4 "(d) Board of Education May Contract for Construction. --
5 Notwithstanding the provisions of G.S. 115C-40 and G.S. 115C-521,
6 a local board of education may enter into contracts for the
7 erection ~~or repair~~ of school buildings upon sites owned in fee
8 simple by one or more counties in which the local school
9 administrative unit is located."

10 Sec. 18. G.S. 115C-326 reads as rewritten:

11 "~~§115C-326. Performance standards and criteria for professional~~
12 ~~employees; law suits arising out of this section.~~

13 (a) The State Board of Education, in consultation with local
14 boards of education, shall develop uniform performance standards
15 and criteria to be used in evaluating professional public school
16 employees. It shall develop rules ~~and regulations~~ to recommend
17 the use of these standards and criteria in the employee
18 evaluation process. The performance standards and criteria ~~shall~~
19 ~~be adopted by the Board by July 1, 1982, and may be modified in~~
20 the discretion of the Board.

21 Local boards of education shall adopt rules ~~and regulations~~
22 ~~by July 1, 1982~~ to provide for the annual evaluation of all
23 professional employees defined as teachers by ~~G.S.~~
24 ~~115C-325(a)(6)~~ in G.S. 115C-325(a)(6). All teachers shall be
25 evaluated annually unless a local board adopts rules that allow
26 specified categories of teachers with career status to be
27 evaluated less frequently. Local boards may also adopt rules ~~and~~
28 ~~regulations~~ requiring the annual evaluation of other school
29 employees not specifically covered in this section. Local boards
30 may develop and use alternative evaluation approaches for
31 teachers provided the evaluations are properly validated. Local
32 boards that do not develop alternative evaluations ~~Rules and~~
33 ~~regulations adopted by local boards shall utilize the performance~~
34 standards and criteria adopted by the State Board of Education,
35 but are not limited to those standards and criteria. ~~Education~~
36 ~~pursuant to the first paragraph of this section; however, the~~
37 ~~standards and criteria used by local boards are not to be limited~~
38 ~~by those adopted by the State Board of Education.~~

39 (b) If any claim is made or any legal action is instituted
40 against an employee of a local school administrative unit on
41 account of an act done or an omission made in the course of the
42 employee's duties in evaluating employees pursuant to this
43 section, the local board of education, if the employee is held
44 not liable, shall reimburse the employee for reasonable
45 attorney's fees.

46 ~~(c) The State Board of Education shall recommend to the~~
47 ~~General Assembly by December 1, 1986, a program to remedy~~
48 ~~deficiencies and difficulties revealed through the evaluation~~
49 ~~process required by this section and to develop new skills on the~~
50 ~~part of classroom teachers."~~

51 Sec. 19. G.S. 115C-47 is amended by adding a new
52 subsection to read:

1 "(33a) To Approve and Use Textbooks Not Adopted by
2 State Board of Education. - Local boards of
3 education shall have the authority to select,
4 procure, and use textbooks not adopted by the
5 State Board of Education as provided in G.S.
6 115C-98(b1)."

7 Sec. 20. G.S. 115C-85 reads as rewritten:

8 "\$ 115C-85. Textbook needs are determined by course of
9 study.

10 When the State Board of Education has adopted, upon the
11 recommendation of the Superintendent of Public Instruction, a
12 standard course of study at each instructional level in the
13 elementary school and the secondary school, setting forth what
14 subjects shall be taught at each level, it shall proceed to
15 select and adopt textbooks.

16 As used in this part, "textbook" means systematically
17 organized material comprehensive enough to cover the primary
18 objectives outlined in the standard course of study for a grade
19 or course. Formats for textbooks may be print or nonprint,
20 including hardbound books, softbound books, activity-oriented
21 programs, classroom kits, and technology-based programs that
22 require the use of electronic equipment in order to be used in
23 the learning process.

24 Textbooks adopted in accordance with the provisions of this
25 Part shall be used by the public schools of the ~~State~~ State
26 except as provided in G.S. 115C-98(b1)."

27 Sec. 21. G.S. 115C-98 reads as rewritten:

28 "\$ 115C-98. Local boards of education to provide for local
29 operation of the textbook ~~program and program~~, the selection and
30 procurement of other instructional ~~materials~~, materials, and the
31 use of non-adopted textbooks.

32 (a) Local boards of education shall adopt rules ~~and~~
33 ~~regulations~~ not inconsistent with the policies of the State
34 Board of Education concerning the local operation of the textbook
35 program.

36 (b) Local boards of education shall adopt written policies
37 concerning the procedures to be followed in their local school
38 administrative units for the selection and procurement of
39 supplementary textbooks, library books, periodicals, audio-visual
40 materials, and other supplementary instructional materials needed
41 for instructional purposes in the public schools of their units.

42 Local boards of education shall have sole authority to select
43 and procure supplementary instructional materials, whether or not
44 the materials contain commercial advertising, to determine if the
45 materials are related to and within the limits of the prescribed
46 curriculum, and to determine when the materials may be presented
47 to students during the school day. Supplementary materials and
48 contracts for supplementary materials are not subject to approval
49 by the State Board of Education.

50 Supplementary books and other instructional materials shall
51 neither displace nor be used to the exclusion of basic textbooks.

52 (b1) Local boards of education may:

- (1) Select, procure, and use textbooks that have not been adopted by the State Board of Education for use throughout the local school administrative unit for selected grade levels and courses; and
- (2) Approve school improvement plans developed under G.S. 115C-105.22 that include provisions for using textbooks that have not been adopted by the State Board of Education for selected grade levels and courses.

All textbook contracts made under this subsection shall include a clause granting to the local board of education the license to produce Braille, large print, and audio-cassette tape copies of the textbooks for use in the local school administrative unit.

(c) Funds allocated by the State Board of Education or appropriated in the current expense or capital outlay budgets of the local school administrative units, may be used for the above-stated purposes."

Sec. 22. G.S. 115C-112 is repealed.

Sec. 23. G.S. 115C-391 is amended by adding a new subsection to read:

"(g) Notwithstanding the provisions of this section, the policies and procedures for the discipline of students with disabilities shall be consistent with federal laws and regulations."

----- CONFORMING CHANGES

Sec. 24. G.S. 115C-105.3 reads as rewritten:

"§ 115C-105.3. Purpose.

The purpose of the Commission is to develop high and clearly defined education standards for the public schools of North Carolina. These standards shall specify the skills and the knowledge that high school graduates should possess in order to be competitive in the modern economy. The purpose of the Commission is also to develop fair and valid assessments to assure that high school graduates in North Carolina meet these standards. No later than the Spring semester of the year 2000 or as soon as the State Board of Education adopts the standards and system of assessments, every graduating high school senior shall be required to achieve these standards as a condition for receiving a diploma.

These high standards and assessments shall focus on the key skills needed by students as they strive to be successful after high school and shall reflect the high expectations for every student demanded by the State's education mission in G.S. ~~115C-81(a), 115C-238.1, and 115C-238.13(a).~~ 115C-81(a) and G.S. 115C-105.20. Once these key skills are identified, parents, teachers, and the entire school community should be encouraged to help each student meet the student's fullest potential."

Sec. 25. G.S. 115C-238.23 reads as rewritten:

"§ 115C-238.23. Implementation by local school boards.

If a school administrative unit decides to proceed with the project the following procedures shall be followed:

1 (a) The local board in a participating local school
2 administrative unit shall select a school building that is under
3 construction as its first school under the project.

4 (b) The local board shall issue a request for proposals for
5 leadership teams to bid to operate the selected school. A team
6 shall mean three or more individuals. To reflect the diversity
7 required to implement the purpose of the project defined in G.S.
8 115C-238.22, the abilities and experience of team members may
9 include: administrative and educational policy and planning
10 skills; familiarity with technology for schools; management and
11 classroom experience; and familiarity with the needs of diverse
12 and special populations. One member shall be designated as the
13 principal or leader of the team. At least twenty-five percent
14 (25%) of the team members shall be certificated in accordance
15 with the regulations of the State Board of ~~Education or G.S.~~
16 ~~115C-238.6. Education.~~

17 Team members awarded the contract shall, if not already,
18 become employees of the local board and become subject to local
19 personnel policies.

20 (c) The request for proposals shall include the following
21 minimum requirements:

- 22 (1) A statement of principles that the local board
23 wants the bidding teams to address;
- 24 (2) A specified amount of money available for the
25 operation of the building, which amount shall be
26 within the limits of funds available for the size
27 of school being opened for bid;
- 28 (3) A framework for accountability plans by which the
29 success of the project site can be measured, which
30 accountability plans shall include the student
31 performance indicators adopted by the State Board
32 of Education pursuant to ~~G.S. 115C-238.1(3)~~, the
33 School Improvement and Accountability Act of 1989,
34 and shall include factors such as student, parent,
35 and employee satisfaction, parental involvement,
36 community service, and evidence of a focus on
37 developing thinking and reasoning skills;
- 38 (4) The student population of a Genesis school shall be
39 representative of its local school administrative
40 unit, shall be racially balanced, and students
41 shall be assigned on a geographic basis;
- 42 (5) The mission of the school shall not establish
43 religion nor prohibit the free exercise thereof
44 insofar as that is permitted in a public school by
45 the North Carolina and United States Constitutions;
46 and
- 47 (6) Bidding teams shall address how the criteria listed
48 in G.S. 115C-81(b) will be met or varied by the
49 Genesis program.

50 The local board may include other requirements in the request
51 for proposals.

52 (d) The local board shall secure private funding for any
53 additional non-State and nonlocal funds required for the project

1 before awarding a contract to a team to operate the selected
2 school.

3 (e) The local board shall appoint an advisory committee
4 composed of educators, elected officials, parents of children
5 enrolled in the local school administrative unit, and community
6 leaders from within and without the local school administrative
7 unit to screen proposals for the school building and to make
8 recommendations to the local board of education on the proposals.

9 The local board shall consider the recommendations of the
10 advisory committee and shall award the contract. All contract
11 negotiations and the award of the contract shall be conducted in
12 open session notwithstanding G.S. 143-318.11(a)(9). The contract
13 shall be for a term not to exceed four years. It may be
14 terminated by the local board at any time for any reason it deems
15 sufficient; it may be terminated by the team for any reason it
16 deems sufficient, but only at the end of a school year and only
17 with 60 days' written notice to the local board of education.

18 (f) The team that receives the contract shall interview and
19 select all personnel for the building. The team may select
20 personnel from the current employees of the local board. All
21 teachers employed in a Genesis school shall hold or be qualified
22 to hold a certificate in accordance with the regulations of the
23 State Board of Education or ~~G.S. 115C-238.6.~~ the School
24 Improvement and Accountability Act of 1989. The local board shall
25 hire those persons selected by the team so long as those
26 positions are within State, local, and other funds approved for
27 this project by the local board. In no event shall a local board
28 dismiss or demote any employee pursuant to G.S. 115C-325(e)(1)1.
29 as a result of a Genesis project.

30 Hiring shall take place no later than July 1, prior to the
31 opening of the new building. The team shall begin conducting
32 training and planning sessions as staff is hired.

33 The local board or the management team may employ
34 noncertificated persons on a temporary basis or for special
35 projects.

36 (g) The participating school building team shall initiate a
37 comprehensive accountability program immediately. The results
38 shall be published annually and compared to those of traditional
39 schools.

40 (h) After the third and fourth years of the project, the
41 local board shall review student ~~outcome~~ achievement results of
42 the existing project site. After the fourth year of the project
43 the local board may decide whether to continue the project in the
44 first school and whether an additional building within the school
45 system shall be added to the project. If the board decides to
46 expand the project to a second school the procedures outlined in
47 this section shall be followed.

48 The second school chosen for the project shall be an existing
49 school that is producing below average results in student
50 achievement as compared to other schools in the unit. Criteria
51 which may be considered to evaluate student achievement may
52 include: test scores, the success of graduating students,
53 attendance, graduation and dropout rates, the numbers of children

1 enrolled in free lunch or Chapter 1 programs, the education level
2 of the parents of children enrolled in the school, the teaching
3 experience of the school staff, and whether the building has been
4 successful in meeting the goals of the systemwide plan developed
5 in accordance with ~~G.S. 115C-238.1 through G.S. 115C-238.6.~~ the
6 School Improvement and Accountability Act of 1989."

7 Sec. 26. G.S. 115C-238.31(a) reads as rewritten:

8 "(a) Local school administrative units are encouraged to
9 implement extended services programs that will expand students'
10 opportunities for educational success through high-quality,
11 integrated access to instructional programming during nonschool
12 hours. Extended services programs may be incorporated into
13 ~~building-level school improvement plans developed in accordance~~
14 ~~with G.S. 115C-238.3, 115C-105.22. To implement extended~~
15 ~~services programs, local school administrative units may request~~
16 ~~waivers of State laws, regulations, and policies in accordance~~
17 ~~with Part 4 of this Article.~~ Calendar alternatives include, but
18 are not limited to, after-school hours, before-school hours,
19 evening school, Saturday school, summer school, and year-round
20 school. Instructional programming may include, but is not
21 limited to, tutoring, direct instruction, enrichment activities,
22 study skills, and reinforcement projects."

23 Sec. 27. G.S. 115C-276(q) reads as rewritten:

24 "(q) To Assign School Principals. -- Subject to local board
25 policy, the superintendent shall have the authority to assign
26 principals to school buildings. When making an assignment, the
27 superintendent shall consider (i) whether a principal has
28 demonstrated the leadership ability to increase student
29 achievement at a school where conditions indicated a significant
30 risk of low student performance; and (ii) how to maintain
31 stability at a school where, during the time the principal has
32 been at a school, there has been significant improvement on end-
33 of-course or end-of-grade tests and other accountability
34 ~~indicators measures developed by the State Board in accordance~~
35 ~~with G.S. 115C-238.1, of Education.~~"

36 Sec. 28. G.S. 115C-302(e) reads as rewritten:

37 "(e) It is the policy of the State of North Carolina to
38 enhance the teaching profession by providing teachers with career
39 opportunities that do not remove them from the classroom; to
40 encourage the development and implementation of a professional
41 salary schedule that complements the system of differentiation;
42 to have salaries of professional educators in elementary and
43 secondary schools based upon performance, degree attained,
44 differentiation and the needs of the local school administrative
45 unit; and to begin, in the school year beginning in 1986, a
46 differential salary system based upon performance,
47 differentiation, local availability of classroom teachers,
48 geographical location of the employing local school
49 administrative unit and such other factors as the local board of
50 education shall deem necessary.

51 Performance shall be measured by ~~standardized~~ evaluations
52 which are ~~routinely~~ administered pursuant to ~~G.S. 115C-326 by~~
53 ~~competent and trained administrators who have themselves~~

~~1 demonstrated meritorious performance in the classroom. G.S. 115C-~~
2 326. Differentiation shall be based upon superior performance
3 over a period of time plus other responsibilities. Needs of the
4 local school administrative unit over and above the standard
5 course of study shall be defined by the local board of education
6 exclusively funded from revenues provided at the discretion of
7 the board of county commissioners or from other local funds under
8 the control of the local board of education.

9 Each salary may include a local variable component,
10 determined locally and based upon the needs and condition of the
11 local school administrative unit. This local variable component
12 shall be paid from local revenue."

13 Sec. 29. Notwithstanding G.S. 115C-105.21A(1), the
14 State Board of Education shall authorize pilot projects in the
15 Mecklenburg County School Administrative Unit and in the Burke
16 County School Administrative Unit so that the boards of education
17 in those units may use State funds from the allotment for Teacher
18 Assistants for certificated teachers in order to reduce class
19 size or the student-teacher ratio in kindergarten through third
20 grade, in accordance with school improvement plans developed
21 under G.S. 115C-105.22. No waivers from the State Board of
22 Education are required for this use of funds.

23 -----STREAMLINE APA FOR ABC PLAN

24 Sec. 30. (a) G.S. 150B-21.2(a)(1) shall not apply to
25 proposed rules adopted by the State Board of Education if the
26 proposed rules are directly related to the implementation of this
27 act.

28 (b) Notwithstanding G.S. 150B-21.3(b), a permanent rule that
29 is adopted by the State Board of Education, is approved by the
30 Rules Review Commission, and is directly related to the
31 implementation of this act, shall become effective five business
32 days after the Commission delivers the rule to the Codifier of
33 Rules, unless the rule specifies a later effective date. If the
34 State Board of Education specifies a later effective date, the
35 rule becomes effective upon that date. A permanent rule that is
36 adopted by the State Board of Education that is directly related
37 to the implementation of this act, but is not approved by the
38 Rules Review Commission, shall not become effective.

39 (c) G.S. 150B-21.4(b1) shall not apply to permanent rules
40 the State Board of Education proposes to adopt if those rules are
41 directly related to the implementation of this act.

42 (d) The State Board of Education shall determine whether a
43 proposed rule is directly related to this act based upon a
44 finding that there is a rational relationship between the
45 proposed rule and specific provisions of this act. A proposed
46 rule may create, amend, or repeal a rule. The State Board shall
47 indicate in the notice of proposed text that the rule is directly
48 related to the implementation of this act and that the Board is
49 proceeding under the authority granted by this act.

50 (e) The State Board of Education shall provide written
51 notice to all boards of county commissioners and all local boards
52 of education of proposed rules that are directly related to the
53 implementation of this act. The notice shall state whether a

1 fiscal note has been prepared and that a copy of the fiscal note
2 may be obtained from the State Board.

3 (f) This section shall not apply to sections 11-17 of this
4 act.

5 -----APPROPRIATION

6 Sec. 31. There is appropriated from the General Fund to
7 State Aid to Local School Administrative Units the sum of twenty-
8 four million five hundred thirty-two thousand five hundred fifty
9 dollars (\$24,532,550) for the 1996-97 fiscal year. The State
10 Board of Education shall allocate these funds to local school
11 administrative units for personnel who are identified as eligible
12 for performance recognition awards under G.S. 115C-105.29 as
13 follows:

14 (1) Twenty-one million dollars (\$21,000,000) to be
15 distributed on a per capita basis of no less than
16 five hundred dollars (\$500.00) and no more than one
17 thousand dollars (\$1,000) for personnel other than
18 teacher assistants.

19 (2) Three million five hundred thirty-two thousand,
20 five hundred fifty dollars (\$3,532,550) to be
21 distributed on a per capita basis to teacher
22 assistants in the amount of one-half the amount
23 under subdivision (1) of this section.

24 -----EFFECTIVE DATES

25 Sec. 32. (a) G.S. 115C-528 created in Section 14 of
26 this act becomes effective July 1, 1996, and applies to State
27 term contracts for which bids or offers are solicited on or after
28 that date.

29 (b) Section 31 of this act becomes effective July 1, 1996,
30 and the remainder of the act is effective upon ratification.

31 (c) Part 3 of Article 8B of Chapter 115C of the General
32 Statutes as rewritten in Section 3 of this act applies to any
33 school that has any grades of kindergarten through eighth grade
34 beginning with the 1996-97 school year, and to the remaining
35 schools beginning with the 1997-98 school year. The State Board
36 shall establish appropriate deadlines for the development of
37 school improvement plans after July 1, 1996.



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April 25, 1996

MEMORANDUM

TO: Senator Winner and Representative Grady, Coauthors of Joint Legislative Education Oversight Committee

FROM: Kory Goldsmith and Robin Johnson, Committee Counsel

RE: Summary: D96-RHZ-007.5 -- ABC's PLAN

This legislation, recommended by the State Board of Education in its March, 1996, Report on the ABCs Plan, is divided into five parts: School-based Management and Accountability Program (pages 1-21); Local Flexibility (pages 21-28); Conforming Changes (pages 28-32); Streamline APA for ABC Plan (pages 32-33); and Effective Dates (page 33).

SCHOOL-BASED MANAGEMENT AND ACCOUNTABILITY PROGRAM

Section 1 rewrites G.S. 115C-12(9), which spells out the duties of the State Board, by deleting the duty to develop management accountability standards, and by amending the provisions concerning the duties to (i) issue annual report cards for each school unit, and (ii) develop a system of school improvement reports. This section also adds a new "c4" to direct the Board to develop guidelines, procedures, and rules to establish, implement, and the "School-based Management and Accountability Program" (the new name given for the ABC's Plan).

Section 2 recodifies Part 4 of Article 16 of Chapter 115C of the General Statutes, G.S. 115C-238.1 through G.S. 115C-238.8, as Article 8B of Chapter 115C. This moves the current statutes on the Performance-Based Accountability Program (PBAP) to a new place in Chapter 115C. Currently, it is located under Article 16, Optional Programs.

Section 3 rewrites Article 8B (the recodified PBAP).

G.S. 115C-105.20 (was 115C-238.1) is amended to change the name of the program, to direct the Board to establish guidelines to assist local boards of education and schools in the implementation of the new program.

G.S. 115C-105.21 (was 115C-238.2) is amended to make the program mandatory, rather than optional. A new subsection (b1) is added to clarify that local boards are allowed increased flexibility in the expenditure of State funds, and may be granted waivers of certain State laws, regulations, and policies that inhibit their ability to reach local accountability goals. Under PBAP, this flexibility only was given to participating school systems.

G.S. 115C-105.21A (new section, but language comes from PBAP statutes): School boards will no longer have to request waivers on the expenditure of



MEMORANDUM

Page 2

April 25, 1996

State funds from the State Board. They will continue to be subject to the same flexibility and limitations set out in House Bill 6.

G.S. 115C-105.21B (new section, but language comes from PBAP statutes): Local boards may continue to seek waivers of certain laws, rules, and policies.

G.S. 115C-105.22 (was 115C-238.3) is amended to eliminate systemwide plans, advisory panels (G.S. 115C-55 allows local boards to appoint advisory councils), and school and student performance goals. The same people will create the school improvement plan, and, generally, the procedure for the local board to accept or reject the plan remains the same. However, if the board does not accept a plan by March 15, the board or the school may use a process for resolving disagreements that will be recommended in the Board's guidelines. If neither asks to use this process, then the local board may develop a school improvement plan for the school.

G.S. 115C-105.23 (was 115C-238.4), differentiated pay, is repealed.

(FYI -- G.S. 115C-238.5 was repealed July, 1995)

G.S. 115C-105.24 (was 115C-238.6) is repealed; however, most of the language is moved to other places, such as G.S. 115C-105.21A and G.S. 115C-105.21B.

G.S. 115C-105.25 (was 115C-238.6A) is amended to require local boards to distribute 75% of their State staff development funds to the schools to be used in accordance with the schools' school improvement plans. Other amendments to this section make conforming changes.

G.S. 115C-105.26 (was 115C-238.7) is amended to change the name of the Task Force on Site-Based Management to the Task Force on School-based Management, to substitute the "State Board" for the "Superintendent", to slightly modify the duties of the Task Force, and to make conforming changes.

G.S. 115C-105.27 (was 115C-238.8) is amended to make conforming changes.

Part 3. "School-based Accountability" is new:

G.S. 115C-105.28 directs the State Board to design and implement a system that sets annual performance standards for each of the schools in the State in order to measure the growth in performance of students in each individual school.

G.S. 115C-105.29 directs the State Board to establish a procedure to reward the personnel in schools that exceed their expected growth. The personnel, who are the same as those entitled to vote on the school improvement plans, may receive the financial awards on an individual basis, or may choose to make and vote on a plan to use the funds differently. The local board must approve this plan unless it involves expenditures that are not for a public purpose or are otherwise unlawful.

G.S. 115C-105.30 directs the Board to design and implement a procedure to identify schools that fail to meet the minimum growth standards, as defined by the State Board, and in which a majority of students are performing below grade level. These "low-performing" schools are required to notify the parents that they have been so designated and to describe what steps they are taking to improve student performance.

G.S. 115C-105.31 allows the State Board to assign assistance teams to low-performing schools or to any school that asks for an assistance team and that the Board believes would benefit; however, the Board is directed to give priority to low-performing schools in which the students' educational performance is declining. The assistance teams will work with the schools, central offices, and local boards in order to help these schools improve student performance. If the school fails to improve student performance after assistance is provided, the team may recommend that the assistance continue or that the State Board take further action.

MEMORANDUM

Page 3

April 25, 1996

G.S. 115C-105.32 directs the State Board to annually review the progress made in identified low-performing schools. Subsection (b) allows the State Board to dismiss personnel assigned to that school and to terminate school administrator contracts entered into on or after July 1, 1996, when the Board identifies that school as low-performing and determines it has failed to make satisfactory improvement after the Board assigned an assistance team, and the assistance team recommends dismissal or termination of the contract for one or more grounds established for dismissal or demotion of a career teacher. The Board is directed to adopt procedures to ensure due process rights are afforded to these people.

Furthermore, the State Board may appoint an interim superintendent (and terminate the current superintendent's contract) in a local school administrative unit when more than half the schools in that unit are identified as low-performing and an assistance team assigned to one of those schools recommends this action based upon a finding that the superintendent has failed to cooperate with the assistance team or has otherwise hindered that school's ability to improve.

Finally, if the State Board appoints an interim superintendent and the State Board determines that the local board of education has failed to cooperate with the interim superintendent or has otherwise hindered the ability to improve student performance in that local school administrative unit or in a school in that unit, the State Board may suspend and take upon itself any of the powers and duties of the local board of education that the State Board considers are necessary or appropriate to improve student performance in the local school administrative unit. If the State Board does suspend any of the local board's powers and duties and subsequently determines it is necessary to change the governance of the local school administrative unit in order to improve student performance, the State Board may recommend this change to the General Assembly for its consideration at the next session. (Under current law, which is repealed in Section 4 of this act, the State Board may appoint a caretaker administrator, a caretaker board, or both, and may terminate the contract of the local superintendent when the SYSTEM has been identified as low-performing.)

Section 4 repeals Article 6A of Chapter 115C, "State Assistance & Intervention in Low Performing School Units".

Section 5 amends G.S. 115C-39, "Removal of board members", to substitute the State Board for the Superintendent and to add that the State Board may suspend the powers and duties of the board and act on its behalf if the Board determines the local board has failed to cooperate with the interim superintendent appointed by the State Board.

Section 6 amends G.S. 115C-274 to authorize the State Board to appoint an interim superintendent, revoke the superintendent's certificate, and dismiss the superintendent when more than half the schools in a school unit are identified as low-performing.

Section 7 amends G.S. 115C-296 to allow the Board to revoke or refuse to renew a teacher's certificate when the teacher's school is identified as low-performing, and the assistance team recommends this action based on one or more reasons established by the State Board in its rules for certificate revocation or suspension. (See attached 16 N.C.A.C. .0312.)

Section 8 amends G.S. 115C-325, which establishes the procedures governing the dismissal of teachers. This amendment provides that the findings and recommendations of an assistance team are substantial evidence of the teacher's inadequate performance.

MEMORANDUM

Page 4

April 25, 1996

LOCAL FLEXIBILITY

Section 9 removes the current restriction that limits to 60 minutes the duration of classes in basic academic courses for grades seven through nine.

Section 10 amends G.S. 115C-302(a)(1) to allow more flexibility in scheduling teacher work days.

1. Local boards may schedule make-up dates after the 10th calendar month, if teacher work-days were missed due to hazardous weather, the teacher and the supervisor agree to that make-up date after the 10th calendar month.
2. Local boards may approve school improvement plans that include work-days that occur after the 10th calendar month.
3. Teachers and supervisors can agree to schedule work days after the 10th calendar month.
4. Teachers may receive their last paycheck on a pay date that occurs before the scheduled work day if that day falls after the 10th calendar month.

In all cases, the work day must occur before the end of the fiscal year. A teacher who does not continue to be employed and who fails to make up a scheduled work day must repay any salary received but not earned. A teacher who continues to be employed, but fails to make up a scheduled work day may be dismissed under the tenure law provisions.

Section 11 makes conforming changes to G.S. 115C-47(23) so that it is clear that a local board may purchase equipment and supplies under new sections of Chapter 115C that allow for more purchasing flexibility.

Section 12 amends G.S. 115C-47(28) to allow local boards to enter into installment purchase as well as lease purchase contracts. Local boards may currently enter into lease purchase contracts, but only for automobiles. Much of the language regarding lease purchase contracts is moved to a new section, G.S. 115C-529.

Section 13 amends G.S. 115C-522(a) to allow schools to purchase off State term contracts under certain circumstances. The amendment refers to G.S. 115C-528, which is a new section regarding purchasing off term contract. It also makes conforming changes regarding lease purchase and installment purchase contracts.

Section 14 creates G.S. 115C-528 and G.S. 115C-529, two new statutes that give schools more flexibility when purchasing equipment.

G.S. 115C-528 allows schools to purchase equipment off State term contract.

Subsection (a) sets out the conditions for those purchases.

1. The cost of the item, including delivery, is less than the cost under the State term contract.

2. The cost does not exceed \$10,000.
3. The school documents in writing the cost savings.
4. The school provides an annual, itemized report of the cost savings to the Department of Administration.

There currently exist some term contracts that allow schools to purchase from non-certified vendors if the purchase amount falls below a certain threshold. **Subsection (b)** provides that the documentation required under subsection (a) does not apply to those purchases. **Subsection (c)** requires the Department of Administration to report annually to the General Assembly and the Education Oversight Committee the savings realized under this statute. This statute becomes effective July 1, 1996, and applies to State

MEMORANDUM

Page 5

April 25, 1996

term contracts for which bids or offers are solicited on or after that date. Most State term contracts are for 1 year and many have an option to renew for 1 year.

G.S. 115C-529 allows local boards to enter into lease purchase and installment purchase contracts. Both types of contracts allow the purchaser to make payments over time. Much of G.S. 115C-529 tracks the language in G.S. 160A-20, the statute that allows units of local government to enter into installment purchase contracts.

Subsection (a) specifies 5 types of equipment that may be purchased this way: automobiles, school buses, mobile classroom units, photocopiers, and computers. Previous law had allowed for installment purchase contracts for automobiles. Computers purchased by either type of contract must meet the technical standards of the North Carolina Instructional Technology Plan.

Subsection (b) defines a lease purchase contract as a rental arrangement with an option or obligation to purchase. It allows options to upgrade which are common for computers, and allows boards to exercise that option without having to rebid the contract.

Subsection (c) defines an installment purchase as a purchase where title to the property passes to the buyer, but the seller retains a security interest to ensure payment.

Subsection (d) prohibits either type of contract from extending beyond the useful life of the item purchased.

Subsection (e) provides that the Board of County Commissions must specifically approve all contracts entered into under this section.

Subsection (f) provides that lease purchase and installment purchase contracts over \$500,000 must be approved by the Local Government Commission.

Subsection (g) prohibits contracts that do not allow schools to substitute equipment.

Subsection (h) limits the vendor to recovery of the purchased equipment in the event of default.

Section 15 directs the IRMC, the Department of Administration, and the Local Government Commission to develop guidelines for determining the "useful life" of an item purchased under an installment or lease purchase contract. The guidelines must include a calculation for upgrades if appropriate. The agencies must provide the guidelines to the State Board of Education by November 1, 1996 and the State Board must provide them for schools by January 1, 1996.

Section 16 amends G.S. 115C-521(d) to allow school boards to enter into contracts for the repair or renovation of school buildings not owned in fee simple. (There is some uncertainty whether school boards may lease property for school buildings. To clarify this, the Committee may want to consider amendments to G.S. 115C-517 to clarify what is meant by the term "acquire".)

Section 17 amends G.S. 115C-158.1(d) to reflect the changes in 115C-521(d) that allow school boards to contract for the repair and renovation of buildings not owned by the board in fee simple.

Section 18 amends G.S. 115C-326 to allow local boards flexibility in developing their own teacher evaluation tools, provided the tools are properly validated. It also allows local boards to adopt rules for evaluating certain specified categories of career teachers on a less than annual basis.

MEMORANDUM

Page 6

April 25, 1996

Section 19 creates a new subsection G.S. 115C-47(33a) allowing local boards to use textbooks that have not been adopted by the State Board of Education.

Section 20 amends several statutes that relate to the use of State adopted textbooks. The amendment to G.S. 115C-85 allows the use of non-adopted textbooks. The amendment to G.S. 115C-98 provides that local boards may select and purchase non-adopted textbooks for use in specified grade levels and for specified courses. It also allows local boards to adopt school improvement plans that include using non-adopted textbooks for selected grade levels and courses. Contracts for the purchase of non-adopted textbooks must include a license to reproduce the text in Braille, large print, or audio-cassette form.

Section 22 repeals G.S. 115C-112, which establishes procedures for suspending and expelling students with special needs. This statute, in several places, conflicts with federal law, which is controlling. **Section 23** amends G.S. 115C-391, which is the general law governing discipline, suspension, and expulsion of students, by adding a new subsection (g) to make it clear that the policies and procedures for the discipline of students with disabilities shall be consistent with federal laws and regulations.

CONFORMING CHANGES

Sections 24-29 make technical changes.

STREAMLINE APA FOR ABC PLAN

Section 30 allows the State Board to use a streamlined procedure for adopting rules directly related to the implementation of the ABC Plan. **Subsection (a)** allows the State Board to publish the text of the proposed rule as the first step in the rule making procedure. This will save up to 60 days. **Subsection (b)** allows a rule to become effective without having to wait until the 31st legislative day of the next Regular Session of the General Assembly that is convened at least 25 days after the Rules Review Commission approves a rule. This could save months, even a year in the process. **Subsection (c)** removes the requirement for a fiscal note if the rule has an aggregate financial impact on all persons affected of at least five million dollars in a 12-month period. This will save up to 60 days in the process. **Subsection (d)** requires the State Board to make a determination as to whether a proposed rule is directly related to the implementation of the ABC Plan. To be directly related, a rule must have a rational relationship to a specific provision in this Act. The State Board must also indicate on its notice that the rule is directly related to the implementation of this Act. **Subsection (e)** requires the Board to provide to county commissioners and local boards of education written notice that states whether a fiscal note has been prepared and that a copy of the note may be obtained from the Board. **Subsection (f)** provides that this section does not apply to sections 11-17, which would allow lease-purchase of equipment, purchasing off State contract, and repairs of buildings not owned in fee simple by local boards of education.

APPROPRIATION

Section 31 makes an appropriation to the State Board of \$24,532,550 for the 1996-97 fiscal year to make the recognition awards. The Board is directed to distribute the funds on a per capita basis of no less than \$500 and no more than \$1000 to certified personnel, and on a per capita basis of one-half that amount to teacher assistants.

MEMORANDUM

Page 7

April 25, 1996

EFFECTIVE DATES

Section 32 provides that the act is effective upon ratification, except for Section 31 and for G.S. 115C-528 created in Section 14 of the act, which become effective July 1, 1996. The School-based Accountability of the Board's program (Part 3 of Article 8B) applies to any school that has any of grades kindergarten through eighth grade beginning with the 1996-97 school year and to high schools beginning with the 1997-98 school year.

D96RHZ007.5SUMMARY

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

D

D96-RHZ-013

THIS IS A DRAFT 24-APR-96 13:37:10

Short Title: School Law Revision Com'n.

(Public)

Sponsors:

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO IMPLEMENT THE RECOMMENDATION OF THE JOINT LEGISLATIVE
3 EDUCATION OVERSIGHT COMMITTEE TO IMPLEMENT THE STATE BOARD OF
4 EDUCATION'S RECOMMENDATION TO ESTABLISH A COMMISSION TO REVIEW
5 AND REVISE THE PUBLIC SCHOOL LAWS.
6 The General Assembly of North Carolina enacts:
7 Section 1. (a) The Legislative Public School Law
8 Revision Commission is established. The Commission consists of
9 the following 18 members:
10 (1) Six members, four of whom shall be members of the
11 Senate, appointed by the President Pro Tempore of the Senate.
12 (2) Six members, four of whom shall be members of the
13 House of Representatives, appointed by the Speaker of the House
14 of Representatives.
15 (3) Six members, two of whom shall be members of the
16 State Board of Education, appointed by the State Board of
17 Education.
18 Members appointed to the Commission shall serve until the
19 Commission makes its final report. Vacancies on the Commission
20 shall be filled by the person who made the initial appointment.
21 (b) The Commission shall:
22 (1) Conduct a comprehensive review of the public school
23 laws.
24 (2) Identify laws that are outdated, vague,
25 unnecessary, or otherwise in need of revision.
26 (3) Revise the public laws so they are consistent with
27 the North Carolina Constitution, and the goals of the General

1 Assembly and the State Board of Education in order to improve
2 student performance, increase local flexibility and control, and
3 promote economy and efficiency.

4 (c) The Speaker of the House of Representatives shall
5 designate a member of the House of Representatives as cochair of
6 the Commission, and the President Pro Tempore of the Senate shall
7 designate a member of the Senate as cochair of the Commission.
8 The Commission shall meet upon the call of the cochairs. A
9 quorum of the Commission is 10 members.

10 Members of the Commission shall receive per diem,
11 subsistence, and travel allowances in accordance with G.S. 120-
12 3.1, G.S. 138-5, or G.S. 138-6, as appropriate.

13 The Legislative Administrative Officer shall assign as staff
14 to the Commission professional employees of the General Assembly.
15 Clerical staff shall be assigned to the Commission through the
16 Offices of the Supervisor of Clerks of the Senate and Supervisor
17 of Clerks of the House of Representatives. The Commission may
18 meet in the Legislative Building or the Legislative Office
19 Building with the approval of the Legislative Services
20 Commission.

21 (d) All State departments and agencies and local governments
22 and their subdivisions shall furnish the Commission with any
23 information that is requested of them by the Commission.

24 (e) The Commission shall submit a progress report to the
25 Joint Legislative Education Oversight Committee by January 15,
26 1997, and shall submit a final report to the Joint Legislative
27 Education Oversight Committee by April 15, 1998. The Commission
28 shall terminate upon filing its final report.

29 Sec. 2. From funds appropriated to the General
30 Assembly, the Legislative Services Commission may allocate funds
31 for the expenses of the Commission under this act.

32 Sec. 3. This act is effective upon ratification.

DRAFT



**North Carolina General Assembly
Legislative Services Agency**

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April 25, 1996

MEMORANDUM

TO: Senator Winner and Representative Grady, Coauthors of Joint Legislative Education Oversight Committee

FROM: Robin Johnson, Committee Counsel

RE: Summary: D96-RHZ-013 -- SCHOOL LAW REVISION COM'N.

This bill is one of the recommendations from the State Board of Education as part of its report on the implementation of its ABCs Plan. Section 1 would establish the Legislative Public School Law Revision Commission, consisting of 18 members. The President Pro Tempore of the Senate, the Speaker of the House of Representatives, and the State Board will each appoint six members.

The legislation directs the Commission to:

- (1) Conduct a comprehensive review of the public school laws.
- (2) Identify laws that are outdated, vague, unnecessary, or otherwise in need of revision.
- (3) Revise the public laws so they are consistent with the North Carolina Constitution and with the goals of the General Assembly and the State Board of Education in order to improve student performance, increase local flexibility and control, and promote economy and efficiency.

The Commission is to file with this Committee a progress report by January 15, 1997, and a final report by April 15, 1998.

Section 2 authorizes the Legislative Services Commission to allocate funds for the work of the Commission.

The bill is effective upon ratification.

D96RHZ013SUMMARY



GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

DRAFT

D

D

D96-RHZ-001.2

THIS IS A DRAFT 3-MAY-96 12:21:18

Short Title: Education of Gifted Students.

(Public)

Sponsors:

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO IMPLEMENT THE RECOMMENDATION OF THE JOINT LEGISLATIVE
3 EDUCATION OVERSIGHT COMMITTEE TO IMPROVE THE PROGRAM AND
4 SERVICES FOR GIFTED STUDENTS.
5 The General Assembly of North Carolina enacts:
6 Section 1. G.S. 115C-81(b)(1) reads as rewritten:
7 "(1) A core curriculum for all students that takes into
8 account the special needs of children and includes appropriate
9 modifications for the learning disabled, ~~the academically gifted,~~
10 the gifted students, and the students with discipline and
11 emotional problems;"
12 Sec. 2. G.S. 115C-109 reads as rewritten:
13 "\$115C-109. Definition of children with special needs.
14 The term "children with special needs" includes, without
15 limitation, all children from age five through age 20 who because
16 of permanent or temporary mental, physical or emotional handicaps
17 need special education, are unable to have all their needs met in
18 a regular class without special education or related services, or
19 are unable to be adequately educated in the public schools. It
20 includes those who are mentally retarded, epileptic, learning
21 disabled, cerebral palsied, seriously emotionally disturbed,
22 orthopedically impaired, autistic, multiply handicapped,
23 pregnant, hearing-impaired, speech-impaired, blind or visually

1 impaired, and other health ~~impaired, and academically gifted.~~
2 impaired."

3 Sec. 3. G.S. 115C-110(d) reads as rewritten:

4 "(d) The Board shall adopt rules or regulations covering:

- 5 (1) The qualifications of and standards for
6 certification of teachers, teacher assistants,
7 speech clinicians, school psychologists, and others
8 involved in the education and training of children
9 with special needs;
- 10 (2) Minimum standards for the individualized
11 educational program for all children with special
12 needs other than for ~~the academically gifted and~~
13 ~~the pregnant children, and for the group~~
14 ~~educational program for the academically gifted~~
15 ~~children~~ and the educational program for the
16 pregnant children, who receive special education
17 and related services; and
- 18 (3) Such other rules or regulations as may be necessary
19 or appropriate for carrying out the purposes of
20 this Article. Representatives from the Departments
21 of Human Resources and Correction shall be involved
22 in the development of the standards outlined under
23 this subsection."

24 Sec. 4. G.S. 115C-110(k) reads as rewritten:

25 "(k) The Department shall monitor the effectiveness of
26 individualized education programs in meeting the educational
27 needs of all children with special needs other than the
28 ~~academically gifted and~~ pregnant children, and of group
29 ~~educational programs in meeting the educational needs of the~~
30 ~~academically gifted children,~~ and of educational programs in
31 meeting the educational needs of the pregnant children."

32 Sec. 5. G.S. 115C-113 reads as rewritten:

33 "§ 115C-113. Diagnosis and evaluation; individualized
34 education program.

35 (a) Before taking any action described in subsection (b),
36 below, each local educational agency shall cause a
37 multi-disciplinary diagnosis and evaluation to be made of the
38 child. The State Board of Education shall establish special,
39 simplified procedures for the diagnosis and evaluation of the
40 pregnant child, which procedures shall focus on the particular
41 needs of the pregnant child and shall exclude those procedures
42 which are not pertinent to the pregnant. The local educational
43 agency shall use the diagnosis and evaluation to determine if the
44 child has special needs, diagnose and evaluate those needs,

1 propose special education programs to meet those needs, and
2 provide or arrange to provide such programs. A
3 multi-disciplinary diagnosis and evaluation is one which
4 includes, without limitation, medical (if necessary),
5 psychological (if necessary) and educational assessments and
6 recommendations; such an evaluation may include any other
7 assessments as the Board may, by rule or regulation, require.

8 All testing and evaluation materials and procedures utilized
9 for the purposes of evaluation and placement of children with
10 special needs will be selected and administered so as not to be
11 racially or culturally discriminatory. Such materials or
12 procedures shall be provided and administered in the child's
13 native language or mode of communication, unless it clearly is
14 not feasible to do so, and no single procedure shall be the sole
15 criterion for determining an appropriate educational program for
16 a child.

17 (b) An initial multi-disciplinary diagnosis and evaluation
18 based on rules developed by the Board shall be made before any
19 such child is placed in a special education program, removed from
20 such a program and placed in a regular school program,
21 transferred from one type of special education program to
22 another, removed from a school program for placement in a
23 nonschool program, or otherwise tracked, classified, or treated
24 as a child with special needs.

25 (c) Referral of any child shall be in writing, signed by the
26 person requesting diagnosis and evaluation, setting forth the
27 reasons for the request; it shall be sent or delivered to one of
28 the following: the child's teacher, the principal of the school
29 to which the child is, has been or will be assigned, or the
30 superintendent of the affected local educational agency or his
31 designee. The local educational agency shall send a written
32 notice to the parent or guardian describing the evaluation
33 procedure to be followed and requesting consent for the
34 evaluation. If the parents or guardian consent, the diagnosis
35 and evaluation may be undertaken; if they do not, the local
36 educational agency may obtain a due process hearing pursuant to
37 G.S. 115C-116 on the failure of the parent or guardian to
38 consent.

39 The local educational agency shall provide or cause to be
40 provided, as soon as possible after receiving consent for
41 evaluation, a diagnosis and evaluation appropriate to the needs
42 of the child unless the parents or guardian have objected to such
43 evaluation. If at the conclusion of the evaluation, the child is
44 determined to be a child with special needs, the local

1 educational agency shall within 30 calendar days convene an
2 individualized education program committee. The purpose of the
3 meeting shall be to propose the special education and related
4 services for the child. An interpretation of the multi-
5 disciplinary diagnosis and evaluation will be made to the parent
6 or guardian during the meeting. The proposal shall set forth the
7 specific benefits expected from such a program, a method for
8 monitoring the benefits, and a statement regarding conditions
9 which will be considered indicative of the child's readiness for
10 participation in regular classes.

11 After an initial referral is made, the provision of special
12 education and related services shall be implemented within 90
13 calendar days to eligible students, unless the parents or
14 guardian refuse to consent to evaluation or placement or the
15 parent or local educational agency requests a due process
16 hearing.

17 Within 12 months after placement in a special education
18 program, and at least annually thereafter, those people
19 responsible for developing the child's individualized education
20 program, ~~group educational program for the academically gifted,~~
21 or educational program for the pregnant, shall review the child's
22 progress and, on the basis of previously stated expected
23 benefits, decide whether to continue or discontinue the placement
24 or program. If the review indicates that the placement or
25 program does not benefit the child, the appropriate reassignment
26 or change in the prescribed program shall be recommended to the
27 parents or guardian.

28 The local educational agency shall keep a complete written
29 record of all diagnostic and evaluation procedures attempted,
30 their results, the conclusions reached, and the proposals made.

31 (d) The local educational agency shall furnish the results,
32 findings, and proposals, as described in the individualized
33 education program ~~or group educational program~~ based on the
34 diagnosis and evaluation to the parents or guardian in writing in
35 the parents' or guardian's native language or by their dominant
36 mode of communication, prior to the parent or guardian giving
37 consent for initial placement in special education and related
38 services. Prior notice will be given to the parents or guardian
39 by the local educational agency before any change in placement.

40 A reevaluation must be completed at least every three years to
41 determine the appropriateness of the child's continuing to
42 receive special education and related services: ~~Provided, that a~~
43 ~~reevaluation for an academically gifted child shall be completed~~
44 ~~within three years of initial evaluation for a child who has been~~

~~1 identified as academically gifted prior to the second semester of~~
~~2 the third grade. For a child who is identified as academically~~
~~3 gifted during the second semester of the third grade or~~
~~4 thereafter, no reevaluation is required. services.~~

5 (e) Each local educational agency shall make and keep current
6 a list of all children evaluated and diagnosed pursuant to this
7 section who are found to have special needs and of all children
8 who are receiving home, hospital, institutional or other special
9 education services, including those being educated within the
10 regular classroom setting or in other special education programs.

11 (f) Each local educational agency shall prepare individualized
12 educational programs for all children found to be children with
13 special needs other than the ~~academically gifted and pregnant~~
14 ~~children, and group educational programs prescribed in subsection~~
15 ~~(g) of this section for the academically gifted children, and~~
16 educational programs prescribed in subsection (h) of this section
17 for the pregnant children. The individualized educational program
18 shall be developed in conformity with Public Law 94-142 and the
19 implementing regulations issued by the United States Department
20 of Education and shall be implemented in conformity with
21 timeliness set by that Department. The term "individualized
22 educational program" means a written statement for each such
23 child developed in any meeting by a representative of the local
24 educational agency who shall be qualified to provide, or
25 supervise the provision of, specially designed instruction to
26 meet the unique needs of such children, the teacher, the parents
27 or guardian of such child, and, whenever appropriate, such child,
28 which statement shall be based on rules developed by the Board.
29 Each local educational agency shall establish, or revise,
30 whichever is appropriate, the individualized educational program
31 of each child with special needs each school year and will then
32 review and, if appropriate revise, its provisions periodically,
33 but not less than annually. In the facilities and programs of
34 the Department of Human Resources, the individualized educational
35 program shall be planned in collaboration with those other
36 individuals responsible for the design of the total treatment or
37 habilitation plan or both; the resulting educational, treatment,
38 and habilitation plans shall be coordinated, integrated, and
39 internally consistent.

40 ~~(g) Each local educational agency shall prepare group~~
41 ~~educational programs for the academically gifted children. The~~
42 ~~State Board of Education shall promulgate rules and regulations~~
43 ~~specifically to address the preparation of these group~~
44 ~~educational programs, which rules and regulations shall include~~

~~1 specific grouping standards and specific program standards, and~~
~~2 shall also include standards for ensuring that the individual~~
~~3 educational needs of each child within the group are addressed.~~

4 (h) Each local educational agency shall prepare educational
5 programs for the pregnant children. The State Board of Education
6 shall promulgate rules and regulations specifically to address
7 the preparation of these educational programs, which rules and
8 regulations shall include specific standards for ensuring that
9 the individual educational needs of each child are addressed."

10 Sec. 6. Chapter 115C is amended by adding a new Article
11 9B to read:

12 "Article 9B.

13 "Gifted Students.

14 § 115C-150.5. Gifted students.

15 The General Assembly believes the public schools should
16 challenge all students to aim for academic excellence and that
17 gifted students perform or show the potential to perform at
18 substantially high levels of accomplishment when compared with
19 others of their age, experience, or environment. Gifted students
20 exhibit high performance capability in intellectual areas,
21 specific academic fields, or in both intellectual areas and
22 specific academic fields. Gifted students require differentiated
23 educational services beyond those ordinarily provided by the
24 regular educational program. Outstanding abilities are present
25 in students from all cultural groups, across all economic strata,
26 and in all areas of human endeavor.

27 "§ 115C-150.6. State Board of Education responsibilities.

28 In order to implement this Article, the State Board of
29 Education shall:

30 (1) Develop and disseminate guidelines for developing
31 local plans under G.S. 115C-150.7(a). These
32 guidelines should address identification
33 procedures, differentiated curriculum, integrated
34 services, staff development, program evaluation
35 methods, and any other information the State Board
36 considers necessary or appropriate.

37 (2) Provide ongoing technical assistance to the local
38 school administrative units in the development,
39 implementation, and evaluation of their local plans
40 under G.S. 115C-150.7.

41 "§ 115C-150.7. Local plans.

42 (a) Each local board of education shall develop a local plan
43 designed to identify and establish a procedure for providing
44 appropriate educational services to each gifted student. The

1 board shall include parents, the school community,
2 representatives of the community, and others in the development
3 of this plan. The plan may be developed by or in conjunction with
4 other committees.

5 (b) Each plan shall include the following components:

6 (1) Screening, identification, and placement procedures
7 that allow for the identification of specific
8 educational needs and for the assignment of gifted
9 students to appropriate services.

10 (2) A clear statement of the program to be offered that
11 includes different types of services provided in a
12 variety of settings to meet the diversity of
13 identified gifted students.

14 (3) Measurable objectives for the various services that
15 align with core curriculum and a method to evaluate
16 the plan and the services offered. The evaluation
17 shall focus on improved student performance.

18 (4) Professional development clearly matched to the
19 goals and objectives of the plan, the needs of the
20 staff providing services to gifted students, the
21 services offered, and the curricular modifications.

22 (5) A plan to involve the school community, parents,
23 and representatives of the local community in the
24 ongoing implementation of the local plan,
25 monitoring of the local plan, and integration of
26 educational services for gifted students into the
27 total school program. This should include a public
28 information component.

29 (6) The name and role description of the person
30 responsible for implementation of the plan.

31 (7) A procedure to resolve disagreements between
32 parents and the school when a child is not
33 identified as a gifted student or concerning the
34 appropriateness of services offered to the gifted
35 student.

36 (8) Any other information the local board considers
37 necessary or appropriate to implement this Article
38 or to improve the educational performance of gifted
39 students.

40 (c) Upon its approval of the plan developed under this
41 section, the local board shall submit the plan to the State Board
42 of Education for its review and comments. The local board shall
43 consider the comments it receives from the State Board before it
44 implements the plan.

1 (d) A plan shall remain in effect for no more than three
2 years; however, the local board may amend the plan as often as it
3 considers necessary or appropriate. Any changes to a plan shall
4 be submitted to the State Board of Education for its review and
5 comments. The local board shall consider the State Board's
6 comments before it implements the changes."

7 Sec. 7. Effective July 1, 1996, funding allotments in
8 the Public School Fund shall be allocated as follows:

9 Existing Funding Allotment	New Funding Allotments
10 Exceptional Children.	(1) Children with Special
11	Needs.
12	(2) Gifted Students.

13 Sec. 8. G.S. 115C-238.2(b) is amended by adding a
14 subdivision to read:

15 "(5c) In accordance with a building-level plan, may use funds
16 from the funding allotment for Gifted Students for any purpose so
17 long as that school demonstrates it is providing appropriate
18 services to gifted students assigned to that school."

19 Sec. 9. G.S. 115C-238.3(b1) reads as rewritten:

20 "(b1) Development by each school of strategies for attaining
21 local school and student performance goals. -- The principal of
22 each school, representatives of the assistant principals,
23 instructional personnel, instructional support personnel, and
24 teacher assistants assigned to the school building, and parents
25 of children enrolled in the school shall constitute a school
26 improvement team to develop a building-level plan to address
27 school and student performance goals appropriate to that school
28 from those established by the local board of education. Parents
29 serving on school improvement teams shall reflect the racial and
30 socioeconomic composition of the students enrolled in that school
31 and shall not be members of the building-level staff. Parental
32 involvement is a critical component of school success and
33 positive student outcomes; therefore, it is the intent of the
34 General Assembly that parents, along with teachers, have a
35 substantial role in developing school and student performance
36 goals at the building level. To this end, school improvement team
37 meetings shall be held at a convenient time to assure substantial
38 parent participation. The strategies for attaining local school
39 and student performance goals shall include a plan for the use of
40 staff development funds that may be made available to the school
41 by the local board of education to implement the building-level
42 plan. The strategies may include a decision to use State funds
43 allocated for teacher assistants to reduce class size or the
44 student-teacher ratio in kindergarten through the third grade in
45 accordance with G.S. 115C-238.2(b)(5a) or to use State funds in
46 accordance with ~~G.S. 115C-238.2(b)(5b)~~ G.S. 115C-238.2(b)(5b) or
47 G.S. 115C-238.2(b)(5c). The strategies may also include requests
48 for waivers of State laws, regulations, or policies for that
49 school. A request for a waiver shall (i) identify the State laws,
50 regulations, or policies that inhibit the local unit's ability to
51 reach its local accountability goals, (ii) set out with

1 specificity the circumstances under which the waiver may be used,
2 and (iii) explain how a waiver of those laws, regulations, or
3 policies will permit the local unit to reach its local goals.

4 Support among affected staff members is essential to successful
5 implementation of a building-level plan to address school and
6 student performance goals appropriate to a school; therefore, the
7 principal of the school shall present the proposed building-level
8 plan to all of the principals, assistant principals,
9 instructional personnel, instructional support personnel, and
10 teacher assistants assigned to the school building for their
11 review and vote. The vote shall be by secret ballot. The
12 principal may submit the building-level plan to the local board
13 of education for inclusion in the systemwide plan only if the
14 proposed building-level plan has the approval of a majority of
15 the staff who voted on the plan.

16 The local board of education shall accept or reject the
17 building-level plan. The local board shall not make any
18 substantive changes in any building-level plan that it accepts;
19 the local board shall set out any building-level plan that it
20 accepts in the systemwide plan. If the local board rejects a
21 building-level plan, the local board shall state with specificity
22 its reasons for rejecting the plan; the school improvement team
23 may then prepare another plan, present it to the principals,
24 assistant principals, instructional personnel, instructional
25 support personnel, and teacher assistants assigned to the school
26 building for a vote, and submit it to the local board for
27 inclusion in the systemwide plan. If no building-level plan is
28 accepted for a school before March 15 of the fiscal year
29 preceding the fiscal year in which participation is sought, the
30 local board may develop a plan for the school for inclusion in
31 the systemwide plan; the General Assembly urges the local board
32 to utilize the proposed building-level plan to the maximum extent
33 possible when developing such a plan."

34 Sec. 10. The State Board of Education shall report to
35 the Joint Legislative Education Oversight Committee by December
36 15, 1996, and by December 15, 1997, on the implementation of this
37 act.

38 Sec. 11. This act is effective upon ratification, and
39 shall apply to all students on either the expiration date of a
40 group educational program currently in effect or the effective
41 date for a local plan developed and adopted under this act,
42 whichever occurs first.



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April 25, 1996

MEMORANDUM

TO: Senator Winner and Representative Grady, Cochairs of Joint Legislative Education Oversight Committee

FROM: Robin Johnson, Committee Counsel

RE: Summary: D96-RHZ-001.2 -- EDUCATION OF GIFTED STUDENTS

Currently, academically gifted children are included within the statutory definition of "children with special needs". The majority of categories of children included in that definition are children with disabilities (whose programs are governed, primarily, by federal law). The effect of including gifted children has been to mandate evaluation, identification, and placement procedures at the State level. This legislation would allow local school systems to have greater control and flexibility in how they would identify and serve these children. It is based on recommendations from the Task Force on Academically Gifted Education that the General Assembly received two years ago from the Department of Public Instruction.

Sections 1-5 delete all current statutory references to academically gifted students.

Section 6 creates a new Article 9B -- "Gifted Students" in Chapter 115C of the General Statutes.

G.S. 115C-150.5 states the intent of the General Assembly and provides a description of gifted students. The description also is based on a definition that appeared in a federal report several years ago.

G.S. 115C-150.6 directs the State Board to develop and disseminate guidelines for local school units to use in developing local plans to identify and serve gifted students. The guidelines should address identification, staff development, program evaluation, and other appropriate information. This section also directs the Board to provide ongoing technical assistance to local units.

G.S. 115C-150.7 directs each local board of education to develop a local plan to identify and establish a procedure for providing appropriate educational services to gifted students. Parents, school personnel, and the community are to be involved in developing this plan. The plan must include: (i) screening, identification, and placement procedures; (ii) a statement of the program to be offered that includes different types of services provided in a variety of settings to meet the diversity of identified gifted students; (iii) measurable objectives for the various services that align with core curriculum and an evaluation method that focuses on improved student performance; (iv) professional development; (v) a plan to involve the school community, parents, and representatives of the local community in an ongoing manner; (vi) the person responsible for implementing the plan; (vii) a procedure to resolve disagreements between parents and the school; and (viii) any other information the local board considers necessary or appropriate.



MEMORANDUM

Page 2

April 25, 1996

This section also directs the local board to submit its plan to the State Board of Education for its review and comments and to consider the Board's comments before it implements the plan.

Plans shall remain in effect for no more than three years, but may be amended more often. Any changes must be submitted to the State Board of Education for its review and comments, and the local board is directed to consider the State Board's comments before it implements the changes.

Section 7, effective July 1, 1996, changes the public school funding allotments so that funds for gifted students are separate from the funds for children with special needs. Currently, funds are allocated by using different formulas, but the funds are in one "Exceptional Children" allotment category and may be used interchangeably.

Sections 8 and 9 amend G.S. 115C-238.2(b) and G.S. 115C-238.3(b1) to allow school buildings to decide, as part of their building-level plans, to use funds from the funding allotment for Gifted Students for any purpose so long as that school demonstrates it is providing appropriate services to gifted students assigned to that school.

Section 10 directs the State Board to report to this Committee by December 15, 1996, and by December 15, 1997, on the implementation of this act.

Section 11 provides that the act is effective upon ratification, and shall apply to all students on either the expiration date of a group educational program currently in effect or the effective date for a local plan developed and adopted under this act, whichever occurs first.

D96RHZ001.2SUMMARY

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1995

DRAFT

D

D96-RHZ-002.4
THIS IS A DRAFT 3-MAY-96 12:27:45

Short Title: Prof'l Tch'g Stds. Comm'n. (Public)

Sponsors:

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO IMPLEMENT THE RECOMMENDATION OF THE JOINT LEGISLATIVE
3 EDUCATION OVERSIGHT COMMITTEE TO CHANGE THE COMPOSITION OF THE
4 PROFESSIONAL TEACHING STANDARDS COMMISSION SO THAT TEACHERS
5 HAVE A MAJORITY, TO EXPAND THE AUTHORITY OF THE PROFESSIONAL
6 TEACHING STANDARDS COMMISSION, AND TO ESTABLISH A PROFESSIONAL
7 PRACTICES BOARD.
8 The General Assembly of North Carolina enacts:
9 Section 1. G.S. 115C-295.1 reads as rewritten:
10 "\$ 115C-295.1. North Carolina Professional Teaching
11 Standards Commission.
12 (a) There is created the North Carolina Professional
13 Teaching Standards Commission (the "Commission"). The Commission
14 shall be located administratively ~~within the Department of Public~~
15 ~~Instruction~~ under the State Board of Education but shall exercise
16 its powers and duties independently of the ~~Department of Public~~
17 ~~Instruction. The Department of Public Instruction shall provide~~
18 ~~staff, offices, office equipment, and meeting space to the~~
19 ~~Commission. State Board of Education.~~
20 (b) The purpose of the Commission is to establish high
21 standards for North Carolina teachers and the teaching
22 profession.
23 (c) The Beginning September 1, 1996, the Commission shall
24 consist of the following 18 members:
25 ~~(1) The State Superintendent of Public Instruction who~~
26 ~~shall serve as chair of the Commission.~~

~~(2) A representative of the North Carolina Association of Educators appointed by the Governor.~~

~~(3) A representative of the North Carolina Federation of Teachers appointed by the Governor.~~

~~(4) Three teachers, at least one of whom teaches in elementary school and one of whom teaches special education, appointed by the Governor.~~

~~(5) Two teachers, at least one of whom teaches in middle or junior high school, appointed by the President Pro Tempore of the Senate.~~

~~(6) Two teachers, at least one of whom teaches in high school, appointed by the Speaker of the House of Representatives.~~

~~(7) One school administrator, either a principal or a superintendent, appointed by the Governor.~~

~~(8) Two representatives of teacher education institutions, one of whom shall be a representative of a University of North Carolina institution and one of whom shall be a representative of a private teacher education institution, appointed by the Governor.~~

~~(9) One State Board member appointed by the chair of the State Board of Education.~~

~~(10) Two at-large members appointed by the Governor.~~

~~(11) Two at-large members, one of these members shall be appointed by the President Pro Tempore of the Senate, and one of these members shall be appointed by the Speaker of the House of Representatives.~~

15 members:

(1) The Governor shall appoint four teachers, one of whom is a representative of the North Carolina Association of Educators, one of whom is a representative of the North Carolina Federation of Teachers, one of whom is a representative of the Professional Educators of North Carolina, and one of whom teaches in an elementary school; one principal or superintendent; and two representatives of schools of education, one of which is in a constituent institution of The University of North Carolina and one of which is in a private college or university.

(2) The President Pro Tempore of the Senate shall appoint three teachers who have different areas of expertise or who teach at different grade levels; and one at-large member.

(3) The Speaker of the House of Representatives shall appoint three teachers who have different areas of expertise or who teach at different grade levels; and one at-large member.

In making appointments, the appointing authorities are encouraged to select qualified citizens who are committed to improving the teaching profession and student achievement and who represent the racial, geographic, and gender diversity of the State. Before their appointment to this Commission, with the exception of the at-large members, the members must have been actively engaged in the profession of teaching, in the education of students in teacher education programs, or in the practice of public school administration for at least three years, at least two of which occurred in this State. The members shall serve for two-year terms. Initial terms shall begin September 1, 1994.