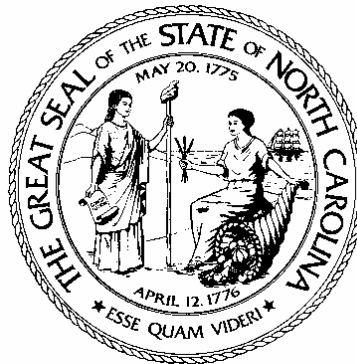


**JOINT LEGISLATIVE
EDUCATION OVERSIGHT COMMITTEE**



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

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STATE OF NORTH CAROLINA

JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE



April 27, 2010

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

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

Respectfully submitted,

Senator Tony Foriest
Cochair

Representative Douglas Yongue
Cochair

JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE

2009-2010

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Jackie Ray, Committee Assistant

ARTICLE 12H.
Joint Legislative Education Oversight Committee.

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

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

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

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

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

§ 120-70.81. Purpose and powers of Committee.

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

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

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

§ 120-70.82. Organization of Committee.

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

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

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

§ 120-70.83. Additional powers.

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

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

COMMITTEE PROCEEDINGS

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

October 13, 2009

Budget/Authorizing Legislation/Reports

Dr. Shirley Iorio, Committee Staff

Effect of Budget Reductions

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

Erskine Bowles, President, The University of North Carolina

Dr. Scott Ralls, President, NC Community College System

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

October 14, 2009

Race to the Top Fund

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

Dr. Rebecca Garland, Associate State Superintendent/Chief Academic Officer, NC Department of Public Instruction

Adam Levinson, Director, Policy and Strategic Planning, NC Department of Public Instruction

Update on DPI Organization

Dr. William Harrison, Chairman, NC State Board of Education

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

November 9, 2009

Middle Grade Transition to High School

Dr. Gene Bottoms, Senior Vice President, Southern Regional Education Board

Charter Schools

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

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

Dr. Bill Harrison, Chairman, NC State Board of Education

Common Core Standards

Angela Quick, Deputy Chief Academic Officer, Academic Services & Instructional Support
NC Department of Public Instruction

November 10, 2009

Dual Enrollment for High School Students

Van Wilson, Associate Vice President of Student Services, NC Community College System

UNC Tech Transfer

Dr. Steve Leath, Vice President for Research, The University of North Carolina

December 8, 2009

National Board Teacher Applications

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

Philip Price, Associate Superintendent/Chief Financial Officer, NC Department of Public Instruction

UNC Teacher Data System

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

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

Teacher Vacancies

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

The Practice of School Social Work

Nadine Ejire, Assistant Section Chief, Licensure Section, NC Department of Public Instruction

Teresa Smith, Consultant, K-12 Student Support Services, NC Department of Public Instruction

School Board Member Training

Leanne Winner, Director, Governmental Relations, NC School Boards Association

Wendell Hall, President, NC School Boards Association and Member, Hertford County Board of Education

UNC Hiring Practices

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

February 16, 2010

Overview of Ed Oversight Website

Dee Atkinson, Research Assistant, Education Team, Research Division, NC General Assembly

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

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

Dr. Linda Brady, Chancellor, University of North Carolina at Greensboro

National Board Certification

Karen Garr, Regional Outreach Director, National Board for Professional Teaching Standards

Dr. Alvera Lesane, Senior Director, Professional Growth and Development, Durham Public Schools

Sheila Evans, Principal and National Board Certified Teacher, DF Walker School, Edenton/Chowan Schools

Joan Celestino, National Board Certified Teacher, Mineral Springs Middle School, Winston-Salem/Forsyth Schools

Update of EVAAS

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

NC 1:1 Learning Collaborative

Dr. Jenifer Corn, Senior Research Associate, Friday Institute for Educational Innovation, North Carolina State University

Phil Emer, e-Learning Commission

Draft Social Studies Curriculum

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

February 17, 2010

The Collaborative Project: The First Two Years

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

Teacher Preparation in Other Countries

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

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

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

Visiting International Faculty Program

David B. Young, CEO

March 9, 2010

Funding Multicampus Colleges in the Community College System

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

Higher Education Graduation Rates

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

Demonstration – Online and Distance Education

Dr. Marilyn Sheerer, Provost, East Carolina University

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

March 10, 2010

Exceptional Children ARRA Update

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

Banning Corporal Punishment for Students With Disabilities

Tom Vitaglione, Senior Fellow, Action for Children North Carolina

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

Update – Restructuring the ABCs Accountability System

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

North Carolina Virtual Public School (NCVPS)

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

Bryan Setser, Executive Director, NC Virtual Public School

April 13, 2010

Success NC

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

Career-Ready Task Force

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

Tarheel Challenge

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

Update on School Construction Needs

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

Calendar Adjustment for Inclement Weather

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

Athletic Injuries and Athletic Trainers in Secondary Schools

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

April 14, 2010

Committee Discussion – Draft Report

April 27, 2010

North Carolina Students in China

Fran Nolan, Ed.D., Executive Director, North Carolina Grassroots Science Museums Collaborative
Shalini Chudasama, Senior, North Carolina School of Science and Mathematics and Dr. Myra Halpin, Dean
of Science, North Carolina School of Science and Mathematics
Victoria Jones, Senior, Wake Early College of Health and Sciences
Victoria Melbourne, Senior, Wake Early College of Health and Sciences
Chelsea Sumner, Junior, Knightdale High School

Committee Discussion – Final Report

SUMMARY OF COMMITTEE PROCEEDINGS

This section of the report provides a brief summary of the Committee meetings. It is not intended to be a complete, official record of those meetings. However, there is an official record of the Committee's meetings, including minutes and handouts distributed to the Committee members, in the Legislative Library.

October 13, 2009

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

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

Erskine Bowles, President, The University of North Carolina, spoke next about the impact of the recession and the recent legislative budget cuts. Although administrative positions were cut, President Bowles cited several initiatives to increase efficiency such as the work of the UNC Tomorrow Commission, the Bain Study, the PACE Initiative, the Financial Improvement and Transformation project, and other internal reviews. He stated that administrative costs have been reduced by more than 23%, which includes a permanent reduction of 18%, and academic costs have been reduced by 5%, which includes a 0.3% permanent cut. He said these cuts were aimed at protecting the academic core and reducing duplication. President Bowles also explained the five major goals of the University's 2009-2010 Action Plan.

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

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

October 14, 2009

Dr. June Atkinson, State Superintendent, NC Department of Public Instruction, spoke to the Committee about what North Carolina is doing to get Race To The Top (RTTP) funds. She noted that this is Governor Perdue's initiative and there are many partners working together to try to secure these competitive dollars. She mentioned that the RTTP program is a part of the American Recovery and Reinvestment Act (ARRA). The Secretary of the US Department of Education has discretionary funds of \$5 billion and North Carolina is competing for part of that money, hopefully somewhere between \$300

and \$500 million. Dr. Atkinson noted that funding decisions are scheduled to be announced in April 2010. She indicated that there are many successful factors that place North Carolina at or near the top for receiving funding. These factors include: NC being a leading state for education reform and improvement, NC being a model state where educational initiatives can be replicated, NC having a well-designed, research-based plan, and NC's adherence to RTTT criteria and guidelines.

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

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

November 9, 2009

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

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

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

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

Angela Quick, Deputy Chief Academic Officer, Academic Services and Instructional Support, NC - Department of Public Instruction, spoke about the common core standards, how these standards relate to DPI's work referred to as ACRE (Accountability and Curriculum Revision Effort), and international assessments. She noted that the timeline for common core standards spans from August 2009 for drafts to early 2010 for adoption. She also mentioned three international tests that DPI uses which relate to their work with the common core standards. Those 3 tests are: PISA (Program for International Student Assessment), TIMSS (Trends in International Mathematics and Science Study), and PIRLS (Progress in International Reading Literacy Study).

November 10, 2009

Van Wilson, Associate Vice President of Student Services, NC Community College System, discussed three distinct dual enrollment programs for high school students: the Huskins, dual enrollment or dual credit courses, and Learn and Earn Online. In the Huskins program, which was established in 1983, courses are taught at the high school. In dual enrollment or dual credit courses, courses are offered to public and non-public high school students age 16 or above and are taught on the community college campus. Learn and Earn Online courses are offered to public and non-public high school students, grades 9-12, with no restrictions on region or residency. Mr. Wilson provided information to distinguish between the three programs and also welcomed legislators to consider ways to eliminate confusion between the three programs.

Dr. Steve Leath, Vice President for Research, The University of North Carolina, spoke next about The University of North Carolina Technology Transfer initiative. He said that The UNC System has the 3rd largest research system in the nation. Research opportunities continue to grow as federal stimulus (ARRA) funds flow to states. In fiscal year 2009, UNC campuses received \$1.2 billion in sponsored research funds. Of that, \$12 million was from stimulus funds. The UNC system is working to organize and manage efforts in order to promote seamless technology transfer. He mentioned several research efforts at UNC institutions.

December 8, 2009

Kris Nordstrom, Fiscal Analyst, Fiscal Research Division, NC General Assembly, and Philip Price, Associate Superintendent/Chief Financial Officer, NC Department of Public Instruction, addressed the Committee regarding National Board teacher applications. Kris Nordstrom spoke about the fiscal impact of the 2009 state budget as it relates to teacher application costs for national board certification. In 1995 the State began covering the teacher application costs for teachers seeking national board certification. In 2009, the legislature negotiated cuts to the state's share of application costs. As opposed to covering the total \$2,500 application cost, the 2009 state budget established a loan program to be administered by the NC Department of Public Instruction. Beginning in 2010-2011, a teacher may borrow the amount for the application cost and must repay it within three years. If the cost exceeds the budgeted amount, the Department of Public Instruction must cover the difference using reversions. Philip Price spoke next and provided information showing growth in the number of applicants as well as growth in the associated costs from 1994 to 2009. He specifically referred to the spike in teacher applications from 2,303 in 2008 to 5,885 in 2009. He stated that cost implications are difficult to determine because teacher applicants have varying years of experience. He predicted that reversions will be needed this year to cover the additional \$11.4 million above the state appropriated amount.

Dr. Alisa Chapman, Associate Vice President for Academic Planning and University Schools Programs, UNC General Administration, and Dr. Gary Henry, Professor and Director of the Carolina Institute for Public Policy, UNC-Chapel Hill, spoke about the UNC Teacher Data System. Dr. Chapman said that the ultimate goal of the University System is to prepare more and better teachers and school leaders for North Carolina schools. In order to address the goal, they are developing strategic plans in three key areas: recruitment, preparation, and support for new teachers and school leaders. Dr. Henry stated that a team of researchers from the University of North Carolina - General Administration, the University of North

Carolina - Chapel Hill, and East Carolina University have come together to gather data, develop an approach, and evaluate impact. He gave some perspective on the UNC institutions that educated and prepared classroom teachers in North Carolina public schools in 2007-2008. Dr. Henry and Dr. Chapman expressed the desire to present research in the future as the UNC team explores the impact of principals prepared by the Masters in School Administration programs, and brings forward a more complete qualitative and quantitative analysis.

Alexis Schauss, Assistant Director, School Business Administration, NC Department of Public Instruction, discussed the 2009 Teacher Vacancy Report. She presented key elements of the report and indicated that teacher vacancies amounted to 441 in 2009.

Teresa Smith, Consultant, K-12 Student Support Services, NC Department of Public Instruction and Nadine Ejire, Assistant Section Chief, Licensure Section, NC Department of Public Instruction, spoke about the practice of school social work. Ms. Smith discussed the role of a school social worker, which is to be preventive and reactive in evaluating a student's school, home, and social life. Ms. Ejire next explained the two routes of licensure: Provisional Licensure and Standard Professional II Licensure. She also mentioned that in the fall of 2009, LEAs were asked to complete an internet survey, in which 48 of the 94 LEAs employing a school social worker completed the survey. The purpose of the survey was to explore hiring practices.

Leanne Winner, Director, Governmental Relations, NC School Boards Association, and Wendell Hall, President, NC School Boards Association and Member, Hertford County Board of Education, spoke about school board member training. Ms. Winner gave a brief history on the School Boards Association's responsibility as it relates to training. She stated that in 1991, the NC General Assembly required all school board members to receive 12 hours of training per year, training that the Association helps to provide through conferences, meetings, and webinars. In 2009, the General Assembly passed legislation requiring that school board members also complete two hours of ethics training within one year of election, appointment, reelection, or reappointment. This two hour ethics education course may count toward the 12 mandated hours of training that is required. If a school board member fails to complete training, they will be fined \$50.00 per hour needed to complete the requirement. Mr. Hall expressed his frustration with fellow board members who refuse to comply with the much needed training hours. He encouraged legislators to explore ways to enforce this requirement.

Laurie Charest, Interim Vice President, Human Resources, UNC General Administration, addressed the Committee regarding The University of North Carolina hiring practices. She explained the extensive recruiting practices in and out of state. She said The UNC System has hired over 9,000 faculty and senior administrators in the last 3 years. Approximately 700 were granted search waivers while the rest were recruited using a competitive search process. Each campus has the authority to grant search waivers based on their own criteria and needs. Due to the recent economic difficulties, some teaching positions were filled using search waivers. Ms. Charest mentioned that coaches may be hired without a competitive search process, as well as administrators who leave unexpectedly.

February 16, 2010

Dee Atkinson, Research Assistant, Research Division, NC General Assembly, gave an overview of the Joint Legislative Education Oversight Committee's website. She noted that the Committee's website is easily accessible through the General Assembly's website and that information on the Committee's website is organized into four folders: Committee Meetings, Committee Membership, Reports to the General Assembly Session, and Reports Received.

Dr. Holden Thorp, Chancellor, University of North Carolina at Chapel Hill, and Dr. Linda Brady, Chancellor, University of North Carolina at Greensboro, spoke next about the Bain Report and the resulting efficiency measures throughout The University of North Carolina. Dr. Thorp mentioned that Bain and Company (Bain), a business consulting firm that studies large non-profit and for-profit organizations, did a detailed study of The UNC operations and how it can become more collaborative and well-managed. Ten major

areas were identified for improvements. Dr. Linda Brady spoke specifically regarding initiatives at the University of North Carolina at Greensboro (UNC-G). She mentioned that several critical areas of focus have been identified for the coming years. Those areas relate to access and student success, health and wellness, economic development and community engagement, and internationalization. She noted that they are committed to reviewing the Bain Report to identify options that are applicable to UNC-G, reduce administrative expenses, and improve the efficiency and effectiveness of their organization. She said that a committee is in place to identify areas in the Bain Report and make recommendations to her. By this time next year, she hopes that UNC-G will be able to report significant cost savings and enhanced efficiencies.

The next four presenters spoke about National Board Certification. Karen Garr, Regional Outreach Director, National Board for Professional Teaching Standards (NBPTS), gave an overview of the National Board for Professional Teaching Standards program, discussed research, and shared implications of the changes that were made in the last legislative session. She noted that North Carolina has the highest percentage of national board certified teachers. These national board certified teachers are staying in teaching positions in higher numbers as compared to other teachers, which results in cost savings in recruiting, replacing, and inducting new teachers.

Dr. Alvera Lesane, Senior Director, Professional Growth and Development, Durham Public Schools, talked about the NBPTS and its effect with Durham Public Schools. She noted that the greater the percentage of national board certified teachers, the greater the likelihood of academic success with students.

Sheila Evans, Principal and National Board Certified Teacher, D.F. Walker School, Edenton/Chowan Schools, addressed the Committee with a principal's perspective of NBPTS. She noted that NBPTS makes a difference with technology, integration, data-driven instruction, high student engagement, evidence of student learning, and student achievement.

Joan Celestino, National Board Certified Teacher, Mineral Springs Middle School, Winston-Salem/Forsyth Schools, addressed the Committee from a teacher's perspective. She said that as a leader in her school and classroom for improving student learning, the continued funding of the NBPTS is worth its weight in gold for the students they serve. She believes that the NBPTS is the most effective professional development opportunity for retaining accomplished teachers.

Dr. June Rivers, Manager, SAS EVAAS for K-12, SAS Institute, Inc., spoke next about the Education Value Added Assessment System (EVASS), the data analysis system used in North Carolina. This system combines student achievement scores from End-of-Grade, End-of-Course, and SAT tests, into an analysis and reporting system to provide information appropriate for use in improving North Carolina's schools. Information is available to all school districts and charter schools.

Dr. Jennifer Corn, Senior Research Associate, Friday Institute for Educational Innovation, North Carolina State University, and Phil Emer, e-Learning Commission, spoke next about the NC 1:1 Learning Collaborative. Dr. Corn noted that the North Carolina Learning Technology Initiative (NCLTI) is a strategic approach to creating future ready schools. Elements of NCLTI include effective leadership and community support, teacher technology preparedness, curriculum assessments, local coaches, technology accessibility and sustainable funding. NCLTI has performed evaluations and surveys, made school site visits, and answered relevant questions regarding infrastructure, teaching and learning changes. Dr. Emer discussed other 1:1 initiatives taking place across the state. He said there are currently at least 43 districts in the state doing planning, design or implementation, and that as we move into the 21st century, technology barriers need to be eliminated in order for all 115 districts to be actively engaged. He emphasized that local education agencies and school boards, along with other public-private partnerships, are the key to the sustainability of the NCLTI.

Dr. Rebecca Garland, Chief Academic Officer, NC Department of Public Instruction, addressed the Committee regarding the draft social studies curriculum standards. She noted that the Blue Ribbon Commission Report found that the North Carolina curriculum in all disciplines was too broad and that

students do not have the opportunity to study concepts in-depth. As a result of the Commission Report, the State Board of Education directed the Department of Public Instruction to rewrite all the standard courses of study. Dr. Garland gave an update of where DPI is in the process with the draft of the social studies curriculum in order to clear up erroneous information that was passed on to the media.

February 17, 2010

Dr. Charles Thompson, LW King Professor in Education, East Carolina University, presented the report, *The Collaborative Project; The First Two Years*, which looks at the implementation of the project initiated in the summer of 2007. The Collaborative Project is a three-year pilot program serving five small, rural school systems distributed across the State and funded by the General Assembly. The school systems include Mitchell, Caswell, Warren, Greene, and Washington County Schools. The pilot is administered jointly by the NC Public School Forum and the NC Science, Mathematics, and Technology Education Center to improve the performance of elementary and middle school students in the pilot districts, make the schools places that can attract and retain talented teachers and administrators, and lay the foundation for students' success in high school and beyond.

Dr. Thompson reported that The Collaborative Project developed and implemented three major systems - professional development, performance incentives, and after school programs – and he suggested potential adjustments to improve all three systems. Dr. Thompson went on to say that two years are insufficient to make and document a substantial impact. However, initial evidence seems promising and it is clear that an additional year of pilot work should be done.

John Dornan, Executive Director, NC Public School Forum, made a presentation to the Committee entitled "Attracting, Training & Retaining Educators: Lessons Learned from Countries Around the World". Mr. Dornan discussed the following lessons:

Lesson One – In most countries, teaching is a year-round job.

Lesson Two – New teachers rarely are assigned a full teaching load in their beginning years.

Lesson Three – Typically, teachers have fewer contact hours of teaching during the school day.

Lesson Four – In other countries teachers have their own office space.

Lesson Five – Other countries have devised ways for teachers to have varied career pathways.

Lesson Six – Many countries invest heavily in continuous development of teachers.

Lesson Seven – Many high performing countries have well-defined approaches to teaching that are commonly used by all teachers.

Lesson Eight – Countries that have succeeded in making teaching a respected profession are attracting the best and brightest college students.

Lesson Nine – In some countries rotating teacher and administrator job assignments is common.

Millie Ravenel, Executive Director, North Carolina Center for International Understanding (Center), spoke about the Center's work to promote global competence among current and future leaders in North Carolina. She explained that they work to enhance current leaders' ability to make informed decisions on issues that have an international dimension and with teachers to instill global awareness and global competence in their students. Ms. Ravenel explained some of the Center's initiatives, including the Global Engagement Initiative and the Confucius Classroom Initiative, as well as North Carolina's connections to China.

David B. Young, CEO, Visiting International Faculty (VIF) Program, gave an overview of the work of the VIF Program, including a historical perspective of VIF teachers in North Carolina. Mr. Young spoke briefly about the various parts of VIF including global literacy, language immersion, international educators, and professional development.

March 9, 2010

Jennifer Haygood, Vice President and Chief Financial Officer, NC Community College System, presented information about funding multi-campus colleges in the Community College System. Ms. Haygood explained that multi-campus centers are driven by local need, must meet specified approval criteria, and

must be approved by the State Board of Community Colleges. There are 32 approved multi-campus college locations at 20 community colleges. Each multi-campus college is eligible to receive an allocation based on a formula, but the colleges are not receiving the full amount for which they are eligible. The multi-campus college formula was not fully funded for 2009-2010 and no funding has been approved for seven of the locations. Ms. Haygood recommended that adjustments be made to fully fund the multi-campus college formula in future continuation budgets.

The next four speakers spoke about higher education graduation rates:

Dr. Scott Ralls, President, NC Community College System, commented that graduation is important because the percentage of the workforce requiring "some college" will increase to 62% by 2018. He added that job growth is estimated to average 10% between 2006 and 2016, but it will nearly double that for associate degree holders (18.7%), which is faster than new job growth for bachelor's degrees (16.5%). He added that the graduation metric set out by the federal government is probably not sufficient for community colleges because they have a large number of part-time students who get counted as non-completers. Dr. Ralls focused his remarks on Creating Success for community college students.

Dr. Alan Mabe, Sr. Vice President for Academic Affairs, UNC General Administration, spoke about the efforts to improve retention and graduation rates at The University of North Carolina, a high priority of President Bowles and the UNC Board of Governors. Dr. Mabe spoke briefly about Success NC, a joint initiative with the community colleges, to (i) increase production of associate's and bachelor's degrees and certificates; (ii) improve the connection between high schools and colleges, and between community colleges and universities; (iii) develop articulation between community colleges and universities in online environment; and (iv) manage together the transfer process.

Dr. James Anderson, Chancellor, Fayetteville State University, highlighted some campus initiatives to improve retention and graduation rates. Dr. Anderson chairs a committee charged with looking more closely at developing a genuine success model.

Dr. Hope Williams, President of the NC Independent Colleges and Universities, presented data on graduation rates for North Carolina independent colleges and universities. Dr. Williams said that about 1/3 of the baccalaureate degrees in North Carolina are awarded from independent colleges and universities. She gave several examples of why students leave and don't graduate and what they do to try to help students feel comfortable asking for and accepting help.

Dr. Marilyn Sheerer, Provost, East Carolina University and Dr. Elmer Poe, Associate Vice Chancellor for Academic Outreach, East Carolina University, provided a demonstration of online and distance education. Dr. Sheerer emphasized that distance education is a critical, growing component of higher education and UNC is offering one of the best online programs in the nation. East Carolina University has firmly established itself as North Carolina's leader in offering online programs and services to students unable to attend campus classes. ECU provides over 70 degree and certificate programs to over 6,000 students away from the campus and in each of NC's 100 counties.

March 10, 2010

Mary Watson, Director, Division for Exceptional Children, NC Department of Public Instruction, spoke to the Committee about the American Recovery and Reinvestment Act (ARRA) funding for services to children and youth with disabilities under the Individuals with Disabilities Education Act (IDEA). She said that LEAs must use the IDEA ARRA funds only for the excess cost of providing special education and related services for children with disabilities except where IDEA specifically specifies otherwise. She indicated that the vast majority of the expenditures were spent on salaries, with the balance being spent on other categories, such as employee benefits, supplies and materials, purchased services, and capital outlay. She stated that the IDEA ARRA funding was instrumental in improving other areas including:

assistive technology devices, professional development, positive behavior support, instructional materials, positions saved/created, and EOGs (math and reading).

Tom Vitaglione, Senior Fellow, Action for Children North Carolina, and Sherry Strickland, Preschool Disabilities Coordinator, Pitt County School System, and President of the North Carolina Association of Educators (NCAE), spoke next about the consideration of banning corporal punishment for students with disabilities. By statute, local school districts are authorized to establish policies with regard to corporal punishment in North Carolina. Mr. Vitaglione provided the results of a survey done by Action for Children North Carolina on the number of districts that allow corporal punishment. Ms. Strickland noted that a part of NCAE's legislative agenda is to prohibit all forms of violence in schools including corporal punishment. She said that the Individuals with Disabilities Education Act specifically recommends positive behavior support as the most effective way of addressing the behavioral needs of exceptional children. She asked the Committee to pass legislation to ban corporal punishment of the approximately 185,000 exceptional children in North Carolina's public schools and support the training for teachers in strategies that do work.

Dr. Lou Fabrizio, Accountability Policy and Communications Director, NC Department of Public Instruction, gave an update on the plan for restructuring the ABCs accountability system. He mentioned that a commission on testing and accountability, comprised of principals, superintendents, business representatives, parents, and members of the General Assembly was established. The recommended changes of this commission became known as ACRE (Accountability and Curriculum Reform Effort). The focus was to institute an accountability model with three goals: improving student achievement, increasing graduation rates, and closing achievement gaps. Dr. Fabrizio mentioned that on March 31, 2010, the State Board of Education will be having a session devoted to accountability issues and there will be discussion on potential legislative issues regarding the new accountability model, calendar revisions, and plans for additional stakeholder feedback.

Kris Nordstrom, Fiscal Analyst, Fiscal Research Division, NC General Assembly, and Bryan Setser, Executive Director, North Carolina Virtual Public School, spoke next regarding the North Carolina Virtual Public School (NCVPS). Kris Nordstrom gave an overview of the funding history, NCPVS expenditures, teacher pay and course limits, tuition issues, and 2010 budget issues. Bryan Setser noted that the NCPVS is now the second largest virtual public school in the nation and is recognized by the Center for Digital Education as well as other national and international sources. Mr. Setser indicated that NCPVS has an 85% success rate and a 94% completion rate for courses.

Carolyn McKinney, Executive Director, NC Professional Teaching Standards Commission (PTSC), was recognized to address the Committee regarding the 2010 Teacher Working Conditions Survey. Ms. McKinney stated that the PTSC advises, coordinates, and directs the administration of the teacher working condition survey. A principal survey was added in 2008. Three new sections of the teacher working condition survey were added this year to include: community support and involvement, managing student conduct, and instructional practices and support. Ms. McKinney stated that the survey is administered online and the results of the survey will be available online on May 1, 2010. She noted the importance of the survey as it relates to teaching and learning conditions that impact student achievement and teacher turnover.

April 13, 2010

Dr. June Atkinson, State Superintendent, NC Department of Public Instruction, addressed the Committee regarding the recommendations of the Career-Ready Task Force. She noted that at the Governor's request, she appointed a Career-Ready Task Force comprised of legislators, business leaders and educators to look at five issues: alignment of goals (economic development and workforce development), systems development and implementation, entrepreneurship role, 16 career clusters, and business engagement. The Task Force made three broad recommendations which include: cultivating the culture of innovation in education, connecting students to careers and the business community by instituting teaching and learning innovations, and creating a system for collaboration among education,

workforce, and economic development entities. Dr. Atkinson also discussed six policy goals as proposed by the Commission to guide local, regional, and state leaders in reform efforts.

Norma Houston, Executive Director, UNC Tomorrow, UNC General Administration, and Dr. Kennon Briggs, Executive Vice President and Chief of Staff, NC Community College System, spoke next about the latest collaborative effort that has been formed between the UNC System and the NC Community College System called Success NC. Ms. Houston said that the goal of Success NC is to increase the number of North Carolinians with college degrees and workplace relevant credentials to prepare them for success in today's 21st century knowledge-based workforce. She explained the action plan steps and Dr. Briggs provided status information on the action plans. Dr. Briggs noted that it takes good enrollment projection planning together between the two systems to determine where student demand is coming from. He also noted that the community college program will work with the university system to expand the Minority Male Mentoring Program, streamline financial aid resources, and develop professional development to ensure that students have the skills needed to succeed.

Robert Carver, Major, USAF ANG, Director of Civil-Military Affairs, NC National Guard, spoke about the Tarheel Challenge Academy. He said that the Academy is a joint federal/state program in Salemburg, North Carolina, that focuses on high school dropouts aged 16-18 years old. It is for at risk youth with curriculum emphasis on life skills, values, education, and self discipline tools necessary to succeed as adults. He noted that nearly 72% of the Academy graduates receive their GED. Core components of the Academy include academic excellence, leadership, physical fitness, community service, employment and life-coping skills, and responsible citizenship. Major Carver mentioned that the operating budget of the Academy is \$3.5 million per year. He indicated that the initial \$5,600 per graduate will be reduced to \$3,500 per graduate and the initial cost share match of 60% federal funding and 40% state funding for the program will change to 75% and 25% respectively. He said that the Academy has two recruiters who cover the entire State and meet with various referral sources such as school officials, resource officers, guidance counselors, social service workers, court counselors, etc.

Dr. Ben Matthews, Director, School Support Division, NC Department of Public Instruction gave an update on school construction needs. He said that the last survey done in 2005-2006 identified \$10+ billion in school construction needs at that time. The next survey will be conducted between October 2010 and January 2011. He provided information on the current spending on actual projects. He noted that some of the things that they are looking for in the future include: additional engineering positions, green building design, and solar and wind energy sources.

Dr. Shirley Iorio and Kara McCraw, Legislative Analysts, Research Division, NC General Assembly, addressed the Committee about school calendar adjustment for inclement weather. Dr. Iorio gave background information on what the school calendar law states in G.S. 115C-84.2, what the Committee has done in the past to alleviate the calendar issue, and what options are currently available. Kara McCraw presented information gathered from schools systems relating to the inclement weather survey for 24 of North Carolina's western counties.

Dr. Tony Baldwin, Superintendent, Buncombe County Schools, spoke next about the challenges that Buncombe County Schools face regarding the school calendar issue as it relates to inclement weather. He noted that this was the first year that the Buncombe County School System has not received a calendar waiver and discussed how the severity of the prolonged winter weather has negatively impacted the school system.

Bill Griffin, Legislative Chair, North Carolina Athletic Trainers' Association, spoke about athletic injuries and athletic trainers in secondary schools. He said that North Carolina has over 175,000 high school student athletes; 66% who participate in more than one sport. It is estimated that there are over 10,000 reportable injuries per year. A reportable injury is defined as one that limits athletic participation, involves a concussion, fracture or eye injury, or requires the attention of a medical professional. He reported that fewer than one-half of public schools have a licensed athletic trainer to care for injured athletes and the rest rely on care provided by first responders or have no individual designated to provide

such care. Mr. Griffin said that the North Carolina Athletic Trainers' Association has been actively working to bring athletic trainers to the public high schools by educating the Department of Public Instruction, the State Board of Education, school administrators, and the legislature about the role and importance of athletic trainers.

April 14, 2010

The Committee members discussed a draft of the final report including proposed legislation. There were several changes recommended for the wording of the "Findings and Recommendations" section of the draft report and Committee members also recommended additional bill drafts. Senator Hartsell asked the Committee to consider a bill draft that would correct a problem with a bill that was passed in the 2009 Session dealing with Substitute Teacher Unemployment. The Committee agreed and directed staff to draft legislation that will appear in the final report as **Legislative Proposal VI**.

Ben Matthews from the Department of Public Instruction addressed the Committee about the need for additional funding for the Division of School Support in DPI to be used to assist local school administrative units with effective energy and environmental management. Representative Tolson urged the Committee to approve this request. The Committee agreed and directed staff to draft legislation that will appear in the final report as **Legislative Proposal IV**.

Representative Cotham asked the Committee to consider a new bill that would recreate HB 536, Task Force on Sports Injuries in Schools, a study bill she introduced in the 2009 Session which was not enacted. The Committee approved the request and directed staff to draft legislation that will appear in the final report as **Legislative Proposal V**.

The Committee discussed Recommendation 6 – "The Committee strongly recommends that local school systems, schools, and teachers use EVAAS to collect diagnostic information on students and use the data to help raise student achievement." The Committee agreed that EVAAS or a compatible system should be required to be used by schools and teachers, and directed staff to draft legislation that will appear in the final report as **Legislative Proposal I**.

The chairs of the Committee directed staff to make the agreed upon changes to the draft report and to prepare the agreed upon bill drafts.

April 27, 2010

Four North Carolina students who went to China to participate in an international science fair spoke to the Committee about their experience. The presenters were:

Fran Nolan, Ed.D., Executive Director, North Carolina Grassroots Science Museums Collaborative
Shalini Chudasama, Senior, North Carolina School of Science and Mathematics
Victoria Jones, Senior, Wake Early College of Health and Sciences
Victoria Melbourne, Senior, Wake Early College of Health and Sciences
Chelsea Sumner, Junior, Knightdale High School

The Committee briefly discussed and then approved the Joint Legislative Education Oversight Committee's final report to the 2010 Regular Session of the 2009 General Assembly of North Carolina.

COMMITTEE FINDINGS AND RECOMMENDATIONS

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

1. School calendar

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

The Committee recommends amending the current calendar law to provide LEAs the flexibility needed to make up the missed days. The amended law will apply only to the 2009-2010 school year.

2. School Transition

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

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

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

3. College and Career-Ready Students

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

The Committee strongly supports the ongoing efforts of The University of North Carolina, the North Carolina Community College System, the North Carolina Independent Colleges and Universities, and the

Department of Public Instruction to ensure that all students are college and career-ready without needing remediation and recommends that they continue their work in this area.

The Committee also supports and recommends implementation of the provisions of Policy Goal 4 from *A Crisis of Relevance: How NC Must Innovate to Graduate all Students Career- and College Ready*, the report from the State Superintendent's Career-Ready Commission. A section of Policy Goal 4 recommends modification of existing State Board of Education policy to assign every high school student a career coach or graduation mentor and require students to work with this person to develop a career plan to help them connect their academic studies to professional goals for the future.

4. School Leadership

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

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

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

5. Positive Behavior Support Initiative

The North Carolina Positive Behavior Support (PBS) Initiative began in 2000 as part of the North Carolina State Improvement Program funded through the Individuals with Disabilities Education Act (IDEA). PBS is a way to impact the learning environments in schools in order to support high student performance and to reduce behavioral problems. By training school teams in the principles and practices of PBS, schools are able to design a system for teaching and encouraging respectful and responsible behaviors, use data to support decision making and continuous improvement, and create an individualized total school climate that supports staff and student behavior and encourages family engagement.

Data collected over the past ten years of implementation clearly indicate that PBS, when implemented with fidelity, increases student achievement (math and reading), increases attendance, decreases dropouts, decreases suspensions, and decreases office discipline referrals.

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

The Committee recommends that the General Assembly consider expanding the funding for the PBS Initiative at a level that allows for Statewide implementation when funds are available.

6. Education Value-Added Assessment System

The Committee finds that the Education Value-Added Assessment System (EVAAS) is an effective program that provides important diagnostic information to local school systems and school building staff in an efficient manner. EVAAS provides reliable and precise information regarding student progress at the individual, subgroup and school levels. The Committee recognizes the importance of such data in

improving student achievement because it allows instructional modifications to occur more quickly in order to meet the needs of students.

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

The Committee further recommends the enactment of legislation to require school improvement teams to use EVAAS, or a system that is compatible with EVAAS, to analyze student data to identify problems and determine actions to address those problems with the goal of raising student achievement. See attached **LEGISLATIVE PROPOSAL I: 2009-SFz-2[v.3]**

7. Broadband Access

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

The Committee strongly recommends that the General Assembly will continue to improve broadband access for all public schools.

8. Students with Disabilities

a. Banning Corporal Punishment for Students with Disabilities

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

The Committee recommends the enactment of legislation to ban the use of corporal punishment on students with disabilities. See attached **LEGISLATIVE PROPOSAL II: 2009-RQz-6[v.4]**

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

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

The Committee recommends the enactment of legislation to delay the sunset of this provision that adds a protection for students not yet determined eligible for special education. See attached **LEGISLATIVE PROPOSAL III: 2009-RQz-8 [v.2]**

9. School Support Division of the Department of Public Instruction

The Public School Building Capital Fund is funded by the monies received from the State corporate income tax. The purpose of the Fund is to provide money to county governments to help meet their public school building capital needs and local school technology plan equipment needs. G.S. 115C-546.2(a) provides that, of the monies credited to the Fund, the State Board of Education may allocate up to one million dollars to the Department of Public Instruction to be used by the Plant Operation Section of the School Support Division to help local school administrative units with tasks such as effective energy, environmental, water, and hazardous material management, clean air quality, and engineering support for effective environmental practices.

Section 3K of S.L. 2009-575, An Act to Make Technical, Clarifying, and Other Modifications to the Appropriations Act of 2009, provided that the State Board of Education "may use, out of funds available, up to one million five hundred thousand dollars (\$1,500,000) that had been previously set aside from G.S. 115C-546.2 to support positions in the Department of Public Instruction's Support Services Division."

The Committee finds that the School Support Division would be able to provide greater and enhanced technical assistance to local school administrative units regarding environmental and building issues if the State Board of Education were required to allocate an increased amount of monies from the Fund to the School Support Division.

Therefore, the Committee recommends the enactment of legislation that requires the State Board of Education to allocate up to two million dollars to support positions in the School Support Division at the Department of Public Instruction. The funds would also be used by the Plant Operation Section and the School Planning Section to help local school administrative units with green building design oversight and architectural support for functional and sanitary environmental practices. See attached **LEGISLATIVE PROPOSAL IV: 2009-RQz-7[v.3]**

10. Education Requirements for Local School Board Members

State law requires all members of local boards of education to receive a minimum of 12 clock hours of annual training. The training must include, but is not limited to public school law, public school finance, and the duties and responsibilities of local boards of education.

The Committee finds that about 38% of school board members were not in compliance with the State law requiring 12 clock hours of training during the 2008-2009 fiscal year. Of the 776 school board members, 111 received no training at all. Only 45 of the 115 school boards had all of their school board members in compliance.

The Committee also finds that during the 2009 Session of the General Assembly House Bill 348 was introduced and currently is in the Senate Education Committee. The bill would require members of local boards of education to receive training based on the fiscal year rather than the calendar year and new board member training would be required for new local school board members. Beginning July 1, 2010, the bill would authorize the State Board of Education to fine members of local boards of education who failed to complete the required training. Training topics would be determined by the State Board and the North Carolina School Boards Association, working cooperatively.

The Committee recommends that the second edition of House Bill 348 be adopted.

11. Sports Injuries

The Committee finds that students who participate in athletics are at-risk for sports related injuries, and the number of high school student-athletes who have died from sports-related injuries seems to be on the rise.

The Committee also finds that fewer than half of North Carolina high schools have a certified athletic trainer.

The Committee recommends the enactment of legislation to create a Legislative Task Force on Sports Injuries to study issues related to sports injuries at the middle and high school levels. See attached **LEGISLATIVE PROPOSAL V: 2009-SFz-3[v.3]**

12. Substitute Teacher Unemployment

The Committee finds that legislation enacted during the 2009 Session of the General Assembly was found to be out of compliance with federal unemployment compensation law. Senate Bill 894 excluded from the definition of employment, and therefore coverage under unemployment compensation, substitute teachers unless the individual was employed for more than thirty hours per week over six consecutive months of a school year. Additionally, it excluded from coverage performance of "extra duties". However, no provision of federal law exempts services performed by substitute teachers, or services classified as "extra duties" from the required coverage provision, and therefore the State law was out of compliance.

The Committee recommends the enactment of legislation to repeal the sections of SB 894 that are out of compliance with federal law and to enact new legislation to clarify unemployment compensation for substitute teachers. See attached **LEGISLATIVE PROPOSAL VI: 2009-SFz-4[v.1]**

LEGISLATIVE PROPOSAL I

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009**

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D

BILL DRAFT 2009-SFz-2 [v.3] (04/14)

**(THIS IS A DRAFT AND IS NOT READY FOR INTRODUCTION)
4/22/2010 12:48:58 PM**

Short Title: Require use EVAAS in schools. .

(Public)

Sponsors: .

Referred to:

A BILL TO BE ENTITLED

**AN ACT TO REQUIRE SCHOOL IMPROVEMENT TEAMS TO USE EVAAS OR A
COMPATIBLE SYSTEM TO COLLECT DIAGNOSTIC INFORMATION ON
STUDENTS AND TO USE THAT INFORMATION TO IMPROVE STUDENT
ACHIEVEMENT AS RECOMMENDED BY THE JOINT LEGISLATIVE
EDUCATION OVERSIGHT COMMITTEE.**

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-105.27 reads as rewritten:

"§ 115C-105.27. Development and approval of school improvement plans.

(a) In order to improve student performance, each school shall develop a school improvement plan that takes into consideration the annual performance goal for that school that is set by the State Board under G.S. 115C-105.35 and the goals set out in the mission statement for the public schools adopted by the State Board of Education. The principal of each school, representatives of the assistant principals, instructional personnel, instructional support personnel, and teacher assistants assigned to the school building, and parents of children enrolled in the school shall constitute a school improvement team to develop a school improvement plan to improve student performance. Representatives of the assistant principals, instructional personnel, instructional support personnel, and teacher assistants shall be elected by their respective groups by secret ballot. Unless the local board of education has adopted an election policy, parents shall be elected by parents of children enrolled in the school in an election conducted by the parent and teacher organization of the school or, if none exists, by the largest organization of parents formed for this purpose. Parents serving on school improvement teams shall reflect the racial and socioeconomic composition of the students enrolled in that school and shall not be members of the building-level staff. Parental involvement is a critical component of school success and positive student achievement; therefore, it is the intent of the General Assembly that parents, along with

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1 teachers, have a substantial role in developing school improvement plans. To this end,
2 school improvement team meetings shall be held at a convenient time to assure
3 substantial parent participation.

4 All school improvement plans shall be, to the greatest extent possible, data-driven.
5 School improvement teams shall use the Education Value Added Assessment System
6 (EVAAS) or a compatible system, to analyze student data to identify root causes for
7 problems and to determine actions to address them. School improvement plans shall
8 contain clear, unambiguous targets, explicit indicators and actual measures, and
9 expeditious time frames for meeting the measurement standards."

10 **SECTION 2.** This act is effective when it becomes law.
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12
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LEGISLATIVE PROPOSAL II

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009**

U

D

BILL DRAFT 2009-RQz-6 [v.4] (03/29)

**(THIS IS A DRAFT AND IS NOT READY FOR INTRODUCTION)
4/16/2010 4:50:37 PM**

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

(Public)

Sponsors: Unknown.

Referred to:

A BILL TO BE ENTITLED

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

The General Assembly of North Carolina enacts:

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

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

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

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

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

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

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

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

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

- 10 (1) Corporal punishment shall not be administered in a classroom with
11 other students present;
- 12 (1a) As provided in G.S. 115C-107.7(a1), corporal punishment shall not be
13 administered on a student who is a child with a disability as defined in
14 G.S. 115C-106.3(1);
- 15 (2) The student body shall be informed beforehand what general types of
16 misconduct could result in corporal punishment;
- 17 (3) Only a teacher, substitute teacher, principal, or assistant principal may
18 administer corporal punishment and may do so only in the presence of
19 a principal, assistant principal, teacher, substitute teacher, teacher
20 assistant, or student teacher, who shall be informed beforehand and in
21 the student's presence of the reason for the punishment; and
- 22 (4) An appropriate school official shall provide the student's parent or
23 guardian with notification that corporal punishment has been
24 administered, and upon request, the official who administered the
25 corporal punishment shall provide the student's parent or guardian a
26 written explanation of the reasons and the name of the second school
27 official who was present.

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

- 33 (1) To quell a disturbance threatening injury to others;
- 34 (2) To obtain possession of weapons or other dangerous objects on the
35 person, or within the control, of a student;
- 36 (3) For self-defense;
- 37 (4) For the protection of persons or property; or
- 38 (5) To maintain order on school property, in the classroom, or at a
39 school-related activity on or off school property."

40 **SECTION 3.** This act is effective when it becomes law and applies
41 beginning with the 2010-2011 school year.

LEGISLATIVE PROPOSAL III

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009**

U

D

BILL DRAFT 2009-RQz-8 [v.2] (04/22)

**(THIS IS A DRAFT AND IS NOT READY FOR INTRODUCTION)
4/22/2010 2:23:24 PM**

Short Title: Amend Sunset/Children w/Disab.

(Public)

Sponsors: .

Referred to:

1 A BILL TO BE ENTITLED

2 AN ACT TO DELAY THE SUNSET OF AN ACT PERTAINING TO THE
3 DISCIPLINE AND HOMEBOUND INSTRUCTION OF STUDENTS WITH
4 DISABILITIES AS RECOMMENDED BY THE JOINT LEGISLATIVE
5 EDUCATION OVERSIGHT COMMITTEE.

6 The General Assembly of North Carolina enacts:

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

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

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

LEGISLATIVE PROPOSAL IV

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009**

U

D

BILL DRAFT 2009-RQz-7 [v.3] (04/16)

**(THIS IS A DRAFT AND IS NOT READY FOR INTRODUCTION)
4/22/2010 11:49:53 AM**

Short Title: School Support Division Changes.

(Public)

Sponsors: .

Referred to:

A BILL TO BE ENTITLED

AN ACT TO REQUIRE THE STATE BOARD OF EDUCATION TO ALLOCATE UP
TO TWO MILLION DOLLARS TO SUPPORT POSITIONS IN THE SCHOOL
SUPPORT DIVISION AT THE DEPARTMENT OF PUBLIC INSTRUCTION
AND TO USE THE FUNDS ALSO TO HELP LOCAL SCHOOL
ADMINISTRATIVE UNITS WITH GREEN BUILDING DESIGN OVERSIGHT
AND ARCHITECTURAL SUPPORT FOR FUNCTIONAL AND SANITARY
ENVIRONMENTAL PRACTICES AS RECOMMENDED BY THE JOINT
LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-546.2(a) reads as rewritten:

"(a) Of the monies credited to the Fund by the Secretary of Revenue pursuant to G.S. 115C-546.1(b), the State Board of Education shall allocate up to two million dollars (\$2,000,000) each year to the Department of Public Instruction to support positions in the School Support Division. These funds also shall be used by the Plant Operation Section and School Planning Section of the School Support Division to assist each local school administrative unit with effective energy and environmental management, effective water management, green building design oversight, hazardous material management, clean air quality, and engineering and architectural support for safe, functional, sanitary and effective environmental practices. The remainder of the monies in the Fund shall be allocated to the counties on a per average daily membership basis according to the average daily membership for the budget year as determined and certified by the State Board of Education. Interest earned on funds allocated to each county shall be allocated to that county.

The Department of Public Instruction shall report to the Joint Legislative Education Oversight Committee by April 15 of each year on the effectiveness of the program in accomplishing its purpose and on any other information requested by the Committee."

SECTION 2. This act becomes effective July 1, 2010.

LEGISLATIVE PROPOSAL V

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009**

U

D

BILL DRAFT 2009-SFz-3 [v.3] (04/14)

**(THIS IS A DRAFT AND IS NOT READY FOR INTRODUCTION)
4/22/2010 12:49:51 PM**

Short Title: Task Force on Sports Injuries in Schools.

(Public)

Sponsors: .

Referred to:

A BILL TO BE ENTITLED
AN ACT TO ESTABLISH THE LEGISLATIVE TASK FORCE ON SPORTS
INJURIES AS RECOMMENDED BY THE JOINT LEGISLATIVE EDUCATION
OVERSIGHT COMMITTEE.

The General Assembly of North Carolina enacts:

SECTION 1. There is created the Legislative Task Force on Sports Injuries.

SECTION 2. The Task Force shall consist of 14 members as follows:

(1) Seven members appointed by the Speaker of the House of Representatives as follows:

- a. Three members of the House of Representatives;
- b. One member of the State Board of Education or a designee of the State Board of Education;
- c. One doctor with expertise in the area of sports medicine;
- d. One school administrator; and
- e. One high school coach.

(2) Seven members appointed by the President Pro Tempore of the Senate as follows:

- a. Three members of the Senate;
- b. One representative of the North Carolina High School Athletic Association;
- c. One athletic trainer;
- d. One high school athletic director; and
- e. One middle school coach.

SECTION 3. The Speaker of the House of Representatives shall designate one Representative as cochair, and the President Pro Tempore of the Senate shall designate one Senator as cochair. Vacancies on the Task Force shall be filled by the

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1 same appointing authority that made the initial appointment. A quorum of the Task
2 Force shall be a majority of its members.

3 **SECTION 4.** The Task Force shall study issues relating to sports injuries for
4 all sports at the middle school and high school levels, focusing on the prevention and
5 treatment of injuries.

6 **SECTION 5.** Members of the Task Force shall receive per diem,
7 subsistence, and travel allowances in accordance with G.S. 120-3.1, 138-5, or 138-6, as
8 appropriate. The Task Force, while in the discharge of its official duties, may exercise
9 all powers provided for under G.S. 120-19 and G.S. 120-19.1 through G.S. 120-19.4.
10 The Task Force may meet at anytime upon the joint call of the cochairs. The Task Force
11 may meet in the Legislative Building or the Legislative Office Building.

12 With approval of the Legislative Services Commission, the Legislative
13 Services Officer shall assign professional staff to assist the Task Force in its work. The
14 House of Representatives' and the Senate's Directors of Legislative Assistants shall
15 assign clerical staff to the Task Force, and the expenses relating to the clerical
16 employees shall be borne by the Task Force. The Task Force may contract for
17 professional, clerical, or consultant services as provided by G.S. 120-32.02. If the Task
18 Force hires a consultant, the consultant shall not be a State employee or a person
19 currently under contract with the State to provide services.

20 All State departments and agencies and local governments and their
21 subdivisions shall furnish the Task Force with any information in their possession or
22 available to them.

23 **SECTION 6.** The Task Force shall submit a final report of the results of its
24 study and its recommendations to the 2011 General Assembly upon its convening. The
25 Task Force shall terminate upon filing its final report or upon the convening of the 2011
26 General Assembly, whichever occurs first.

27 **SECTION 7.** This act becomes effective July 1, 2010.

LEGISLATIVE PROPOSAL VI

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009**

U

D

BILL DRAFT 2009-SFz-4 [v.1] (04/05)

**(THIS IS A DRAFT AND IS NOT READY FOR INTRODUCTION)
4/23/2010 8:27:08 AM**

Short Title: Substitute Teacher Unemployment.

(Public)

Sponsors: .

Referred to:

A BILL TO BE ENTITLED

AN ACT TO RESTORE A BALANCE TO THE LAW ON UNEMPLOYMENT
COMPENSATION FOR SUBSTITUTE TEACHERS AS RECOMMENDED BY
THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE.

The General Assembly of North Carolina enacts:

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

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

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

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

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