

1997

**HOUSE
EDUCATION**

MINUTES

House Standing Committee

ON EDUCATION
1996-1997 Session

Representatives Fern H. Shubert and Carolyn B. Russell Chairmen

Staff Council:

Robin Johnson
Kory Goldsmith
Jim Watts
Sara Kamprath

Committee Clerk:

Dawn Amber Ellis

HOUSE



Carolyn B. Russell 

Residence: 304 Glen Oak Dr., Goldsboro, NC 27534. (919) 736-2665. District 77

Carolyn and Douglas

Legislative Bldg. Room No. 2207
Legislative Bldg. Office Phone No. 50875
Raleigh Residence Phone No. _____
Other Nos. _____

★
CHAIRMAN

HOUSE

Fern H. Shubert 

Residence: Box 7504, 505 S. Elm St., Marshville, NC 28103. (704) 624-3519. Business Address: 106 E. Main St., Marshville, NC 28103. (704) 624-2720. District 34

Fern and Jerry

Legislative Bldg. Room No. 219
Legislative Bldg. Office Phone No. 3577
Raleigh Residence Phone No. _____
Other Nos. _____



★
CHAIRMAN

★
James W. Crawford, Jr. 

Residence: 509 College St., Oxford, NC 27565. (919) 693-6119. Business Address: P.O. Box 5144, Henderson, NC 27536. (919) 492-0185. District 22

Jim and Harriet



Legislative Bldg. Room No. 1301
Legislative Bldg. Office Phone No. 35824
Raleigh Residence Phone No. _____
Other Nos. _____

★
Ranking Minority Member

Committee Members

HOUSE

J. Russell Capps 

Residence: 7204 Halstead Ln., Raleigh, NC 27613. (919) 846-9199. District 92

Russell and Gayle

Legislative Bldg. Room No. 419B
Legislative Bldg. Office Phone No. 53005
Raleigh Residence Phone No. _____
Other Nos. _____



HOUSE

John M. Rayfield 

Residence: 119 Oak Trail, Belmont, NC 28012. (704) 827-2679. District 93

John and Jacqueline

Legislative Bldg. Room No. 418C
Legislative Bldg. Office Phone No. 53009
Raleigh Residence Phone No. _____
Other Nos. _____



HOUSE

Gene Arnold

Residence: 1225 Cheshire Ln., Rocky Mount, NC 27803. (919) 443-1073. District 72

Gene and Lynne

Legislative Bldg. Room No. 535 LOB
 Legislative Bldg. Office Phone No. _____
 Raleigh Residence Phone No. _____
 Other Nos. _____



HOUSE

Jim Gulley

Residence: 2009 Kimway Dr., Matthews, NC 28105. (704) 847-9341. Business Address: 648-B Matthews-Mint Hill Rd., Matthews, NC 28105. (704) 845-2084. District 69

Jim and Suzanne

Legislative Bldg. Room No. 1307
 Legislative Bldg. Office Phone No. 35860
 Raleigh Residence Phone No. _____
 Other Nos. _____

**Lanier M. Cansler**

Residence: 14 Laurel Summit, Asheville, NC 28803. (704) 298-8514. Business Address: P.O. Box 5382, Asheville, NC 28813. (704) 285-0056. Fax: (704) 285-0054. District 51

Lanier and Barbara

Legislative Bldg. Room No. 419A LOB
 Legislative Bldg. Office Phone No. 53007
 Raleigh Residence Phone No. _____
 Other Nos. _____

**Bobby Ray Hall**

Residence: P.O. Box 40, Sanford, NC 27331-0040. (919) 776-6590. Business Address: P.O. Box 40, 1500 S. Horner Blvd., Sanford, NC 27331-0040. (919) 775-3452. District 19

Bobby and Janet

Legislative Bldg. Room No. 1211
 Legislative Bldg. Office Phone No. 35654
 Raleigh Residence Phone No. _____
 Other Nos. _____



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Donald Spencer Davis

Residence: P.O. Box 363, Erwin, NC 28339. (910) 755-542. Business Address: P.O. Box 1113, Dunn, NC 28335. (910) 892-1841. District 19

Don and Kellon

Legislative Bldg. Room No. 419C LOB
 Legislative Bldg. Office Phone No. 53003
 Raleigh Residence Phone No. _____
 Other Nos. _____

**William S. Hiatt**

Residence: 2923 Westfield Rd., Mount Airy, NC 27030. (910) 789-2095. Business Address: 2923 Westfield Rd., Mount Airy, NC 27030. (910) 789-1572. District 40

Bill and Rita

Legislative Bldg. Room No. 1008
 Legislative Bldg. Office Phone No. 35862
 Raleigh Residence Phone No. _____
 Other Nos. _____



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HOUSE

Michael P. Decker, Sr.

Residence: P.O. Box 141, 5105 Yorkwood Dr., Walkertown, NC 27051. (910) 595-3008. District 84

Mike and Marlene

Legislative Bldg. Room No. 2121
 Legislative Bldg. Office Phone No. 57203
 Raleigh Residence Phone No. _____
 Other Nos. _____

**Mia Morris**

Residence: 184 Aloha Dr., Fayetteville, NC 28311. (910) 630-0085. District 18

Mia and Bill

Legislative Bldg. Room No. 1315
 Legislative Bldg. Office Phone No. 35714
 Raleigh Residence Phone No. _____
 Other Nos. _____





Jean R. Preston

Residence: 211 Pompano Dr., Emerald Isle, NC 28594. (919) 354-6993. District 4

Jean

Legislative Bldg. Room No. 403
Legislative Bldg. Office Phone No. 53026
Raleigh Residence Phone No. _____
Other Nos. _____



HOUSE

Charles M. Beall

Residence: 501 Oak Ridge Dr., Clyde, NC 28721. (704) 627-2423. District 52

Charles and Jewell

Legislative Bldg. Room No. 510
Legislative Bldg. Office Phone No. 3-5868
Raleigh Residence Phone No. _____
Other Nos. _____



Wilma M. Sherrill

Residence: 220 Robinhood Rd., Asheville, NC 28804. (704) 254-5770. Business Address: P.O. Box 18561, Asheville, NC 28804. (704) 254-0991. District 51

Wilma and Jerry

Legislative Bldg. Room No. 2215
Legislative Bldg. Office Phone No. 35601
Raleigh Residence Phone No. _____
Other Nos. _____

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James B. Black

Residence: 417 Lynderhill Ln., Matthews, NC 28105. (704) 847-9938. Business Address: 114 S. Tryon St., Charlotte, NC 28202. (704) 377-5936. District 36

Jim and Betty

Legislative Bldg. Room No. 1229
Legislative Bldg. Office Phone No. 5-4946
Raleigh Residence Phone No. _____
Other Nos. _____



Constance K. Wilson

Residence: 726 Lansdowne Rd., Charlotte, NC 28270. (704) 364-2311. District 57

Connie and Tom

Legislative Bldg. Room No. 529
Legislative Bldg. Office Phone No. 37663
Raleigh Residence Phone No. _____
Other Nos. _____



HOUSE

Nelson Cole

Residence: 2012 Carpenter Dr., Reidsville, NC 27320. (910) 349-6734. Business Address: P.O. Box 2309, Reidsville, NC 27323-2309. (910) 342-4223. District 25

Nelson and Libby

Legislative Bldg. Room No. 1218
Legislative Bldg. Office Phone No. 3-5779
Raleigh Residence Phone No. _____
Other Nos. _____



Ted Kinney

Residence: 106 Chloe Dr., Fayetteville, NC 28301. (910) 488-5681. Business Address: 320 Green St., United National Bank Bldg., Suite C, Fayetteville, NC 28301. (910) 485-8410. District 17

Ted and Thelma

Legislative Bldg. Room No. 507 A
Legislative Bldg. Office Phone No. 3-5867
Raleigh Residence Phone No. _____
Other Nos. _____

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Bob Hensley

Residence: 4920 Birchleaf Dr., Raleigh, NC 27606. (919) 832-0231. Business Address: 124 St. Mary's St., Raleigh, NC 27605. (919) 832-9650. District 64

Bob and Patricia

Legislative Bldg. Room No. 509
Legislative Bldg. Office Phone No. 3-5936
Raleigh Residence Phone No. _____
Other Nos. _____





Stan Fox

Residence: 123 Pine Cone Dr., Oxford, NC 27565.
(919) 693-6516. Business Address: 107 Bank St.,
Oxford, NC 27565. (919) 693-6449. District 78

Stan and JoAnn

Legislative Bldg. Room No. 1217
Legislative Bldg. Office Phone No. 3-5757
Raleigh Residence Phone No. _____
Other Nos. _____

William (Bill) Ives

Residence: Keystone Camp, P.O. Box 829,
Brevard, NC 28712. (704) 884-4458. Fax: (704)
884-6483. Business Address: Keystone Camp,
P.O. Box 829, Brevard, NC 28712. (704) 884-9125.
District 68

Bill and Sue

Legislative Bldg. Room No. 633
Legislative Bldg. Office Phone No. 3-5784
Raleigh Residence Phone No. _____
Other Nos. _____



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Bill Owens

Residence: 113 Hunters Trail East, Elizabeth City,
NC 27909. (919) 335-0167. Business Address:
P.O. Box 537, Elizabeth City, NC 27907. (919) 335-
1850. District 1

Bill and Cynthia

Legislative Bldg. Room No. 608
Legislative Bldg. Office Phone No. 3-0010
Raleigh Residence Phone No. _____
Other Nos. _____



W. Edwin McMahan

Residence: 3007 Clarendon Rd., Charlotte, NC
28211. (704) 366-7196. Business Address: 5815
Westpark Dr., Charlotte, NC 28217. (704) 561-
3402. District 55

Ed and Evangeline

Legislative Bldg. Room No. 2213
Legislative Bldg. Office Phone No. 3-5732
Raleigh Residence Phone No. _____
Other Nos. _____

Norris Tolson

Residence: Rt. 1, Box 222, Pinetops, NC 27864.
(919) 827-4639. Business Address: Rt. 1, Box 222,
Pinetops, NC 27864. (919) 827-2266. District 71

Norris and Betsy

Legislative Bldg. Room No. 1325
Legislative Bldg. Office Phone No. 3-5772
Raleigh Residence Phone No. _____
Other Nos. _____



John M. Nichols

Residence: 4501 Carteret Dr., New Bern, NC
28562. (919) 633-5154. Business Address: P.O.
Box 15268, New Bern, NC 28561. (919) 638-6811.
District 3

John and Judy

Legislative Bldg. Room No. 616
Legislative Bldg. Office Phone No. _____
Raleigh Residence Phone No. _____
Other Nos. _____



W. W. (Dub) Dickson

Residence: 718 Avondale Rd., Gastonia NC
28054. (704) 864-1231. District 76

Dub and Ruth Day

Legislative Bldg. Room No. 530
Legislative Bldg. Office Phone No. 3-5859
Raleigh Residence Phone No. _____
Other Nos. _____



HOUSE

Warren Pete Oldham

Residence: 3211 Cumberland Rd., Winston-
Salem, NC 27105. (910) 767-6936. District 67

Pete and Gladys

Legislative Bldg. Room No. 538
Legislative Bldg. Office Phone No. 3-5877
Raleigh Residence Phone No. _____
Other Nos. _____



Verla C. Insko

Residence: 610 Surry Rd., Chapel Hill, NC 27514.
(919) 929-6115. District 24

Verla and Chet

Legislative Bldg. Room No. 1319
Legislative Bldg. Office Phone No. 3-5800
Raleigh Residence Phone No. _____
Other Nos. _____



Edd Nye

Residence: 403 Woodland Dr., Elizabethtown, NC
28337. (910) 862-2420. Business Address: 209
Ben St., Elizabethtown, NC 28337.
(910) 862-3679. District 96

Edd and Peggy

Legislative Bldg. Room No. 639
Legislative Bldg. Office Phone No. 3-5477
Raleigh Residence Phone No. _____
Other Nos. _____



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HOUSE

Alex Warner

Residence: 3445 Legion Rd., Hope Mills, NC
28348. (910) 424-0030. Business Address: 212 S.
Main St., Hope Mills, NC 28348. (910) 424-5350.
District 75

Alex and Jackie

Legislative Bldg. Room No. 1480
Legislative Bldg. Office Phone No. 3-5806
Raleigh Residence Phone No. _____
Other Nos. _____



Jerry C. Dockham

Residence: P.O. Box 265, Denton, NC 27239.
(910) 859-3804. Business Address: P.O. Box 265,
Denton, NC 27239. (910) 859-2281. District 94

Jerry and Louise

Legislative Bldg. Room No. 1106
Legislative Bldg. Office Phone No. 3-5822
Raleigh Residence Phone No. _____
Other Nos. _____



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HOUSE

Richard L. Moore

Residence: 101 S. Rose Ave., Kannapolis, NC
28083. (704) 938-2082. Business Address: A.L.
Brown High School, E. First St., Kannapolis, NC
28083. (704) 932-6125. District 90

Richard

Legislative Bldg. Room No. 1019
Legislative Bldg. Office Phone No. 3-5661
Raleigh Residence Phone No. _____
Other Nos. _____



Robert Grady

Residence: 107 Jean Circle, Jacksonville, NC
28540. (910) 455-9359. Business Address: P.O.
Box 5091, Jacksonville, NC 28540.
(910) 353-3579. District 80

Robert and Neta

Legislative Bldg. Room No. 402
Legislative Bldg. Office Phone No. 5-3024
Raleigh Residence Phone No. _____
Other Nos. _____



Jane H. Mosley

Residence: 513 Carolyn Ct., Cary, NC 27511.
(919) 467-8639. Business Address: P.O. Box 2021,
Cary, NC 27512-2021. (919) 467-9666 or (919)
831-3006. District 63

Jane and Jerry

Legislative Bldg. Room No. 2221
Legislative Bldg. Office Phone No. 3-5781
Raleigh Residence Phone No. _____
Other Nos. _____



P. Wayne Sexton, Sr.

Residence: 123 Irving Rd., Stoneville, NC 27048.
(910) 627-1418. District 73

Wayne and Janice

Legislative Bldg. Room No. 506
Legislative Bldg. Office Phone No. 3-5974
Raleigh Residence Phone No. _____
Other Nos. _____



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Ronald L. Smith

Residence: P.O. Box 3091, 104 Sound Dr., Atlantic Beach, NC 28512. (919) 726-7933. District 4

Ronnie and Betty

Legislative Bldg. Room No. 1221

Legislative Bldg. Office Phone No. 3-5827

Raleigh Residence Phone No. _____

Other Nos. _____

**Flossie Boyd-McIntyre**

Residence: 217 Cloverbrook Dr., Jamestown, NC 27282. (910) 841-6220. Business Address: P.O. Box 786, Jamestown, NC 27282. (910) 869-0155. District 28

Flossie and Charles

Legislative Bldg. Room No. 507

Legislative Bldg. Office Phone No. 3-3905

Raleigh Residence Phone No. _____

Other Nos. _____

**HOUSE****Michael S. Wilkins**

Residence: P.O. Box 843, Roxboro, NC 27573. (910) 234-7374. District 22

Mike and Jackie

Legislative Bldg. Room No. 1220

Legislative Bldg. Office Phone No. 3-5746

Raleigh Residence Phone No. _____

Other Nos. _____

**Rick L. Eddins**

Residence: 1504 Stratlen Ct., Raleigh, NC 27615. (919) 847-1372. Business Address: 1504 Stratlen Ct., Raleigh, NC 27615. (919) 554-1994. District 65

Rick and Sherry

Legislative Bldg. Room No. 1219

Legislative Bldg. Office Phone No. 3-5776

Raleigh Residence Phone No. _____

Other Nos. _____

**EX OFFICIO****Stephen Wood**

Residence: 1221 E. North Main St., High Point, NC 27262. (910) 883-9663. Business Address: P.O. Box 5172, High Point, NC 27262. (910) 883-9663. District 27

Steve and Starr

Legislative Bldg. Room No. 2208

Legislative Bldg. Office Phone No. 3-5807

Raleigh Residence Phone No. _____

Other Nos. _____

**Speaker Pro Tempore****N. Leo Daughtry**

Residence: 5 Lakeview Pl., Smithfield, NC 27577. (919) 934-7265. Business Address: P.O. Drawer 1960, Smithfield, NC 27577. (919) 934-5013. District 95

Leo and Helen

Legislative Bldg. Room No. 2301

Legislative Bldg. Office Phone No. 3-0850

Raleigh Residence Phone No. _____

Other Nos. _____

**Julia Craven Howard**

Residence: 203 Magnolia Ave., Mocksville, NC 27028. (704) 634-3754. Business Address: 330 S. Salisbury St., Mocksville, NC 27028. (704) 634-3538. District 74

Julia

Legislative Bldg. Room No. 1021

Legislative Bldg. Office Phone No. 3-5904

Raleigh Residence Phone No. _____

Other Nos. _____

**Majority Leader****Majority Whip**

EDUCATION

(Name of Committee)

ATTENDANCE

DATES	2/18	2/20	2/25	2/27	3/4	3/6	3/11	3/18	3/20	3/25	3/27	4/1	4/3	4/8	4/10
Arnold, G.	✓	✓	✓	✓	✓	✓	✓		✓	✓		✓	✓	✓	✓
Beall, C.	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Black, J.	✓				✓	✓	✓	✓	✓		✓	✓	✓	✓	✓
Boyd, McIntyre, F.		✓	✓	✓	✓	✓	✓	✓	✓		✓	✓		✓	✓
Cansler, L.	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓	✓	✓	✓	✓
Capps, J.	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓	✓	✓	
Cole, N.	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓
Crawford, RMM	✓	✓	✓		✓	✓		✓			✓	✓			
Davis, D.	✓	✓	✓	✓	✓	✓	✓	✓		✓	✓	✓	✓	✓	✓
Decker, M.	✓	✓		✓	✓	✓	✓		✓	✓	✓	✓	✓	✓	✓
Dickson, W.	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Dockham, J.	✓	✓		✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Eddins, R.	✓	✓	✓	✓	✓	✓	✓		✓	✓	✓	✓	✓	✓	✓
Fox, S.	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Grady, R	✓	✓	✓				✓	✓	✓	✓	✓	✓	✓	✓	✓
Gulley, J.	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Hall, B.	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Hensley, B.	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	
Hiatt, W.	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Insko, V.	✓			✓				✓	✓	✓	✓	✓	✓	✓	✓
Ives, W.	✓	✓		✓		✓		✓	✓		✓		✓	✓	✓
Kinney,		✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
McMahan, W.	✓	✓		✓	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓
Moore, R.	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Morris, M.	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Mosley, J.	✓	✓	✓	✓	✓	✓	✓			✓	✓	✓	✓	✓	✓

2/18 2/20 2/25 2/27 3/1 3/6 3/11 3/18 3/20 3/25 3/27 4/1 4/3 4/8 4/10

Nichols, J.		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Nye, E.	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Oldham, W.	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Owens, W.	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Preston, J.	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Rayfield, J.	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Russell, Carolyn B.- co-chair	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Sexton, P. Wayne	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Sherrill, W.		✓	✓		✓	✓		✓	✓	✓	✓	✓	✓	✓	✓
Shubert, Fern co-chair	✓	✓	✓	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Smith, R.	✓	✓	✓	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Tolson, E. Norris	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Warner, A.		✓	✓	✓	✓	✓	✓	✓	✓		✓	✓	✓	✓	✓
Wilkins, M.	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Wilson, C.		✓					✓	✓	✓		✓	✓	✓	✓	✓
EX OFFICIO															
WOODS, S.		✓					✓		✓	✓	✓		✓		✓
DAUGHTRY															
HOWARD, J.								✓							

2nd meeting

4/15 4/15 4/17 4/22 4/23 4/24 4/29 5/13 5/20 5/22 5/23 6/10 6/12 7/9 7/10

Nichols, J.	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Nye, E.	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Oldham, W.	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Owens, W.	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Preston, J.	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Rayfield, J.	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Russell, Carolyn B. - co-chair	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Sexton, P. Wayne	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Sherrill, W.	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Shubert, Fern co-chair	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Smith, R.	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Tolson, E. Norris	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Warner, A.	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Wilkins, M.	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Wilson, C.	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓

Wood
Howard
Daughtry

X
X X
X X

ROLL CALL VOTE

____ = ____ (TOTAL)
 YES NO

HB# ____
 SB# ____

HOUSE STANDING COMMITTEE ON _____

House Subcommittee on _____

YES	NO	MEMBER (last name)	YES	NO	MEMBER (last name)
____	____	ARNOLD, G.	____	____	KINNEY
____	____	BEALL, C.	____	____	MCMAHAN, W.
____	____	BLACK, J.	____	____	MOORE, R.
____	____	BOYD- MCINTYRE, F.	____	____	MORRIS, M.
____	____	CANSLER, L.	____	____	MOSLEY, J.
____	____	CAPPS, J.	____	____	NICHOLS, J.
____	____	COLE, N.	____	____	NYE, E.
____	____	CRAWFORD, RMM	____	____	OLDHAM, W.
____	____	DAVIS, D.	____	____	OWENS, W.
____	____	DECKER, M.	____	____	PRESTON, J.
____	____	DICKSON, W.	____	____	RAYFIELD, J.
____	____	DOCKHAM, J.	____	____	SEXTON, W.
____	____	EDDINS, R.	____	____	SHERRILL, W.
____	____	FOX, S.	____	____	SMITH, R.
____	____	GRADY, R.	____	____	TOLSON, E.
____	____	GULLEY, J.	____	____	WARNER, A.
____	____	HALL, B.	____	____	WILKINS, M.
____	____	HENSLEY, B.	____	____	WILSON, C.
____	____	HIATT, W.	____	____	SHUBERT, F.
____	____	INSKO, V.	____	____	RUSSELL, C.
____	____	IVES, W.	____	____	
____	____		Ex officio Members		
____	____		____	____	Speaker Pro Tem WOOD
____	____		____	____	Majority Leader DAUGHTRY
____	____		____	____	Majority Whip HOWARD

#NOT HEARD

BILL ORD FORM

Committee

EDUCATION

Date Received	House Bill	Senate Bill	Short Title	Action Taken	Date
	113		Add Trustees/College of the Albemarle	With a Favorable Report	2/18/97
	88/57a		St. Bd. of Ed./Subpoena Power	With a Favorable Report to be re-referred to Judiciary	2/27/97
	271		School Districts Sales Tax Refunds	With a Favorable Report to be re-referred to Finance	2/27/97
	272		Public College Sales Tax Refunds	With a Favorable Report to be re-referred to Finance	2/27/97
	87		At-Risk Students Task Force	With a Favorable Report as amended, which changes title	3/4/97
		71	Sch. Bd. Leases of Sch. Bldgs.	With a Favorable Report	3/4/97
	78		Sch. Admin. Stds. Exemption	With a Favorable Report	3/4/97
	64		Lease Bldgs For Schools		
	76		Local teaching Permits		
	86		Sales Tax Refund For Schools		
	89		Notify School/Juv. Probation	Committee Substituted received a favorable report, HB 99 received a unfavorable report	3/10/97
	90		Obsolete School Laws	Companion bill to Senate Bill 70	
	157		Comm. College Scholarship Program	With a Favorable Report as to Comm. Sub. as to original bill, re-referred to Comm. on Appropriations	4/21/97
	256		School Budget Accountability	With a Favorable Report as to Comm. Sub. as to original bill, which changes the title, unfavorable as to original bill and to be referred to the Committee on Appropriations	3/11/97
	357/sa7a		Excellent Schools Act	Favorable report as to Comm. Sub. Substituted unfavorable as to original bill and Committee Substituted bill re-referred to Appropriations	4/15/97
	379		Amend Charter Schools Laws	With a Favorable report as to Comm. Sub. original bill, re-referred to Comm. on Judiciary	4/2
		70	Obsolete School Laws	Committee Substituted received a favorable report, Senate Bill 70 received an unfavorable report	3/10/97
	458		Charter School Amendments	With a Favorable Report as to Comm. Sub. unfavorable as to original bill, re-referred to Comm. on Appropriations	4/23/97
	483		School Board "Quick Take"	With a Favorable Report as to Comm. Sub. unfavorable as to original bill, and Comm. Sub. re-referred to Comm. on Appropriations	4/23
	511		Evolution Not Taught AS Fact	With a Favorable report as to Comm. Sub. bill, which changes the title, unfavorable as to original bill	4/23
	512		School Safety Act	Unfavorable to original Bill, Favorable to Committee Substituted	3/20/97
		319	New Community College Authorized		
	746		Higher Ed. Admission Requirements	With a Favorable report	4/8/97
	628		Military Job Interviews	Unfavorable to original Bill, Favorable to Committee Substituted	4/9/97
		265	UNC Flexibility Procedures	Referred to Committee on Universities	5/6/97
	707		Community-Based School Assignments	With a Favorable report as to Comm. Sub. bill, which changes the title, unfavorable as to original bill	4/29/97
	769		Dropout Prevention/Drivers License	Favorable report as to Comm. Sub., unfavorable as to original bill, to be referred to Comm. on Finance	4/20/97

BILL ORD FORM

Committee EDUCATION

Date Received	House Bill	Senate Bill	Short Title	Action Taken	Date
	905		Excellent Community Colleges Act	With a favorable report and referred to Comm. on Approp.	4/22/97
		72	St. Bd. of Ed./Subpoena Power		
	942		Deduct Elem./Secondary Edition	5/13/97 Sent to subcommittee	
	952		Deduct Postsecondary Tuition	5/13/97 Chair of Sub. EDD no started do not hear from him	Also
	969		School Inter-Unit Enrollment		
	977		Parents on School Improvement Teams	With a Favorable report	4/24/97
	978		Employee Pay/Excused Snow Days		
	979		Substitute Teacher Pay Raise	With a favorable report as to Comm. Sub. unfavorable as to original bill, referred to Comm. on Appropriations	5/13/97
	1001		Payroll dues Check-Off Limit		
	1019		Rigorous Academic Control Standard	With a favorable report, to be referred to Comm. on approp.	4/24/97
	1025		UNC Military Tuition		
	1072		Prevent School Violence	With a favorable report as to Comm. Sub. Bill which changes the title, unfavorable as to original bill	4/29/97
	1089		UNC Military Tuition	With a favorable report as to Comm. Sub., unfavorable as to original bill	4/23/97
	1098		Special Education Mediation	With a favorable report as to Comm. Sub., unfavorable as to original bill	4/24/97
	1099		Kindergarten Entry / Gifted Student	With a favorable report as to Comm. Sub., unfavorable as to original bill	4/24/97
	1136		Revise Comm. College Election	With a favorable report as to Comm. Sub., unfavorable as to original bill	4/23/97
	1142		Tuition Waivers / Emergency Workers	With a favorable report as to Comm. Sub., unfavorable as to original bill, referred to the Committee on Judiciary II	4/29/97
		366	Revise School / County Mediation		
		457	Students Learn CPR	Favorable report	6/10/97
	989		Sch. Administrator's Exam Fee Upped	With a favorable report as to Comm. Sub., referred to Comm. on Finance	4/22/97
	1026		Extra Days of Employment For Teachers	With a favorable report as to Comm. Sub., unfavorable as to original bill	4/22/97
	945		Nursing Scholars Program	With a favorable report	4/22/97
	1046		N.C. Partnership Audit Process	With a favorable report	4/22/97
	1154		SAFE School Plans / Accountability	With a favorable report as to Comm. Sub. unfavorable as to original bill, referred to Comm. on Appropriations	5/13/97
	1180		ESU/Pembroke Teacher Ed. Consorti	Referred to Subcommittee on Universities	5/6/97
	1183		Civic Education Program Funds	Referred to Subcommittee on Preschool, Elementary and Secondary Edu. to House Com. Sub., unfavorable	5/6/97
		19	No Social Promotions Permitted	to Senate Com. Sub. a recomm. be re-refer. to Appropriations	7/10/97

BILL RECORD FORM

Committee EDUCATION

Date Received	House Bill	Senate Bill	Short Title	Action Taken	Date
		587	School Personnel/Class Experience		
		1011	INITIAL ENTRY INTO Kindergarten	Fav. report As to House Com. Sub. bill, unfav. to Senate Com. Sub. bill	5/22/97
		1054	Allow Jurma Divestiture	re-referred to Commerce	5/7/97
	1199		Monetary Incentive/ACAD. Excellence		
	1221		English AS A 2ND LANGUAGE STUDY		
		5	EDUCATION GOVERNANCE CHANGES	Favorable report:	6/12/97
		297	AMEND CHARTER SCHOOL LAWS	Fav. to House Com. Sub. unfav. to org. + ref. to be re-ref. to Comm. Ref. to	6/10/97
		442	AMERICAN HISTORY ACT	Fav. report House Com. Sub., unfav. to Senate Com. Sub. bill	6/10/97
		616	LIMIT APPEALS TO SCHOOL BOARDS		
		765	ADEQUATE FUNDING / ATT. SCHOOLS	Fav. to House Com. Sub. change the unfav. to org. bill	5/22/97
		958	STUDENTS ELIGIBLE TO ATTEND SCHOOL	Favorable House Committee Sub. unfav. to Senate Comm. sub	5/22/97
		1066	Identify/Remediate At-Risk Students	Favorable report	6/10/97
	1198		SAVINGS RESERVE / School Technology Fund	referred to subcommittee on preschool, elementary and secondary	5/6/97
	1225		SCHOOL TRANSPORTATION FUNDS	referred to subcommittee on preschool, elementary and secondary	5/6/97
		SB366	TO REVISE THE MEDIATION PROCEDURE FOR RESOLVING School Budget Disputes Between Local Boards of Ed	Favorable to House committee Sub. unfav. to original	5/20/97
	1199		TO PROVIDE monetary incentives For Academic Excellence	Favorable to House Committee Sub. unfav. to original Ref. to Appro.	5/20/97
		SB616	Limit Appeals to Local Boards of Ed	Favorable to House Committee Sub. unfav. to Senate Committee Sub.	5/22/97
		SB616	" " " " " " " " " "	re-refer. back to ED Com.	6/11/97

MINUTES
HOUSE STANDING COMMITTEE ON EDUCATION
February 18, 1997

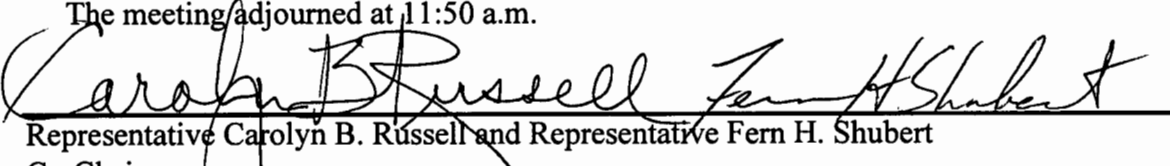
The House Committee on EDUCATION met in Room 544 of the Legislative Office Building on February 18, 1997 at 11:00 a.m. Representative Carolyn B. Russell Co Chairman presided at the meeting and the following members were present: Representatives Arnold, Beall, Black, Cansler, Capps, Cole, Crawford, Davis, Decker, Dickson, Dockham, Eddins, Fox, Grady, Gulley, Hall, Hensley, Hiatt, Insko, Ives, McMahan, Moore, Morris, Mosley, Nye, Oldham, Owens, Preston, Rayfield, Sexton, Shubert, Smith, Tolson, Wilkins. Legislative Staff Jim Watts, Robin Johnson, Kory Goldsmith, Sara Kamprath were present to assist the Committee. Visitor registration sheet is attached and made part of the minutes.

Representative Russell called for the first item on the agenda, an overview of the ABCs plan. First to speak was Dr. Jay Robinson, Chair State Board of Education and next was Dr. Richard Thompson, Deputy Superintendent, DPI. Dr. Thompson explained the ABCs handouts that each member received. They were: The New ABC's of Public Education, A Guide to ABCs, and The ABCs of Public Education. There were questions asked by Representatives Arnold, Rayfield, Cansler, Shubert, and others.

Representative Russell gave a brief overview of the next two meetings. She explained the next discussion would be on Charter Schools.

Representative Owens, bill sponsor, was recognized to explain House Bill 113-AN ACT TO AUTHORIZE THE EXPANSION OF THE BOARD OF TRUSTEES OF THE COLLEGE OF THE ALBEMARLE. He explained the bill had been brought up in the previous session and was non controversial. No questions were asked and Representative Dixon moved that the bill be reported favorably. The bill passed.

The meeting adjourned at 11:50 a.m.


Representative Carolyn B. Russell and Representative Fern H. Shubert
Co-Chairs


Dawn Ellis
Committee Clerk

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 113

Short Title: Add Trustees/College of the Albemarle.

(Local)

Sponsors: Representative Owens.

Referred to: Education.

February 12, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO AUTHORIZE THE EXPANSION OF THE BOARD OF TRUSTEES
3 OF THE COLLEGE OF THE ALBEMARLE.

4 The General Assembly of North Carolina enacts:

5 Section 1. G.S. 115D-12(a) reads as rewritten:

6 "(a) Each community college established or operated pursuant to this Chapter
7 shall be governed by a board of trustees consisting of 13 members, or of additional
8 members if selected according to the special procedure prescribed by the third
9 paragraph of this subsection, who shall be selected by the following agencies.

10 Group One -- four trustees, elected by the board of education of the public school
11 administrative unit located in the administrative area of the institution. If there are
12 two or more public school administrative units, whether city or county units, or both,
13 located within the administrative area, the trustees shall be elected jointly by all of
14 the boards of education of those units, each board having one vote in the election of
15 each trustee, except as provided in G.S. 115D-59. No board of education shall elect a
16 member of the board of education or any person employed by the board of education
17 to serve as a trustee, however, any such person currently serving on a board of
18 trustees shall be permitted to fulfill the unexpired portion of the trustee's current
19 term.

20 Group Two -- four trustees, elected by the board of commissioners of the county in
21 which the institution is located. Provided, however, if the administrative area of the
22 institution is composed of two or more counties, the trustees shall be elected jointly
23 by the boards of commissioners of all those counties, each board having one vote in
24 the election of each trustee. Provided, also, the county commissioners of the county in

1 which the community college has established a satellite campus may elect an
2 additional two members if the board of trustees of the community college agrees.
3 Provided also, if a community college serves six or more counties outside of its
4 administrative area, the board of trustees of that community college may authorize
5 the county commissioners of one or more of each of those counties to elect an
6 additional board member. No more than one trustee from Group Two may be a
7 member of a board of county commissioners. Should the boards of education or the
8 boards of commissioners involved be unable to agree on one or more trustees the
9 senior resident superior court judge in the superior court district or set of districts as
10 defined in G.S. 7A-41.1 where the institution is located shall fill the position or
11 positions by appointment.

12 Group Three -- four trustees, appointed by the Governor.

13 Group Four -- the president of the student government or the chairman of the
14 executive board of the student body of each community college established pursuant
15 to G.S. 115D shall be an ex officio nonvoting member of the board of trustees of each
16 said institution."

17 Section 2. This act applies only to the College of the Albemarle.

18 Section 3. This act is effective when it becomes law.

VISITOR REGISTRATION SHEET

House of Representatives
~~Standing Committee on EDUCATION~~
 Name of Committee

2/18/97
 Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK.

NAME	FIRM OR AGENCY AND ADDRESS
Trudy E. Myers - Peeler	3414 Tenevsham Lane CMS PTA Council Charlotte NC 28210-4682 Parliamentarian
Helen Deloye Brown - Johnson	~~25121~~ P.O. Box 668841 Charlotte NC 28260 CMS PTA Council President
Molly Vallant	Enloe High School, Raleigh PTSA President 8417 Southampton Dr, Raleigh, 27615
Joseph Vallant	Wake County - Parent
Carolyn Banks	PTA Anne Chesnut Middle School 2121 Skibo Rd VICE PRESIDENT Fayetteville NC 28314
Jane Banks	Anne Chesnut Middle School PTA PRESIDENT 2121 Skibo Rd Fayetteville NC 28314
RD 7th Middle	VNC
DB Martin	VNC
Ivan Berlam	SBE
Clifton B. Nuttall	UDC
Aras Stewart	AFT/NC
Donna I. Heard	PTA - Alexander Middle School - CMS

VISITOR REGISTRATION SHEET

House of Representatives
~~Standing Committee on EDUCATION~~
 Name of Committee

Date

2/18/97

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK.

NAME

FIRM OR AGENCY AND ADDRESS

John Wilson

NCAE

Sandy Carmany

NC PTA

Medred O. Poole

NC PTA

Sam Haywood

NCPTA + DPI

Willie McDowell II

NCPTA

Harriet Dial

NCAE

Bill Wilson

NCAE

Cecil Barks

NCAE

Cindy McLeod

PTA Topsail Elementary School

VERNICE WHITAKER

PTA. LELAND MIDDLE SCHOOL
BRUNSWICK COUNTY

Jesse Hannible

PTA Pico Leland Middle School

P.O. Box 1832

Wilm NC 28402

James A. Knox

PTA Lincoln Primary School

1664 Lincoln Rd
Leland, N.C. 28451

VISITOR REGISTRATION SHEET

House of Representatives

~~Standing Committee on EDUCATION~~

Name of Committee

Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK.

NAME**FIRM OR AGENCY AND ADDRESS**

Betty Thompson Wyrick

4041 Briarhill Dr. Charlotte NC 28215

Barbara W. Huff

NC PTA - South Reg UP - Wayne Co.

Glenn K. Potts

Spring Creek PTA
4340 Indian Springs Rd
Seven Springs, NC (Wayne County)
Spring, N.C.

Robin DeBeaux

Spring Creek
4340 Indian Springs Rd
Suen Springs, W. 728578 Wayne Co

Donny Hunt

NCCCS

Hal Miller

NeAECT

Marian Dodd

League of Women Voters HC

VISITOR REGISTRATION SHEET

House of Representatives
~~Standing Committee on~~ EDUCATION
 Name of Committee

2/18/97
 Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Glorstone Brown	PTA - President Bethel Elem P.O. Box 641, Bethel, N.C.
Jan Pratt	NCAAA
Cheryl Citron	PTA Millbrook High School 10216 Whitestone Rd Raleigh 27615
Barbara Meyer	PTA - WEST MILLBROOK MIDDLE SCHOOL (Wake City School Sys.)
Ann Weary	PTA MILLBROOK HIGH SCHOOL 709 Bennington Drive Raleigh N.C. 27615
Jim Polk	NC PTA Board of Managers Vice-President for Legislative Activity
Rachel Lawrence	NC PTA Board of Managers Chair, Education Commission
Lorraine Nicholson	NC PTA Board of Managers 3501 Greenwood Ave. Raleigh, NC 27612
Helen Lipme	Meck. Co.
Judy Fite	PTA - GREEN YR. ROUND - Chair Legist. Committee 4708-D COURTSIDE Place, Raleigh, NE 27604
Bill Sitta	Haw Creek Elementary School PTA Ashesville, NC 28805
Margaret W. Carnes	5536 Kool Springs Dr, Char., NC 28227. 704-545-4719 CMS - NC PTA

MINUTES
HOUSE STANDING COMMITTEE ON EDUCATION
February 20, 1997

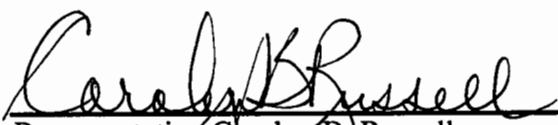
The House Committee on EDUCATION met in Room 544 of the Legislative Office Building on February 20, 1997, at 11:00 a.m. Representative Fern H. Shubert Co-Chairperson presided at the meeting and the following members were present: Representatives Arnold, Beall, Boyd-McIntyre, Cansler, Capps, Cole, Crawford, Davis, Decker, Dickson, Dockham, Eddins, Fox, Grady, Gulley, Hall, Insko, Ives, Kinney, McMahan, Moore, Morris, Mosley, Nichols, Nye, Oldham, Owens, Preston, Rayfield, Russell, Sexton, Sherrill, Smith, Tolson, Warner, Wilkins. Wilson and Woods. Legislative Staff Jim Watts, Robin Johnson, Kory Goldsmith, Sara Kamprath were present to assist the Committee. Visitor registration sheet is attached and made part of the minutes.

Chairman Shubert introduced the pages serving the committee. They were Allison Rogers Tew from Johnston County and William Edward Harring from Harnett County. The Chair dispensed with introductions of staff as today's topic would be lengthy. She then called for the first item on the agenda, an explanation of Charter Schools.

Dr. Richard Thompson, Deputy Superintendent Department of Public Instruction brought the committee up to date as to what has happened in relationship to Charter Schools since June 21, 1996 when the General Assembly passed the Charter School legislation. He referred to the brochures and literature supplied to all members. He explained that North Carolina is one of twenty-eight states in America that has Charter School legislation. There were numerous questions from Representative's Decker, Dickson, Nye, Capps, Nichols, Eddins, and others. Representative Davis asked how many Charter School applications there were. His follow up question was how many public schools already in operation applied to convert. Dr. Thompson asked Gina Burkhardt with SERVE to address this issue and she answered the last question.

Representative Capps asked the Chair for individuals in audience to be able to speak. The Chair agreed for this to be done. Upon completion of Dr. Thompson's presentation Representative Shubert called on Thomas Williams a member of Alpha School to speak. He spoke to the Committee about the Alpha Schools application to become a Charter School. There were numerous points about the denial of the Alpha Schools application that he stated and elaborated on each issue.

Due to time constraints the Chair regretfully called for adjournment. However she stated anyone in attendance could submit written comments. Meeting adjourned promptly at 11:50 a.m.


Representative Carolyn B. Russell and 
Dawn Ellis/Committee Clerk Representative Fern H. Shubert


VISITOR REGISTRATION SHEET

House of Representatives
~~Standing Committee on EDUCATION~~
 Name of Committee

Date 2/20/97

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK.

NAME

FIRM OR AGENCY AND ADDRESS

Ellen Picket	Parent of public school children Concerned citizen - school board watcher 304 Kingston Rd., Knightdale, NC 27545
Pamela Ahlin	~~#~~ Clerk/Capps
John L. Bridges	DPI - Office of Charter Schools
Judy Hoffman	Wake County School Board
Marion Dodd	League of Women Voters NC
Clifford B. Nutter	UNC -
Erin Tracy Black	Principal Fellows Program
Caen Walker	Student from N.C. State / intern for Rep. Davis
Martin Echols	Self-Help
Thomas Williams	ALPHA
Laura Grumple	AG/SBE
VERON Rob...	NCFE
Patti Bryne	Parent of Wake Cty. School children & Magellan Charter School Advocate

VISITOR REGISTRATION SHEET

House of Representatives
 Standing Committee on EDUCATION
 Name of Committee

2/20/97
 Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK.

NAME

FIRM OR AGENCY AND ADDRESS

Jo Ann Davis	Public School Forum
Alicia Hare	Public School Forum
Ann Belam	SPB
Harriet Dial	NCAE
Jan Cratts	NEASA
Susan Harrison	Wake County Public Schools
Deborah Perry	Charlotte - Mecklenburg Schools
Amy Van Oostum	PENC
Phil Price	DPI
Janaburkhardt	SERVE
Mindy	SOB
Kim McQuell	NCAICU

VISITOR REGISTRATION SHEET

House of Representatives

~~Standing Committee on EDUCATION~~

Name of Committee

Date _____

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK.

NAME

FIRM OR AGENCY AND ADDRESS

[illegible]

MINUTES
HOUSE STANDING COMMITTEE ON EDUCATION
February 25, 1997

The House Committee on EDUCATION met in Room 544 of the Legislative Office Building on February 25, 1997, at 11:00 a.m. Representative Carolyn B. Russell Co-Chairperson presided at the meeting and the following members were present: Representatives Arnold, Beall, Boyd-McIntyre, Cansler, Capps, Cole, Crawford, Davis, Dickson, Eddins, Fox, Grady, Gulley, Hall, Hensley, Hiatt, Moore, Morris, Mosley, Nichols, Nye, Oldham, Owens, Preston, Rayfield, Sexton, Sherrill, Shubert, Smith, Tolson, Warner, Wilkins. Legislative Staff Jim Watts, Robin Johnson, Kory Goldsmith, Sara Kamprath were present to assist the Committee. Visitor registration sheet is attached and made part of the minutes.

The Chair introduced pages Jennifer Ann Starnes from Rowan County and Angela Dawn Williamson from Moore County. She then introduced the two keynote speakers : Linda Darling Hammond, Executive Director of the National Commission on Teaching and America's Future and Barnett Berry, Associate Director. Following introductions, Ms. Hammond explained the panel of twenty-six members was created two years ago with funding from the Carnegie and Rockefeller foundations. Its purpose was to look at what was needed to insure that every child in every community in this country received the kind of teaching needed to insure they could meet the new standards set by states and society as a whole.

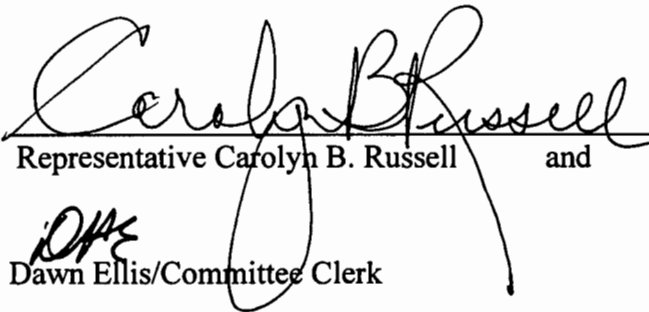
She proceeded to explain the Commission's five recommendations, referring to the handouts given to each member. After this she elaborated on the professional continuum for teacher development.

Representative Arnold asked if the Chair would accept questions. Representative Russell requested that all questions come upon completion of the presentation.

When Ms. Hammond finished her presentation the Chair introduced Dr. Charles Coble, Associate Vice President of the UNC system, who would be available to answer any questions the committee might have about these issues. She then opened the floor for questions. There were many from Representatives Arnold, Hall, Fox, Davis, Nye, and others.

Representative Nichols asked about student testing in North Carolina. The Chair recognized Dr. Coble who explained about the testing of students and Hammond followed up with her comments.

As the designated committee time had elapsed the Chair asked for and received a motion to adjourn. The committee did so at 11:50 a.m.


Representative Carolyn B. Russell

and


Representative Fern H. Shubert


Dawn Ellis/Committee Clerk

VISITOR REGISTRATION SHEET

House of Representatives
~~Standing Committee on EDUCATION~~
 Name of Committee

2/25/97
 Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK.

NAME

FIRM OR AGENCY AND ADDRESS

Amy Van Oostum	PENC
Kay O'neal	Office of State Planning
Sarah Stewart	HTT/M
Ann Belam	SBE
Alicia Hare	Public School Forum
Blair Harris	Public School Forum
Jo Byham	Public School Forum
Ann McCoull	NC AICU
Kyatts	NCPSA
Diana Harrison	Wake County School System
Pat Adam	Greene Co. BOE
Maureen Poyner	SPM

VISITOR REGISTRATION SHEET

House of Representatives
~~Standing Committee on EDUCATION~~
 Name of Committee

2/25/97
 Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK.

NAME

FIRM OR AGENCY AND ADDRESS

Joy Peters	ED Coalition
Harriet Dine	NCAE
Cecil Banks	NCAE
Bob Bertram	NC SBA
Marion Doud	League of Women Voters NC
De Martin	UNC
Charles R Coble	UNC FEDERAL Administration
Victoria Elmore	Mom - with Kids in School
William Elmore	Concerned parent
Conson Cox	" "
Charles V. I.	" "
Scott Moynihan	Asst. Pres.
George Long	NC DOR

VISITOR REGISTRATION SHEET

House of Representatives
~~Standing Committee on~~ EDUCATION
Name of Committee

2/25/97
Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK.

NAME

FIRM OR AGENCY AND ADDRESS

John Wilson

NCAE

Marion Dodd

League of Women Voters NC

MINUTES
HOUSE STANDING COMMITTEE ON EDUCATION
February 27, 1997

The House Committee on EDUCATION met at 11:00 a. m. on Thursday, February 27, 1997, in Room 544 in the Legislative Office Building. Representative Shubert presided and the following members were present: Representative Russell, Co-chairperson; Representative Arnold, Beall, Boyd-McIntyre, Cansler, Capps, Cole, Davis, Decker, Dickson, Dockham, Eddins, Gulley, Hall, Hensley, Hiatt, Insko, Ives, McMahan, Moore, Morris, Mosley, Nichols, Nye, Oldham, Owens, Preston, Rayfield, Sexton, Smith, Tolson, Warner and Wilkins. Legislative staff Kory Goldsmith, Robin Johnson, Sara Kamprath and Jim Watts were present to assist the Committee. The visitor registration sheets are attached to the minutes.

The Chair introduced the Pages, the legislative staff, legislative intern and welcomed guests. The Pages were Jennifer Ann Starnes from Rowan County and Kristen Elizabeth Smith from Cabarrus County. The Chair introduced Mary Christine Wilson as her intern. The Chair then called for the first item on the agenda, an overview of Joint Education Oversight Committee legislation.

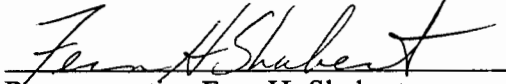
Representative Preston informed the committee that she was to be the sponsor of the three bills that came out of the Joint Education Oversight Committee. She also stated that she would give a brief overview to those bills. The first bill addressed was House Bill 88, entitled State Board of Education/Subpoena Power. House Bill 88 would enact legislation to require that principals be notified when adjudicated juveniles were returned to their schools. Representative Moore asked if the Oversight Committee, along with the School Board of Education, discussed the possibility of one probation officer per school for adjudicated juveniles. The Chair recognized Ann Berlam of the School Board of Education to address the question. Mrs. Berlam stated that Representative Moore's question did not come up for discussion. The Chair recognized Representative Dickson who moved for a favorable report of HB88. The bill passed and was referred to the Judiciary I Committee.

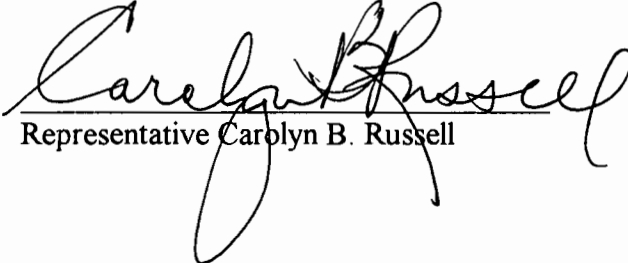
Next, the Chair turned over the gavel to her Co-chair Representative Russell. Representative Shubert, as bill sponsor, explained House Bill 271 entitled School District Sales Tax Refunds. House Bill 271 will allow public schools the ability to receive sales tax refunds. Representative Nichols asked if there was a fiscal note to the bill and how much revenue this would cost and was told the approximate estimate for 1997-1998 state and local combined is \$17 million and for 1998-1999 roughly \$34 million. The Chair recognized Representative Warner who moved for a favorable report. There being no

further discussion or debate, the Chair put forth a vote. The bill passed and was referred to the Committee on Finance.

Representative Shubert, as bill sponsor, also explained House Bill 272 entitled Public College Sales Tax Refunds. House Bill 272 will allow public colleges to receive sales tax refunds. The Chair recognized Representative Nichols who moved for a favorable report. There being no further discussion or debate, the Chair put forth a vote. The bill passed and was referred to the Committee on Finance.

The meeting adjourned at 11:50 a. m.


Representative Fern H. Shubert


Representative Carolyn B. Russell

VISITOR REGISTRATION SHEET

House of Representatives
~~Standing Committee on EDUCATION~~
 Name of Committee

2/21/97
 Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK.

NAME	FIRM OR AGENCY AND ADDRESS
<i>[Signature]</i>	<i>[Signature]</i>
Gene Causky	E-EB
W. Ray Throen	TAP/AP
Alicia Hare	Public School Forum
John Koss	" " "
Ann Belam	SBE
Amy Van Dusen	PENC
Sarah Stewart	AFT/NC
Joe HAAS	NCCSA
DE MARTIN	UNC
W O McCoy	UNC
Joyce Peters	Edu. Coalition
Bob Belam	NCSBA

VISITOR REGISTRATION SHEET

House of Representatives
~~Standing Committee on EDUCATION~~
Name of Committee

2/27/97
Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK.

NAME

FIRM OR AGENCY AND ADDRESS

Hal Miller

NC ACCT

Larry Doney

OSPL

George Long

NC DOR

Marion Dodd

League of Women Voters NC

Sam Hoke

Autel Corp

Larry Walker

alltel

Harriet Diehl

NCAE

Lynn Galt

Gov's Office

Lenny Hunt

NCCCS

John Wilson

NCAE

VISITOR REGISTRATION SHEET

House of Representatives
~~Standing Committee on EDUCATION~~
Name of Committee

2/21/97
Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK.

NAME

FIRM OR AGENCY AND ADDRESS

Tim McInerney

WACHS

Deborah Perry

CMS

1997 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **Russell and Shubert** for the Committee on **EDUCATION**.

☐ Committee Substitute for

H.B. 88 A BILL TO BE ENTITLED AN ACT TO GRANT SUBPOENA POWER TO THE
STATE BOARD OF EDUCATION IN CASES INVOLVING THE SUSPENSION OR
REVOCATION OF CERTIFICATES

☐ With a favorable report.

☒ With a favorable report and recommendation that the bill be re-referred to the Committee on
☐ Appropriations ☐ Finance ☒ JUDICIARY I.

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on ☐ Appropriations ☐ Finance ☐

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title,
unfavorable as to original bill (Committee Substitute Bill #), (and recommendation
that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes
the title, unfavorable as to Senate committee substitute bill.

☐ And having received a unanimous vote in committee, is placed on the Consent Calendar.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

FOR JOURNAL USE ONLY

- ____ Pursuant to Rule 36(a), the bill is placed on the Calendar of _____.
- ____ The (committee substitute) bill/resolution (, as amended,) is (ordered engrossed and) re-referred to the Committee on _____.
- ____ The (committee substitute) bill/resolution (, as amended,) is placed on the Consent Calendar of _____. The original bill/resolution is placed on the Unfavorable Calendar.
- ____ The bill/resolution is re-referred to the Committee on _____.
- ____ On motion of (Rep. _____,) (the Chair,) the (committee substitute) bill/resolution is (ordered engrossed and) re-referred to the Committee on _____.
- ____ Pursuant to Rule 36(a), the (House)committee substitute bill (No. _____)/resolution is placed on the Calendar of _____. (The original bill) (House Committee Substitute Bill No. _____)/resolution is placed on the Unfavorable Calendar.
- ____ On motion of Rep. _____, (the rules are suspended) (Rule _____ is suspended) and the bill/resolution is placed on today's calendar. (for immediate consideration.)
- ____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).
- ____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).
- ____ Rep. _____ offers Amendment No. _____ which (is adopted.) (fails of adoption.) (by EV _____) () This amendment changes the title.
- ____ The bill/resolution (, as amended,) passes its second reading (by following vote, _____ RC) (, by EV _____,) and (remains on the Calendar,) (and there being no objection is read a third time).
- ____ The bill/resolution (, as amended,) passes its third reading (by the following vote, _____ RC) (, by EV _____,) and is ordered
____ sent to the Senate.
____ without engrossment. _____ by Special message.
____ sent to the Senate for concurrence in
____ House amendment (s).
____ House committee substitute.
____ enrolled.
- ____ On motion of Rep. _____, the House concurs in the (material) Senate _____ (by the following vote, _____ RC) (, by EV _____,) and the bill is ordered enrolled.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 88*

Short Title: St. Bd. of Ed./Subpoena Power.

(Public)

Sponsors: Representatives Preston, Grady, Black, McMahan, Owens, Rogers;
Culp, Dockham, Moore, Mosley, Shubert, Warner, and Watson.

Referred to: Education, if favorable, Judiciary I.

February 10, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO GRANT SUBPOENA POWER TO THE STATE BOARD OF
3 EDUCATION IN CASES INVOLVING THE SUSPENSION OR REVOCATION
4 OF CERTIFICATES.

5 The General Assembly of North Carolina enacts:

6 Section 1. G.S. 115C-296(d) reads as rewritten:

7 "(d) The State Board shall adopt rules to establish the reasons and procedures for
8 the suspension and revocation of certificates. In addition, the State Board of
9 Education may revoke or refuse to renew a teacher's certificate when:

10 (1) The Board identifies the school in which the teacher is employed
11 as low-performing under G.S. 115C-105.37; and

12 (2) The assistance team assigned to that school under G.S. 115C-
13 105.38 makes the recommendation to revoke or refuse to renew
14 the teacher's certificate for one or more reasons established by the
15 State Board in its rules for certificate suspension or revocation.

16 The State Board may issue subpoenas for the purpose of obtaining documents or
17 the testimony of witnesses in connection with proceedings to suspend or revoke
18 certificates."

19 Section 2. This act is effective when it becomes law.

**1997 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **Russell and Shubert** for the Committee on **EDUCATION**.

☐ Committee Substitute for

H.B. 271 A BILL TO BE ENTITLED AN ACT TO ALLOW LOCAL BOARDS OF
EDUCATION TO OBTAIN REFUNDS OF SALES AND USE TAXES

☐ With a favorable report.

☒ With a favorable report and recommendation that the bill be re-referred to the Committee on
☐ Appropriations ☒ Finance ☐

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on ☐ Appropriations ☐ Finance ☐

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title,
unfavorable as to original bill (Committee Substitute Bill #), (and recommendation
that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes
the title, unfavorable as to Senate committee substitute bill.

☐ And having received a unanimous vote in committee, is placed on the Consent Calendar.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 271

Short Title: School District Sales Tax Refunds.

(Public)

Sponsors: Representatives Shubert; Aldridge, Arnold, Baddour, Baker, Beall, Berry, Bonner, Bowie, Buchanan, Cansler, Capps, Church, Clary, Cole, Decker, Easterling, Esposito, Gardner, Goodwin, Gulley, Hall, Hardy, H. Hunter, Justus, Kiser, McComas, McMahan, Moore, Morris, Mosley, Preston, Rayfield, Reynolds, Russell, Saunders, Sexton, Sherrill, Warwick, Watson, G. Wilson, Wood, and Yongue..

Referred to: Education, if favorable, Finance.

February 18, 1997

- 1 A BILL TO BE ENTITLED
2 AN ACT TO ALLOW LOCAL BOARDS OF EDUCATION TO OBTAIN
3 REFUNDS OF SALES AND USE TAXES.
4 The General Assembly of North Carolina enacts:
5 Section 1. G.S. 105-164.14(c) reads as rewritten:
6 "(c) Certain Governmental Entities. -- A governmental entity listed in this
7 subsection is allowed an annual refund of sales and use tax paid by it under this
8 Article, except under G.S. 105-164.4(a)(4a) and G.S. 105-164.4(a)(4c), on direct
9 purchases of tangible personal property. Sales and use tax liability indirectly incurred
10 by a governmental entity on building materials, supplies, fixtures, and equipment that
11 become a part of or annexed to any building or structure that is owned or leased by
12 the governmental entity and is being erected, altered, or repaired for use by the
13 governmental entity is considered a sales or use tax liability incurred on direct
14 purchases by the governmental entity for the purpose of this subsection. A request for
15 a refund must be in writing and must include any information and documentation
16 required by the Secretary. A request for a refund is due within six months after the
17 end of the governmental entity's fiscal year.
18 This subsection applies only to the following governmental entities:
19 (1) A county.
20 (2) A city as defined in G.S. 160A-1.

- 1 (2a) A consolidated city-county as defined in G.S. 160B-2.
2 (2b) A local school administrative unit.
3 (3) A metropolitan sewerage district or a metropolitan water district in
4 this State.
5 (4) A water and sewer authority created under Chapter 162A of the
6 General Statutes.
7 (5) A lake authority created by a board of county commissioners
8 pursuant to an act of the General Assembly.
9 (6) A sanitary district.
10 (7) A regional solid waste management authority created pursuant to
11 G.S. 153A-421.
12 (8) An area mental health, developmental disabilities, and substance
13 abuse authority, other than a single-county area authority,
14 established pursuant to Article 4 of Chapter 122C of the General
15 Statutes.
16 (9) A district health department.
17 (10) A regional council of governments created pursuant to G.S. 160A-
18 470.
19 (11) A regional planning and economic development commission or a
20 regional economic development commission created pursuant to
21 Chapter 158 of the General Statutes.
22 (12) A regional planning commission created pursuant to G.S. 153A-
23 391.
24 (13) A regional sports authority created pursuant to G.S. 160A-479.
25 (14) A public transportation authority created pursuant to Article 25 of
26 Chapter 160A of the General Statutes.
27 (14a) A facility authority created pursuant to Part 4 of Article 20 of
28 Chapter 160A of the General Statutes.
29 (15) A regional public transportation authority created pursuant to
30 Article 26 of Chapter 160A of the General Statutes.
31 (16) A local airport authority that was created pursuant to a local act of
32 the General Assembly and has at least one of the following
33 characteristics:
34 a. It has all of the rights of a municipality.
35 b. A local act of the General Assembly declares it to be a
36 municipality.
37 c. A local act of the General Assembly specifically authorizes
38 it to receive a refund under this section.
39 (17) A joint agency created by interlocal agreement pursuant to G.S.
40 160A-462 to operate a public broadcasting television station.
41 (18) The North Carolina Low-Level Radioactive Waste Management
42 Authority created pursuant to Chapter 104G of the General
43 Statutes.

- 1 (19) The North Carolina Hazardous Waste Management Commission
2 created pursuant to Chapter 130B of the General Statutes.
3 (20) A constituent institution of The University of North Carolina, but
4 only with respect to sales and use tax paid by it for tangible
5 personal property acquired by it through the expenditure of
6 contract and grant funds.
7 (21) The University of North Carolina Hospitals at Chapel Hill."
8 Section 2. This act is effective when it becomes law and applies to taxes
9 paid on or after January 1, 1997.

**1997 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **Russell and Shubert** for the Committee on **EDUCATION**.

☐ Committee Substitute for

H.B. 272 A BILL TO BE ENTITLED AN ACT TO ALLOW THE CONSTITUENT INSTITUTIONS OF THE UNIVERSITY OF NORTH CAROLINA AND THE INSTITUTIONS OF THE COMMUNITY COLLEGE SYSTEM TO OBTAIN REFUNDS OF SALES AND USE TAXES

☐ With a favorable report.

☒ With a favorable report and recommendation that the bill be re-referred to the Committee on
☐ Appropriations ☒ Finance ☐

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on ☐ Appropriations ☐ Finance ☐

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title, unfavorable as to original bill (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ And having received a unanimous vote in committee, is placed on the Consent Calendar.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

FOR JOURNAL USE ONLY

- ____ Pursuant to Rule 36(a), the bill is placed on the Calendar of _____.
- ____ The (committee substitute) bill/resolution (, as amended,) is (ordered engrossed and) re-referred to the Committee on _____.
- ____ The (committee substitute) bill/resolution (, as amended,) is placed on the Consent Calendar of _____. The original bill/resolution is placed on the Unfavorable Calendar.
- ____ The bill/resolution is re-referred to the Committee on _____.
- ____ On motion of (Rep. _____,)(the Chair,) the (committee substitute) bill/resolution is (ordered engrossed and) re-referred to the Committee on _____.
- ____ Pursuant to Rule 36(a), the (House)committee substitute bill (No. ____)/resolution is placed on the Calendar of _____. (The original bill) (House Committee Substitute Bill No. ____)/resolution is placed on the Unfavorable Calendar.
- ____ On motion of Rep. _____, (the rules are suspended) (Rule ____ is suspended) and the bill/resolution is placed on today's calendar. (for immediate consideration.)
- ____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).
- ____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).
- ____ Rep. _____ offers Amendment No. _____ which (is adopted.) (fails of adoption.) (by EV _____.) () This amendment changes the title.
- ____ The bill/resolution (, as amended,) passes its second reading (by following vote, _____ RC) (, by EV _____,) and (remains on the Calendar,) (and there being no objection is read a third time).
- ____ The bill/resolution (, as amended,) passes its third reading (by the following vote, _____ RC) (, by EV _____,) and is ordered
____ sent to the Senate.
____ without engrossment. _____ by Special message.
____ sent to the Senate for concurrence in
____ House amendment (s).
____ House committee substitute.
____ enrolled.
- ____ On motion of Rep. _____, the House concurs in the (material) Senate _____ (by the following vote, _____ RC) (, by EV _____,) and the bill is ordered enrolled.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 272

Short Title: Public College Sales Tax Refunds.

(Public)

Sponsors: Representatives Shubert; Aldridge, Arnold, Baddour, Beall, Berry, Bonner, Bowie, Buchanan, Cansler, Capps, Church, Clary, Cole, Decker, Easterling, Esposito, Gardner, Goodwin, Gulley, Hall, Hardy, H. Hunter, Justus, Kiser, McComas, McMahan, Moore, Mosley, Preston, Rayfield, Reynolds, Russell, Saunders, Sexton, Sherrill, Tolson, Warwick, Watson, G. Wilson, Wood, and Yongue.

Referred to: Education, if favorable, Finance.

February 18, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO ALLOW THE CONSTITUENT INSTITUTIONS OF THE
3 UNIVERSITY OF NORTH CAROLINA AND THE INSTITUTIONS OF THE
4 COMMUNITY COLLEGE SYSTEM TO OBTAIN REFUNDS OF SALES AND
5 USE TAXES.
6 The General Assembly of North Carolina enacts:
7 Section 1. G.S. 105-164.14(c) reads as rewritten:
8 "(c) Certain Governmental Entities. -- A governmental entity listed in this
9 subsection is allowed an annual refund of sales and use tax paid by it under this
10 Article, except under G.S. 105-164.4(a)(4a) and G.S. 105-164.4(a)(4c), on direct
11 purchases of tangible personal property. Sales and use tax liability indirectly incurred
12 by a governmental entity on building materials, supplies, fixtures, and equipment that
13 become a part of or annexed to any building or structure that is owned or leased by
14 the governmental entity and is being erected, altered, or repaired for use by the
15 governmental entity is considered a sales or use tax liability incurred on direct
16 purchases by the governmental entity for the purpose of this subsection. A request for
17 a refund must be in writing and must include any information and documentation
18 required by the Secretary. A request for a refund is due within six months after the
19 end of the governmental entity's fiscal year.
20 This subsection applies only to the following governmental entities:

- (1) A county.
- (2) A city as defined in G.S. 160A-1.
- (2a) A consolidated city-county as defined in G.S. 160B-2.
- (3) A metropolitan sewerage district or a metropolitan water district in this State.
- (4) A water and sewer authority created under Chapter 162A of the General Statutes.
- (5) A lake authority created by a board of county commissioners pursuant to an act of the General Assembly.
- (6) A sanitary district.
- (7) A regional solid waste management authority created pursuant to G.S. 153A-421.
- (8) An area mental health, developmental disabilities, and substance abuse authority, other than a single-county area authority, established pursuant to Article 4 of Chapter 122C of the General Statutes.
- (9) A district health department.
- (10) A regional council of governments created pursuant to G.S. 160A-470.
- (11) A regional planning and economic development commission or a regional economic development commission created pursuant to Chapter 158 of the General Statutes.
- (12) A regional planning commission created pursuant to G.S. 153A-391.
- (13) A regional sports authority created pursuant to G.S. 160A-479.
- (14) A public transportation authority created pursuant to Article 25 of Chapter 160A of the General Statutes.
- (14a) A facility authority created pursuant to Part 4 of Article 20 of Chapter 160A of the General Statutes.
- (15) A regional public transportation authority created pursuant to Article 26 of Chapter 160A of the General Statutes.
- (16) A local airport authority that was created pursuant to a local act of the General Assembly and has at least one of the following characteristics:
 - a. It has all of the rights of a municipality.
 - b. A local act of the General Assembly declares it to be a municipality.
 - c. A local act of the General Assembly specifically authorizes it to receive a refund under this section.
- (17) A joint agency created by interlocal agreement pursuant to G.S. 160A-462 to operate a public broadcasting television station.
- (18) The North Carolina Low-Level Radioactive Waste Management Authority created pursuant to Chapter 104G of the General Statutes.

- 1 (19) The North Carolina Hazardous Waste Management Commission
2 created pursuant to Chapter 130B of the General Statutes.
3 (20) A constituent institution of The University of North Carolina, but
4 ~~only with respect to sales and use tax paid by it for tangible~~
5 ~~personal property acquired by it through the expenditure of~~
6 ~~contract and grant funds. Carolina as defined in G.S. 116-2.~~
7 (21) The University of North Carolina Hospitals at Chapel Hill.
8 (22) An institution of the community college system established in
9 Chapter 115D of the General Statutes."
10 Section 2. This act is effective when it becomes law and applies to taxes
11 paid on or after January 1, 1997.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

2

HOUSE BILL 271
Committee Substitute Favorable 3/5/97

Short Title: School District Sales Tax Refunds.

(Public)

Sponsors:

Referred to:

February 18, 1997

- 1 A BILL TO BE ENTITLED
2 AN ACT TO ALLOW LOCAL BOARDS OF EDUCATION TO OBTAIN
3 REFUNDS OF SALES AND USE TAXES.
4 The General Assembly of North Carolina enacts:
5 Section 1. G.S. 105-164.14(c) reads as rewritten:
6 "(c) Certain Governmental Entities. -- A governmental entity listed in this
7 subsection is allowed an annual refund of sales and use ~~tax~~ taxes paid by it under this
8 Article, except under G.S. 105-164.4(a)(4a) and G.S. 105-164.4(a)(4c), on direct
9 purchases of tangible personal property. Sales and use tax liability indirectly incurred
10 by a governmental entity on building materials, supplies, fixtures, and equipment that
11 become a part of or annexed to any building or structure that is owned or leased by
12 the governmental entity and is being erected, altered, or repaired for use by the
13 governmental entity is considered a sales or use tax liability incurred on direct
14 purchases by the governmental entity for the purpose of this subsection. A request for
15 a refund must be in writing and must include any information and documentation
16 required by the Secretary. A request for a refund is due within six months after the
17 end of the governmental entity's fiscal year.
18 This subsection applies only to the following governmental entities:
19 (1) A county.
20 (2) A city as defined in G.S. 160A-1.
21 (2a) A consolidated city-county as defined in G.S. 160B-2.
22 (2b) A local school administrative unit.

- (3) A metropolitan sewerage district or a metropolitan water district in this State.
- (4) A water and sewer authority created under Chapter 162A of the General Statutes.
- (5) A lake authority created by a board of county commissioners pursuant to an act of the General Assembly.
- (6) A sanitary district.
- (7) A regional solid waste management authority created pursuant to G.S. 153A-421.
- (8) An area mental health, developmental disabilities, and substance abuse authority, other than a single-county area authority, established pursuant to Article 4 of Chapter 122C of the General Statutes.
- (9) A district health department.
- (10) A regional council of governments created pursuant to G.S. 160A-470.
- (11) A regional planning and economic development commission or a regional economic development commission created pursuant to Chapter 158 of the General Statutes.
- (12) A regional planning commission created pursuant to G.S. 153A-391.
- (13) A regional sports authority created pursuant to G.S. 160A-479.
- (14) A public transportation authority created pursuant to Article 25 of Chapter 160A of the General Statutes.
- (14a) A facility authority created pursuant to Part 4 of Article 20 of Chapter 160A of the General Statutes.
- (15) A regional public transportation authority created pursuant to Article 26 of Chapter 160A of the General Statutes.
- (16) A local airport authority that was created pursuant to a local act of the General Assembly and has at least one of the following characteristics:
 - a. It has all of the rights of a municipality.
 - b. A local act of the General Assembly declares it to be a municipality.
 - c. A local act of the General Assembly specifically authorizes it to receive a refund under this section.
- (17) A joint agency created by interlocal agreement pursuant to G.S. 160A-462 to operate a public broadcasting television station.
- (18) The North Carolina Low-Level Radioactive Waste Management Authority created pursuant to Chapter 104G of the General Statutes.
- (19) The North Carolina Hazardous Waste Management Commission created pursuant to Chapter 130B of the General Statutes.

- 1 (20) A constituent institution of The University of North Carolina, but
2 only with respect to sales and use tax paid by it for tangible
3 personal property acquired by it through the expenditure of
4 contract and grant funds.
5 (21) The University of North Carolina Hospitals at Chapel Hill."
6 Section 2. This act is effective when it becomes law and applies to taxes
7 paid on or after January 1, 1997.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 271

Short Title: School District Sales Tax Refunds.

(Public)

Sponsors: Representatives Shubert; Aldridge, Arnold, Baddour, Baker, Beall, Berry, Bonner, Bowie, Buchanan, Cansler, Capps, Church, Clary, Cole, Decker, Easterling, Esposito, Gardner, Goodwin, Gulley, Hall, Hardy, H. Hunter, Justus, Kiser, McComas, McMahan, Moore, Morris, Mosley, Preston, Rayfield, Reynolds, Russell, Saunders, Sexton, Sherrill, Warwick, Watson, G. Wilson, Wood, and Yongue..

Referred to: Education, if favorable, Finance.

February 18, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO ALLOW LOCAL BOARDS OF EDUCATION TO OBTAIN
3 REFUNDS OF SALES AND USE TAXES.
4 The General Assembly of North Carolina enacts:
5 Section 1. G.S. 105-164.14(c) reads as rewritten:
6 "(c) Certain Governmental Entities. -- A governmental entity listed in this
7 subsection is allowed an annual refund of sales and use tax paid by it under this
8 Article, except under G.S. 105-164.4(a)(4a) and G.S. 105-164.4(a)(4c), on direct
9 purchases of tangible personal property. Sales and use tax liability indirectly incurred
10 by a governmental entity on building materials, supplies, fixtures, and equipment that
11 become a part of or annexed to any building or structure that is owned or leased by
12 the governmental entity and is being erected, altered, or repaired for use by the
13 governmental entity is considered a sales or use tax liability incurred on direct
14 purchases by the governmental entity for the purpose of this subsection. A request for
15 a refund must be in writing and must include any information and documentation
16 required by the Secretary. A request for a refund is due within six months after the
17 end of the governmental entity's fiscal year.
18 This subsection applies only to the following governmental entities:
19 (1) A county.
20 (2) A city as defined in G.S. 160A-1.

- 1 (2a) A consolidated city-county as defined in G.S. 160B-2.
2 (2b) A local school administrative unit.
3 (3) A metropolitan sewerage district or a metropolitan water district in
4 this State.
5 (4) A water and sewer authority created under Chapter 162A of the
6 General Statutes.
7 (5) A lake authority created by a board of county commissioners
8 pursuant to an act of the General Assembly.
9 (6) A sanitary district.
10 (7) A regional solid waste management authority created pursuant to
11 G.S. 153A-421.
12 (8) An area mental health, developmental disabilities, and substance
13 abuse authority, other than a single-county area authority,
14 established pursuant to Article 4 of Chapter 122C of the General
15 Statutes.
16 (9) A district health department.
17 (10) A regional council of governments created pursuant to G.S. 160A-
18 470.
19 (11) A regional planning and economic development commission or a
20 regional economic development commission created pursuant to
21 Chapter 158 of the General Statutes.
22 (12) A regional planning commission created pursuant to G.S. 153A-
23 391.
24 (13) A regional sports authority created pursuant to G.S. 160A-479.
25 (14) A public transportation authority created pursuant to Article 25 of
26 Chapter 160A of the General Statutes.
27 (14a) A facility authority created pursuant to Part 4 of Article 20 of
28 Chapter 160A of the General Statutes.
29 (15) A regional public transportation authority created pursuant to
30 Article 26 of Chapter 160A of the General Statutes.
31 (16) A local airport authority that was created pursuant to a local act of
32 the General Assembly and has at least one of the following
33 characteristics:
34 a. It has all of the rights of a municipality.
35 b. A local act of the General Assembly declares it to be a
36 municipality.
37 c. A local act of the General Assembly specifically authorizes
38 it to receive a refund under this section.
39 (17) A joint agency created by interlocal agreement pursuant to G.S.
40 160A-462 to operate a public broadcasting television station.
41 (18) The North Carolina Low-Level Radioactive Waste Management
42 Authority created pursuant to Chapter 104G of the General
43 Statutes.

- 1 (19) The North Carolina Hazardous Waste Management Commission
2 created pursuant to Chapter 130B of the General Statutes.
3 (20) A constituent institution of The University of North Carolina, but
4 only with respect to sales and use tax paid by it for tangible
5 personal property acquired by it through the expenditure of
6 contract and grant funds.
7 (21) The University of North Carolina Hospitals at Chapel Hill."
8 Section 2. This act is effective when it becomes law and applies to taxes
9 paid on or after January 1, 1997.

MINUTES
HOUSE STANDING COMMITTEE ON EDUCATION
March 4, 1997

The House Committee on EDUCATION met in Room 544 of the Legislative Office Building on March 4, 1997, at 11:00 a.m. Representative Carolyn B. Russell presided at the meeting and the following members were present: Representatives Arnold, Beall, Black, Boyd McIntyre, Cansler, Capps, Cole, Crawford, Davis, Decker, Dickson, Eddins, Gulley, Hall, Hensley, Hiatt, Kinney, McMahan, Moore, Morris, Mosley, Nichols, Nye, Oldham, Owens, Preston, Rayfield, Shubert, Woods, Wilkins, Warner, Tolson, and Smith.

Also present were legislative staff members Jim Watts, Robin Johnson, Kory Goldsmith, and Sara Kamprath. The Chair introduced pages for this date. They were Anna Catherine Sweeting from Johnston County and Wardie Pnnell Vincent, Junior from Northampton County.

First item on the agenda was Senate Bill 71, Senator Hartsell to present. However as he was not available, the bill was displaced and the Chair called for the next item on the agenda.

Representative Russell then called on bill sponsor Representative Preston to explain House Bill 87-At Risk Students Task Force. Representative Preston explained her bill and there were questions from several Representatives. Representative Moore asked a question of the bill sponsor. She in turn requested Anne Berlam, Legislative Liaison for the State Department of Public Instruction to answer for her. She did, and Representative Moore requested an amendment be submitted. Upon staff reading the amendment Representative Eddins directed a question to Representative Moore. He answered and Chair called for the vote on the amendment. The amendment passed, Representative Dickson moved for a favorable report to the amended House Bill 87, and his motion passed.

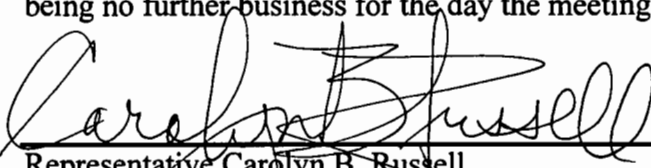
The Chair then called back the displaced bill, Senate 71-School Board Leases of School Buildings. Senator Hartsell explained the difference between the House and Senate bills. He then explained the bill was a product of the ABC plan and that it was designed to facilitate the leasing of school facilities. Upon completion of Senator Hartsells' explanation of the bill, the Chair called for questions. First to respond was Representative Hensley, who asked numerous questions. Representatives Arnold, Owens, McMahan, Cole, Dickson, and others asked questions. Representative Cole sent forth an amendment, and the Chair called on him for an explanation. Representative Dickson and Arnold asked questions about the amendment. The Chair called on Senator Hartsell for comments, and he explained his position. Much discussion followed, for and against Representative Coles amendment. Representative Cole withdrew his amendment.

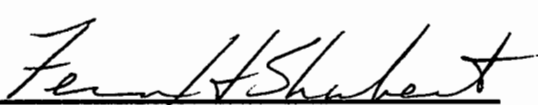
Representative Dickson moved for a favorable report on Senate Bill 71. No further debate being offered Senate Bill 71 passed.

The Chair called on Representative Preston as bill sponsor to speak on House Bill 89- Juvenile Probation/School Notification. However, since there was only five minutes allotted for discussion she asked to delay her bill until the next meeting.

The Chair then called on Representative Rogers for discussion of House Bill 78- School Administration Standards Exemption. He explained it was a short and simple bill. Representative Oldham moved for a favorable report. The Chair called on Representatives Arnold & Decker who had questions and bill sponsor answered them. The Chair called for further discussion and debate. There being none House Bill 78 passed with a favorable report.

The Chair then explained the amendment on House Bill 87 would change the title. There being no further business for the day the meeting was adjourned.


Representative Carolyn B. Russell


Representative Fern H. Shubert


Dawn Ellis committee clerk

VISITOR REGISTRATION SHEET

House of Representatives
~~Standing Committee on EDUCATION~~
 Name of Committee

March 4, 1997
 Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK.

NAME

FIRM OR AGENCY AND ADDRESS

Bobby Bryan	RRC
James M. Rose	DHR
Mary Gratch	Guardian ad Litem
Debraal Ross	ACLU
Amy Mulhritt	NCTCDC
for NCTF	N67
K. O'neal	OSPL
Brenda Morris	BPW/NC Sanford
JANN BEAL WHITFIELD	BPW/NC
TV Bulan	NC SBA
Bill Wilson	none
HARRIET Dial	"

VISITOR REGISTRATION SHEET

House of Representatives
~~Standing Committee on EDUCATION~~
Name of Committee

Date March 4, 1997

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK.

NAME

FIRM OR AGENCY AND ADDRESS

Khayd Tharun

THA/HP

Gene Causby

$$\bar{E} - E\beta$$

Joyce Kilmer

1. 因

Walter Sloan

NCCSA

Edgworth

YAIO

VISITOR REGISTRATION SHEET

House of Representatives
~~Standing Committee on EDUCATION~~
Name of Committee

Date _____

March 4, 1997

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK.

NAME _____

FIRM OR AGENCY AND ADDRESS

Carm Bertram

535

Alicia Hane

Public School Forum

JoAnn Norris

4.

6

Copy Six

AOC-Turner Services P.O. Box 2488
Rt 1, NC 27602

J. H. H. H. H.

~~NCATX~~

Sam Stewart

AFT/NC

Tom Vass

self

**1997 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **Russell and Shubert** for the Committee on **EDUCATION**.

☐ Committee Substitute for

H.B. 87 A BILL TO BE ENTITLED AN ACT TO DIRECT VARIOUS STATE OFFICERS
TO DEVELOP A PLAN TO ESTABLISH LOCAL INTERAGENCY AGREEMENTS TO
ADDRESS THE NEEDS OF AT RISK STUDENTS

☐ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on
☐ Appropriations ☐ Finance ☐

☒ With a favorable report, as amended, ~~which changes the title~~

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on ☐ Appropriations ☐ Finance ☐

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title,
unfavorable as to original bill (Committee Substitute Bill #), (and recommendation
that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes
the title, unfavorable as to Senate committee substitute bill.

☐ And having received a unanimous vote in committee, is placed on the Consent Calendar.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

FOR JOURNAL USE ONLY

- ____ Pursuant to Rule 36(a), the bill is placed on the Calendar of _____.
- ____ The (committee substitute) bill/resolution (, as amended,) is (ordered engrossed and) re-referred to the Committee on _____.
- ____ The (committee substitute) bill/resolution (, as amended,) is placed on the Consent Calendar of _____. The original bill/resolution is placed on the Unfavorable Calendar.
- ____ The bill/resolution is re-referred to the Committee on _____.
- ____ On motion of (Rep. _____,) (the Chair,) the (committee substitute) bill/resolution is (ordered engrossed and) re-referred to the Committee on _____.
- ____ Pursuant to Rule 36(a), the (House)committee substitute bill (No. ____)/resolution is placed on the Calendar of _____. (The original bill) (House Committee Substitute Bill No. ____)/resolution is placed on the Unfavorable Calendar.
- ____ On motion of Rep. _____, (the rules are suspended) (Rule ____ is suspended) and the bill/resolution is placed on today's calendar. (for immediate consideration.)
- ____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).
- ____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).
- ____ Rep. _____ offers Amendment No. ____ which (is adopted.) (fails of adoption.) (by EV _____.) () This amendment changes the title.
- ____ The bill/resolution (, as amended,) passes its second reading (by following vote, _____ RC) (, by EV _____,) and (remains on the Calendar,) (and there being no objection is read a third time).
- ____ The bill/resolution (, as amended,) passes its third reading (by the following vote, _____ RC) (, by EV _____,) and is ordered
____ sent to the Senate.
____ without engrossment. _____ by Special message.
____ sent to the Senate for concurrence in
____ House amendment (s).
____ House committee substitute.
____ enrolled.
- ____ On motion of Rep. _____, the House concurs in the (material) Senate _____ (by the following vote, _____ RC) (, by EV _____,) and the bill is ordered enrolled.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1997

H

HOUSE BILL 87

Short Title: At-Risk Students Task Force.

(Public)

Sponsors: Representatives Preston, Grady, Black, McMahan, Rogers; Aldridge, Culp, Dockham, Moore, Morris, Mosley, Shubert, Smith, Warner, Watson, and Yongue.

Referred to: Education.

February 10, 1997

- 1 A BILL TO BE ENTITLED
2 AN ACT TO DIRECT VARIOUS STATE OFFICERS TO DEVELOP A PLAN TO
3 ESTABLISH LOCAL INTERAGENCY AGREEMENTS TO ADDRESS THE
4 NEEDS OF AT-RISK STUDENTS.
5 The General Assembly of North Carolina enacts:
6 Section 1. (a) There is created the At-Risk Students Task Force under
7 the State Board of Education. The Task Force shall consist of the Chair of the State
8 Board of Education, the Superintendent of Public Instruction, the Secretary of
9 Human Resources, the State Health Director, and the Director of the Administrative
10 Office of the Courts. Each officer may designate one representative from that
11 officer's department or office to represent that officer on the Task Force. These
12 officers also may appoint additional members who represent other State and local
13 public agencies to the Task Force. The Chair of the State Board of Education, or the
14 Chair's designee, shall serve as the Chair of the Task Force. The Department of
15 Public Instruction and the Department of Human Resources shall provide staff and
16 clerical support to the Task Force. The State Board of Education shall fund the Task
17 Force within funds available to it.
18 (b) The Task Force shall develop a plan to develop interagency
19 agreements between local school administrative units and other local public agencies,
20 including, among others, health departments, departments of social services, mental
21 health agencies, and courts, in order to provide cooperative services to students who
22 are at risk of school failure, at risk of participation in juvenile crime, or both.

*2/11/97 amended by Moore
House of Representatives
at 10:00 AM*

1 (c) The Task Force shall report its plan, along with any suggested
2 statutory revisions, to the Joint Legislative Education Oversight Committee by
3 October 15, 1997, at which time the Task Force shall terminate.
4 Section 2. This act is effective when it becomes law.

**1997 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **Russell and Shubert** for the Committee on **EDUCATION**.

☐ Committee Substitute for

S.B.71 A BILL TO BE ENTITLED AN ACT TO ALLOW SCHOOL BOARDS TO ENTER INTO OPERATIONAL LEASES OF REAL AND PERSONAL PROPERTY FOR USE AS SCHOOL BUILDINGS, FOR THE REVIEW AND APPROVAL OF CERTAIN LEASES BY BOARDS OF COUNTY COMMISSIONERS AND THE LOCAL GOVERNMENT COMMISSION, AND TO MAKE TECHNICAL CORRECTIONS REGARDING THE REVIEW BY THE LOCAL GOVERNMENT COMMISSION OF CERTAIN LEASES, LEASE PURCHASE CONTRACTS, AND INSTALLMENT PURCHASE CONTRACTS.

☒ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on
☐ Appropriations ☐ Finance ☐

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on ☐ Appropriations ☐ Finance ☐

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title, unfavorable as to original bill (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ And having received a unanimous vote in committee, is placed on the Consent Calendar.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

3/4/97

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S

2

SENATE BILL 71*

Education/Higher Education Committee Substitute Adopted 2/24/97

Short Title: Sch. Bd. Leases of Sch. Bldgs.

(Public)

Sponsors:

Referred to:

February 10, 1997

- 1 A BILL TO BE ENTITLED
2 AN ACT TO ALLOW SCHOOL BOARDS TO ENTER INTO OPERATIONAL
3 LEASES OF REAL AND PERSONAL PROPERTY FOR USE AS SCHOOL
4 BUILDINGS, FOR THE REVIEW AND APPROVAL OF CERTAIN LEASES
5 BY BOARDS OF COUNTY COMMISSIONERS AND THE LOCAL
6 GOVERNMENT COMMISSION, AND TO MAKE TECHNICAL
7 CORRECTIONS REGARDING THE REVIEW BY THE LOCAL
8 GOVERNMENT COMMISSION OF CERTAIN LEASES, LEASE PURCHASE
9 CONTRACTS, AND INSTALLMENT PURCHASE CONTRACTS.
10 The General Assembly of North Carolina enacts:
11 Section 1. G.S. 115C-521(d) reads as rewritten:
12 "(d) Local boards of education shall make no contract for the erection ~~or repair~~
13 of any school building unless the site upon which it is located is owned in fee simple
14 by the board: Provided, that the board of education of a local school administrative
15 unit, with the approval of the board of county commissioners, may appropriate funds
16 to aid in the establishment of a school facility and the operation thereof in an
17 adjoining local school administrative unit when a written agreement between the
18 boards of education of the administrative units involved has been reached and the
19 same recorded in the minutes of the boards, whereby children from the
20 administrative unit making the appropriations shall be entitled to attend the school so
21 established.
22 In all cases where title to property has been vested in the trustees of a special
23 charter district which has been abolished and has not been reorganized, title to the

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

3 Section 2. Article 37 of Chapter 115C of the General Statutes is
4 amended by adding a new section to read:

5 **"§ 115C-530. Operational leases of school buildings and school facilities.**

6 (a) Local boards of education may enter into operational leases of real or personal
7 property for use as school buildings or school facilities. Operational leases for terms
8 of less than three years shall not be subject to the approval of the board of county
9 commissioners. Operational leases for terms of three years or longer, including
10 periods that may be added to the original term through the exercise of options to
11 renew or extend, are permitted provided:

12 (1) The budget resolution includes an appropriation authorizing the
13 current fiscal year's portion of the obligation;

14 (2) An unencumbered balance remains in the appropriation sufficient
15 to pay in the current fiscal year the sums obligated by the lease for
16 the current fiscal year; and

17 (3) The leases are approved by a resolution adopted by the board of
18 county commissioners. If an operational lease is approved by the
19 board of county commissioners, in each year the county
20 commissioners shall appropriate sufficient funds to meet the
21 amounts to be paid during the fiscal year under the lease.

22 For purposes of this section, an operational lease is defined according to generally
23 accepted accounting principles.

24 (b) Local boards of education may enter into contracts for the repair or
25 renovation of leased property provided the budget resolution includes an
26 appropriation authorizing the obligation and an unencumbered balance remains in
27 the appropriation sufficient to pay in the current fiscal year the sums obligated by the
28 transaction for the current fiscal year. Contracts for renovation that are subject to the
29 bidding requirements of G.S. 143-129(a) and which do not constitute continuing
30 contracts for capital outlay must be approved by the local board of county
31 commissioners.

32 (c) Operational leases and contracts entered into under this section are subject to
33 approval by the Local Government Commission under Article 8 of Chapter 159 of
34 the General Statutes if they meet the standards set out in G.S. 159-148(a)(1), 159-
35 148(a)(2), and 159-148(a)(3). For purposes of determining whether the standards set
36 out in G.S. 159-148(a)(3) have been met, only the five hundred thousand dollar
37 (\$500,000) threshold shall apply."

38 Section 3. G.S. 153A-158.1(d) reads as rewritten:

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

44 Section 4. G.S. 115C-528(f) reads as rewritten:

1 "(f) A contract entered into under this section is subject to Article 8 of Chapter
2 159 of the General Statutes, except for G.S. 159-148(a)(4) and (b)(2). For purposes
3 of determining whether the standards set out in G.S. 159-148(a)(3) have been met,
4 only the five hundred thousand dollar (\$500,000) threshold shall apply."

5 Section 5. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S

1

SENATE BILL 71*

Short Title: Sch. Bd. Leases of Sch. Bldgs.

(Public)

Sponsors: Senators Hartsell, Winner, Lee, Dannelly, Lucas, Perdue; and Jordan.

Referred to: Education/Higher Education.

February 10, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO ALLOW SCHOOL BOARDS TO ENTER INTO OPERATIONAL
3 LEASES OF REAL AND PERSONAL PROPERTY FOR USE AS SCHOOL
4 BUILDINGS AND FOR THE REVIEW AND APPROVAL OF CERTAIN
5 LEASES BY BOARDS OF COUNTY COMMISSIONERS AND THE LOCAL
6 GOVERNMENT COMMISSION.

7 The General Assembly of North Carolina enacts:

8 Section 1. G.S. 115C-521(d) reads as rewritten:

9 "(d) Local boards of education shall make no contract for the erection ~~or repair~~
10 of any school building unless the site upon which it is located is owned in fee simple
11 by the board: Provided, that the board of education of a local school administrative
12 unit, with the approval of the board of county commissioners, may appropriate funds
13 to aid in the establishment of a school facility and the operation thereof in an
14 adjoining local school administrative unit when a written agreement between the
15 boards of education of the administrative units involved has been reached and the
16 same recorded in the minutes of the boards, whereby children from the
17 administrative unit making the appropriations shall be entitled to attend the school so
18 established.

19 In all cases where title to property has been vested in the trustees of a special
20 charter district which has been abolished and has not been reorganized, title to the
21 property shall be vested in the local board of education of the county embracing the
22 former special charter district."

23 Section 2. Article 37 of Chapter 115C is amended by adding a new
24 section to read:

1 "§ 115C-530. Operational leases of school buildings and school facilities.

2 (a) Local boards of education may enter into operational leases of real or personal
3 property for use as school buildings or school facilities. Operational leases for terms
4 of less than three years shall not be subject to the approval of the board of county
5 commissioners. Operational leases for terms of three years or longer, including
6 periods that may be added to the original term through the exercise of options to
7 renew or extend, are permitted provided:

8 (1) The budget resolution includes an appropriation authorizing the
9 current fiscal year's portion of the obligation;

10 (2) An unencumbered balance remains in the appropriation sufficient
11 to pay in the current fiscal year the sums obligated by the lease for
12 the current fiscal year; and

13 (3) The leases are approved by a resolution adopted by the board of
14 county commissioners. If an operational lease is approved by the
15 board of county commissioners, in each year the county
16 commissioners shall appropriate sufficient funds to meet the
17 amounts to be paid during the fiscal year under the lease.

18 For purposes of this section, an operational lease is defined according to generally
19 accepted accounting principles.

20 (b) Local boards of education may enter into contracts for the repair or renovation
21 of leased property provided the budget resolution includes an appropriation
22 authorizing the obligation and an unencumbered balance remains in the
23 appropriation sufficient to pay in the current fiscal year the sums obligated by the
24 transaction for the current fiscal year. Contracts for renovation that are subject to the
25 bidding requirements of G.S. 143-129(a) and which do not constitute continuing
26 contracts for capital outlay must be approved by the local board of county
27 commissioners.

28 (c) Operational leases and contracts entered into under this section are subject to
29 approval by the Local Government Commission under Article 8 of Chapter 159 of
30 the General Statutes if they meet the standards set out in G.S. 159-148(a)(1), 159-
31 148(a)(2), and 159-148(a)(3)."

32 Section 3. G.S. 153A-158.1(d) reads as rewritten:

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

38 Section 4. This act is effective when it becomes law.

**1997 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **Russell and Shubert** for the Committee on **EDUCATION**.

☐ Committee Substitute for

H.B. 78 A BILL TO BE ENTITLED AN ACT TO CLARIFY WHO IS EXEMPT FROM
THE PUBLIC SCHOOL ADMINISTRATOR EXAM.

☒ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on
☐ Appropriations ☐ Finance ☐

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on ☐ Appropriations ☐ Finance ☐

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title,
unfavorable as to original bill (Committee Substitute Bill #), (and recommendation
that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes
the title, unfavorable as to Senate committee substitute bill.

☐ And having received a unanimous vote in committee, is placed on the Consent Calendar.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

FOR JOURNAL USE ONLY

- ____ Pursuant to Rule 36(a), the bill is placed on the Calendar of _____.
- ____ The (committee substitute) bill/resolution (, as amended,) is (ordered engrossed and) re-referred to the Committee on _____.
- ____ The (committee substitute) bill/resolution (, as amended,) is placed on the Consent Calendar of _____. The original bill/resolution is placed on the Unfavorable Calendar.
- ____ The bill/resolution is re-referred to the Committee on _____.
- ____ On motion of (Rep. _____,) (the Chair,) the (committee substitute) bill/resolution is (ordered engrossed and) re-referred to the Committee on _____.
- ____ Pursuant to Rule 36(a), the (House)committee substitute bill (No. ____)/resolution is placed on the Calendar of _____. (The original bill) (House Committee Substitute Bill No. ____)/resolution is placed on the Unfavorable Calendar.
- ____ On motion of Rep. _____, (the rules are suspended) (Rule ____ is suspended) and the bill/resolution is placed on today's calendar. (for immediate consideration.)
- ____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).
- ____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).
- ____ Rep. _____ offers Amendment No. ____ which (is adopted.) (fails of adoption.) (by EV _____.) () This amendment changes the title.
- ____ The bill/resolution (, as amended,) passes its second reading (by following vote, _____ RC) (, by EV _____,) and (remains on the Calendar,) (and there being no objection is read a third time).
- ____ The bill/resolution (, as amended,) passes its third reading (by the following vote, _____ RC) (, by EV _____,) and is ordered
____ sent to the Senate.
____ without engrossment. _____ by Special message.
____ sent to the Senate for concurrence in
____ House amendment (s).
____ House committee substitute.
____ enrolled.
- ____ On motion of Rep. _____, the House concurs in the (material) Senate _____ (by the following vote, _____ RC) (, by EV _____,) and the bill is ordered enrolled.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 78

Short Title: Sch. Admin. Stds. Exemption.

(Public)

Sponsors: Representatives Rogers, Grady, Black, McMahan, Preston; Bonner, Moore, Shubert, Sutton, and Yongue.

Referred to: Education.

February 10, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO CLARIFY WHO IS EXEMPT FROM THE PUBLIC SCHOOL
3 ADMINISTRATOR EXAM.

4 The General Assembly of North Carolina enacts:

5 Section 1. Effective January 1, 1998, G.S. 115C-290.8 reads as rewritten:
6 "**§ 115C-290.8. (Effective January 1, 1998) Exemptions from requirements.**

7 The requirements of this Article do not apply to a person who, at any time during
8 the five years preceding January 1, 1998, (i) completed an administrative internship
9 as part of an approved graduate program in school administration and obtained an
10 active State administrator/supervisor certificate, ~~or~~ (ii) was engaged in school
11 administration while in possession of an active State administrator/supervisor
12 ~~certificate.~~ certificate, or (iii) was employed in a North Carolina college or university
13 as an instructor while in possession of an active State administrator/supervisor
14 certificate and whose major responsibilities included the preparation or supervision of
15 individuals enrolled in a public school administration program that meets the public
16 school administrator program approval standards set by the State Board. A person
17 who is exempt from the requirements of this Article but applies to the Standards
18 Board under this Article shall be subject to the Article."

19 Section 2. This act is effective when it becomes law.

MINUTES
HOUSE STANDING COMMITTEE ON EDUCATION
March 6, 1997

The House Committee on EDUCATION met in Room 544 of the Legislative Office Building on March 6, 1997. Representative Fern H. Shubert presided at the meeting. The following members were present: Representatives Arnold, Beall, Boyd-McIntyre, Cansler, Capps, Cole, Crawford, Davis, Decker, Dickson, Dockham, Eddins, Gulley, Hall, Hensley, Hiatt, Ives, Kinney, Moore, Morris, Mosley, Nichols, Nye, Oldham, Owens, Preston, Rayfield, Russell, Sexton, Sherrill, Smith, Tolson, Warner, Wilkins. Representative Fox received an excused absence.

Jim Watts, Robin Johnson, Kory Goldsmith, and Sara Kamprath, Education committee's staff members, were also present. The visitor registration sheet is attached and made part of the minutes. Pages assigned to assist the committee were introduced and they were Bryon Randall Deloatch from Northampton County and Wardie P. Vincent, Jr. also from Northampton.

Representative Shubert announced the first bill to be heard would be House Bill 89-Juvenile Probation/School Notification. Representative Preston, the bill's sponsor, explained the bill was a recommendation from the Education Oversight Committee. She continued her explanation and stated that most individuals were concerned about school safety. Upon completion of her explanation Representative Arnold asked a question. Representative Preston requested that staff answer and Robin Johnson gave her interpretation. He had several follow up questions. Staff and Representative Shubert helped with explanations. Chair then called on Representative Decker who had numerous questions. Representative Hensley was called on and asked to submit an amendment to the bill. The Chair continued calling on Representative Eddins and others with further discussion while the amendment was distributed.

She then called for Representative Hensleys' explanation of his amendment. Representative Hensley moved for adoption of his amendment. Chair then asked for response from bill sponsor. After Representative Preston spoke on the amendment, the Chair called on others for additional questions and comments. Representative Sherrill asked Representative Hensley for a perfecting amendment for his amendment. Representative Hensley said he would not object to the modifications. Discussion from others continued. The Chair called for vote on modification of amendment. It passed.

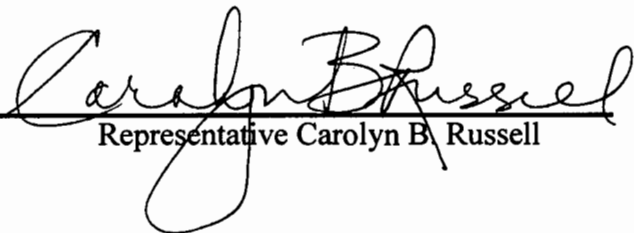
Discussion continued, and the Chair called on Larry Dix from The Administrative Office of the Courts to speak on several issues. Representative Russell called for the question and it passed. Chair then asked for the vote on the amendment. After the vote, she called for division. The amendment carried 17 to 16. Representative Moore then sent forth

another amendment. The bill sponsor supported the amendment. Representative Decker asked several questions. The Chair called for a vote on the amendment. The amendment passed. She then called for the vote on the bill and it passed.

Next on the agenda was Senate Bill 70- Obsolete School Laws. Representative Owens gave the explanation for the bill sponsor, Senator Lucas, as she was unable to be at the meeting. Representative Dickson was called on for questions. He then moved for a favorable report to the House committee substitute for Senate Bill 70, unfavorable to the original bill. The House committee substitute for Senate Bill 70 passed.

Final item on the agenda was House Bill 379-Amend Charter School Laws (Rep. Wood sponsor). An actuarial note was needed and the bill sponsor requested a delay. There being no further business the meeting was adjourned at 11:50 a.m.


Representative Fern H. Shubert


Representative Carolyn B. Russell


Dawn Ellis clerk

VISITOR REGISTRATION SHEET

House of Representatives
~~Standing Committee on EDUCATION~~
 Name of Committee

March 6, 1997
 Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK.

NAME

FIRM OR AGENCY AND ADDRESS

Ed Regan	N.C. Assoc. of Co. Comm.
Susan Harrison	Wake County Schools
Alicia Hare	Public School Forum of NC
To Ann Norris	" " " "
Lloyd Thurman	TAP/AP
Jill Miller	NCATL
Chae Dine	NCBA
Jane Rehder	NC Child Advocacy Institute
Bill Wilson	NCAE
John Wilson	NCAE
Sarah Stewart	AFT/NC
Gene Cusby	E-EB

VISITOR REGISTRATION SHEET

Education
Name of Committee

3-6-97
Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
M. Ede 3	Self-Help
LARRY JIX	AOC - Justice Services
Amanda Digby	NC Academy of Trial Lawyers
Caren Walker	intern for Rep. Davis
Karen Lark	Gov's Office
Debra Ror	Full
Bill Brooks	NCFPC
Stephen A. Bowen	NCJCDC
Ang Malhot	"
Bob Berlon	NCSTBA
Hal Miller	NCACCT
Andrew Chino	John Locke Trust

VISITOR REGISTRATION SHEET

House of Representatives
~~Standing Committee on EDUCATION~~
 Name of Committee

3697
 Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK.

NAME

FIRM OR AGENCY AND ADDRESS

Gunn Berlam	SPBE
Deborah Perry	Charlotte-Mecklenburg Schools
Harriet Diel	NCAE
Butch Gunnells	NCSDA
KEITH HUNDLEY	WELPERHANSUR
Amy Van Dusen	PENC
Charles Cromer	NCATL
Iselle Bedoegne	NCCBE
Pam Seamans	United Way of NC / Covenant w/ NC's Children
Jim Cratts	NCASA
Janice Rangel	NCATH
Marion Doud	League of Women Voters NC

VISITOR REGISTRATION SHEET

House of Representatives
~~Standing Committee on EDUCATION~~
Name of Committee _____

Date

March 16, 1997

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK.

NAME

FIRM OR AGENCY AND ADDRESS

Richard Thompson	SOP I
Eileen R Hunt	HPAC
Joyce Peters	E&B
Brian Adcock	BCBSAC
P. M. Miller	Miller Co
Jonathan Brecken	CH2M
Jan [Signature]	[Signature]

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S

3

SENATE BILL 70*
Second Edition Engrossed 2/24/97
Third Edition Engrossed 2/25/97

Short Title: Obsolete School Laws.

(Public)

Sponsors: Senators Lucas, Winner, Lee, Dannelly, Hartsell, Perdue; and Shaw of
Cumberland.

Referred to: Education/Higher Education.

February 10, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO REPEAL OBSOLETE OR REDUNDANT SCHOOL LAWS, TO
3 TRANSFER THE STATUTES THAT ESTABLISH THE STATE SCHOOLS
4 FOR HEARING- AND SIGHT-IMPAIRED STUDENTS FROM CHAPTER 115C
5 TO CHAPTER 143B OF THE GENERAL STATUTES, TO STREAMLINE THE
6 REPORTS OF THE STATE BOARD OF EDUCATION TO THE JOINT
7 LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE, AND TO MAKE
8 CONFORMING CHANGES.
9 The General Assembly of North Carolina enacts:
10 **SCHOOL IMPROVEMENT AND ACCOUNTABILITY REPORT.**
11 Section 1. G.S. 115C-15 is repealed.
12 **REPORT ON CLASS SIZE WAIVERS.**
13 Section 2. G.S. 115C-21.1 is repealed.
14 **ALCOHOL AND DRUG DEFENSE PROGRAM.**
15 Section 3. G.S. 115C-22 is repealed.
16 **OBSERVANCE OF SPECIAL DAYS.**
17 Section 4. G.S. 115C-83 is repealed.
18 **EXPENDITURE OF FUNDS.**
19 Section 5. G.S. 115C-102.8 is repealed.
20 **REGIONAL EDUCATIONAL TRAINING CENTERS.**

Section 6. Part 4 of Article 9 of Chapter 115C of the General Statutes is repealed.

DEPARTMENTAL REQUESTS.

Section 7. G.S. 115C-144 is repealed.

PROJECT GENESIS PROGRAM.

Section 8. Part 6 of Article 16 of Chapter 115C of the General Statutes is repealed.

COLLEGES ASSIST TEACHERS IN CERTIFICATION.

Section 9. G.S. 115C-298 is repealed.

PERSONNEL ADMINISTRATION COMMISSION.

Section 10. Part 4 of Article 22 of Chapter 115C of the General Statutes is repealed.

STATE POLICY.

Section 11. G.S. 115C-472 is repealed.

STATE SCHOOLS OF HEARING-IMPAIRED CHILDREN.

Section 12. Part 7 of Article 9 of Chapter 115C of the General Statutes, G.S. 115C-123 through G.S. 115C-126.1, is recodified as Part 30 of Article 3 of Chapter 143B of the General Statutes, G.S. 143B-216.40 through G.S. 143B-216.44.

GOVERNOR MOREHEAD SCHOOL.

Section 13. (a) Part 8 of Article 9 of Chapter 115C of the General Statutes, G.S. 115C-127 through G.S. 115C-133, is recodified as Part 9A of Article 3 of Chapter 143B of the General Statutes, G.S. 143B-164.10 and G.S. 143B-164.13 through G.S. 143B-164.17.

(b) G.S. 143B-176.1 is recodified as G.S. 143B-164.11 in Part 9A of Article 3 of Chapter 143B of the General Statutes.

(c) G.S. 143B-176.2 is recodified as G.S. 143B-164.12 in Part 9A of Article 3 of Chapter 143B of the General Statutes.

(d) The remainder of Part 12A of Article 3 of Chapter 143B of the General Statutes is repealed.

SCHOOL SYSTEM DEFINED AND ORGANIZED.

Section 14. (a) G.S. 115C-74 reads as rewritten:

"§115C-74. School system defined.

The school system of each local school administrative unit shall consist of kindergarten and 12 years of study or grades, instruction or grade levels, and shall be graded on the basis of a school year of not less than nine months. ~~The system may be organized in one or two ways as follows: The first eight grades shall be styled the elementary school and the remaining four grades, the high school; or if more practicable, a junior high school may be formed by combining the first year of high school with both the seventh and eighth grades or with the eighth grade alone, and a senior high school which shall comprise the last three years of high school work. For purposes of Title V of the National Defense Education Act of 1958 (Public Law 85-864) the term "secondary school" shall be applicable to grades seven through 12. The State Board of Education may make recommendations concerning the classification or organization of the years of instruction or grade levels; however, each~~

1 local board of education may organize schools comprised of whatever years of
2 instruction or grade levels that it considers appropriate. To the extent State funds are
3 appropriated for this purpose or federal, local, or private funds are available, local
4 boards of education may operate early childhood education programs for children
5 younger than kindergarten age and may charge tuition for these programs."

6 (b) G.S. 115C-75 is repealed.

7 (c) G.S. 115C-5 is amended by adding the following new subsections to
8 read:

9 "(d1) 'Elementary school' means any school that has any of the first five years of
10 instruction or grade levels and that may have a kindergarten or other years of
11 instruction or grade levels.

12 (d2) 'High school' or 'senior high school' means any school that has at least the
13 last three years of instruction and that offers at least the minimum high school course
14 of study prescribed by the State Board.

15 (f1) 'Middle school' or 'junior high school' means any school that has any
16 combination of the sixth through ninth years of instruction or grade levels.

17 (g1) 'Secondary school' means any middle school, junior high school, high school,
18 or senior high school.

19 (k) 'Union school' means any school that has 12 years of instruction or grade
20 levels and that may have a kindergarten."

21 **CENTRAL ORPHANAGE.**

22 Section 15. Part 9 of Article 9 of Chapter 115C of the General Statutes is
23 repealed. This repeal shall not impair the continuing existence of any corporation
24 established under Chapter 47, Private Laws of 1887, and continued under Part 9 of
25 Article 9 of Chapter 115C of the General Statutes.

26 **STATE BOARD OF EDUCATION REPORTS**

27 Section 16. (a) G.S. 115C-12 is amended by adding the following new
28 subdivision to read:

29 "(25) Duty to Report to Joint Legislative Education Oversight
30 Committee. -- Upon the request of the Joint Legislative Education
31 Oversight Committee, the State Board shall examine and evaluate
32 issues, programs, policies, and fiscal information, and shall make
33 reports to that Committee. Furthermore, beginning October 15,
34 1997, and annually thereafter, the State Board shall submit reports
35 to that Committee regarding the continued implementation of
36 Chapter 716 of the 1995 Session Laws, 1996 Regular Session. Each
37 report shall include information regarding the composition and
38 activity of assistance teams, schools that received incentive awards,
39 schools identified as low-performing, school improvement plans
40 found to significantly improve student performance, personnel
41 actions taken in low-performing schools, and recommendations for
42 additional legislation to improve student performance and increase
43 local flexibility."

(b) Article 12H of Chapter 120 of the General Statutes is amended by adding the following new section:

"§ 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."

(c) G.S. 115C-12(9) reads as rewritten:

"(9) Miscellaneous Powers and Duties. -- All the powers and duties exercised by the State Board of Education shall be in conformity with the Constitution and subject to such laws as may be enacted from time to time by the General Assembly. Among such duties are:

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

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

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

made available to the local school administrative unit for implementation of the Basic Education Program.

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

- c1. To issue an annual 'report card' for the State and for each local school administrative unit, assessing each unit's efforts to improve student performance based on the growth in performance of the students in each school and taking into account progress over the previous years' level of performance and the State's performance in comparison with other states. This assessment shall take into account factors that have been shown to affect student performance and that the State Board considers relevant to assess the State's efforts to improve student performance.
- c2. Repealed by Session Laws 1995 (Regular Session, 1996), c. 716, s. 1.
- 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 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, 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."

(d) G.S. 115C-12(16) reads as rewritten:

"(16) Power with Regard to Salary Schedules. -- The Board shall provide for sick leave with pay for all public school employees in accordance with the provisions of this Chapter and shall promulgate rules and regulations providing for necessary substitutes on account of sick leave and other teacher absences.

a. Support personnel refers to all public school employees who are not required by statute or regulation to be certified in order to be employed. The State Board of Education is authorized and empowered to adopt all necessary rules for full implementation of all schedules to the extent that State funds are made available for support personnel.

b. Salary schedules for the following public school support personnel shall be adopted by the State Board of Education: school finance officer, office support personnel, teacher assistants, maintenance supervisors, custodial personnel, and transportation personnel. The Board shall classify these support positions in terms of uniform pay grades included in the salary schedule of the State Personnel Commission.

By the end of the third payroll period of the 1995-96 fiscal year, local boards of education shall place State-allotted office support personnel, teacher assistants, and custodial personnel on the salary schedule adopted by the State Board of Education so that the average salary paid is the State-allotted amount for the category. In placing employees on the salary schedule, the local board shall consider the education, training, and experience of each employee. It is the intent of the General Assembly that a local school administrative unit not fail to employ an employee who was employed for the prior school year in order to implement the provisions of this sub-subdivision. A local board of education is in compliance with this sub-subdivision if the average salary paid is at least ninety-five percent (95%) of the State-allotted amount for the category at the end of the third payroll period of the 1995-96 fiscal year, and at least ninety-eight percent (98%) of the State-allotted amount for the category at the end of the third payroll period of each subsequent fiscal year. The Department of Public Instruction shall provide technical assistance to local school administrative units regarding the implementation of this sub-subdivision.

~~The State Board of Education shall report to the General Assembly, prior to March 31, 1995, and March 31, 1996, on the implementation of this sub-subdivision.~~

c. Salary schedules for other support personnel, including but not limited to maintenance and school food service personnel, shall be adopted by the State Board of Education. The Board shall classify these support positions in terms of uniform pay grades included in the salary schedule of the State Personnel Commission. These schedules shall apply if the local board of education does not adopt a salary schedule of its own for personnel paid from other than State appropriations."

(e) Effective July 1, 1999, G.S. 115C-12(24) reads as rewritten:

"(24) Duty to Develop Guidelines for Alternative Learning Programs, Provide Technical Assistance on Implementation of Programs, and Evaluate Programs. -- The State Board of Education shall adopt guidelines for assigning students to alternative learning programs. These guidelines shall include (i) a description of the programs and services that are recommended to be provided in alternative learning programs and (ii) a process for ensuring that an assignment is appropriate for the student and that the student's parents are involved in the decision.

The State Board of Education shall provide technical support to local school administrative units to assist them in developing and implementing plans for alternative learning programs.

The State Board shall evaluate the effectiveness of alternative learning programs and, in its discretion, of any other programs funded from the Alternative Schools/At-Risk Student allotment. Local school administrative units shall report to the State Board of Education on how funds in the Alternative Schools/At-Risk Student allotment are spent and shall otherwise cooperate with the State Board of Education in evaluating the alternative learning programs. ~~The State Board of Education shall report annually to the Joint Legislative Education Oversight Committee, beginning in December 1996, on the results of this evaluation. "~~

(f) G.S. 115C-81(a) reads as rewritten:

"(a) The General Assembly believes that all children can learn. It is the intent of the General Assembly that the mission of the public school community is to challenge with high expectations each child to learn, to achieve, and to fulfill his or her potential. With that mission as its guide, the State Board of Education shall adopt a Basic Education Program for the public schools of the State. Before it adopts or revises the Basic Education Program, the State Board shall consult with an Advisory Committee, including at least eight members of local boards of education, that the State Board appoints from a list of nominees submitted by the North Carolina School Boards Association. ~~The State Board shall report annually to the General Assembly on any changes it has made in the program in the preceding 12 months and any changes it is considering for the next 12 months.~~

1 The State Board shall implement the Basic Education Program within funds
2 appropriated for that purpose by the General Assembly and by units of local
3 government. It is the intent of the General Assembly that until the Basic Education
4 Program is fully funded, the implementation of the Basic Education Program shall be
5 the focus of State educational funding. It is the goal of the General Assembly that the
6 Basic Education Program be fully funded and completely operational in each local
7 school administrative unit by July 1, 1995.

8 It is further a goal of the General Assembly to provide supplemental funds to low-
9 wealth counties to allow those counties to enhance the instructional program and
10 student achievement."

11 (g) Effective July 1, 1999, Section 8.5(a) of Chapter 716 of the 1995
12 Session Laws, 1996 Regular Session, is repealed.

13 (h) Section 29(b) of Chapter 716 of the 1995 Session Laws, 1996 Regular
14 Session, is repealed.

15 (i) Effective July 1, 1999, G.S. 115C-238.29I reads as rewritten:

16 "**§ 115C-238.29I. Notice of the charter school process; review of charter schools;**
17 **Charter School Advisory Committee.**

18 (a) The State Board of Education shall distribute information announcing the
19 availability of the charter school process described in this Part to each local school
20 administrative unit and public postsecondary educational institution and, through
21 press releases, to each major newspaper in the State.

22 ~~(b) The State Board of Education shall report annually to the Joint Legislative~~
23 ~~Education Oversight Committee and the Joint Legislative Commission on~~
24 ~~Governmental Operations the following information:~~

25 ~~(1) The current and projected impact of charter schools on the~~
26 ~~delivery of services by the public schools;~~

27 ~~(2) Student academic progress in the charter schools as measured,~~
28 ~~where available, against the academic year immediately preceding~~
29 ~~the first academic year of the charter schools' operation; and~~

30 ~~(3) Best practices resulting from charter school operations.~~

31 ~~The State Board of Education shall base its report in part upon the annual reports~~
32 ~~submitted by the charter schools under G.S. 115C-238.29F(f)(3). To the extent~~
33 ~~possible, the State Board of Education shall present the information in disaggregated~~
34 ~~form relative to the race, gender, grade level, and economic condition of the students.~~

35 (c) The State Board of Education shall review the educational effectiveness of the
36 charter school approach authorized under this Part and the effect of charter schools
37 on the public schools in the local school administrative unit in which the charter
38 schools are located and, not later than January 1, 1999, shall report to the Joint
39 Legislative Education Oversight Committee with recommendations to modify,
40 expand, or terminate that approach. Analysis of the reports submitted under
41 subsection (b) of this section shall be the predominant factor in determining whether
42 the number of charter schools shall be increased and the conditions under which any
43 increase or continued operation shall be allowed. If the analysis indicates

1 ~~demonstrable, substantial success, the General Assembly shall consider expanding the~~
2 ~~number of charter schools that may be established. located.~~

3 (d) The State Board of Education may establish a Charter School Advisory
4 Committee to assist with the implementation of this Part. The Charter School
5 Advisory Committee may (i) provide technical assistance to chartering entities or to
6 potential applicants, (ii) review applications for preliminary approval, (iii) make
7 recommendations as to whether the State Board should approve applications for
8 charter schools, (iv) make recommendations as to whether the State Board should
9 terminate or not renew a contract, (v) make recommendations concerning grievances
10 between a charter school and its chartering entity, (vi) assist with the review under
11 subsection (c) of this section, and (vii) provide any other assistance as may be
12 required by the State Board."

13 (j) G.S. 115C-238.33(b) is repealed.

14 (k) G.S. 115C-102.7 reads as rewritten:

15 **"§ 115C-102.7. Monitoring and evaluation of State and local school system technology**
16 **plans; reports.**

17 (a) The Commission shall monitor and evaluate the development and
18 implementation of the State and local school system technology plans. The evaluation
19 shall consider the effects of technology on student learning, the effects of technology
20 on students' workforce readiness, the effects of technology on teacher productivity,
21 and the cost-effectiveness of the technology. ~~The Commission shall report in October~~
22 ~~of each year to the State Board of Education, the Joint Legislative Commission on~~
23 ~~Governmental Operations, and the Joint Legislative Education Oversight Committee~~
24 ~~on the development and the implementation of State and local school system~~
25 ~~technology plans.~~

26 ~~(a1) The Joint Legislative Commission on Governmental Operations and the Joint~~
27 ~~Legislative Education Oversight Committee may meet jointly to consider reports from~~
28 ~~the Commission on School Technology and they may appoint subcommittees to~~
29 ~~jointly consider the reports.~~

30 (b) The Commission shall provide notice of meetings, copies of minutes, and
31 periodic briefings to the chair of the Information Resources Management Commission
32 and the chair of the Technical Committee of the Information Resources Management
33 Commission."

34 (l) G.S. 115C-415 is repealed.

35 (m) G.S. 115C-472.5(d) reads as rewritten:

36 "(d) The Department of Public Instruction shall report to the Information
37 Resource Management Commission, ~~the Joint Legislative Commission on~~
38 ~~Governmental Operations, the Fiscal Research Division, and the State Government~~
39 ~~Performance Audit Committee~~ Commission on an annual basis on all loans made
40 from the fund."

41 **EFFECTIVE DATE.**

42 Section 17. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 89*

Short Title: Juv. Probation/School Notification.

(Public)

Sponsors: Representatives Preston, Grady, Black, McMahan, Owens, Rogers, Wood; Capps, Culp, Davis, Dockham, Moore, Morris, Mosley, Sexton, Shubert, Sutton, Warner, Watson, and Yongue.

Referred to: Education, if favorable, Judiciary I.

February 10, 1997

A BILL TO BE ENTITLED

AN ACT TO REQUIRE JUVENILE COURT COUNSELORS TO NOTIFY BUILDING PRINCIPAL IN CERTAIN CASES WHEN A JUVENILE IS ADJUDICATED DELINQUENT AND IS ORDERED TO ATTEND SCHOOL AS A CONDITION OF PROBATION, AND TO PROVIDE FOR THE MAINTENANCE OF THE NOTIFICATIONS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 7A-649 reads as rewritten:

"§ 7A-649. Dispositional alternatives for delinquent juvenile.

In the case of any juvenile who is delinquent, the judge ~~may~~ may do one or more of the following:

- (1) Suspend imposition of a more severe, statutorily permissible disposition with the provision that the juvenile meet certain conditions agreed to by ~~him~~ the juvenile and specified in the dispositional order. The conditions shall not exceed the maximum criminal sanction permissible for the ~~offense~~; offense.
- (2) Require restitution, full or partial, payable within a 12-month period to any person who has suffered loss or damage as a result of the offense committed by the juvenile. The judge may determine the amount, terms, and conditions of the restitution. If the juvenile participated with another person or persons, all participants should be jointly and severally responsible for the payment of restitution;

1 however, the judge shall not require the juvenile to make
2 restitution if the juvenile satisfies the court that ~~he~~ the juvenile
3 does not have, and could not reasonably acquire, the means to
4 make ~~restitution;~~ restitution.

5 (3) Impose a fine related to the seriousness of the juvenile's offense. If
6 the juvenile has the ability to pay the fine, it shall not exceed the
7 maximum fine for the offense if committed by an ~~adult;~~ adult.

8 (4) Order the juvenile to perform supervised community service
9 consistent with the juvenile's age, skill, and ability, specifying the
10 nature of the work and the number of hours required. The work
11 shall be related to the seriousness of the juvenile's offense and in
12 no event may the obligation to work exceed 12 ~~months;~~ months.

13 (5) Order the juvenile to a supervised day program, requiring ~~him~~ the
14 juvenile to be present at a specified place for all or part of every
15 day or of certain days. The judge also may require the juvenile to
16 comply with any other reasonable conditions specified in the
17 dispositional order that are designed to facilitate ~~supervision;~~
18 supervision.

19 (6) Order the juvenile to a community-based program of academic or
20 vocational education or to a professional residential or
21 nonresidential treatment program. Participation in the programs
22 shall not exceed 12 ~~months;~~ months.

23 (7) Impose confinement on an intermittent basis in an approved
24 detention facility. Confinement shall be limited to not more than
25 five 24-hour periods, the timing of which is determined by the
26 court in its discretion. Confinement in such a case shall be
27 completed within a period of 90 days from the date of ~~disposition;~~
28 disposition.

29 (8) Place the juvenile on probation under the supervision of a court
30 counselor. In any case where a juvenile is placed on probation, the
31 court counselor shall have the authority to visit the juvenile where
32 ~~he~~ the juvenile resides. The judge shall specify conditions of
33 probation that are related to the needs of the juvenile including
34 any of the following:

35 a. That the juvenile shall remain on good behavior and not
36 violate any ~~laws;~~ laws.

37 b. That the juvenile attend school ~~regularly;~~ regularly. If the
38 adjudication of delinquency is for an offense involving a
39 threat to the safety of the juvenile or others and school
40 attendance is a condition of probation, the judge shall order
41 the juvenile court counselor to notify the principal of the
42 juvenile's school within five days or before the juvenile
43 begins to attend school, whichever occurs first. This
44 notification shall be in writing and shall describe the nature

of the offense and the probation requirements related to school attendance. The principal shall handle the notification from the court in accordance with G.S. 115C-404.

- b1. That the juvenile maintain passing grades in up to four courses during each grading period and meet with the court counselor and a representative of the school to make a plan for how to maintain those passing ~~grades;~~ grades.
- c. That the juvenile not associate with specified persons or be in specified ~~places;~~ places.
- d. That the juvenile report to a court counselor as often as required by a court ~~counselor;~~ counselor.
- e. That the juvenile make specified financial restitution or pay a fine in accordance with subdivisions (2) and ~~(3);~~ (3) of this section.
- f. That the juvenile be employed regularly if not attending school.

An order of probation shall remain in force for a period not to exceed one year from the date entered. Prior to expiration of an order of probation, the judge may extend it for an additional period of one year after a hearing if he finds that the extension is necessary to protect the community or to safeguard the welfare of the ~~juvenile;~~ juvenile.

- (9) Order that the juvenile shall not be licensed to operate a motor vehicle in the State of North Carolina for as long as the court retains jurisdiction over the juvenile or for any shorter period of ~~time;~~ time.

- (10) Commit the juvenile to the Division of Youth Services in accordance with G.S. 7A-652."

Section 2. Article 29 of Chapter 115C of the General Statutes is amended by adding a new section to read:

"§ 115C-404. Use of juvenile court information.

The written notification of a student's probation received from a juvenile court counselor in accordance with G.S. 7A-649(8) is a confidential record, is not a public record as defined under G.S. 132-1, and shall not be made part of the student's official record under G.S. 115C-402. Immediately upon receipt, the principal shall maintain this notification in a safe, locked record storage that is separate from the student's other school records. The principal shall maintain this notification for the period of the student's probation, after which the principal shall shred or burn the notification to protect the confidentiality of this information. In no case shall the principal make a copy of the notification.

Upon receipt of this notification, the principal shall share the notification with appropriate staff members in a conference at which the staff members shall indicate in writing that they have read the notification and that they agree to maintain its

1 confidentiality. For the purposes of this section, 'appropriate staff members' are
2 those individuals who have direct guidance, teaching, or supervisory responsibility for
3 the student, or who have a specific need to know in order to protect the safety of the
4 student or others.

5 If the student withdraws from school, is suspended for 10 or more days, is expelled,
6 or transfers to another school, the principal shall return the notification to the
7 juvenile court counselor and, if applicable, shall provide the counselor with the name
8 and address of the school to which the student is transferring."

9 Section 3. This act is effective when it becomes law.



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TO: Representative Russell and Representative Shubert, Coauthors, House Education
FROM: Robin S. Johnson, Staff Attorney *Rob*
DATE: March 3, 1997
RE: HB 89. NOTIFY SCHOOL/JUV. PROBATION.

Recommended by the Joint Legislative Education Oversight Committee, House Bill 89 reinstates a temporary law enacted in 1993 and codifies the State Board policy adopted in response to that law. **Section 1** amends G.S. 7A-649 to require judges to order juvenile court counselors to provide written notice to school principals when school attendance is made a condition of probation for a juvenile and the offense for which probation was imposed involved a threat to the safety of the juvenile or others. The notice must be in writing and must be provided within five days or before the juvenile returns to school, whichever occurs first. This section provides that notice to the principal must describe the nature of the offense and the probation requirements related to school attendance.

Section 2 adds a new G.S. 115C-404 (Use of juvenile court information) to provide that the written notice is a confidential record and must be maintained in a safe, locked record storage separate from the student's other school records. The principal is required to share the notification at a conference with individuals who have "direct guidance, teaching, or supervisory responsibility for the student, or who have a specific need to know in order to protect the safety of the student or others." These individuals must agree in writing to maintain the confidentiality of the information. This section directs principal to shred or burn notification after the probation term has expired and to return the notification to the juvenile counselor if the student withdraws from school, is suspended for 10 or more days, is expelled, or transfers to another school. If the student transfers to another school, the principal shall provide the court counselor with the name and address of that school.

Section 3 provides that the act is effective when it becomes law.

HB89SUMMARY2

MINUTES
HOUSE STANDING COMMITTEE ON EDUCATION
March 11, 1997

The House Committee on EDUCATION met in Room 544 of the Legislative Office Building on Tuesday, March 11, 1997, at 11:00 a.m. Representative Carolyn B. Russell Co-Chairperson presided at the meeting and the following members were present: Representatives Arnold, Beall, Black, Boyd McIntyre, Cansler, Capps, Cole, Davis, Decker, Dickson, Dockham, Eddins, Fox, Grady, Gulley, Hall, Hensley, Hiatt, Kinney, McMahan, Moore, Morris, Mosley, Nye, Oldham, Owens, Preston, Rayfield, Sexton, Shubert, Smith, Tolson, Warner, Wilkins, Wilson, and Woods. Legislative Staff Jim Watts, Robin Johnson, Kory Goldsmith, Sara Kamprath were present to assist the Committee. The visitor registration sheet is attached and made part of the minutes.

The Chair introduced Desiree Warner from Onslow County and Jennifer Sue White from Randolph who served as the committee pages.

The Chair explained there would be one item on the agenda House Bill 256-short titled School Budget Accountability. She then recognized Representative Preston, as bill sponsor, to speak on the bill. She gave her explanation of the bill and thanked legislative staff for keeping up to date with changes in America. She stated she would have an amendment presented at a later time.

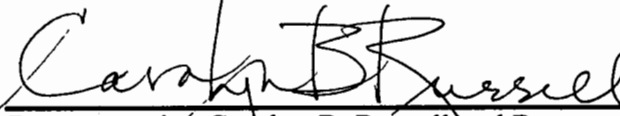
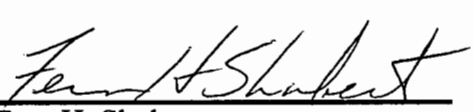
Representatives Dickson, and Tolson asked questions of the bill sponsor. The Chair then called on Representative Preston to bring forth her technical amendment. Staff explained the amendment. As there was no discussion, Chair called for the vote and the amendment passed. Chair then called on Representative Preston to bring forth her amendment number 003. Representative Decker and Capps asked questions. Chair then called on Representative Shubert to speak on her amendment 005. Shubert explained that the two amendments were similar but they differed in several ways. Discussion ensued with Representative Preston's amendment passing. Representative Shubert then withdrew her amendment. Representative Warner had questions of bill sponsor. Upon receiving the answers he advised the committee he wanted staff to make an amendment. Chair then called on Representative Shubert to explain her amendment 002. She did, and Representatives Arnold, Moore, and others asked numerous questions. After discussion on her amendment, the question was called, Shubert's amendment failed.

Representative Warner brought forth an amendment and he called for the question. The motion carried. The committee then voted on the amendment and Representative Warner's amendment passed.

Representative Cole was called on to explain his amendment. He did, and as there was no further discussion Chair requested the vote. Representative Coles' amendment passed.

Representative Preston called the question on HB 256. The motion was favorable to a committee substitute that would change the title of the bill, and unfavorable to the original bill. The motion carried, and the bill will be re-referred to Appropriations.

There being no further business on the table the meeting adjourned at 11:50 a.m.

Representative Carolyn B. Russell and Representative Fern H. Shubert
Co-Chairs


Dawn Ellis
Committee Clerk

VISITOR REGISTRATION SHEET

House of Representatives
~~Standing Committee on EDUCATION~~
 Name of Committee

3-11-97
 Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK.

NAME

FIRM OR AGENCY AND ADDRESS

Alicia Hare	Public School Forum
Jo Ann Norris	" " "
Ann Stewart	AFT/NC
Ann Berlan	SP2E
Bob Berlan	NCSA
Ed Regan	N.C.A.C.C.
Jim Wright	NCA SA
Alan Davis	Public School Forum of NC
Cindy Van Dusen	PENC
Quint Rutter	OSBM
Wayne R. Davis	EEB
Tom McCreary	NCA KU
Gene Canisby	E- EBC
Fred Bartholomew	

VISITOR REGISTRATION SHEET

House of Representatives
~~Standing Committee on EDUCATION~~
Name of Committee

3-11-97

Date

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NAME

FIRM OR AGENCY AND ADDRESS

Narian Dred	League of Women Voters NC
Bill Wilson	NCAE
Lew Thompson	DPI
Sharon Crawford	NCA SA-
Kelley Sanders	Leg. Intern
Dorothy Hunt	NCCCS
Harriet Dial	NCAE
Brett Martin	Rep. Jane H. Mosley

VISITOR REGISTRATION SHEET

House of Representatives

~~Standing Committee on EDUCATION~~

Name of Committee

3-11-97

Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK.

NAME

FIRM OR AGENCY AND ADDRESS

Leshi Bevaqun

NCCBF

Pm'd Kirk

NCCBF

Learne Kinner

E G H & S

**1997 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **Russell and Shubert** for the Committee on **EDUCATION**.

☐ Committee Substitute for

H.B. 256 A BILL TO BE ENTITLED AN ACT TO REQUIRE THE REPORTING OF THE USE OF FUNDS FOR PUBLIC SCHOOLS AT THE UNIT AND BUILDING LEVELS; TO ALLOW THE STATE BOARD TO SUSPEND LOCAL BUDGET FLEXIBILITY IF A LOCAL BOARD FAILS OR REFUSES TO COMPLY WITH LAWS AND RULES CONCERNING THE BUDGETING, MANAGEMENT, AND EXPENDITURE OF PUBLIC SCHOOL FUNDS; TO PROHIBIT LOCAL BOARDS FROM USING STATE AND LOCAL FUNDS TO BUY OUT SUPERINTENDENTS' CONTRACTS; AND TO MAKE AN APPROPRIATION.

☐ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on
☐ Appropriations ☐ Finance ☐ .

☐ With a favorable report, as amended.

With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on ☐ Appropriations ☐ Finance ☐

☒ With a favorable report as to committee substitute bill which changes the title, unfavorable as to original bill and to be re-referred to the Committee on Appropriations.

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ And having received a unanimous vote in committee, is placed on the Consent Calendar.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

FOR JOURNAL USE ONLY

- ____ Pursuant to Rule 36(a), the bill is placed on the Calendar of _____.
- ____ The (committee substitute) bill/resolution (, as amended,) is (ordered engrossed and) re-referred to the Committee on _____.
- ____ The (committee substitute) bill/resolution (, as amended,) is placed on the Consent Calendar of _____. The original bill/resolution is placed on the Unfavorable Calendar.
- ____ The bill/resolution is re-referred to the Committee on _____.
- ____ On motion of (Rep. _____,) (the Chair,) the (committee substitute) bill/resolution is (ordered engrossed and) re-referred to the Committee on _____.
- ____ Pursuant to Rule 36(a), the (House)committee substitute bill (No. _____)/resolution is placed on the Calendar of _____. (The original bill) (House Committee Substitute Bill No. _____)/resolution is placed on the Unfavorable Calendar.
- ____ On motion of Rep. _____, (the rules are suspended) (Rule _____ is suspended) and the bill/resolution is placed on today's calendar. (for immediate consideration.)
- ____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).
- ____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).
- ____ Rep. _____ offers Amendment No. _____ which (is adopted.) (fails of adoption.) (by EV _____.) () This amendment changes the title.
- ____ The bill/resolution (, as amended,) passes its second reading (by following vote, _____ RC) (, by EV _____,) and (remains on the Calendar,) (and there being no objection is read a third time).
- ____ The bill/resolution (, as amended,) passes its third reading (by the following vote, _____ RC) (, by EV _____,) and is ordered
____ sent to the Senate.
____ without engrossment. _____ by Special message.
____ sent to the Senate for concurrence in
____ House amendment (s).
____ House committee substitute.
____ enrolled.
- ____ On motion of Rep. _____, the House concurs in the (material) Senate _____ (by the following vote, _____ RC) (, by EV _____,) and the bill is ordered enrolled.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 256

Short Title: Sch. Budget Accountability.

(Public)

Sponsors: Representatives Preston; Arnold, Baker, Barbee, Clary, Grady, Gray, Hall, McComas, McMahan, Mitchell, Morris, Nichols, Owens, Russell, Sherrill, Shubert, Smith, Warner, and Watson.

Referred to: Education, if favorable, Appropriations.

February 17, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO REQUIRE THE REPORTING OF THE USE OF FUNDS FOR
3 PUBLIC SCHOOLS AT THE UNIT AND BUILDING LEVELS; TO ALLOW
4 THE STATE BOARD TO SUSPEND LOCAL BUDGET FLEXIBILITY IF A
5 LOCAL BOARD FAILS OR REFUSES TO COMPLY WITH LAWS AND
6 RULES CONCERNING THE BUDGETING, MANAGEMENT, AND
7 EXPENDITURE OF PUBLIC SCHOOL FUNDS; TO PROHIBIT LOCAL
8 BOARDS FROM USING STATE AND LOCAL FUNDS TO BUY OUT
9 SUPERINTENDENTS' CONTRACTS; AND TO MAKE AN APPROPRIATION.
10 The General Assembly of North Carolina enacts:
11 Section 1. The State Board of Education shall modify the Uniform
12 Education Reporting System to provide clear, accurate, and standard information on
13 the use of funds at the unit and school level. The plan shall provide information that
14 will enable the General Assembly to determine State, local, and federal expenditures
15 for personnel at the unit and school level. The plan also shall allow the tracking of
16 expenditures for textbooks, educational supplies and equipment, capital outlay, at-risk
17 students, and other purposes. The revised Uniform Education Reporting System shall
18 be implemented beginning with the 1998-99 school year.
19 Section 2. G.S. 115C-451 reads as rewritten:
20 "§ 115C-451. Reports to State Board of Education; failure to comply with School
21 Budget Act.

1 (a) The State Board of Education shall have authority to require local school
2 administrative units to make such reports as it may deem advisable with respect to
3 the financial operation of the public schools.

4 (b) The State Board of Education shall be responsible for assuring that local
5 boards of education comply with State laws and regulations regarding the budgeting,
6 management, and expenditure of funds. When a local board of education willfully or
7 negligently fails or refuses to comply with these laws and regulations, the State Board
8 of Education shall issue a warning to the local board of education and direct it to
9 take remedial action. In addition, the State Board may suspend the flexibility given
10 to the local board under G.S. 115C-105.21A and may require the local board to use
11 funds during the term of suspension only for the purposes for which they were
12 allotted or for other purposes with the specific approval from the State Board.

13 (c) If the local board of education, after warning, persists in willfully or
14 negligently failing or refusing to comply with these laws and regulations, the State
15 Board of Education shall by resolution assume control of the financial affairs of the
16 local board of education and shall appoint an administrator to exercise the powers
17 assumed. The adoption of a resolution shall have the effect of divesting the local
18 board of education of its powers as to the adoption of budgets, expenditure of money,
19 and all other financial powers conferred upon the local board of education by law."

20 Section 3. G.S. 115C-271 reads as rewritten:

21 "§ 115C-271. Selection by local board of education, term of office.

22 ~~Each local board of education shall elect a superintendent of schools for a term of~~
23 ~~one to four years, ending on June 30th of the final 12 months of the contract. The~~
24 ~~board of education may, with the written consent of the current superintendent,~~
25 ~~extend or renew the term of the superintendent's contract at any time after the first~~
26 ~~12 months of the contract; provided, however, that the current superintendent's~~
27 ~~contract may not be extended for a term of greater than four years; and provided,~~
28 ~~further, that if new board members have been elected or appointed and are to be~~
29 ~~sworn in, the board may not act to extend or renew the current superintendent's~~
30 ~~contract until after the new members have been sworn in. The term and conditions~~
31 ~~of employment shall be stated in a written contract which shall be entered into~~
32 ~~between the board of education and the superintendent. A copy of the contract shall~~
33 ~~be filed with the Superintendent of Public Instruction before any person is eligible for~~
34 ~~this office.~~

35 ~~Contracts of employment for a period of less than one year shall be governed and~~
36 ~~limited by G.S. 115C-275.~~

37 ~~It is the policy of the State of North Carolina that the superintendents of each of~~
38 ~~the several school administrative units be hired solely at the discretion of the local~~
39 ~~boards of education and that a candidate for superintendent of a local school~~
40 ~~administrative unit must have been, at least, a principal in a North Carolina public~~
41 ~~school or have equivalent experience as prescribed by the State Board of Education~~
42 ~~and have other minimum credentials, educational prerequisites and experience~~
43 ~~requirements as the State Board of Education shall prescribe. The State Board of~~

1 ~~Education is directed to promulgate prerequisites for candidacy for superintendent~~
2 ~~not later than January 1, 1985.~~

3 ~~If any board of education shall elect a person to serve as superintendent of schools~~
4 ~~in any local school administrative unit who is not qualified, or cannot qualify,~~
5 ~~according to this section, such election is null and void and it shall be the duty of~~
6 ~~such board of education to elect a person who can qualify.~~

7 (a) It is the policy of the State that each local board of education has the sole
8 discretion to elect a superintendent of schools. However, the State Board shall adopt
9 rules that establish the qualifications for election. At a minimum, each
10 superintendent shall have been a principal in a North Carolina public school or shall
11 have equivalent experience. In addition, the State Board may establish other
12 minimum credentials, educational prerequisites, and experience requirements. It is
13 the duty of each local board to elect a superintendent who is qualified. If a local
14 board elects a superintendent who is not qualified or who cannot qualify under this
15 section, then the election and contract are null and void and the board shall elect a
16 person who is qualified.

17 (b) Each local board of education shall elect a superintendent under a written
18 contract of employment for a term of no more than four years, ending on June 30 of
19 the final months of the contract. Each contract shall contain a clause authorizing the
20 local board in its discretion to terminate the contract at any time and for any reason
21 the board considers sufficient. Contracts of employment for a period of less than one
22 year shall be governed and limited by G.S. 115C-275. Each local board shall file a
23 copy of the contract with the Superintendent of Public Instruction before the
24 individual is eligible for this office.

25 (c) Each local board may, with the written consent of the current superintendent,
26 extend or renew the term of the superintendent's contract at any time after the first
27 12 months of the contract. However, a board shall not extend the current
28 superintendent's contract for a term of greater than four years. In addition, if new
29 board members have been elected or appointed and are to be sworn in, a board shall
30 not act to extend or renew the current superintendent's contract until after the new
31 members have been sworn in.

32 (d) A local board shall not use State or local funds to pay a superintendent in the
33 event the board terminates the superintendent's contract before the contract term of
34 employment has expired."

35 Section 4. There is appropriated from the General Fund to State Aid to
36 Local School Administrative Units the sum of one million two hundred thousand
37 dollars (\$1,200,000) for the 1997-98 fiscal year to implement Section 1 of this act.

38 Section 5. This act is effective when it becomes law. G.S. 115-271, as
39 amended, in Section 3 of this act shall apply to contracts entered into, extended, or
40 renewed on or after this effective date.

MINUTES
HOUSE STANDING COMMITTEE ON EDUCATION
March 18, 1997

The House Committee on EDUCATION met at 11:00 a. m. on Tuesday, March 18, 1997, in Room 544 in the Legislative Office Building. Representative Russell presided and the following members were present: Representative Shubert, Co-chairperson; Representative Beall, Black, Boyd-McIntyre, Cansler, Capps, Cole, Crawford, Davis, Dickson, Dockham, Fox, Grady, Gulley, Hall, Hensley, Hiatt, Insko, Ives, Kinney, McMahan, Moore, Morris, Nichols, Oldham, Owens, Preston, Rayfield, Sexton, Sherrill, Smith, Tolson, Warner, Wilkins and Wilson C. Legislative staff Kory Goldsmith, Robin Johnson, Sara Kamprath and Jim Watts were present to assist the Committee. Visitor registration sheet is attached and made part of the minutes.

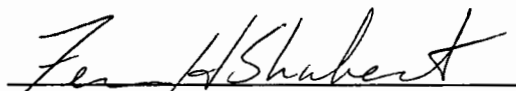
Co-Chairperson Representative Russell introduced the Pages serving the Committee and welcomed guests. The Pages were Channon Renee Genereux from Johnston County and Shelly Ronita Strickland from Robeson County. The Chair then called for the first item on the agenda.

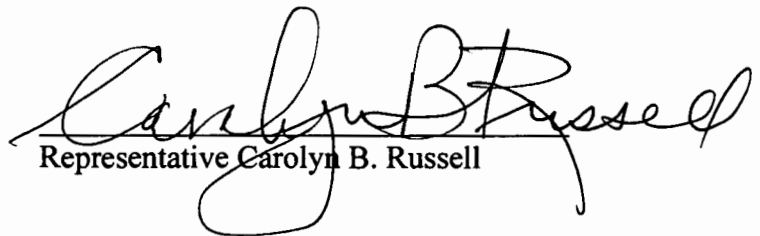
House Bill 512, entitled School Safety Act, was explained by the bill sponsor, Representative Preston. House Bill 512 requires local school boards to suspend for 365 days or remove to an alternative setting any student who physically assaults and seriously injures a teacher or other individuals. HB512 also gives the teacher the option of having or not having that student reenter their classroom. Parents are also required to disclose suspension and expulsion information to any public school that the student may attempt admission. Suspension and expulsion information can be erased from the student's permanent school record according to the guidelines in the bill. Principals must share information with the staff involved with the student, however, the student's record must remain confidential. Failure to maintain confidentiality will result in a class three misdemeanor. Finally, principals are required to report violent acts and convene meetings on a periodic basis with parents and school staff to identify school safety and discipline concerns.

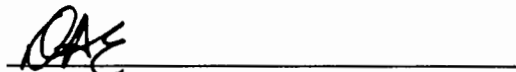
Representative Fox sent forward an amendment that deleted a grammatical error in the title. The amendment was adopted. Representative Hensley sent forward an amendment that deleted the word on line two "require" and substituted the word "allowed." The amendment also deleted the word "shall" on line 39 and substituted the word "may." There was much discussion concerning the amendment. Many Representatives voiced opposition to the amendment and several required added information from the legislative staff. After extensive discussion the amendment was voted on and the amendment failed.

Representative Hensley sent forth another amendment. The amendment deletes the phrase on page 1 line's 17-19, "to make principals' failure to report certain acts to law enforcement a class three misdemeanor" and deleting line's 24-35 on page 7 and renumbering accordingly. There was much opposing debate regarding the amendment from Representative Sherrill, Capps, Cansler and Preston. Representative Shubert called the question and the motion carried. The Chair put forth the vote on the amendment and the amendment failed.

The Chair informed the committee there were additional amendments on House Bill 512 and that due to time constraints discussion on these and the bill would continue at the Thursday, March 20, 1997 meeting. The meeting adjourned at 11:50 a. m.


Representative Fern H. Shubert


Representative Carolyn B. Russell


Dawn Ellis, Committee Clerk

VISITOR REGISTRATION SHEET

39

House of Representatives
~~Standing Committee on~~ EDUCATION
 Name of Committee

March 18, 1997
 Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK.

NAME

FIRM OR AGENCY AND ADDRESS

Jim Cratts	NCAASA
Narah Stewart	AFT/NC
Donna HARGROVE	AOC-JSD
Bob Berlow	NCSEA
Alicia Hare	Public School Forum
Gene Causby	E-ESC
M. L. M. M.	M. M. M.
Thom Hurb	NCCCS
Hal Miller	NCACCT
Karen Gave	Gov's Office
Weaver Rogers	SSBE
Tim Muldrew	NCALU

VISITOR REGISTRATION SHEET

House of Representatives
~~Standing Committee on~~ EDUCATION
 Name of Committee

March 18, 1997
 Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK.

NAME

FIRM OR AGENCY AND ADDRESS

REGINALD R. HOLLEY

DOA - YAIO

Martha Liveness

Youth Advocacy & Involvement Office

[Signature]

YAIO

Harriet Diet

NCAE

[Signature]

NCED Project

Gray + Sullivan + boys
 Mac Sullivan

NICHE

Howard + Patricia Wright
 and 3 children

NCH E

[Signature]

E/E B

Jodie Moore, Debbie Brumley,
 Ken Harold
 + children

Lighthouse School
 Home of Promise School



North Carolina General Assembly Legislative Services Office

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TO: Representative Russell and Representative Shubert, Cochairs, House Education
FROM: Robin S. Johnson, Staff Attorney
DATE: March 17, 1997
RE: HB 512: School Safety Act.

Under current law, a student who assaults and injures another person would be subject to a long-term suspension (more than 10 days) that could not extend beyond the end of the present school year. If the student's continued presence in school was considered to be a 'clear threat to the safety' of others, then the student could be permanently removed from school. **Section 1** would amend G.S. 115C-391 to require local boards to suspend for 365 days or remove to an alternative setting any student who physically assaults and seriously injures a teacher or other individual. If the board opts to remove the student to an alternative setting and the conduct occurred after the 90th school day, the student will be removed to the alternative setting for the remainder of the current school year and the entire subsequent year. If a teacher is injured and the student is suspended or removed to an alternative setting, the student shall not be returned to that teacher's classroom unless the teacher consents. **Section 1** will not apply if the student assaults and injures another student and the student subject to suspension was acting in self-defense. **Section 1** also would make a number of technical changes to G.S. 115C-391.

Section 2 would amend G.S. 115C-366 to allow a local board to determine whether a transfer student is under a term of suspension or expulsion from another school. **Section 2** would require the parent, guardian, or custodian to provide a statement made under oath or an affirmation before a qualified official (i.e., a notary) before any student can be admitted to a public school. This statement or affirmation must indicate whether student is, at the time, under suspension or expulsion from any other school. If the board learns that a student is currently suspended or expelled from another school, the board may deny admission to that transfer student for the time remaining in the period of suspension or expulsion. A student who has been expelled would be allowed the opportunity to request the local board to reconsider its decision to deny admission at any time after the first July 1 that is at least 6 months from the decision to expel.

Section 3 would amend G.S. 115C-402 to require each student's official record to include notice of any suspension of more than 10 days or of any expulsion and the conduct for which the student was suspended or expelled. This information shall be removed from the record if the student graduates or is not expelled or suspended again during the two-year period beginning on the date of the student's return to school after the suspension or expulsion. The information in the student's official record is what is transferred to a receiving school when the student transfers.

Section 4 would amend the Juvenile Code to add a new section (G.S. 7A-675.1) that would require the juvenile court counselor to deliver written notice to a principal of a public or private school when a petition is filed alleging delinquency for a felony offense (other than a motor vehicle offense), the case is transferred to superior court where the juvenile will be tried as an adult, the petition is dismissed, the judge issues ANY dispositional order (including probation with school attendance required as a condition of probation), or the judge modifies or vacates any order or disposition. Currently, there is no provision requiring the court to notify schools when juveniles (who are under 16) are alleged or found delinquent. The notice is to be delivered within five days either in writing or by certified mail. If the court counselor learns that the juvenile is transferring to another school, the counselor shall deliver the required notification to the principal of that school.

Section 5 would add a new G.S. 115C-404 to provide for the school's confidential treatment of juvenile records received from court counselors under the previous section of the bill. The principal must share the information with staff who have direct guidance, teaching, or supervisory responsibility for the particular student or who have a specific need to know in order to protect the safety of the student or others. Failure to maintain confidentiality would be a Class 3 misdemeanor, for which the maximum punishment is 30 days imprisonment or a fine. The principal must keep the records in a safe place, separate from other records, and must destroy the information when the principal learns that the judge has dismissed the petition, transferred jurisdiction to superior court, or ordered expunction of the records. If the student graduates, withdraws from school, is suspended for the rest of the school year, is expelled, or transfers to another school, the principal must return the documents to the court counselor. If applicable, the principal also shall provide the counselor with the name and address of the school to which the student is transferring.

Section 6 would amend G.S. 15A-505 to require law enforcement officials to notify the appropriate principal (of a public or private school) within five days when a student is charged with a felony, except for a motor vehicle offense. Notification must be made by phone or in person. Currently, law enforcement officials are required to notify a minor's parent or guardian when a minor is charged with a criminal offense, not including certain motor vehicle offenses. Section 6 would apply to students who are at least 16.

Section 7 would make a principal's failure to report to law enforcement certain violent acts on school property as required under G.S. 115C-288(g) a Class 3 misdemeanor, for which the maximum punishment is 30 days imprisonment or a fine.

Section 8 would amend G.S. 115C-288 (Powers and Duties of a Principal) by encouraging principals to convene meetings on a periodic basis with parents, school personnel, and other interested individuals in order to identify school safety and discipline concerns and to develop proposals to address these concerns.

Section 9 would amend G.S. 115C-105.27 to direct each school improvement plan to include a school safety and discipline plan.

Section 10 would direct the UNC Board of Governors, in collaboration with the State Board of Education, the Administrative Office of the Courts, the Department of Crime Control and Public Safety, and other State agencies, to develop a program for ongoing training of school officials, local law

enforcement officials, and local court officials. This training will be designed to promote local collaboration on school safety and discipline issues. The Board of Governors shall report by January 15, 1998, to the Joint Legislative Education Oversight Committee on the development of this training program. Subsection (b) of Section 10 would appropriate \$200,000 in the 1997-98 fiscal year to the Board of Governors for this purpose.

Finally, **Section 11** would appropriate \$10,000,000 in each year of the 1997-99 fiscal biennium in expansion funds for At-Risk/Alternative Schools.

The act would take effect when it becomes law.

H512-SMRH-001

3/18/97

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 512

Short Title: School Safety Act.

(Public)

Sponsors: Representatives Preston; Arnold, Bowie, Cole, Creech, Dickson, Easterling, Fox, Gardner, Grady, Hiatt, Hurley, Jeffus, Kinney, McCrary, McMahan, Mercer, Moore, Morris, Oldham, Owens, Rogers, Russell, Sherrill, Shubert, Smith, Wilkins, and Yongue.

Referred to: Education, if favorable, Appropriations.

March 13, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO REQUIRE LOCAL BOARDS OF EDUCATION TO SUSPEND FOR
3 THREE HUNDRED SIXTY-FIVE DAYS OR TO REMOVE TO AN
4 ALTERNATIVE EDUCATIONAL SETTING A STUDENT WHO
5 PHYSICALLY ASSAULTS AND SERIOUSLY INJURES A TEACHER OR
6 OTHER PERSON; TO REQUIRE PARENT'S AFFIRMATION THAT
7 STUDENT IS NOT SUSPENDED OR EXPELLED FROM ANOTHER SCHOOL
8 BEFORE ADMISSION TO ANY PUBLIC SCHOOL; TO ALLOW LOCAL
9 BOARDS OF EDUCATION TO DENY ADMISSION TO ANY STUDENT
10 WHO HAS BEEN SUSPENDED OR EXPELLED FROM ANOTHER SCHOOL;
11 TO REQUIRE NOTICE OF SUSPENSION AND EXPULSION TO BE MADE
12 PART OF STUDENT'S OFFICIAL RECORD; TO REQUIRE NOTIFICATION
13 TO (OF) STUDENT'S SCHOOL WHEN STUDENT IS CHARGED WITH A
14 FELONY OR WHEN STUDENT IS ALLEGED OR FOUND TO BE
15 DELINQUENT FOR AN OFFENSE THAT WOULD BE A FELONY IF
16 COMMITTED BY AN ADULT; TO PROVIDE FOR THE SCHOOL'S USE OF
17 JUVENILE COURT RECORDS; TO MAKE PRINCIPAL'S FAILURE TO
18 REPORT CERTAIN ACTS TO LAW ENFORCEMENT A CLASS 3
19 MISDEMEANOR; TO ENCOURAGE PRINCIPALS TO CONVENE MEETINGS
20 TO IDENTIFY SCHOOL SAFETY AND DISCIPLINE CONCERNS; TO
21 REQUIRE SCHOOL IMPROVEMENT PLANS TO INCLUDE STRATEGIES

1 TO ADDRESS SCHOOL SAFETY AND DISCIPLINE CONCERNS; TO
2 DIRECT THE BOARD OF GOVERNORS IN CONSULTATION WITH OTHER
3 AGENCIES TO DEVELOP A TRAINING PROGRAM TO PROMOTE LOCAL
4 COLLABORATION ON SCHOOL SAFETY AND DISCIPLINE ISSUES AND
5 TO MAKE AN APPROPRIATION FOR THIS PURPOSE; TO APPROPRIATE
6 ADDITIONAL FUNDS FOR ALTERNATIVE SCHOOLS; AND TO MAKE
7 TECHNICAL AND CONFORMING CHANGES.

8 The General Assembly of North Carolina enacts:

9 Section 1. G.S. 115C-391 reads as rewritten:

10 **"§ 115C-391. Corporal punishment, suspension, or expulsion of pupils.**

11 (a) Local boards of education shall adopt policies not inconsistent with the
12 provisions of the Constitutions of the United States and North Carolina, governing
13 the conduct of students and establishing procedures to be followed by school officials
14 in suspending or expelling any student, or in disciplining any student if the offensive
15 behavior could result in suspension, expulsion, or the administration of corporal
16 punishment. The policies that shall be adopted for the administration of corporal
17 punishment shall include at a minimum the following conditions:

18 (1) Corporal punishment shall not be administered in a classroom with
19 other children present;

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

22 (3) Only a teacher, substitute teacher, principal, or assistant principal
23 may administer corporal punishment and may do so only in the
24 presence of a principal, assistant principal, teacher, substitute
25 teacher, teacher assistant, or student teacher, who shall be
26 informed beforehand and in the student's presence of the reason
27 for the punishment; and

28 (4) An appropriate school official shall provide the child's parent or
29 guardian with notification that corporal punishment has been
30 administered, and upon request, the official who administered the
31 corporal punishment shall provide the child's parent or guardian a
32 written explanation of the reasons and the name of the second
33 school official who was present.

34 The board shall publish all the policies mandated by this subsection and make them
35 available to each student and his parent or guardian at the beginning of each school
36 year. Notwithstanding any policy adopted pursuant to this section, school personnel
37 may use reasonable force, including corporal punishment, to control behavior or to
38 remove a person from the scene in those situations when necessary:

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

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

42 (3) For self-defense; or

43 (4) For the protection of persons or property.

1 (b) The principal of a school, or his delegate, ^{may} shall have authority to suspend for a
2 period of 10 days or less any student who willfully violates policies of conduct
3 established by the local board of education: Provided, that a student suspended
4 pursuant to this subsection shall be provided an opportunity to take any quarterly,
5 semester or grading period examinations missed during the suspension period.

6 (c) The principal of a school, with the prior approval of the superintendent, shall
7 have the authority to suspend for periods of times in excess of 10 school days but not
8 exceeding the time remaining in the school year, any pupil who willfully violates the
9 policies of conduct established by the local board of education. The pupil or his
10 parents may appeal the decision of the principal to the local board of education.

11 (d) Notwithstanding G.S. 115C-378, a local board of education may, upon
12 recommendation of the principal and superintendent, expel any student 14 years of
13 age or older whose behavior indicates that the student's continued presence in school
14 constitutes a clear threat to the safety of other students or employees. The local board
15 of education's decision to expel a student under this section shall be based on clear
16 and convincing evidence. Prior to ordering the expulsion of a student pursuant to this
17 subsection, the local board of education shall consider whether there is an alternative
18 program offered by the local school administrative unit that may provide education
19 services for the student who is subject to expulsion. At any time after the first July 1
20 that is at least six months after the board's decision to expel a student under this
21 subsection, a student may request the local board of education to reconsider that
22 decision. If the student demonstrates to the satisfaction of the local board of
23 education that the student's presence in school no longer constitutes a threat to the
24 safety of other students or employees, the board shall readmit the student to a school
25 in that local school administrative unit on a date the board considers appropriate.
26 ~~Notwithstanding the provisions of G.S. 115C-112, a local board of education has no~~
27 ~~duty to continue to provide a child with special needs, expelled pursuant to this~~
28 ~~subsection, with any special education or related services during the period of~~
29 ~~expulsion.~~

30 (d1) A local board of education shall suspend for 365 days any student who brings
31 a weapon, as defined in G.S. 14-269.2(b) and ~~(g)~~, G.S. 14-269.2(g), onto school
32 property. The local board of education upon recommendation by the superintendent
33 may modify this suspension requirement on a case-by-case basis ~~which that~~ includes,
34 but is not limited to, the procedures ~~set out in G.S. 115C-112~~ established for the
35 discipline of students with disabilities and may also provide, or contract for the
36 provision of, educational services to any student suspended pursuant to this
37 subsection in an alternative school setting or in another setting that provides
38 educational and other services.

39 (d2) A local board of education shall suspend for 365 days or shall remove to an
40 alternative educational setting, as provided in this subsection, any student who
41 physically assaults and seriously injures a teacher or other individual on school
42 property or while attending a school-sponsored or school-related activity on or off
43 school property. If the other individual is a student, then this subsection shall not
44 apply when the board finds that the student who is subject to suspension or removal

1 was acting in self-defense. If the board chooses to remove the student to an
2 alternative educational setting and the conduct leading to the suspension occurred
3 after the ninetieth school day, the board shall remove the student to that setting for
4 the remainder of the current school year and for the entire subsequent school year. If
5 a teacher is assaulted and injured and as a result a student is suspended or removed
6 to an alternative educational setting under this subsection, then the student shall not
7 be returned to that teacher's classroom unless the teacher consents.

8 (e) A decision of a local board under subsection (c), (d), ~~or (d1)~~ (d1), or (d2) of
9 this section is final and, except as provided in this subsection, is subject to judicial
10 review in accordance with Article 4 of Chapter 150B of the General Statutes. A
11 person seeking judicial review shall file a petition in the superior court of the county
12 where the local board made its decision.

13 (f) Local boards of education ~~shall, no later than December 1, 1993, reevaluate~~
14 ~~and update their policies related to school safety so they reflect changes authorized~~
15 ~~by the 1993 General Assembly. In particular, boards shall ensure they have clear~~
16 policies governing the conduct of students, which students. At a minimum, these
17 policies shall state the consequences of violent or assaultive behavior, possessions of
18 weapons, and criminal acts committed on school property or at school-sponsored
19 functions. The State Board shall develop guidelines to assist local boards in this
20 process.

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

24 Section 2. G.S. 115C-366 is amended by adding the following new
25 subsection to read:

26 "(a3) Before the admission of a student to any public school in North Carolina,
27 the local board shall require the student's parent, guardian, or custodian to provide a
28 statement made under oath or affirmation before a qualified official indicating
29 whether the student is, at the time, under suspension or expulsion from attendance at
30 a private or public school in this or any other state. Any person who willfully makes
31 a materially false statement or affirmation under this subsection shall be guilty of a
32 Class 3 misdemeanor. Notwithstanding any other law, a local board may deny
33 admission to a student who has been suspended from a school under G.S. 115C-391
34 or who has been suspended from a school for conduct that could have led to a
35 suspension from a school within the local school administrative unit where the
36 student is seeking admission until the period of suspension has expired. Also, a local
37 board may deny admission to a student who has been expelled from a school under
38 G.S. 115C-391 or who has been expelled from a school for behavior that indicated
39 the student's continued presence in school constituted a clear threat to the safety of
40 other students or employees. If the local board denies admission to a student who
41 has been expelled, the student may request the local board to reconsider that decision
42 in accordance with G.S. 115C-391(d)."

43 Section 3. G.S. 115C-402 reads as rewritten:

44 **"§ 115C-402. Student records; maintenance; contents; confidentiality.**

1 The official record of each student enrolled in North Carolina public schools shall
2 be permanently maintained in the files of the appropriate school after the student
3 graduates, or should have graduated, from high school unless the local board
4 determines that such files may be filed in the central office or other location
5 designated by the local board for that purpose.

6 The official record shall contain, as a minimum, adequate identification data
7 including date of birth, attendance data, grading and promotion data, and such other
8 factual information as may be deemed appropriate by the local board of education
9 having jurisdiction over the school wherein the record is maintained. Each student's
10 official record also shall include notice of any suspension for a period of more than
11 10 days or of any expulsion under G.S. 115C-391 and the conduct for which the
12 student was suspended or expelled. The notice of suspension or expulsion shall be
13 expunged from the record if the student (i) graduates from high school or (ii) is not
14 expelled or suspended again during the two-year period commencing on the date of
15 the student's return to school after the expulsion or suspension.

16 The official record of each student is not a public record as the term 'public
17 record' is defined by G.S. 132-1. The official record shall not be subject to inspection
18 and examination as authorized by G.S. 132-6."

19 Section 4. Article 54 of Chapter 7A of the General Statutes is amended
20 by adding the following new section to read:

21 "§ 7A-675.1. Notification of schools when juveniles are alleged or found to be
22 delinquent.

23 (a) Notwithstanding G.S. 7A-675, the juvenile court counselor shall deliver written
24 notification of the following actions to the principal of the school that the juvenile
25 attends:

- 26 (1) A petition is filed under G.S. 7A-560 that alleges delinquency for
27 an offense that would be a felony if committed by an adult;
- 28 (2) The judge transfers jurisdiction over a juvenile to superior court
29 under G.S. 7A-608;
- 30 (3) The judge dismisses the petition that alleges delinquency for an
31 offense that would be a felony if committed by an adult and
32 releases the juvenile under G.S. 7A-637;
- 33 (4) The judge issues a dispositional order under Article 52 of Chapter
34 7A of the General Statutes concerning a juvenile alleged or found
35 delinquent for an offense that would be a felony if committed by
36 an adult; or
- 37 (5) The judge modifies or vacates any order or disposition under G.S.
38 7A-664 concerning a juvenile alleged or found delinquent for an
39 offense that would be a felony if committed by an adult.

40 Delivery shall be made as soon as practicable but at least within five days of the
41 action. Delivery shall be made in person or by certified mail. Notification that a
42 petition has been filed shall describe the nature of the offense. Notification of a
43 dispositional order, a modified or vacated order, or a transfer to superior court shall
44 describe the judge's action and any applicable disposition requirements. As used in

1 this subsection, the term 'offense' shall not include any offense under Chapter 20 of
2 the General Statutes.

3 (b) If the principal of the school the juvenile attends returns any notification as
4 required by G.S. 115C-404, and if the juvenile court counselor learns that the juvenile
5 is transferring to another school, the juvenile court counselor shall deliver the
6 notification to the principal of the school to which the juvenile is transferring.
7 Delivery shall be made as soon as practicable and shall be made in person or by
8 certified mail.

9 (c) Principals shall handle any notification delivered under this section in
10 accordance with G.S. 115C-404.

11 (d) For the purpose of this section, 'school' means any public or private school in
12 the State that is authorized under Chapter 115C of the General Statutes."

13 Section 5. Article 29 of Chapter 115C of the General Statutes is
14 amended by adding a new section to read:

15 **"§ 115C-404. Use of juvenile court information.**

16 (a) Written notifications received in accordance with G.S. 7A-675.1 are
17 confidential records, are not public records as defined under G.S. 132-1, and shall not
18 be made part of the student's official record under G.S. 115C-402. Immediately upon
19 receipt, the principal shall maintain these documents in a safe, locked record storage
20 that is separate from the student's other school records. The principal shall maintain
21 these documents until the principal receives notification that the judge dismissed the
22 petition under G.S. 7A-637, the judge transferred jurisdiction over the student to
23 superior court under G.S. 7A-608, or the judge granted the student's petition for
24 expunction of the records. At that time, the principal shall shred or burn the
25 documents to protect the confidentiality of this information. In no case shall the
26 principal make a copy of these documents.

27 (b) Upon receipt of each document, the principal shall share the document with
28 appropriate staff members who shall indicate in writing that they have read the
29 document and that they agree to maintain its confidentiality. For the purposes of this
30 section, 'appropriate staff members' are those individuals who have direct guidance,
31 teaching, or supervisory responsibility for the student, or who have a specific need to
32 know in order to protect the safety of the student or others. Failure to maintain the
33 confidentiality of these documents as required by this section is a Class 3
34 misdemeanor.

35 (c) If the student graduates, withdraws from school, is suspended for the
36 remainder of the school year, is expelled, or transfers to another school, the principal
37 shall return the documents to the juvenile court counselor and, if applicable, shall
38 provide the counselor with the name and address of the school to which the student
39 is transferring."

40 Section 6. G.S. 15A-505 reads as rewritten:

41 **"§ 15A-505. Notification of ~~minor's parent.~~ parent and school.**

42 (a) A law-enforcement officer who charges a minor with a criminal offense shall
43 notify the minor's parent or guardian of the charge, as soon as practicable, in person
44 or by telephone. If the minor is taken into custody, the law enforcement officer or

1 local board to utilize the school's proposed school improvement plan to the
2 maximum extent possible when developing such a plan.

3 A school improvement plan shall remain in effect for no more than three years;
4 however, the school improvement team may amend the plan as often as is necessary
5 or appropriate. If, at any time, any part of a school improvement plan becomes
6 unlawful or the local board finds that a school improvement plan is impeding student
7 performance at a school, the local board may vacate the relevant portion of the plan
8 and may direct the school to revise that portion. The procedures set out in this
9 subsection shall apply to amendments and revisions to school improvement plans."

10 Section 10. (a) The Board of Governors of The University of North
11 Carolina, in consultation with the State Board of Education, the Administrative
12 Office of the Courts, the Department of Crime Control and Public Safety, and other
13 appropriate State agencies, shall develop a program for the ongoing training of school
14 officials, local law enforcement officials, and local court officials. The program shall
15 be designed to promote local collaboration on school safety and discipline issues.
16 The Board of Governors shall report to the Joint Legislative Education Oversight
17 Committee on the development of this program by January 15, 1998.

18 (b) There is appropriated from the General Fund to the Board of
19 Governors of The University of North Carolina the sum of two hundred thousand
20 dollars (\$200,000) in the 1997-98 fiscal year to implement this section.

21 Section 11. There is appropriated from the General Fund to State Aid to
22 Local School Administrative Units the sum of ten million dollars (\$10,000,000) in
23 each year of the 1997-99 fiscal biennium to be allocated to At-Risk Student
24 Services/Alternative Schools.

25 Section 12. This act is effective when it becomes law.

1 the officer's immediate superior shall notify a parent or guardian in writing that the
2 minor is in custody within 24 hours of the minor's arrest. If the parent or guardian of
3 the minor cannot be found, then the officer or the officer's immediate superior shall
4 notify the minor's next-of-kin of the minor's arrest as soon as practicable.

5 (b) The notification provided for by subsection (a) of this section shall not be
6 required if:

7 (1) The minor is emancipated;

8 (2) The minor is not taken into custody and has been charged with a
9 motor vehicle moving violation for which three or fewer points are
10 assessed under G.S. 20-16(c), except an offense involving impaired
11 driving, as defined in G.S. 20-4.01(24a); or

12 (3) The minor has been charged with a motor vehicle offense that is
13 not a moving violation.

14 (c) A law enforcement officer who charges a person with a criminal offense that is
15 a felony, except for a criminal offense under Chapter 20 of the General Statutes, shall
16 notify the principal of any school the person attends of the charge as soon as
17 practicable but at least within five days. The notification may be made in person or
18 by telephone. If the person is taken into custody, the law enforcement officer or the
19 officer's immediate supervisor shall notify the principal of any school the person
20 attends. This notification shall be in writing and shall be made within five days of the
21 person's arrest. As used in this subsection, the term 'school' means any public or
22 private school in the State that is authorized under Chapter 115C of the General
23 Statutes."

24 Section 7. G.S. 115C-288(g) reads as rewritten:

25 "(g) To Report Certain Acts to Law Enforcement. -- When the principal has a
26 reasonable belief that an act has occurred on school property involving assault
27 resulting in serious personal injury, sexual assault, sexual offense, rape, kidnapping,
28 indecent liberties with a minor, assault involving the use of a weapon, possession of a
29 firearm in violation of the law, possession of a weapon in violation of the law, or
30 possession of a controlled substance in violation of the law, the principal shall
31 immediately report the act to the appropriate local law enforcement agency. Failure
32 to report under this subsection is a Class 3 misdemeanor. For purposes of this
33 subsection, 'school property' shall include any public school building, bus, public
34 school campus, grounds, recreational area, or athletic field, in the charge of the
35 principal."

36 Section 8. G.S. 115C-288 is amended by adding the following new
37 subsection:

38 "(i) To Identify School Safety and Discipline Concerns. -- The principal is
39 encouraged to convene meetings on a periodic basis with parents, school personnel,
40 and other interested individuals in order to identify school safety and discipline
41 concerns and to develop proposals to address these concerns."

42 Section 9. G.S. 115C-105.27 reads as rewritten:

43 **"§ 115C-105.27. Development and approval of school improvement plans.**

1 In order to improve student performance, each school shall develop a school
2 improvement plan that takes into consideration the annual performance goal for that
3 school that is set by the State Board under G.S. 115C-105.35. The principal of each
4 school, representatives of the assistant principals, instructional personnel, instructional
5 support personnel, and teacher assistants assigned to the school building, and parents
6 of children enrolled in the school shall constitute a school improvement team to
7 develop a school improvement plan to improve student performance. Parents serving
8 on school improvement teams shall reflect the racial and socioeconomic composition
9 of the students enrolled in that school and shall not be members of the building-level
10 staff. Parental involvement is a critical component of school success and positive
11 student achievement; therefore, it is the intent of the General Assembly that parents,
12 along with teachers, have a substantial role in developing school improvement plans.
13 To this end, school improvement team meetings shall be held at a convenient time to
14 assure substantial parent participation. The strategies for improving student
15 performance shall include a plan for the use of staff development funds that may be
16 made available to the school by the local board of education to implement the school
17 improvement ~~plan~~. plan and shall include a plan to address school safety and
18 discipline concerns. The strategies may include a decision to use State funds in
19 accordance with G.S. 115C-105.25. The strategies may also include requests for
20 waivers of State laws, rules, or policies for that school. A request for a waiver shall
21 meet the requirements of G.S. 115C-105.26.

22 Support among affected staff members is essential to successful implementation of
23 a school improvement plan to address improved student performance at that school.
24 The principal of the school shall present the proposed school improvement plan to all
25 of the principals, assistant principals, instructional personnel, instructional support
26 personnel, and teacher assistants assigned to the school building for their review and
27 vote. The vote shall be by secret ballot. The principal shall submit the school
28 improvement plan to the local board of education only if the proposed school
29 improvement plan has the approval of a majority of the staff who voted on the plan.

30 The local board of education shall accept or reject the school improvement plan.
31 The local board shall not make any substantive changes in any school improvement
32 plan that it accepts. If the local board rejects a school improvement plan, the local
33 board shall state with specificity its reasons for rejecting the plan; the school
34 improvement team may then prepare another plan, present it to the principals,
35 assistant principals, instructional personnel, instructional support personnel, and
36 teacher assistants assigned to the school building for a vote, and submit it to the local
37 board to accept or reject. If no school improvement plan is accepted for a school
38 within 60 days after its initial submission to the local board, the school or the local
39 board may ask to use the process to resolve disagreements recommended in the
40 guidelines developed by the State Board under G.S. 115C-105.20(b)(5). If this request
41 is made, both the school and local board shall participate in the process to resolve
42 disagreements. If there is no request to use that process, then the local board may
43 develop a school improvement plan for the school. The General Assembly urges the

MINUTES
HOUSE STANDING COMMITTEE ON EDUCATION
March 20, 1997

The House committee on EDUCATION met in Room 544 of the Legislative Office Building on March 20, 1997, at 11:00 a.m. Co-Chairperson Representative Fern H. Shubert presided at the meeting and the following members were present: Representative Arnold, Beall, Black, Boyd-McIntyre, Cansler, Capps, Cole, Decker, Dickson, Dockham, Eddins, Fox, Grady, Gulley, Hall, Hensley, Hiatt, Insko, Ives, Kinney, McMahan, Moore, Morris, Nichols, Nye, Oldham, Owens, Preston, Rayfield, Russell, Sexton, Sherrill, Smith, Tolson, Warner, Wilkins, Wilson, and Wood. Legislative staff Kory Goldsmith, Robin Johnson, Sara Kamprath and Jim Watts were present to assist the Committee. Visitor registration sheet is attached and made part of the minutes.

The Chair introduced Hiram Frank Grainger, II, from Wake County, who served as the page for the committee.

The following bills were discussed:

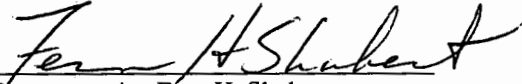
House Bill 512, entitled School Safety Act was explained by Representative Preston. This was a continuation of discussion from the March 18th meeting. Representatives Preston, Moore, Warner, Sherrill, and Insko sent forward amendments. All were adopted and are attached to these minutes in the order they were sent forward.

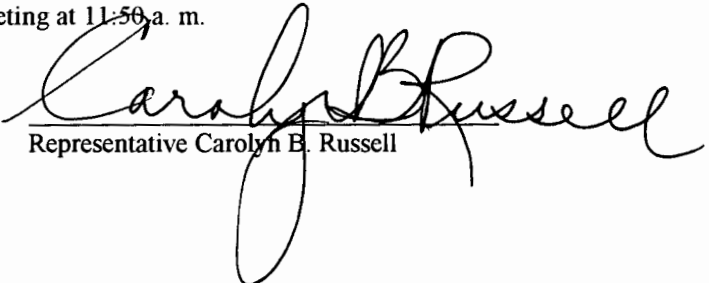
The Chair moved for a favorable report on House Bill 512 as amended, rolled into a proposed committee substitute, unfavorable as to the original bill. The motion passed with the proposed committee substitute being re-referred to the committee on Appropriations.

Representative Shubert then appointed a subcommittee to handle the retirement issues regarding Charter Schools. The subcommittee is to be chaired by Representative Capps and the following are to be members: Representative Boyd-McIntyre, Eddins, Morris, Tolson and Warner. The Chair urged the committee to work with Representative Barbee regarding this issue.

The Chair then asked Representative Woods to discuss the second item on the agenda, House Bill 76. House Bill 76, entitled Local Teaching Permits, allows local boards to issue local teaching permits to individuals who hold baccalaureate degrees. Local teaching permits are for one year, but are renewable only in the issuing district. This bill will address structural features regarding the teaching labor market. Representative Nichols, Insko and Morris asked questions regarding the incentives to become certified teachers under House Bill 76. Representative Warner stated his favorable opinion regarding the bill and made a motion for a favorable report. The Chair accepted the motion and discussion continued.

Representative Preston expressed her opposition regarding the bill because of the controversy of raising teaching standards. The Chair then acknowledged that the committee would not be able to vote on the bill today due to time constraints. The Chair adjourned the meeting at 11:50 a. m.


Representative Fern H. Shubert


Representative Carolyn B. Russell


Dawn Ellis
Committee Clerk

**1997 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **Shubert and Russell** for the Committee on **EDUCATION**.

☐ Committee Substitute for

H.B. 512 A BILL TO BE ENTITLED AN ACT TO REQUIRE LOCAL BOARDS OF EDUCATION TO SUSPEND FOR THREE HUNDRED SIXTY-FIVE DAYS OR TO REMOVE TO AN ALTERNATIVE EDUCATIONAL SETTING A STUDENT WHO PHYSICALLY ASSAULTS AND SERIOUSLY INJURES A TEACHER OR OTHER PERSON; TO REQUIRE PARENT'S AFFIRMATION THAT STUDENT IS NOT SUSPENDED OR EXPELLED FROM ANOTHER SCHOOL BEFORE ADMISSION TO ANY PUBLIC SCHOOL; TO ALLOW LOCAL BOARDS OF EDUCATION TO DENY ADMISSION TO ANY STUDENT WHO HAS BEEN SUSPENDED OR EXPELLED FROM ANOTHER SCHOOL; TO REQUIRE NOTICE OF SUSPENSION AND EXPLUSION TO BE MADE PART OF STUDENT'S OFFICIAL RECORD; TO REQUIRE NOTIFICATION OF STUDENT'S SCHOOL WHEN STUDENT IS CHARGED WITH A FELONY OR WHEN STUDENT IS ALLEGED OR FOUND TO BE DELINQUENT FOR AN OFFENSE THAT WOULD BE A FELONY IF COMMITTED BY AN ADULT; TO PROVIDE FOR THE SCHOOL'S USE OF JUVENILE COURT RECORDS; TO MAKE PRINCIPAL'S FAILURE TO REPORT CERTAIN ACTS TO LAW ENFORCEMENT A CLASS 3 MISDEMEANOR; TO ENCOURAGE PRINCIPALS TO CONVENE MEETINGS TO IDENTIFY SCHOOL SAFETY AND DISCIPLINE CONCERNS; TO REQUIRE SCHOOL IMPROVEMENT PLANS TO INCLUDE STRATEGIES TO ADDRESS SCHOOL SAFETY AND DISCIPLINE CONCERNS; TO DIRECT THE BOARD OF GOVERNORS IN CONSULTATION WITH OTHER AGENCIES TO DEVELOP A TRAINING PROGRAM TO PROMOTE LOCAL COLLABORATION ON SCHOOL SAFETY AND DISCIPLINE ISSUES AND TO MAKE AN APPROPRIATION FOR THIS PURPOSE; TO APPROPRIATE ADDITIONAL FUNDS FOR ALTERNATIVE SCHOOLS; AND TO MAKE TECHNICAL AND CONFORMING CHANGES .

☐ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on
☐ Appropriations ☐ Finance ☐

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on ☐ Appropriations ☐ Finance ☐

☒ With a favorable report as to committee substitute bill, unfavorable as to original bill, with a recommendation that the bill be re-referred to the committee on Appropriations.

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ And having received a unanimous vote in committee, is placed on the Consent Calendar.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐

FOR JOURNAL USE ONLY

- ____ Pursuant to Rule 36(a), the bill is placed on the Calendar of _____.
- ____ The (committee substitute) bill/resolution (, as amended,) is (ordered engrossed and) re-referred to the Committee on _____.
- ____ The (committee substitute) bill/resolution (, as amended,) is placed on the Consent Calendar of _____. The original bill/resolution is placed on the Unfavorable Calendar.
- ____ The bill/resolution is re-referred to the Committee on _____.
- ____ On motion of (Rep. _____,) (the Chair,) the (committee substitute) bill/resolution is (ordered engrossed and) re-referred to the Committee on _____.
- ____ Pursuant to Rule 36(a), the (House)committee substitute bill (No. _____)/resolution is placed on the Calendar of _____. (The original bill) (House Committee Substitute Bill No. _____)/resolution is placed on the Unfavorable Calendar.
- ____ On motion of Rep. _____, (the rules are suspended) (Rule _____ is suspended) and the bill/resolution is placed on today's calendar. (for immediate consideration.)
- ____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).
- ____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).
- ____ Rep. _____ offers Amendment No. _____ which (is adopted.) (fails of adoption.) (by EV _____.) () This amendment changes the title.
- ____ The bill/resolution (, as amended,) passes its second reading (by following vote, _____ RC) (, by EV _____,) and (remains on the Calendar,) (and there being no objection is read a third time).
- ____ The bill/resolution (, as amended,) passes its third reading (by the following vote, _____ RC) (, by EV _____,) and is ordered
____ sent to the Senate.
____ without engrossment. _____ by Special message.
____ sent to the Senate for concurrence in
____ House amendment (s).
____ House committee substitute.
____ enrolled.
- ____ On motion of Rep. _____, the House concurs in the (material) Senate _____ (by the following vote, _____ RC) (, by EV _____,) and the bill is ordered enrolled.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

D

HOUSE BILL 512

Proposed Committee Substitute H512-PCS7141

Short Title: School Safety Act.

(Public)

Sponsors:

Referred to:

March 13, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO REQUIRE LOCAL BOARDS OF EDUCATION TO SUSPEND FOR
3 THREE HUNDRED SIXTY-FIVE DAYS OR TO REMOVE TO AN
4 ALTERNATIVE EDUCATIONAL SETTING A STUDENT WHO
5 PHYSICALLY ASSAULTS AND INJURES A TEACHER OR OTHER
6 PERSON; TO REQUIRE PARENT'S AFFIRMATION THAT STUDENT IS
7 NOT SUSPENDED OR EXPELLED FROM ANOTHER SCHOOL BEFORE
8 ADMISSION TO ANY PUBLIC SCHOOL; TO ALLOW LOCAL BOARDS OF
9 EDUCATION TO DENY ADMISSION TO ANY STUDENT WHO HAS BEEN
10 SUSPENDED OR EXPELLED FROM ANOTHER SCHOOL; TO REQUIRE
11 NOTICE OF SUSPENSION AND EXPULSION TO BE MADE PART OF
12 STUDENT'S OFFICIAL RECORD; TO REQUIRE NOTIFICATION TO
13 STUDENT'S SCHOOL WHEN STUDENT IS CHARGED WITH A FELONY
14 OR WHEN STUDENT IS ALLEGED OR FOUND TO BE DELINQUENT FOR
15 AN OFFENSE THAT WOULD BE A FELONY IF COMMITTED BY AN
16 ADULT; TO PROVIDE FOR THE SCHOOL'S USE OF JUVENILE COURT
17 RECORDS; TO MAKE PRINCIPAL'S FAILURE TO REPORT CERTAIN
18 ACTS TO LAW ENFORCEMENT A CLASS 3 MISDEMEANOR; TO
19 ENCOURAGE PRINCIPALS TO CONVENE MEETINGS TO IDENTIFY
20 SCHOOL SAFETY AND DISCIPLINE CONCERNS; TO REQUIRE SCHOOL
21 IMPROVEMENT PLANS TO INCLUDE STRATEGIES TO ADDRESS
22 SCHOOL SAFETY AND DISCIPLINE CONCERNS; TO DIRECT THE BOARD
23 OF GOVERNORS IN CONSULTATION WITH OTHER AGENCIES TO

1 DEVELOP A TRAINING PROGRAM TO PROMOTE LOCAL
2 COLLABORATION ON SCHOOL SAFETY AND DISCIPLINE ISSUES AND
3 TO MAKE AN APPROPRIATION FOR THIS PURPOSE; TO APPROPRIATE
4 ADDITIONAL FUNDS FOR ALTERNATIVE SCHOOLS; TO MODIFY THE
5 REPORTING OF SCHOOL DROPOUT RATES; AND TO MAKE TECHNICAL
6 AND CONFORMING CHANGES.

7 The General Assembly of North Carolina enacts:

8 Section 1. G.S. 115C-391 reads as rewritten:

9 **"§ 115C-391. Corporal punishment, suspension, or expulsion of pupils.**

10 (a) Local boards of education shall adopt policies not inconsistent with the
11 provisions of the Constitutions of the United States and North Carolina, governing
12 the conduct of students and establishing procedures to be followed by school officials
13 in suspending or expelling any student, or in disciplining any student if the offensive
14 behavior could result in suspension, expulsion, or the administration of corporal
15 punishment. The policies that shall be adopted for the administration of corporal
16 punishment shall include at a minimum the following conditions:

- 17 (1) Corporal punishment shall not be administered in a classroom with
18 other children present;
- 19 (2) The student body shall be informed beforehand what general types
20 of misconduct could result in corporal punishment;
- 21 (3) Only a teacher, substitute teacher, principal, or assistant principal
22 may administer corporal punishment and may do so only in the
23 presence of a principal, assistant principal, teacher, substitute
24 teacher, teacher assistant, or student teacher, who shall be
25 informed beforehand and in the student's presence of the reason
26 for the punishment; and
- 27 (4) An appropriate school official shall provide the child's parent or
28 guardian with notification that corporal punishment has been
29 administered, and upon request, the official who administered the
30 corporal punishment shall provide the child's parent or guardian a
31 written explanation of the reasons and the name of the second
32 school official who was present.

33 The board shall publish all the policies mandated by this subsection and make them
34 available to each student and his parent or guardian at the beginning of each school
35 year. Notwithstanding any policy adopted pursuant to this section, school personnel
36 may use reasonable force, including corporal punishment, to control behavior or to
37 remove a person from the scene in those situations when necessary:

- 38 (1) To quell a disturbance threatening injury to others;
- 39 (2) To obtain possession of weapons or other dangerous objects on the
40 person, or within the control, of a student;
- 41 (3) For self-defense; or
- 42 (4) For the protection of persons or property.

43 (b) The principal of a school, or his delegate, shall have authority to suspend for a
44 period of 10 days or less any student who willfully violates policies of conduct

1 established by the local board of education: Provided, that a student suspended
2 pursuant to this subsection shall be provided an opportunity to take any quarterly,
3 semester or grading period examinations missed during the suspension period.

4 (c) The principal of a school, with the prior approval of the superintendent, shall
5 have the authority to suspend for periods of times in excess of 10 school days but not
6 exceeding the time remaining in the school year, any pupil who willfully violates the
7 policies of conduct established by the local board of education. The pupil or his
8 parents may appeal the decision of the principal to the local board of education.

9 (d) Notwithstanding G.S. 115C-378, a local board of education may, upon
10 recommendation of the principal and superintendent, expel any student 14 years of
11 age or older whose behavior indicates that the student's continued presence in school
12 constitutes a clear threat to the safety of other students or employees. The local board
13 of education's decision to expel a student under this section shall be based on clear
14 and convincing evidence. Prior to ordering the expulsion of a student pursuant to this
15 subsection, the local board of education shall consider whether there is an alternative
16 program offered by the local school administrative unit that may provide education
17 services for the student who is subject to expulsion. At any time after the first July 1
18 that is at least six months after the board's decision to expel a student under this
19 subsection, a student may request the local board of education to reconsider that
20 decision. If the student demonstrates to the satisfaction of the local board of
21 education that the student's presence in school no longer constitutes a threat to the
22 safety of other students or employees, the board shall readmit the student to a school
23 in that local school administrative unit on a date the board considers appropriate.
24 ~~Notwithstanding the provisions of G.S. 115C-112, a local board of education has no~~
25 ~~duty to continue to provide a child with special needs, expelled pursuant to this~~
26 ~~subsection, with any special education or related services during the period of~~
27 ~~expulsion.~~

28 (d1) A local board of education shall suspend for 365 days any student who brings
29 a weapon, as defined in G.S. 14-269.2(b) and (g), G.S. 14-269.2(g), onto school
30 property. The local board of education upon recommendation by the superintendent
31 may modify this suspension requirement on a case-by-case basis ~~which that~~ includes,
32 but is not limited to, the procedures ~~set out in G.S. 115C-112~~ established for the
33 discipline of students with disabilities and may also provide, or contract for the
34 provision of, educational services to any student suspended pursuant to this
35 subsection in an alternative school setting or in another setting that provides
36 educational and other services.

37 (d2) A local board of education shall suspend for 365 days or shall remove to an
38 alternative educational setting, as provided in this subsection, any student who
39 physically assaults and injures a teacher or other individual on school property or
40 while attending a school-sponsored or school-related activity on or off school
41 property. If the other individual is a student, then this subsection shall not apply
42 when the board finds that the student who is subject to suspension or removal was
43 acting in self-defense. If the board chooses to remove the student to an alternative
44 educational setting and the conduct leading to the suspension occurred on or before

1 the ninetieth school day, the board shall remove the student to that setting for the
2 remainder of the current school year and the first 90 school days in the following
3 school year. If the board chooses to remove the student to an alternative educational
4 setting and the conduct leading to the suspension occurred after the ninetieth school
5 day, the board shall remove the student to that setting for the remainder of the
6 current school year and for the entire subsequent school year. If a teacher is
7 assaulted and injured and as a result a student is suspended or removed to an
8 alternative educational setting under this subsection, then the student shall not be
9 returned to that teacher's classroom unless the teacher consents.

10 (e) A decision of a local board under subsection (c), (d), ~~or (d1)~~ (d1), or (d2) of
11 this section is final and, except as provided in this subsection, is subject to judicial
12 review in accordance with Article 4 of Chapter 150B of the General Statutes. A
13 person seeking judicial review shall file a petition in the superior court of the county
14 where the local board made its decision.

15 (f) Local boards of education ~~shall, no later than December 1, 1993, reevaluate~~
16 ~~and update their policies related to school safety so they reflect changes authorized~~
17 ~~by the 1993 General Assembly. In particular, boards shall ensure they have clear~~
18 policies governing the conduct of students, which students. At a minimum, these
19 policies shall state the consequences of violent or assaultive behavior, possessions of
20 weapons, and criminal acts committed on school property or at school-sponsored
21 functions. The State Board shall develop guidelines to assist local boards in this
22 process.

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

26 Section 2. G.S. 115C-366 is amended by adding the following new
27 subsection to read:

28 "(a3) Before the admission of a student to any public school in North Carolina,
29 the local board shall require the student's parent, guardian, or custodian to provide a
30 statement made under oath or affirmation before a qualified official indicating
31 whether the student is, at the time, under suspension or expulsion from attendance at
32 a private or public school in this or any other state. Any person who willfully makes
33 a materially false statement or affirmation under this subsection shall be guilty of a
34 Class 3 misdemeanor. Notwithstanding any other law, a local board may deny
35 admission to a student who has been suspended from a school under G.S. 115C-391
36 or who has been suspended from a school for conduct that could have led to a
37 suspension from a school within the local school administrative unit where the
38 student is seeking admission until the period of suspension has expired. Also, a local
39 board may deny admission to a student who has been expelled from a school under
40 G.S. 115C-391 or who has been expelled from a school for behavior that indicated
41 the student's continued presence in school constituted a clear threat to the safety of
42 other students or employees. If the local board denies admission to a student who
43 has been expelled, the student may request the local board to reconsider that decision
44 in accordance with G.S. 115C-391(d)."

1 Section 3. G.S. 115C-402 reads as rewritten:

2 "**§ 115C-402. Student records; maintenance; contents; confidentiality.**

3 The official record of each student enrolled in North Carolina public schools shall
4 be permanently maintained in the files of the appropriate school after the student
5 graduates, or should have graduated, from high school unless the local board
6 determines that such files may be filed in the central office or other location
7 designated by the local board for that purpose.

8 The official record shall contain, as a minimum, adequate identification data
9 including date of birth, attendance data, grading and promotion data, and such other
10 factual information as may be deemed appropriate by the local board of education
11 having jurisdiction over the school wherein the record is maintained. Each student's
12 official record also shall include notice of any suspension for a period of more than
13 10 days or of any expulsion under G.S. 115C-391 and the conduct for which the
14 student was suspended or expelled. The notice of suspension or expulsion shall be
15 expunged from the record if the student (i) graduates from high school or (ii) is not
16 expelled or suspended again during the two-year period commencing on the date of
17 the student's return to school after the expulsion or suspension.

18 The official record of each student is not a public record as the term 'public
19 record' is defined by G.S. 132-1. The official record shall not be subject to inspection
20 and examination as authorized by G.S. 132-6."

21 Section 4. Article 54 of Chapter 7A of the General Statutes is amended
22 by adding the following new section to read:

23 "**§ 7A-675.1. Notification of schools when juveniles are alleged or found to be**
24 **delinquent.**

25 (a) Notwithstanding G.S. 7A-675, the juvenile court counselor shall deliver written
26 notification of the following actions to the principal of the school that the juvenile
27 attends:

- 28 (1) A petition is filed under G.S. 7A-560 that alleges delinquency for
29 an offense that would be a felony if committed by an adult;
30 (2) The judge transfers jurisdiction over a juvenile to superior court
31 under G.S. 7A-608;
32 (3) The judge dismisses the petition that alleges delinquency for an
33 offense that would be a felony if committed by an adult and
34 releases the juvenile under G.S. 7A-637;
35 (4) The judge issues a dispositional order under Article 52 of Chapter
36 7A of the General Statutes concerning a juvenile alleged or found
37 delinquent for an offense that would be a felony if committed by
38 an adult; or
39 (5) The judge modifies or vacates any order or disposition under G.S.
40 7A-664 concerning a juvenile alleged or found delinquent for an
41 offense that would be a felony if committed by an adult.

42 Delivery shall be made as soon as practicable but at least within five days of the
43 action. Delivery shall be made in person or by certified mail. Notification that a
44 petition has been filed shall describe the nature of the offense. Notification of a

1 dispositional order, a modified or vacated order, or a transfer to superior court shall
2 describe the judge's action and any applicable disposition requirements. As used in
3 this subsection, the term 'offense' shall not include any offense under Chapter 20 of
4 the General Statutes.

5 (b) If the principal of the school the juvenile attends returns any notification as
6 required by G.S. 115C-404, and if the juvenile court counselor learns that the juvenile
7 is transferring to another school, the juvenile court counselor shall deliver the
8 notification to the principal of the school to which the juvenile is transferring.
9 Delivery shall be made as soon as practicable and shall be made in person or by
10 certified mail.

11 (c) Principals shall handle any notification delivered under this section in
12 accordance with G.S. 115C-404.

13 (d) For the purpose of this section, 'school' means any public or private school in
14 the State that is authorized under Chapter 115C of the General Statutes."

15 Section 5. Article 29 of Chapter 115C of the General Statutes is
16 amended by adding a new section to read:

17 "§ 115C-404. Use of juvenile court information.

18 (a) Written notifications received in accordance with G.S. 7A-675.1 are
19 confidential records, are not public records as defined under G.S. 132-1, and shall not
20 be made part of the student's official record under G.S. 115C-402. Immediately upon
21 receipt, the principal shall maintain these documents in a safe, locked record storage
22 that is separate from the student's other school records. The principal shall maintain
23 these documents until the principal receives notification that the judge dismissed the
24 petition under G.S. 7A-637, the judge transferred jurisdiction over the student to
25 superior court under G.S. 7A-608, or the judge granted the student's petition for
26 expunction of the records. At that time, the principal shall shred or burn the
27 documents to protect the confidentiality of this information. In no case shall the
28 principal make a copy of these documents.

29 (b) Upon receipt of each document, the principal shall share the document with
30 appropriate staff members who shall indicate in writing that they have read the
31 document and that they agree to maintain its confidentiality. For the purposes of this
32 section, 'appropriate staff members' are those individuals who have direct guidance,
33 teaching, or supervisory responsibility for the student, or who have a specific need to
34 know in order to protect the safety of the student or others. Failure to maintain the
35 confidentiality of these documents as required by this section is a Class 3
36 misdemeanor.

37 (c) If the student graduates, withdraws from school, is suspended for the
38 remainder of the school year, is expelled, or transfers to another school, the principal
39 shall return the documents to the juvenile court counselor and, if applicable, shall
40 provide the counselor with the name and address of the school to which the student
41 is transferring."

42 Section 6. G.S. 15A-505 reads as rewritten:

43 "§ 15A-505. Notification of ~~minor's parent.~~ parent and school.

1 (a) A law-enforcement officer who charges a minor with a criminal offense shall
2 notify the minor's parent or guardian of the charge, as soon as practicable, in person
3 or by telephone. If the minor is taken into custody, the law enforcement officer or
4 the officer's immediate superior shall notify a parent or guardian in writing that the
5 minor is in custody within 24 hours of the minor's arrest. If the parent or guardian of
6 the minor cannot be found, then the officer or the officer's immediate superior shall
7 notify the minor's next-of-kin of the minor's arrest as soon as practicable.

8 (b) The notification provided for by subsection (a) of this section shall not be
9 required if:

- 10 (1) The minor is emancipated;
11 (2) The minor is not taken into custody and has been charged with a
12 motor vehicle moving violation for which three or fewer points are
13 assessed under G.S. 20-16(c), except an offense involving impaired
14 driving, as defined in G.S. 20-4.01(24a); or
15 (3) The minor has been charged with a motor vehicle offense that is
16 not a moving violation.

17 (c) A law enforcement officer who charges a person with a criminal offense that is
18 a felony, except for a criminal offense under Chapter 20 of the General Statutes, shall
19 notify the principal of any school the person attends of the charge as soon as
20 practicable but at least within five days. The notification may be made in person or
21 by telephone. If the person is taken into custody, the law enforcement officer or the
22 officer's immediate supervisor shall notify the principal of any school the person
23 attends. This notification shall be in writing and shall be made within five days of the
24 person's arrest. As used in this subsection, the term 'school' means any public or
25 private school in the State that is authorized under Chapter 115C of the General
26 Statutes."

27 Section 7. G.S. 115C-288(g) reads as rewritten:

28 "(g) To Report Certain Acts to Law Enforcement. -- When the principal has a
29 ~~reasonable belief~~ actual notice that an act has occurred on school property involving
30 assault resulting in serious personal injury, sexual assault, sexual offense, rape,
31 kidnapping, indecent liberties with a minor, assault involving the use of a weapon,
32 possession of a firearm in violation of the law, possession of a weapon in violation of
33 the law, or possession of a controlled substance in violation of the law, the principal
34 shall immediately report the act to the appropriate local law enforcement agency.
35 Failure to report under this subsection is a Class 3 misdemeanor. For purposes of
36 this subsection, 'school property' shall include any public school building, bus, public
37 school campus, grounds, recreational area, or athletic field, in the charge of the
38 principal. It is the intent of the General Assembly that the principal notify the
39 superintendent and the superintendent notify the local board of any report made to
40 law enforcement under this subsection."

41 Section 8. G.S. 115C-288 is amended by adding the following new
42 subsection:

43 "(i) To Identify School Safety and Discipline Concerns. -- The principal is
44 encouraged to convene meetings on a periodic basis with parents, school personnel,

1 and other interested individuals in order to identify school safety and discipline
2 concerns and to develop proposals to address these concerns."

3 Section 9. G.S. 115C-105.27 reads as rewritten:

4 "**§ 115C-105.27. Development and approval of school improvement plans.**

5 In order to improve student performance, each school shall develop a school
6 improvement plan that takes into consideration the annual performance goal for that
7 school that is set by the State Board under G.S. 115C-105.35. The principal of each
8 school, representatives of the assistant principals, instructional personnel, instructional
9 support personnel, and teacher assistants assigned to the school building, and parents
10 of children enrolled in the school shall constitute a school improvement team to
11 develop a school improvement plan to improve student performance. Parents serving
12 on school improvement teams shall reflect the racial and socioeconomic composition
13 of the students enrolled in that school and shall not be members of the building-level
14 staff. Parental involvement is a critical component of school success and positive
15 student achievement; therefore, it is the intent of the General Assembly that parents,
16 along with teachers, have a substantial role in developing school improvement plans.
17 To this end, school improvement team meetings shall be held at a convenient time to
18 assure substantial parent participation. The strategies for improving student
19 performance shall include a plan for the use of staff development funds that may be
20 made available to the school by the local board of education to implement the school
21 improvement ~~plan~~. plan and shall include a plan to address school safety and
22 discipline concerns. The strategies may include a decision to use State funds in
23 accordance with G.S. 115C-105.25. The strategies may also include requests for
24 waivers of State laws, rules, or policies for that school. A request for a waiver shall
25 meet the requirements of G.S. 115C-105.26.

26 Support among affected staff members is essential to successful implementation of
27 a school improvement plan to address improved student performance at that school.
28 The principal of the school shall present the proposed school improvement plan to all
29 of the principals, assistant principals, instructional personnel, instructional support
30 personnel, and teacher assistants assigned to the school building for their review and
31 vote. The vote shall be by secret ballot. The principal shall submit the school
32 improvement plan to the local board of education only if the proposed school
33 improvement plan has the approval of a majority of the staff who voted on the plan.

34 The local board of education shall accept or reject the school improvement plan.
35 The local board shall not make any substantive changes in any school improvement
36 plan that it accepts. If the local board rejects a school improvement plan, the local
37 board shall state with specificity its reasons for rejecting the plan; the school
38 improvement team may then prepare another plan, present it to the principals,
39 assistant principals, instructional personnel, instructional support personnel, and
40 teacher assistants assigned to the school building for a vote, and submit it to the local
41 board to accept or reject. If no school improvement plan is accepted for a school
42 within 60 days after its initial submission to the local board, the school or the local
43 board may ask to use the process to resolve disagreements recommended in the
44 guidelines developed by the State Board under G.S. 115C-105.20(b)(5). If this request

1 is made, both the school and local board shall participate in the process to resolve
2 disagreements. If there is no request to use that process, then the local board may
3 develop a school improvement plan for the school. The General Assembly urges the
4 local board to utilize the school's proposed school improvement plan to the
5 maximum extent possible when developing such a plan.

6 A school improvement plan shall remain in effect for no more than three years;
7 however, the school improvement team may amend the plan as often as is necessary
8 or appropriate. If, at any time, any part of a school improvement plan becomes
9 unlawful or the local board finds that a school improvement plan is impeding student
10 performance at a school, the local board may vacate the relevant portion of the plan
11 and may direct the school to revise that portion. The procedures set out in this
12 subsection shall apply to amendments and revisions to school improvement plans."

13 Section 10. G.S. 115C-12 is amended by adding the following new
14 subdivision to read:

15 "(25) Reporting dropout rates. -- The State Board shall not include
16 students that have been expelled from school when calculating the
17 dropout rate."

18 Section 11. (a) The Board of Governors of The University of North
19 Carolina, in consultation with the State Board of Education, the Administrative
20 Office of the Courts, the Department of Crime Control and Public Safety, and other
21 appropriate State agencies, shall develop a program for the ongoing training of school
22 officials, local law enforcement officials, and local court officials. The program shall
23 be designed to promote local collaboration on school safety and discipline issues.
24 The Board of Governors shall report to the Joint Legislative Education Oversight
25 Committee on the development of this program by January 15, 1998.

26 (b) There is appropriated from the General Fund to the Board of
27 Governors of The University of North Carolina the sum of two hundred thousand
28 dollars (\$200,000) in the 1997-98 fiscal year to implement this section.

29 Section 12. There is appropriated from the General Fund to State Aid to
30 Local School Administrative Units the sum of ten million dollars (\$10,000,000) in
31 each year of the 1997-99 fiscal biennium to be allocated to At-Risk Student
32 Services/Alternative Schools.

33 Section 13. This act is effective when it becomes law.

VISITOR REGISTRATION SHEET

House of Representatives
~~Standing Committee on~~ EDUCATION
 Name of Committee

March 20, 1997
 Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK.

NAME

FIRM OR AGENCY AND ADDRESS

Gunn Berlan	SBE
Amy Van Oshum	PENC
Sarah Stewart	AFT/NC
Susan Harrison	WCPSS
W. McDowell	NCALC
W. Hays Thrum	TAP/HA
Jay P. Peters	EEB
Alicia Hane	Public School Forum
J. B. Buxton	" "
J. Cratts	NCASA
David Bryant	NCASA
EMMETT FLOYD	EAST CAROLINA UNIVERSITY
Weaver Rogers	SBE

VISITOR REGISTRATION SHEET

House of Representatives
~~Standing Committee on EDUCATION~~
Name of Committee

Date March 20, 1997

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK.

NAME _____

FIRM OR AGENCY AND ADDRESS

M. Zehes

Self-Help

and Pittard

OS BM

VISITOR REGISTRATION SHEET

House of Representatives
~~Standing Committee on EDUCATION~~
 Name of Committee

March 20, 1997
 Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK.

NAME

FIRM OR AGENCY AND ADDRESS

Bob Berlon	NCSBA
Harriet Oul	NCAE
Bill Wilson	NCAE
Gary Gark	Gor's Office
Joe HAAS	NCCSA
Ed Brackett	Asheville Citizen-Times
Benny Barber	WSPFA
Gary Walker	AULTEL
Martha Lwengood	YAI/O/DOA
BILL SCOGGIN	Nc Bar Assoc.
Dennis Duncum	Department of State Treasurer
Jack Pruitt	" " "

VISITOR REGISTRATION SHEET

House of Representatives

~~Standing Committee on EDUCATION~~

Name of Committee

Date _____

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK.

NAME _____

FIRM OR AGENCY AND ADDRESS

Donny Hunt

NCCLS

Hal Miller

NOTICE

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1997

H

HOUSE BILL 458

Short Title: Charter School Amendments/AB.

(Public)

Sponsors: Representative Barbee.

Referred to: Education.

March 10, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO AMEND THE CHARTER SCHOOL ACT OF 1996 TO ELIMINATE
3 THE REQUIREMENT THAT CHARTER SCHOOLS BE OPERATED BY
4 PRIVATE NONPROFIT CORPORATIONS AND TO MAKE SUCH
5 OPERATION OPTIONAL.

6 The General Assembly of North Carolina enacts:

7 Section 1. G.S. 115C-238.29B reads as rewritten:

8 "§ 115C-238.29B. Eligible applicants; contents of applications; submission of
9 applications for approval.

10 (a) Any person, group of persons, or nonprofit corporation seeking to establish a
11 charter school within a local school administrative unit may apply to establish a
12 charter ~~school on behalf of a private nonprofit corporation.~~ school. If the applicant
13 seeks to convert a public school to a charter school, the application shall include a
14 statement signed by a majority of the teachers and instructional support personnel
15 currently employed at the school indicating that they favor the conversion and
16 evidence that a significant number of parents of children enrolled in the school favor
17 conversion.

18 (b) The application shall contain at least the following information:

19 (1) A description of a program that implements one or more of the
20 purposes in G.S. 115C-238.29A.

21 (2) A description of student achievement goals for the school's
22 educational program and the method of demonstrating that
23 students have attained the skills and knowledge specified for those
24 student achievement goals.

3/20/97
for subcommittee

- (3) The governance structure of the school including the process to be followed by the school to ensure parental involvement.
- (4) Admission policies and procedures.
- (5) A proposed budget for the school and evidence that the plan for the school is economically sound.
- (6) Requirements and procedures for program and financial audits.
- (7) A description of how the school will comply with G.S. 115C-238.29F.
- (8) Types and amounts of insurance coverage, including bonding insurance for the principal officers of the school, to be obtained by the charter school.
- (9) The term of the contract.
- (10) The qualifications required for individuals employed by the school.
- (11) The procedures by which students can be excluded from the charter school and returned to a public school. Notwithstanding any law to the contrary, any local board may refuse to admit any student who is suspended or expelled from a charter school due to actions that would lead to suspension or expulsion from a public school under G.S. 115C-391 until the period of suspension or expulsion has expired.
- (12) The number of students to be served, which number shall be at least 65, and the minimum number of teachers to be employed at the school, which number shall be at least three. However, the charter school may serve fewer than 65 students or employ fewer than three teachers if the application contains a compelling reason, such as the school would serve a geographically remote and small student population.
- (13) Information regarding the facilities to be used by the school and the manner in which administrative services of the school are to be provided.
- (14) A description of whether the school will ~~operate~~ be operated by a private nonprofit corporation independently of the local board of education or whether it ~~agrees to be subject to some supervision and control of its administrative operations by the local board of education.~~ will be operated by a board of directors, the membership of which shall be approved by the local board of education. In the event the charter school elects to operate independently of the local board of education, the application must specify which employee benefits will be offered to its employees and how the benefits will be funded.

(c) An applicant shall submit the application to a chartering entity for preliminary approval. A chartering entity may be:

- (1) The local board of education of the local school administrative unit in which the charter school will be located;

1 (2) The board of trustees of a constituent institution of The University
2 of North Carolina, so long as the constituent institution is involved
3 in the planning, operation, or evaluation of the charter school; or

4 (3) The State Board of Education.

5 Regardless of which chartering entity receives the application for preliminary
6 approval, the State Board of Education shall have final approval of the charter
7 school."

8 Section 2. G.S. 115C-238.29E(b) reads as rewritten:

9 "(b) A charter school shall be operated either (i) by a private nonprofit
10 corporation that shall have received federal tax-exempt status no later than 24 months
11 following final approval of the ~~application~~ application, or (ii) by a board of directors,
12 the membership of which shall be approved by the local board of education."

13 Section 3. G.S. 115C-238.29F reads as rewritten:

14 "**§ 115C-238.29F. General requirements.**

15 (a) Health and Safety Standards. -- A charter school shall meet the same health
16 and safety requirements required of a local school administrative unit.

17 (b) School Nonsectarian. -- A charter school shall be nonsectarian in its programs,
18 admission policies, employment practices, and all other operations and shall not
19 charge tuition. A charter school shall not be affiliated with a nonpublic sectarian
20 school or a religious institution.

21 (c) Civil Liability and Insurance. --

22 (1) The board of directors of a charter school may sue and be sued.
23 The board of directors shall obtain at least the amount of and types
24 of insurance required by the contract.

25 (2) No civil liability shall attach to any chartering entity, to the State
26 Board of Education, or to any of their members or employees,
27 individually or collectively, for any acts or omissions of the charter
28 school. In the event a charter school ~~has not elected total~~
29 ~~independence from the local board of education under subsection~~
30 ~~(e) of this section, is operated by a board of directors approved by~~
31 the local board of education, the immunity established by this
32 subsection shall be deemed to have been waived to the extent of
33 indemnification by insurance, indemnification under Articles 31A
34 and 31B of Chapter 143 of the General Statutes, and to the extent
35 sovereign immunity is waived under the Tort Claims Act, as set
36 forth in Article 31 of Chapter 143 of the General Statutes.

37 (d) Instructional Program. --

38 (1) The school shall provide instruction each year for at least 180 days.

39 (2) The school shall design its programs to at least meet the student
40 performance standards adopted by the State Board of Education
41 and the student performance standards contained in the contract
42 with the local board of education.

43 (3) A charter school shall conduct the student assessments required for
44 charter schools by the State Board of Education.

(4) The school shall comply with policies adopted by the State Board of Education for charter schools relating to the education of children with special needs.

(5) The school is subject to and shall comply with Article 27 of Chapter 115C of the General Statutes; except that a charter school may also exclude a student from the charter school and return that student to another school in the local school administrative unit in accordance with the terms of its contract.

(e) Employees. --

(1) An employee of a charter school is not an employee of the local school administrative unit in which the charter school is located. The charter school's board of directors shall employ and contract with necessary teachers to perform the particular service for which they are employed in the school; at least seventy-five percent (75%) of these teachers in grades kindergarten through five, at least fifty percent (50%) of these teachers in grades six through eight, and at least fifty percent (50%) of these teachers in grades nine through 12 shall hold teacher certificates. The board also may employ necessary employees who are not required to hold teacher certificates to perform duties other than teaching and may contract for other services. The board may discharge teachers and noncertificated employees. In the event a charter school is operated by a board of directors approved by the local board of education, all employment decisions, including hiring and firing of employees of the charter school, shall be approved by the local board of education upon the recommendation of the board of directors.

(2) No local board of education shall require any employee of the local school administrative unit to be employed in a charter school.

(3) If a teacher employed by a local school administrative unit makes a written request for an extended leave of absence to teach at a charter school, the local school administrative unit shall grant the leave. The local school administrative unit shall grant a leave for any number of years requested by the teacher, shall extend the leave for any number of years requested by the teacher, and shall extend the leave at the teacher's request. The local school administrative unit may require that the request for a leave or extension of leave be made up to 90 days before the teacher would otherwise have to report for duty. A teacher who has career status under G.S. 115C-325 prior to receiving an extended leave of absence to teach at a charter school may return to a public school in the local school administrative unit with career status at the end of the leave of absence or upon the end of employment at the charter school if an appropriate position is available. If an

MINUTES
HOUSE STANDING COMMITTEE ON EDUCATION
March 25, 1997

The House Committee on EDUCATION met at 11:05 a. m. on Tuesday, March 25, 1997, in Room 544 in the Legislative Office Building. Representative Russell presided and the following members were present: Representative Shubert, Co-chairperson; Representative Arnold, Beall, Black, Boyd-McIntyre, Capps, Cole, Davis, Decker, Dickson, Dockham, Eddins, Fox, Grady, Gulley, Hall, Hensley, Hiatt, Insko, Kinney, McMahan, Moore, Morris, Mosley, Nichols, Nye, Oldham, Owens, Preston, Rayfield, Sexton, Sherrill, Smith, Tolson, Wilkins and Wood. Legislative staff Kory Goldsmith, Robin Johnson, Sara Kamprath and Jim Watts were present to assist the Committee. Visitor registration sheet is attached and made part of the minutes.

Co-chairperson Representative Russell introduced the Pages serving the Committee and welcomed guests. The Page was Karen Michelle Troidahl from Onslow County. The Chair then called for the first item on the agenda, the continuation from the March 20, 1997 meeting of House Bill 76 entitled Local Teaching Permits.

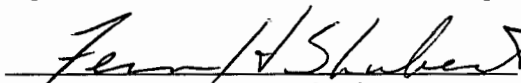
House Bill 76 allows local school boards of education to issue local teaching permits. This bill is an effort to address the structural features of the teacher labor market and a means for attracting outstanding teachers. The Chair first called upon Representative Hall to address his concerns regarding the bill to Representative Wood. Representative Hall's questions stemmed from concerns expressed by his district's local superintendents. The Chair then recognized an amendment brought forth by Representative Shubert. The amendment requires boards who issue local teaching permits to administer standardized tests to verify that students taught by a teacher with a local permit are making satisfactory progress. The Chair recognized Representative Arnold who spoke against the amendment and bill. Representatives Nichols, Decker, Dickson and Hall asked questions regarding the amendment. After extensive discussion, the Chair called for the vote on the amendment. The amendment failed.

Next, the Chair recognized Representative Nichols to explain the content of his amendment. The amendment states that the local school board shall employ, for no more than five years, any teacher holding a valid permit that the board issued. Representative Arnold spoke against the amendment and the bill. Representative Grady asked a question regarding lateral entry. The Chair directed the question to the legislative staff. After extensive discussion regarding the amendment, the Chair called for a vote on the amendment. The amendment failed.

Representative Sherrill stated that she sees a direct conflict with House Bill 76 and The Excellent Schools Act. Representative Sherrill asked to have a representative from the State Board of Education speak on their position regarding House Bill 76. The Chair then recognized Dr. Richard Thompson with the Department of Public Instruction, JoAnn Norris with the Public School Forum, Bob Berlam with the North Carolina School Board Association and Cecil Banks with the North Carolina Association of Educators. Each representative spoke against the bill.

Further questions and comments were made by Representatives Morris, Insko, Grady, Capps, Wilkins, Shubert and Decker.

The Chair then called for a vote on the motion from the previous meeting for a favorable report. The motion for a favorable report failed. The meeting adjourned at 11:55 a. m.


Representative Fern H. Shubert


Representative Carolyn B. Russell


Dawn Ellis, Committee Clerk

VISITOR REGISTRATION SHEET

House of Representatives
~~Standing Committee on EDUCATION~~
 Name of Committee

March 25, 97
 Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK.

NAME

FIRM OR AGENCY AND ADDRESS

John Wilson	NCAE
Gene Bank	NCAE
Harriet Dial	NCAE
Bill Wilson	NCAE
Douglas Pung	NCCOSA / NCBAF ASSOC.
Bob Berlon	NCCBA
Joe Harris	NCCBA
Marian Dodd	State Board - League of Women Womens NC
Bill Scobbin	NCBA
Charles Heatherly	Treasurer's Office

VISITOR REGISTRATION SHEET

House of Representatives
~~Standing Committee on EDUCATION~~
 Name of Committee

March 25, 97
 Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK.

NAME

FIRM OR AGENCY AND ADDRESS

Donny Hunt	NCCCS
Gene Causby	E- EBC
Ed Pham	TAP/AP
Amy Van Oostum	PENC
Joyce Rios	E-EBC
Hal Miller	DIACCT
Rosie Bercego	NCCBI
Dusan Harrison	WCPSS
Deanne Turner	EGH ² S
Jan Cratts	VERSA
Alicia Hare	Public School Forum
John Farris	" " "

VISITOR REGISTRATION SHEET

House of Representatives

~~Standing Committee on EDUCATION~~

Name of Committee

Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK.

NAME

FIRM OR AGENCY AND ADDRESS

Laura Crumpler

AG

Ann Berlam

SBE

Richard Thompson

SOPF

Brook Murray

DPI

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 76

Short Title: Local Teaching Permits.

(Public)

Sponsors: Representatives Wood; Aldridge, Allred, Davis, Eddins, Shubert,
Sutton, and Yongue.

Referred to: Education.

February 10, 1997

1

A BILL TO BE ENTITLED

2

AN ACT TO ALLOW LOCAL BOARDS OF EDUCATION TO ISSUE LOCAL
TEACHING PERMITS.

3

4

The General Assembly of North Carolina enacts:

5

Section 1. Article 20 of Chapter 115C of the General Statutes is amended by
adding the following new section to read:

6

7

"§ 115C-296.1. Local teaching permit.

8

(a) Notwithstanding any other law to the contrary, a local board may issue a
local teaching permit to and may employ as a teacher a person who does not hold a
certificate issued by the State Board. To be eligible for a local teaching permit under
this section, the person shall hold a baccalaureate degree. Except as provided in
subsection (b) of this section, a person authorized to teach under this section may
teach only in the local school administrative unit under the supervision and control
of the local board that issued the local teaching permit. A local teaching permit shall
be issued for no more than one school year but may be renewed on an annual basis
at the discretion of the local board.

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(b) Local boards of education may enter into reciprocal agreements whereby
they may employ a teacher holding a valid local teaching permit issued by one of
those boards.

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(c) Teachers who hold a valid local teaching permit and are employed under
this section shall be placed on the teacher salary schedule as if they were certified by
the State Board.

26

(d) For the purposes of G.S. 115C-325, teachers who hold a valid local teaching
permit and are employed under this section shall be considered probationary
teachers."

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

MINUTES
HOUSE STANDING COMMITTEE ON EDUCATION
March 27, 1997

The House Committee on EDUCATION met at 11:00 a. m. on Thursday, March 27, 1997, in Room 544 in the Legislative Office Building. Representative Shubert presided and the following members were present: Representative Russell, Co-chairperson; Representative Beall, Black, Boyd-McIntyre, Cansler, Capps, Cole, Crawford, Davis, Decker, Dickson, Dockham, Eddins, Fox, Grady, Gulley, Hall, Hensley, Hiatt, Insko, Ives, Kinney, McMahan, Moore, Morris, Mosley, Nichols, Nye, Oldham, Owens, Preston, Rayfield, Sexton, Sherrill, Smith, Tolson, Warner, Wilkins, Wilson C., Wood and Daugherty. Legislative staff Kory Goldsmith, Robin Johnson, Sara Kamprath and Jim Watts were present to assist the Committee. Visitor registration sheet is attached and made part of the minutes.

Co-chairperson Representative Shubert introduced the Page serving the Committee and welcomed guests. The Page was Karen Michelle Troidahl from Onslow County. The Chair then called for the first item on the agenda, the Proposed Committee Substitute for House Bill 379, entitled Amend Charter School Laws.

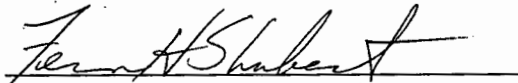
The Chair first asked for a motion to adopt the Proposed Committee Substitute for discussion. Representative McMahan made the motion. The Proposed Committee Substitute for House Bill 379 amends the Charter School legislation based upon the experience from DPI, school boards, Charter School applicants and interested parties. It is an effort to try to address some of the problems experienced in implementation. The Chair commended the bill sponsor, Representative Wood, on the efforts put forth on the Proposed Committee Substitute for House Bill 379. The Chair also reminded the committee to try to give the staff amendments to committee bills within a reasonable time period.

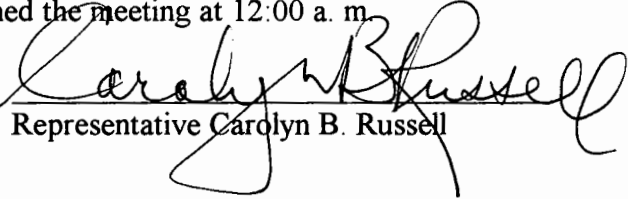
Extensive debate and comments were made on the Proposed Committee Substitute. Representative Sherrill asked the Chair to recognize Dr. Richard Thompson, Deputy Superintendent, of DPI to speak on the Proposed Committee Substitute. Representative Sherrill also requested information pertaining to the county commissioners involvement with the selection process of the charter schools. Representative Sherrill also requested the Chair to recognize Bob Berlam with the North Carolina School Boards Association to react to the committee substitute. Representative Nichols asked a question regarding curriculum and state funds of Bob Berlam. Bob Berlam stated that the charter schools will receive state funds for various things including some transportation since the state funds follow the child wherever they go.

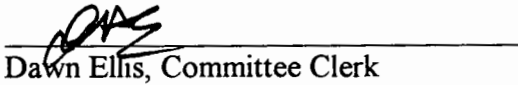
The Chair recognized Ed Regan with the Association of County Commissioners to address a prior question Representative Sherrill asked. Ed Regan stated the Association of County Commissioners does not have a stand on the charter schools issue.

Representative Sherrill commented on the bill and then made a motion for the committee substitute to be referred to a subcommittee to work out the differences and problems. The Chair offered discussion on Representative Sherrill's motion recognizing that it does not cut off discussion on the bill. After extensive comments regarding Representative Sherrill's motion, the Chair took a vote on the motion. Representative Sherrill's motion carried and the committee substitute was referred to a subcommittee. The Chair then informed the committee that she would appoint the subcommittee for the Proposed Committee Substitute on House Bill 379 at the next meeting which will be held on Tuesday, April 1, 1997.

The Chair then proceeded with the discussion regarding the bill. After several questions and comments were made, the Chair adjourned the meeting at 12:00 a. m.


Representative Fern H. Shubert


Representative Carolyn B. Russell


Dawn Ellis, Committee Clerk

VISITOR REGISTRATION SHEET

House of Representatives
~~Standing Committee on EDUCATION~~
 Name of Committee

3/27/97
 Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK.

NAME

FIRM OR AGENCY AND ADDRESS

Susan Harrison	WCPSS
Glenn Norris	Public School Forum
Alida Hare	Public School Forum
Gunn Belem	SBE
Richard Harris	SDP I
Deborah Perry	Charlotte-Mecklenburg Schools
Amy Van Oostum	PENC
Bob Zalom	W-58A
Lanne E. Turner	E6HDS
Will Dwyer	McAICU
Will Dwyer	TRA/PA
Gene Causby	E-EBC

VISITOR REGISTRATION SHEET

House of Representatives

~~Standing Committee on EDUCATION~~

Name of Committee

3/27/97

Date _____

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NAME

FIRM OR AGENCY AND ADDRESS

Nancy Bradley

НССРВ

Joyce Peters

ΣΕΒΕ

Vernon Robinson

NC ERF

Chui Band

NCAE

Karen Gark

Gen's Office)

VISITOR REGISTRATION SHEET

House of Representatives

~~Standing Committee on EDUCATION~~

Name of Committee

March 27, 1997

Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK.

NAME

FIRM OR AGENCY AND ADDRESS

Amy Jo Bain

Smith Anderson

Janie Ramquist

NCATA

Susan Black

Bd. Member
Moore Co. Schools

Danni B Lawrence

Bd Member
Moore Co. Schools

VISITOR REGISTRATION SHEET

House of Representatives

~~Standing Committee on EDUCATION~~

Name of Committee

March 27, 1997
Date

Date _____

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK.

NAME _____

FIRM OR AGENCY AND ADDRESS

Bill Wilson	NCAE
Sharon Washington	NCAE
Joe Haas	NCCSA
Marian	League of Women Voters NC
Cratts	NCAAA
Janet Rusk	OSBM

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 379*

Short Title: Amend Charter Sch. Laws.

(Public)

Sponsors: Representatives Wood; and Sexton.

Referred to: Education, if favorable, Judiciary II.

March 3, 1997

- 1 A BILL TO BE ENTITLED
2 AN ACT TO AMEND THE LAWS GOVERNING CHARTER SCHOOLS.
3 The General Assembly of North Carolina enacts:
4 Section 1. G.S. 115C-238.29B reads as rewritten:
5 **"§ 115C-238.29B. Eligible applicants; contents of applications; submission of**
6 **applications for approval.**
7 (a) Any person, group of persons, or nonprofit corporation seeking to establish a
8 charter school within a local school administrative unit may apply to establish a
9 charter school on behalf of a private nonprofit ~~corporation~~ corporation or through
10 creation of a charter school authority. If the applicant seeks to convert a public
11 school to a charter school, the application shall include a statement signed by a
12 majority of the teachers and instructional support personnel currently employed at
13 the school indicating that they favor the conversion and evidence that a significant
14 number of parents of children enrolled in the school favor conversion.
15 (b) The application shall contain at least the following information:
16 (1) A description of a program that implements one or more of the
17 purposes in G.S. 115C-238.29A.
18 (2) A description of student achievement goals for the school's
19 educational program and the method of demonstrating that
20 students have attained the skills and knowledge specified for those
21 student achievement goals.
22 (3) The governance structure of the school including the process to be
23 followed by the school to ensure parental involvement. If the
24 applicant seeks to establish a charter school through creation of a

charter school authority, this information shall include the names of the proposed initial members of the authority, the terms of office of those members if less than the proposed duration of the charter school authority's existence as set forth in subdivision (9) of this subsection, and the proposed method for filling vacancies in the membership of the authority.

(3a) The local school administrative unit in which the school will be located.

(4) Admission policies and procedures.

(5) A proposed budget for the school and evidence that the plan for the school is economically sound.

(6) Requirements and procedures for program and financial audits.

(7) A description of how the school will comply with G.S. 115C-238.29F.

(8) Types and amounts of insurance coverage, including bonding insurance for the principal officers of the school, to be obtained by the charter school.

(9) The term of the ~~contract~~ contract or, in the case of a charter school operated by a charter school authority, the duration of the charter school authority's existence.

(10) The qualifications required for individuals employed by the school.

(11) The procedures by which students can be excluded from the charter school and returned to a public school. Notwithstanding any law to the contrary, any local board may refuse to admit any student who is suspended or expelled from a charter school due to actions that would lead to suspension or expulsion from a public school under G.S. 115C-391 until the period of suspension or expulsion has expired.

(12) The number of students to be served, which number shall be at least 65, and the minimum number of teachers to be employed at the school, which number shall be at least three. However, the charter school may serve fewer than 65 students or employ fewer than three teachers if the application contains a compelling reason, such as the school would serve a geographically remote and small student population.

(13) Information regarding the facilities to be used by the school and the manner in which administrative services of the school are to be provided.

(14) ~~A description of whether the school will operate independently of the local board of education or whether it agrees to be subject to some supervision and control of its administrative operations by the local board of education. In the event the charter school elects to operate independently of the local board of education, A~~
statement of whether the school will be operated by a nonprofit,

1 tax-exempt corporation or by a charter school authority. In the
2 event a nonprofit, tax-exempt corporation will operate the charter
3 school, the application must specify which employee benefits will
4 be offered to its employees and how the benefits will be funded.

5 (c) An applicant shall submit the application to a chartering entity for preliminary
6 approval. A chartering entity for a charter school to be operated by a nonprofit, tax-
7 exempt corporation may be:

- 8 (1) The local board of education of the local school administrative
9 unit in which the charter school will be located;
10 (2) The board of trustees of a constituent institution of The University
11 of North Carolina, so long as the constituent institution is involved
12 in the planning, operation, or evaluation of the charter school; or
13 (3) The State Board of Education.

14 Regardless of which chartering entity receives the application for preliminary
15 approval, the State Board of Education shall have final approval of the charter
16 school.

17 Only the State Board of Education may approve an application for a charter
18 school that will be operated by a charter school authority.

19 (c1) Unless an applicant submits its application under subsection (c) of this
20 section to the local board of education of the local school administrative unit in
21 which the charter school will be located, the applicant shall submit a copy of its
22 application to that local board by November 10. The local board may offer any
23 information or comment concerning the application it considers appropriate to the
24 chartering entity. The local board shall deliver this information to the chartering
25 entity no later than January 1 of the next calendar year. The applicant shall not be
26 required to obtain or deliver this information to the chartering entity on behalf of the
27 local board."

28 Section 2. Part 6A of Article 16 of Chapter 115C of the General Statutes
29 is amended by adding the following new section to read:

30 **"§ 115C-238.29C1. Criminal history checks.**

31 **(a) As used in this section:**

- 32 (1) 'Criminal history' means a county, state, or federal criminal history
33 of conviction of a crime, whether a misdemeanor or a felony, that
34 indicates an individual (i) poses a threat to the physical safety of
35 students or personnel, or (ii) has demonstrated that he or she does
36 not have the integrity or honesty to fulfill his or her duties as the
37 operator of a charter school. These crimes include the following
38 North Carolina crimes contained in any of the following Articles of
39 Chapter 14 of the General Statutes: Article 5A, Endangering
40 Executive and Legislative Officers; Article 6, Homicide; Article
41 7A, Rape and Kindred Offenses; Article 8, Assaults; Article 10,
42 Kidnapping and Abduction; Article 13, Malicious Injury or
43 Damage by Use of Explosive or Incendiary Device or Material;
44 Article 14, Burglary and Other Housebreakings; Article 15, Arson

and Other Burnings; Article 16, Larceny; Article 17, Robbery; Article 18, Embezzlement; Article 19, False Pretense and Cheats; Article 19A, Obtaining Property or Services by False or Fraudulent Use of Credit Device or Other Means; Article 20, Frauds; Article 21, Forgery; Article 26, Offenses Against Public Morality and Decency; Article 26A, Adult Establishments; Article 27, Prostitution; Article 28, Perjury; Article 29, Bribery; Article 31, Misconduct in Public Office; Article 35, Offenses Against the Public Peace; Article 36A, Riots and Civil Disorders; Article 39, Protection of Minors; and Article 60, Computer-Related Crime. These crimes also include possession or sale of drugs in violation of the North Carolina Controlled Substances Act, Article 5 of Chapter 90 of the General Statutes, and alcohol-related offenses such as sale to underage persons in violation of G.S. 18B-302 or driving while impaired in violation of G.S. 20-138.1 through G.S. 20-138.5. In addition to the North Carolina crimes listed in this subdivision, such crimes also include similar crimes under federal law or under the laws of other states.

(2) 'School personnel' means any:

- a. Operator of a charter school,
- b. Employee of a charter school, or
- c. Independent contractor or employee of independent contractor of a charter school if the independent contractor carries out duties customarily performed by school personnel,

whether paid with federal, State, local, or other funds, who has significant access to students or who has responsibility for the fiscal management of a charter school.

(b) The State Board of Education shall adopt a policy on whether and under what circumstances school personnel shall be required to be checked for a criminal history after preliminary approval has been granted but before the Board grants final approval of an application under G.S. 115C-238.29D. The Board shall apply its policy uniformly in requiring school personnel to be checked for a criminal history. The Board may grant conditional approval of an application while the Board is checking a person's criminal history and making a decision based on the results of the check.

The State Board shall not require school personnel to pay for the criminal history check authorized under this section.

(c) The Department of Justice shall provide to the State Board of Education the criminal history from the State and National Repositories of Criminal Histories of any school personnel for which the Board requires a criminal history check. The Board of Education shall require the person to be checked by the Department of Justice to

(i) be fingerprinted and to provide any additional information required by the Department of Justice to a person designated by the local board, or to the local

1 sheriff or the municipal police, whichever is more convenient for the person, and (ii)
2 sign a form consenting to the check of the criminal record and to the use of
3 fingerprints and other identifying information required by the repositories. The State
4 Board shall consider refusal to consent when deciding whether to grant final approval
5 of an application under G.S. 115C-238.29D.

6 The State Board shall not require school personnel to pay for being fingerprinted
7 as authorized under this section.

8 (d) The State Board shall review the criminal history it receives on an individual.
9 The State Board shall determine whether the results of the review indicate that the
10 individual (i) poses a threat to the physical safety of students or personnel, or (ii) has
11 demonstrated that he or she does not have the integrity or honesty to fulfill his or her
12 duties as school personnel and shall use the information when deciding whether to
13 grant final approval under G.S. 115C-238.29D. The State Board shall make written
14 findings with regard to how it used the information when deciding whether to grant
15 final approval under G.S. 115C-238.29D.

16 (e) All the information received by the State Board of Education through the
17 checking of the criminal history is privileged information and is not a public record
18 but is for the exclusive use of the State Board of Education. The State Board of
19 Education may destroy the information after it is used for the purposes authorized by
20 this section after one calendar year.

21 (f) There shall be no liability for negligence on the part of the State Board of
22 Education, or its employees, arising from any act taken or omission by any of them in
23 carrying out the provisions of this section. The immunity established by this
24 subsection shall not extend to gross negligence, wanton conduct, or intentional
25 wrongdoing that would otherwise be actionable. The immunity established by this
26 subsection shall be deemed to have been waived to the extent of indemnification by
27 insurance, indemnification under Articles 31A and 31B of Chapter 143 of the
28 General Statutes, and to the extent sovereign immunity is waived under the Tort
29 Claims Act, as set forth in Article 31 of Chapter 143 of the General Statutes."

30 Section 3. G.S. 115C-238.29D(d) reads as rewritten:

31 "(d) The State Board of Education may grant a charter for a period not to exceed
32 five years and may renew the charter upon the request of the chartering entity for
33 subsequent periods not to exceed five years each. A material revision of the
34 provisions of a charter application shall be made only upon the approval of the State
35 Board of Education. Nonrenewal of a charter to a charter school authority shall
36 constitute revocation of the resolution creating the authority."

37 Section 4. G.S. 115C-238.29E reads as rewritten:

38 "**§ 115C-238.29E. Charter school operation.**

39 (a) A charter school that is approved by the State shall be a public school within
40 the local school administrative unit in which it is located. It shall be accountable to
41 ~~the local board of education~~ State Board of Education for purposes of ensuring
42 compliance with applicable laws and the provisions of its charter.

1 (b) A charter school shall be operated ~~by a private nonprofit corporation that~~
2 ~~shall have received federal tax-exempt status no later than 24 months following final~~
3 ~~approval of the application. in one of the following ways:~~

4 (1) By a private nonprofit corporation that receives federal tax-exempt
5 status no later than 24 months after final approval of the
6 application.

7 (2) By a charter school authority created by resolution of the State
8 Board of Education. The resolution creating the charter school
9 authority shall incorporate at a minimum the information provided
10 in the application, as modified during the charter approval process,
11 and any other terms and conditions imposed on the charter school
12 by the State Board. A charter school authority shall have all
13 powers necessary or convenient to carry out and effectuate the
14 purposes and provisions of this Part as well as the obligations and
15 duties imposed on it by the State Board's creating resolution.

16 (c) A charter school that is operated by a nonprofit, tax-exempt corporation shall
17 operate under a written contract signed by the ~~local board of education~~ State Board
18 of Education and the applicant. The contract shall incorporate at a minimum the
19 information provided in the application, as modified during the charter approval
20 process, and any terms and conditions imposed on the charter school by the State
21 Board of Education.

22 ~~If the local board of education does not sign the contract, the State Board may sign~~
23 ~~on behalf of the local board.~~

24 (d) The board of directors of ~~the~~ a charter school operated by a nonprofit, tax-
25 exempt corporation or the charter school authority, as applicable, shall decide matters
26 related to the operation of the school, including budgeting, curriculum, and operating
27 procedures.

28 (e) ~~A charter school shall be located in the local school administrative unit with~~
29 ~~which it signed the contract. Its~~ A charter school's specific location shall not be
30 prescribed or limited by a local board or other authority except a zoning authority.
31 The school may lease space from a local board of education, from a public or private
32 nonsectarian organization, or as is otherwise lawful in the local school administrative
33 unit in which the charter school is located. At the request of the charter school, the
34 local board of education of the local school administrative unit in which the charter
35 school will be located shall lease any available space to the charter school unless the
36 board demonstrates that the lease is not economically or practically feasible.

37 (f) Except as provided in this Part and pursuant to the provisions of its ~~contract,~~
38 contract or creating resolution, a charter school is exempt from statutes and rules
39 applicable to a local board of education or local school administrative unit."

40 Section 5. G.S. 115C-238.29F reads as rewritten:

41 "**§ 115C-238.29F. General requirements.**

42 (a) Health and Safety Standards. -- A charter school shall meet the same health
43 and safety requirements required of a local school administrative unit.

1 (b) School Nonsectarian. -- A charter school shall be nonsectarian in its programs,
2 admission policies, employment practices, and all other operations and shall not
3 charge tuition. A charter school shall not be affiliated with a nonpublic sectarian
4 school or a religious institution.

5 (c) Civil Liability and Insurance. --

6 (1) The board of directors of a charter school operated by a nonprofit,
7 tax-exempt corporation or the charter school authority may sue
8 and be sued. The board of directors or charter school authority
9 shall obtain at least the amount of and types of insurance required
10 by the ~~contract.~~ contract or creating resolution.

11 (2) No civil liability shall attach to any chartering entity, to the State
12 Board of Education, or to any of their members or employees,
13 individually or collectively, for any acts or omissions of the charter
14 school. ~~In the event a charter school has not elected total~~
15 ~~independence from the local board of education under subsection~~
16 ~~(c) of this section, In the case of a charter school operated by a~~
17 charter school authority, the immunity established by this
18 subsection shall be deemed to have been waived to the extent of
19 indemnification by insurance, indemnification under Articles 31A
20 and 31B of Chapter 143 of the General Statutes, and to the extent
21 sovereign immunity is waived under the Tort Claims Act, as set
22 forth in Article 31 of Chapter 143 of the General Statutes.

23 (d) Instructional Program. --

24 (1) The school shall provide instruction each year for at least 180 days.

25 (2) The school shall design its programs to at least meet the student
26 performance standards adopted by the State Board of Education
27 and the student performance standards contained in the contract
28 ~~with the local board of education.~~ or creating resolution.

29 (3) A charter school shall conduct the student assessments required for
30 charter schools by the State Board of Education.

31 (4) The school shall comply with policies adopted by the State Board
32 of Education for charter schools relating to the education of
33 children with special needs.

34 (5) The school is subject to and shall comply with Article 27 of
35 Chapter 115C of the General ~~Statutes;~~ Statutes, except that a
36 charter school may also exclude a student from the charter school
37 and return that student to another school in the local school
38 administrative unit in accordance with the terms of its ~~contract.~~
39 contract or creating resolution.

40 (e) Employees. --

41 (1) An employee of a charter school is not an employee of the local
42 school administrative unit in which the charter school is located.
43 The charter school's board of directors or the charter school
44 authority, as applicable, shall employ and contract with necessary

1 teachers to perform the particular service for which they are
2 employed in the school; at least seventy-five percent (75%) of these
3 teachers in grades kindergarten through five, at least fifty percent
4 (50%) of these teachers in grades six through eight, and at least
5 fifty percent (50%) of these teachers in grades nine through 12
6 shall hold teacher certificates. The board or authority also may
7 employ necessary employees who are not required to hold teacher
8 certificates to perform duties other than teaching and may contract
9 for other services. The board or authority may discharge teachers
10 and noncertificated employees.

11 (2) No local board of education shall require any employee of the
12 local school administrative unit to be employed in a charter school.

13 (3) If a teacher employed by a local school administrative unit makes a
14 written request for an extended leave of absence to teach at a
15 charter school, the local school administrative unit shall grant the
16 leave. The local school administrative unit shall grant a leave for
17 any number of years requested by the teacher, shall extend the
18 leave for any number of years requested by the teacher, and shall
19 extend the leave at the teacher's request. The local school
20 administrative unit may require that the request for a leave or
21 extension of leave be made up to 90 days before the teacher would
22 otherwise have to report for duty. A teacher who has career status
23 under G.S. 115C-325 prior to receiving an extended leave of
24 absence to teach at a charter school may return to a public school
25 in the local school administrative unit with career status at the end
26 of the leave of absence or upon the end of employment at the
27 charter school if an appropriate position is available. If an
28 appropriate position is unavailable, the teacher's name shall be
29 placed on a list of available teachers and that teacher shall have
30 priority on all positions for which that teacher is qualified in
31 accordance with G.S. 115C-325(e)(2).

32 ~~(4) In the event a charter school, in its application, elects total~~
33 ~~independence from the local board of education, its employees~~
34 ~~shall not be deemed to be employees of the local school~~
35 ~~administrative unit and shall not be entitled to any State-funded~~
36 ~~employee benefits, including membership in the North Carolina~~
37 ~~Teachers' and State Employees' Retirement System or the~~
38 ~~Teachers' and State Employees' Comprehensive Major Medical~~
39 ~~Plan. In the event a charter school, in its application, agrees to be~~
40 ~~subject to some supervision and control of its administrative~~
41 ~~operations by the local board of education, the employees of the~~
42 ~~charter school will be deemed employees of the local school~~
43 ~~administrative unit for purposes of providing certain State-funded~~
44 ~~employee benefits, including membership in the Teachers' and~~

~~State Employees' Retirement System and the Teachers' and State Employees' Comprehensive Major Medical Plan. The Board of Trustees of the Teachers' and State Employees' Retirement System, in consultation with the State Board of Education, shall determine the degree of supervision and control necessary to qualify the employees of the applicant for membership in the Retirement System. In no event shall anything contained in this Part require the North Carolina Teachers' and State Employees' Retirement System to accept employees of a private employer as members or participants of the System.~~

- (5) Employees of a charter school operated by a charter school authority created by resolution of the State Board are public employees and are 'teachers' within the meaning of G.S. 135-5(25) to the same extent as if they were employees of a local school administrative unit. The charter school shall remit all retirement contributions required by G.S. 135-8 with the retirement contributions of the local school administrative unit in which the school is located, and the employees of the school shall be reported for purposes of the Teachers' and State Employees' Retirement System of North Carolina only, as employees of that local school administrative unit. Employees of a charter school operated by a nonprofit, tax-exempt corporation are not public employees and are not 'teachers' within the meaning of G.S. 135-5(25).

(f) Accountability. --

- (1) The school is subject to the financial audits, the audit procedures, and the audit requirements adopted by the State Board of Education for charter schools.
- (2) The school shall comply with the reporting requirements established by the State Board of Education in the Uniform Education Reporting System.
- (3) The school shall report at least annually to the chartering entity and the State Board of Education the information required by the chartering entity or the State Board.

(g) Admission Requirements. --

- (1) Any child who is qualified under the laws of this State for admission to a public school is qualified for admission to a charter school.
- (2) No local board of education shall require any student enrolled in the local school administrative unit to attend a charter school.
- (3) Admission to a charter school shall not be determined according to the school attendance area in which a student resides, except that any local school administrative unit in which a public school converts to a charter school shall give admission preference to

1 students who reside within the former attendance area of that
2 school.

3 (4) Admission to a charter school shall not be determined according to
4 the local school administrative unit in which a student resides,
5 except that the provisions of G.S. 115C-366(d) shall apply to a
6 student who wishes to attend a charter school in a county other
7 than the county in which the student resides.

8 (5) A charter school shall not discriminate against any student on the
9 basis of ethnicity, national origin, gender, or disability. Except as
10 otherwise provided by law or the mission of the school as set out
11 in the ~~contract~~, contract or creating resolution, the school shall not
12 limit admission to students on the basis of intellectual ability,
13 measures of achievement or aptitude, athletic ability, disability,
14 race, creed, gender, national origin, religion, or ancestry. Within
15 one year after the charter school begins operation, the population
16 of the school shall reasonably reflect the racial and ethnic
17 composition of the general population residing within the local
18 school administrative unit in which the school is located or the
19 racial and ethnic composition of the special population that the
20 school seeks to serve residing within the local school administrative
21 unit in which the school is located. The school shall be subject to
22 any court-ordered desegregation plan in effect for the local school
23 administrative unit.

24 (6) The school shall enroll an eligible student who submits a timely
25 application, unless the number of applications exceeds the capacity
26 of a program, class, grade level, or building. In this case, students
27 shall be accepted by lot.

28 (7) Notwithstanding any law to the contrary, a charter school may
29 refuse admission to any student who has been expelled or
30 suspended from a public school under G.S. 115C-391 until the
31 period of suspension or expulsion has expired.

32 (h) Transportation. -- The charter school ~~shall provide transportation for students~~
33 ~~enrolled at the school who reside in the local school administrative unit in which the~~
34 ~~school is located. The charter school may provide transportation for students enrolled~~
35 ~~at the school who reside in different local school administrative units.~~ school. The
36 charter school shall develop a transportation plan so that transportation is not a
37 barrier to any student who resides in the local school administrative unit in which the
38 school is located. The charter school is not required to provide transportation to any
39 student who lives within one and one-half miles of the school. The local board of the
40 local school administrative unit in which the charter school is located shall contract
41 with the charter school for the provision of transportation if the board operates a
42 school bus transportation system. However, the local board may refuse to provide
43 transportation if it demonstrates there is no available space or it would not be
44 practically feasible.

(i) Assets. -- Upon dissolution of the charter school or upon the nonrenewal of the charter, all assets of the charter school shall be deemed the property of the local school administrative unit in which the charter school is located."

Section 6. G.S. 115C-238.29G reads as rewritten:

"§ 115C-238.29G. Causes for nonrenewal or termination.

The State Board of Education, or a chartering entity subject to the approval of the State Board of Education, may terminate or not renew a contract or may revoke or not renew a resolution creating a charter school authority upon any of the following grounds:

- (1) Failure to meet the requirements for student performance contained in the ~~contract~~; contract or creating resolution;
- (2) Failure to meet generally accepted standards of fiscal management;
- (3) Violations of law;
- (4) Material violation of any of the conditions, standards, or procedures set forth in the ~~contract~~; contract or creating resolution;
- (5) Two-thirds of the faculty and instructional support personnel at the school request that the contract be terminated or not renewed or that the creating resolution be revoked or not renewed; or
- (6) Other good cause identified.

The State Board of Education shall develop and implement a process to address contractual and other grievances between a charter school and its chartering entity during the time of its charter. Only the State Board may revoke a resolution creating a charter school authority."

Section 7. G.S. 115C-238.29H(a) reads as rewritten:

"(a) The State Board of Education shall allocate to each charter school (i) an amount equal to the average per pupil allocation for average daily membership from the local school administrative unit allotments in which the charter school is located for each child attending the charter school except for the allocation for children with special needs and (ii) an additional amount for each child attending the charter school who is a child with special needs.

Funds allocated by the State Board of Education ~~shall not be used to purchase land or buildings~~. may be used to enter into operational leases for real property or mobile classroom units for use as school facilities for charter schools. However, funds allocated by the State Board of Education shall not be used to obtain any other interest in real property or mobile classroom units. As used in this subsection, the term 'operational leases' is defined according to generally accepted accounting principles. The school may own land and buildings it ~~obtained~~ obtains through non-State sources."

Section 8. G.S. 115C-238.29I(d) reads as rewritten:

"(d) The State Board of Education may establish a Charter School Advisory Committee to assist with the implementation of this Part. The Charter School Advisory Committee may (i) provide technical assistance to chartering entities or to potential applicants, (ii) review applications for preliminary approval, (iii) make recommendations as to whether the State Board should approve applications for

1 charter schools, (iv) make recommendations as to whether the State Board should
2 terminate or not renew a ~~contract~~, contract or revoke or not renew a creating
3 resolution, (v) make recommendations concerning grievances between a charter
4 school and its chartering entity, (vi) assist with the review under subsection (c) of this
5 section, and (vii) provide any other assistance as may be required by the State
6 Board."

7 Section 9. This act is effective when it becomes law.
8

MINUTES
HOUSE STANDING COMMITTEE ON EDUCATION
April 1, 1997

The House Committee on EDUCATION met at 11:00 a. m. on Tuesday, April 1, 1997, in Room 544 in the Legislative Office Building. Representative Shubert presided and the following members were present: Representative Russell, Co-chairperson; Representative Arnold, Beall, Black, Boyd-McIntyre, Cansler, Capps, Cole, Crawford, Davis, Decker, Dickson, Dockham, Eddins, Fox, Grady, Gulley, Hall, Hensley, Hiatt, Insko, Kinney, McMahan, Moore, Morris, Mosley, Nichols, Nye, Oldham, Owens, Rayfield, Sexton, Sherrill, Smith, Tolson, Wilkins, C. Wilson and Howard. Legislative staff Kory Goldsmith, Robin Johnson, Sara Kamprath and Jim Watts were present to assist the Committee. Visitor registration sheet is attached and made part of the minutes.

Co-chairperson Representative Shubert introduced the Pages serving the Committee and welcomed guests. The Pages were Daniel Thomas Shronce from Catawba County and April Amelia Agne from Davie County. The Chair announced that the bill sponsor of House Bill 483, entitled School Board "Quick Take," had requested that the bill be displaced due to a scheduling conflict. The Chair then proceeded with the next item on the agenda, House Bill 511 entitled Evolution Not Taught As Fact.

At that time, Representative Capps, bill sponsor, introduced a Proposed Committee Substitute to House Bill 511 which was adopted for purpose of discussion. The Proposed Committee Substitute deletes all "whereas" from the original bill and states that the State Board of Education and local boards of education shall ensure that students in North Carolina Public Schools are not taught evolution as proven fact. Representative Capps displayed for the committee 21 books, all of which with the exception of one, teach evolution as fact. The Chair commented on the amount of attention this bill has received and read an email letter sent to her from a professor emeritus of Duke University.

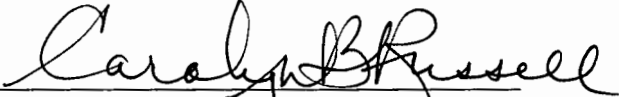
Representatives Grady, Davis, Cansler and Nichols made comments regarding the bill's intent and asked questions regarding the bill's content. Representative Moore also commented on the bill. The Chair noted Representative Moore's comments and alerted the committee that their meeting time was coming to a close. Representative Sherrill then asked the Chair if she would be able to present her amendment to the bill at the next meeting. The Chair informed Representative Sherrill that she would be able to present her amendment to the bill the next time the bill is taken up for discussion in committee. The Chair then adjourned the meeting at 11:50 a. m.



Representative Fern H. Shubert



Dawn Ellis, Committee Clerk



Representative Carolyn B. Russell

VISITOR REGISTRATION SHEET

House of Representatives
~~Standing Committee on EDUCATION~~
Name of Committee

April 1, 1997
Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK.

NAME

FIRM OR AGENCY AND ADDRESS

John Wilson

NCAE

Bill Brooks

NCFPC

Megan Carney

Student - Meredith College

Karen Gark

Gov's Office

John Rustin

NCFPC

Isaac V. Maule, MD. Self

William B. Wethington Self

Pam Ahlin

Rep. Lapps

Andrew Johnson

Rep Davis

Charles Keeling

INVESTAR, Raleigh NC

Cawana Keeling

Wake Co. School Teacher

Gordon Plumblee

H.S. Biology Teacher - Alamance Co.

VISITOR REGISTRATION SHEET

House of Representatives

~~Standing Committee on EDUCATION~~

Name of Committee

April 1, 1997
DateVISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK.

NAME

FIRM OR AGENCY AND ADDRESS

Robert Day	National Center for Science Education
Barbara Keyworth	private business - clinical soc. work
Robert Johnson	Private Citizen
Harriet Gil	NCAE
Bill Wilson	NCAE
Cameron Tew	Raleigh Extra
Dry Lidz	Tom Marks staff
Jill Miller	NCATL
A. Gumbert	Citizen Action
Jones Houston	ASU
Nicole Semineaux	ASU - Dept. of Crim. Justice

VISITOR REGISTRATION SHEET

House of Representatives

~~Standing Committee on~~ EDUCATION
Name of Committee

Date

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NAME

FIRM OR AGENCY AND ADDRESS

Wm. M. Iscove	NCAKU
Amy Van Oostum	PENC
Donny Hunt	NCCCS
Hal Miller	NCACT
Jennie Thurlow	Rep. Jane Mosley's Office
Henry Johnson	DPI
Leanne E. Whittel	EB&HdS
Greg Malhot	NCTCDC
Ann Belam	SBE

VISITOR REGISTRATION SHEET

House of Representatives
~~Standing Committee on~~ EDUCATION
 Name of Committee

April 1, 1997
 Date

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NAME

FIRM OR AGENCY AND ADDRESS

John Auer	Public School Jan
Alicia Hui	" " 1
Gene Causby	E- EBC
Jan Cratts	NCASA
Carlinda Purcell	Superintendent, Warren County
Debra Ross	ACHU
Joshyn Sawitt	lobbyist
Deborah Perry	Charlotte-Mecklenburg Schools
Paula A. Wolf	Covenant with NC's Children
Theo Luebke	NC School of Science + Math
Susan Harrison	WCPSS
Bill Scobgin	NCBA

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 511

Short Title: Evolution Not Taught as Fact.

(Public)

Sponsors: Representatives Capps; Aldridge, Barbee, Brown, Cansler, Davis, Decker, Eddins, Ellis, Hill, Howard, Kiser, McMahan, Nichols, Nye, Reynolds, Shubert, Starnes, Warner, Weatherly, C. Wilson, and G. Wilson.

Referred to: Education.

March 13, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO AMEND THE PUBLIC SCHOOL LAWS TO ENSURE THAT
3 EVOLUTION IS NOT TAUGHT AS FACT IN NORTH CAROLINA PUBLIC
4 SCHOOLS.
5 Whereas, the students in North Carolina public schools should be taught
6 the truth; and
7 Whereas, understanding science is essential for the survival of a free,
8 democratic society; and
9 Whereas, the Mission Statement of the North Carolina Teacher
10 Handbook Science K-12 declares that all students become scientifically literate; and
11 Whereas, modern scientific methods have shown that life is exceedingly
12 complex and there is no present satisfactory scientific explanation for the origin of
13 life from nonlife; and
14 Whereas, scientific literacy implies that students receive substantial
15 knowledge of concepts and process skills which enable the individual to continue to
16 learn and think logically; and
17 Whereas, science depends upon the use of proven facts and testable
18 hypotheses; and
19 Whereas, the theory of evolution is a belief and not true science and
20 should not be taught as fact, nor should student attitudes "be a part of an
21 achievement score"; and

1 Whereas, there are ample opportunities to teach biological facts that are
2 true, useful, and relevant to the student and useful throughout life; and

3 Whereas, the teaching of evolution as fact, when it cannot be scientifically
4 proven, requires students to accept the teaching by faith; and

5 Whereas, the technology used to define evolutionary theory is vague and
6 misleading, and some public school teachers and all presently approved biology
7 textbooks present evolution as fact with many unproven misconceptions and untruths;
8 Now, therefore,

9 The General Assembly of North Carolina enacts:

10 Section 1. Chapter 115C of the General Statutes is amended by adding a
11 new section to read:

12 **"§ 115C-81.3. Students shall be taught true science and not belief.**

13 **The State Board of Education and local boards of education shall ensure that**
14 **students in North Carolina public schools are not taught evolution as proven fact."**

15 Section 2. This act becomes effective July 1, 1997.



*Amendment
passed*

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 511

H511-ARJ-001

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)
Page 1 of ____

Date _____, 1997

Comm. Sub. [YES] (H511-PCSLE-01)
Amends Title [YES]

Representative Moore

1 moves to amend the bill on page 1, line 2, by rewriting that line to
2 read:
3 "AN ACT TO REVISE THE STANDARD COURSE OF STUDY TO ENSURE THAT
4 EVOLUTION"; and
5
6 and on page 1, lines 5 through 11, by rewriting those lines to read:
7 "Section 1. The State Board of Education shall revise the
8 Standard Course of Study in the science curriculum to reflect that
9 evolution shall be taught as a scientific theory, not as a proven
10 fact. The Board shall make the necessary changes to the Standard
11 Course of Study by July 15, 1997.
12 Section 2. This act becomes effective July 1, 1997, and
13 shall apply beginning with the 1997-98 school year."
14

SIGNED Richard Moore
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

D

HOUSE BILL 511
Proposed Committee Substitute H511-PCSLE-01

Short Title: Evolution Not Taught as Fact.

(Public)

Sponsors:

Referred to: Education.

March 13, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO AMEND THE PUBLIC SCHOOL LAWS TO ENSURE THAT EVOLUTION
3 IS NOT TAUGHT AS FACT IN NORTH CAROLINA PUBLIC SCHOOLS.
4 The General Assembly of North Carolina enacts:
5 Section 1. Chapter 115C of the General Statutes is
6 amended by adding a new section to read:
7 "§ 115C-81.3. Students shall not be taught evolution as fact.
8 The State Board of Education and local boards of education
9 shall ensure that students in North Carolina public schools are
10 not taught evolution as proven fact."
11 Section 2. This act becomes effective July 1, 1997.

MINUTES
HOUSE STANDING COMMITTEE ON EDUCATION
April 3, 1997

The House Committee on EDUCATION met at 11:00 a. m. on Thursday, April 3, 1997, in Room 544 in the Legislative Office Building. Representative Shubert presided and the following members were present: Representative Russell, Co-chairperson; Representative Arnold, Beall, Black, Cansler, Capps, Cole, Davis, Decker, Dickson, Dockham, Eddins, Fox, Grady, Gulley, Hall, Hensley, Hiatt, Insko, Ives, Kinney, Moore, Morris, Mosley, Nye, Oldham, Owens, Rayfield, Sexton, Smith, Tolson, Warner, Wilkins, C. Wilson and Wood. Legislative staff Kory Goldsmith, Robin Johnson, Sara Kamprath and Jim Watts were present to assist the Committee. Visitor registration sheet is attached and made part of the minutes.

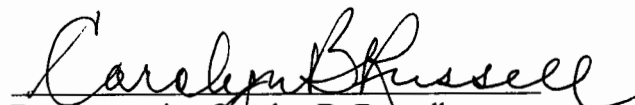
Co-chairperson Representative Shubert introduced the Pages serving the Committee and welcomed guests. The Pages were Mary Elizabeth Mills and Billie Jo Mills from Catawba County. The Chair then proceeded with the first item on the agenda, the continuation of the Proposed Committee Substitute of House Bill 511.

Representative Capps, the bill sponsor, made a motion to continue discussion of the Proposed Committee Substitute of House Bill 511. The Chair acknowledged the motion and began taking questions for the bill sponsor. The Chair first called upon Representative Hensley who commented against the Proposed Committee Substitute. The Chair then called on Representative Moore who offered an amendment and a motion. Representative Capps spoke against the amendment and urged the committee to defeat it and support the Proposed Committee Substitute. The Chair then called for a vote on the amendment and the amendment passed. The Chair asked for further discussion regarding the Proposed Committee Substitute as amended in which Representative Davis was acknowledged. Representative Davis commented on the Proposed Committee Substitute and also requested a roll call vote. Representative Capps then proceeded to ask the Chair to withdraw the Proposed Committee Substitute as amended from consideration. The Chair stated that the Proposed Committee Substitute as amended would be withdrawn as long as there was no objection. There being no objection, the Proposed Committee Substitute as amended of House Bill 511 was withdrawn.

The Chair then proceeded with Representative Davis' bill, House Bill 628 entitled Military Job Interviews. The bill allows the military the opportunity to come to universities and interview law students. Representative Insko requested of the Chair to have Judith Wegner, Dean of UNC-CH Law School, respond to the bill and also place the bill in a subcommittee. Representative Davis objected to Dean Wegner speaking on the bill. The

Chair allowed Dean Wegner to speak on the University's position regarding the bill and also allowed Dean Wegner's colleague, Susan Sockwell from Duke University Law School, to address the committee. After questions were addressed to the speakers, Representative Davis was recognized to inform the committee of his opposition to the speakers' positions. Representative Davis also requested to have John R. Helderman, a law student at UNC-CH, address the committee. Following Mr. Helderman's comments, Representative Davis asked the Chair to call the question. The Chair stated that there was no motion on which to call the question and proceeded with discussion. Representative Hall was then recognized for a motion for a favorable report. The Chair informed the committee that House Bill 628 would be carried over to the next meeting for further discussion due to time constraints. The meeting was adjourned at 11:50 a. m.


Representative Fern H. Shubert


Representative Carolyn B. Russell


Dawn Ellis, Committee Clerk



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 511

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)
Page 1 of ____

H511-ARJ-001

Date _____, 1997

Comm. Sub. [YES] (H511-PCSLE-01)
Amends Title [YES]

Representative Moore

1 moves to amend the bill on page 1, line 2, by rewriting that line to
2 read:
3 "AN ACT TO REVISE THE STANDARD COURSE OF STUDY TO ENSURE THAT
4 EVOLUTION"; and
5
6 on page 1, lines 5 through 11, by rewriting those lines to read:
7 "Section 1. The State Board of Education shall revise the
8 Standard Course of Study in the science curriculum to reflect that
9 evolution shall be taught as a scientific theory, not as a proven
10 fact. The Board shall make the necessary changes to the Standard
11 Course of Study by July 15, 1997.
12 Section 2. This act becomes effective July 1, 1997, and
13 shall apply beginning with the 1997-98 school year."
14

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

VISITOR REGISTRATION SHEET

House of Representatives
~~Standing Committee on EDUCATION~~
 Name of Committee

April 3, 1997
 Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK.

NAME

FIRM OR AGENCY AND ADDRESS

DE MARTIN	UNC
Paul Vock	Duke U.
Gene Causby	E - EBC
Susan Harrison	WCPSS
Judith Wegner	UNC School of Law
Susan Sockwell	Duke Univ. School of Law
Clifford [unclear]	UNC GA
Jay [unclear]	EEBC
Dick ZL	NCAFL
Hal Miller	DC ACCT
Dorothy Hunt	NCCCS
Deborah [unclear]	ACCU

VISITOR REGISTRATION SHEET

House of Representatives

~~Standing Committee on EDUCATION~~

Name of Committee

Date _____

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK.

NAME _____

FIRM OR AGENCY AND ADDRESS

Emmett Floyd

EAST CAROLINA UNIV.

M. Guller

NC PrideAC

Bindu Rao

Common Sense Foundation.

Chris Fitzsimon

11 11 11

Deborah Perry

CM 5

VISITOR REGISTRATION SHEET

House of Representatives
~~Standing Committee on~~ EDUCATION
 Name of Committee

April 3, 1997
 Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK.

NAME

FIRM OR AGENCY AND ADDRESS

AL CADWELL	1116 APPLE BLOSSOM CT, RALEIGH, NC 27606
John Rustin	NC FPC
Trace V. Mundy	Self
Ann Frazer	N.C. Conservatives United
Susie Aldridge	Parent & Cidgen
Marian Dodd	League of Women Voters NC
Anne Wimmer	NCBA
Guan Washington	NCAE
K. Barlow	Herald-Sun Raleigh Extra
Danyelle O'Hara	Self Help, Durham NC
Charles Cromer	NCATL
Andrea Digby	NCATL

VISITOR REGISTRATION SHEET

House of Representatives

~~Standing Committee on EDUCATION~~

Name of Committee

April 3, 1997

Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK.

NAME

FIRM OR AGENCY AND ADDRESS

Jill Miller	NCATL
Bob Murray	
June Murray	NCSU
Mary Fuller	NASW-NC
Cawanna Keeling	Wake Co. School Teacher
Charles Keeling	INVESTAR, Raleigh NC
Megan Carney	BSW Student - Meredith College
Beryl E. Wade	Gov's Ofc
Bill Wade	ncate
Bob Balen	NC SBA.

MINUTES
HOUSE STANDING COMMITTEE ON EDUCATION
April 8, 1997

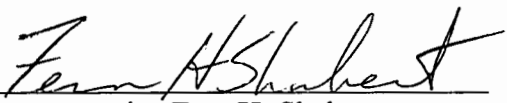
The House Committee on EDUCATION met at 11:00 a. m. on Tuesday, April 8, 1997, in Room 544 in the Legislative Office Building. Representative Russell presided and the following members were present: Representative Shubert, Co-chairperson; Representative Arnold, Beall, Black, Boyd-McIntyre, Capps, Cole, Davis, Decker, Dickson, Dockham, Eddins, Fox, Grady, Gulley, Hall, Hiatt, Insko, Kinney, McMahan, Moore, Morris, Nye, Oldham, Preston, Rayfield, Sexton, Sherrill, Smith, Tolson, Warner, Wilkins and Wood. Legislative staff Kory Goldsmith, Robin Johnson, Sara Kamprath and Jim Watts were present to assist the Committee. Visitor registration sheet is attached and made part of the minutes.

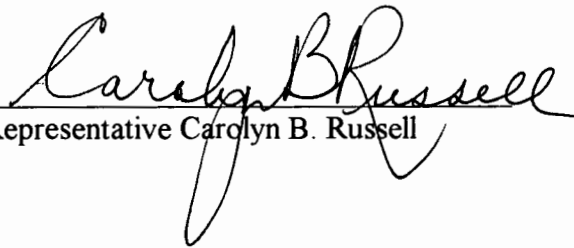
Co-chairperson Representative Russell introduced the Page serving the Committee and welcomed guests. The Page was Angela Marie Queen from Gaston County. The Chair then called for the first item on the agenda; House Bill 628, entitled Military Job Interviews.

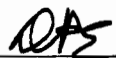
Representative Davis, the bill sponsor for House Bill 628, explained that House Bill 628 allows the military the same opportunity as other employers to recruit law students from universities and colleges. The Chair recognized Representative Insko who sent forward an amendment that states that law schools must provide reasonable access to all students who are interested in military service. Representative Davis said he supported the amendment. There being no further discussion, the Chair then called for a vote on the amendment. The amendment passed. Representative Davis then moved that the bill as amended be made into a committee substitute, a favorable report as to the committee substitute and an unfavorable report as to the original bill. The Chair called for the vote and the motion carried.

Immediately following House Bill 628, Representative Shubert presided and Representative Russell was recognized to explain her bill, House Bill 746 entitled Higher Ed. Admission Requirements. House Bill 746 will erase discriminatory standards for students applying to colleges and universities who currently attend religious schools or other non-public schools. Representative Preston asked the Chair to call upon Dr. Charles Coble from the UNC Administration for a response to House Bill 746 and Dr. Coble spoke briefly. The Chair then called on Representative Black, also a primary sponsor of House Bill 746, who stated his support for the bill. Following Representative Black's comments, Representative Decker was recognized for a motion for a favorable report. There being

no further discussion or debate, the Chair called for the vote. The committee voted to give House Bill 746 a favorable report. The meeting was adjourned at 11:50 a. m.


Representative Fern H. Shubert


Representative Carolyn B. Russell


Dawn Ellis, Committee Clerk

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

D

HOUSE BILL 628
Proposed Committee Substitute H628-PCS1243

Short Title: Military Job Interviews.

(Public)

Sponsors:

Referred to:

March 26, 1997

1 A BILL TO BE ENTITLED

2 AN ACT TO REQUIRE THAT ALL INSTITUTIONS OF HIGHER EDUCATION
3 THAT RECEIVE STATE FUNDS AND THEIR LAW SCHOOLS ALLOW
4 MILITARY RECRUITING ON CAMPUS.

5 The General Assembly of North Carolina enacts:

6 Section 1. Article 1 of Chapter 116 of the General Statutes is amended
7 by adding the following section to read:

8 "§ 116-19.1. Military recruiting in institutions of higher public education and law
9 schools.

10 All constituent institutions of The University of North Carolina and all institutions
11 of higher education that receive State funds under this Chapter shall allow reasonable
12 access of their facilities to official recruiting representatives of branches of the armed
13 forces and military forces of the United States to inform students of the educational
14 and occupational options in military service.

15 If any of these institutions have law schools associated with the institution, then the
16 law school shall also provide law school students with reasonable access to official
17 recruiting representatives of branches of the armed forces and military forces of the
18 United States and shall inform interested students of the educational and
19 occupational options in military service."

20 Section 2. This act is effective when it becomes law.



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 628

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)
Page 1 of ____

H628-ARC-001

Rep. Insko

Date _____, 1997

Comm. Sub. [☐
Amends Title [☐

Representative
1 moves to amend the bill on page 1, by rewriting lines 16-19 to read
2 as follows:
3 "law school shall also provide law school students with reasonable
4 access to official recruiting representatives of branches of the
5 armed forces and military forces of the United States and shall
6 inform interested students of the educational and occupational
7 options in military service."
8

SIGNED *Vereen Insko*
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

- passed -

VISITOR REGISTRATION SHEET

House of Representatives
~~Standing Committee on~~ EDUCATION
 Name of Committee

April 8, 97
 Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK.

NAME

FIRM OR AGENCY AND ADDRESS

Gene Causby	E- EBC
Glenn Harris	Public School Forum of NC
Alicia Hare	Public School Forum
DEMAATIN	VNC
Stephen B. Metcalfe	UNC
Bob Zelman	NCSEA
Bill W. ~~W.~~	NEAE
Angy Muller	NCED 2nd
GARY E. MOGER	FAITH CHRISTIAN SCHOOL / NCACS
Joe HARRIS	NCCSA
BARREN Nobles	Wilmington Christian Acad / NCCSA
MIKE MESHAN	WILM. CHRIST. / NCCSA

VISITOR REGISTRATION SHEET

House of Representatives
~~Standing Committee on EDUCATION~~
Name of Committee

April 8, 97
Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK.

NAME

FIRM OR AGENCY AND ADDRESS

Hal Miller	NCACE
Jimmy Van Dusen	PENC
Ann Beilam	SBE
Bruce Brooks	NCFPC
John Rushie	"
Nancy Mueller	LWV
Tim Wheeler	NCAKU
Tim Gilliam	Person County Leadership
Reborah Perry	CMS
Johnny Wileyford	Person County Leadership
Mittem A. Johnson	Person County Leadership
Kristy Ikenberry	" "

VISITOR REGISTRATION SHEET

House of Representatives
~~Standing Committee on EDUCATION~~
Name of Committee

Date April 8, 97

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME _____

FIRM OR AGENCY AND ADDRESS

[illegible]

VISITOR REGISTRATION SHEET

House of Representatives

~~Standing Committee on EDUCATION~~

Name of Committee

Date _____

April 8, 97

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME _____

FIRM OR AGENCY AND ADDRESS

Greg Hunt,

NCCCS

Susan Harrison

WCPSS

Judith Wagner

WNC School of Law

Troy D. Page

Vine School of Law

Terry Milner

VNC School of Law (Student)

IQBAL SINGH

UNC Lane School

MINUTES
HOUSE STANDING COMMITTEE ON EDUCATION
April 10, 1997

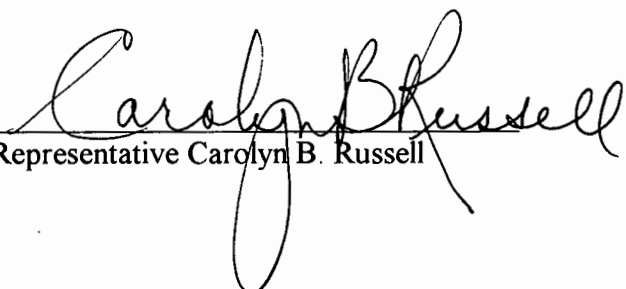
The House Committee on EDUCATION met at 11:00 a. m. on Thursday April 10, 1997, in Room 544 in the Legislative Office Building. Representative Russell presided and the following members were present: Representative Shubert, Co-chairperson; Representative Arnold, Beall, Black, Boyd-McIntyre, Cansler, Capps, Cole, Davis, Decker, Dickson, Dockham, Eddins, Fox, Grady, Gulley, Hall, Hensley, Hiatt, Insko, Ives, Kinney, McMahan, Moore, Morris, Mosley, Nichols, Nye, Oldham, Owens, Preston, Rayfield, Sexton, Sherrill, Smith, Tolson, Warner, Wilkins, Wilson and Wood. Legislative staff Kory Goldsmith, Robin Johnson, Sara Kamprath and Jim Watts were present to assist the Committee. Visitor registration sheet is attached and made part of the minutes.

Co-chairperson Representative Russell introduced the Pages serving the committee and welcomed guests. The Pages were Angela Marie Queen from Gaston County and Leanna Gwen Derenge from Union County. The Chair then called for the first item on the agenda; House Bill 351 entitled Excellent Schools Act.

The Chair stated there will be no amendments or votes taken on the bill in this meeting; the meeting is open only for discussion. The Chair then recognized Representative Arnold and Preston to explain the bill. Representative Arnold stated there are additional handouts regarding termination procedures and effective dates, and also a comparison of the House version to the Senate version of the bill following the explanation. The bill addresses student performance, teacher certification, salary increases, tenure standards and professional development. Representative Arnold asked to have Dr. Jay Robinson of the State Board of Education and Mr. Phil Kirk with NCCBI speak on behalf of the bill. Dr. Robinson stated his excitement about the bill and said he sees it as having great potential for improving our schools. Mr. Kirk's comments were similar to Dr. Robinson's. Mr. Kirk is in full support of this bill and is happy the bill focuses on student performance.

Representatives Decker, Owens, Moore, McMahan, Hall and Wood asked questions regarding specific sections of the bill. Representatives Arnold and Grady responded to the questions. The Chair stated the committee will resume discussion regarding House Bill 351 on Tuesday, April 15, 1997. The meeting was adjourned at 11:55 a. m.


Representative Fern H. Shubert


Representative Carolyn B. Russell



Dawn Ellis, Committee Clerk

VISITOR REGISTRATION SHEET

House of Representatives
~~Standing Committee on EDUCATION~~
 Name of Committee

April 10 97
 Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Bobby Ehrlich	Cong.
Gene Canby	F-EBC
Joyce Peters	F-FEC
Lin W. Quill	NCALU
Thos. H. H. H.	TRAP/AP
Stephen J. Brown	NCEDLAW
Leon Adelman	NC School of Science & Math
Row A. rock	County Com. Assoc
Amy Van Oostum	PENC
ANN McColl	NCSBA
Jim M. M.	Fiscal Research
Lindalyn Kakadelis	Board Member Charlotte-Mecklenburg Schools

VISITOR REGISTRATION SHEET

House of Representatives
~~Standing Committee on~~ EDUCATION
 Name of Committee

April 10, 97
 Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Karen Gask	Gov.'s Office
Deborah Perry	Charlotte-Mecklenburg Schools
Ungus Jo Bain	Smith Anderson
EMMET FLOYD	ECU
Charles C. Gill	UNC General Administration
Ashe Beracuan	NCCBI
Ed Regan	N.C.A.C.C.
Oliver Davis	Public School Forum of NC
Alicia Hare	Public School Forum
Ann Belam	SBE
Richard Thompson	SBE
Erin B. Monroe	SBE

VISITOR REGISTRATION SHEET

House of Representatives
~~Standing Committee on EDUCATION~~
 Name of Committee

April 10, 97
 Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Eileen Hennessy	Greenland Chain of Commerce
Phil Wilson	NCAE
Bill Wilson	NCAE
Marnie King	OSBM
Marriett Sutherland	VAIO -DOA
David Brown	OSBM
Ken Bujis	"
Janet Pittman	"
Nancy Korie	Citizen
Lee Adams	OSBM
Tom Hault	Sen Office
Franklin Freeman	Gov. Office

VISITOR REGISTRATION SHEET

House of Representatives

~~Standing Committee on EDUCATION~~

Name of Committee

Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK.

NAME

FIRM OR AGENCY AND ADDRESS

Curt Williams	Office of Governor
Hal Miller	NCACCT
Bob Kelson	NC SBA
Carol Walker	NC State
Pahen	Capps
Shubert	Onslow Co. Schools
Big Kelsey	Onslow Co. Schools
Donald	NC ABE
Don Carrington	Locke Foundation

VISITOR REGISTRATION SHEET

House of Representatives

~~Standing Committee on EDUCATION~~

Name of Committee

Date _____

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK.

NAME _____

FIRM OR AGENCY AND ADDRESS

Sarah Stewart

AFT/NC

Meares Ryan

SRH

Ellen Russell

The Arc NC

MINUTES
HOUSE STANDING COMMITTEE ON EDUCATION
April 15, 1997

The House Committee on EDUCATION met in Room 544 of the Legislative Office Building on Tuesday, April 15, 1997, at 11:00 a.m. Representative Carolyn B. Russell Co-Chairperson presided at the meeting and the following members were present: Representatives Arnold, Beall, Black, Boyd McIntyre, Cansler, Capps, Cole, Daughtry, Davis, Decker, Dickson, Dockham, Eddins, Fox, Grady, Gulley, Hall, Hensley, Hiatt, Howard, Insko, Ives, Kinney, McMahan, Moore, Morris, Mosley, Nichols, Nye, Oldham, Owens, Preston, Rayfield, Sexton, Shubert, Sherrill, Smith, Tolson, Warner, Wilkins, Wilson, and Woods. Legislative Staff Jim Watts, Robin Johnson, Kory Goldsmith, Sara Kamprath were present to assist the Committee. The visitor registration sheet is attached and made part of the minutes.

The Chair introduced pages Emily Smoot from Randolph County and Emily Elizabeth York from Wayne County.

The Chair explained there would be one item on the agenda, House Bill 351- Excellent Schools Act. She then called on Representative Arnold, bill sponsor to give his presentation of the bill. Representative Arnold recommended the committee substitute be adopted for discussion. The motion was seconded and carried. Representative Arnold then answered questions that had been asked in the previous meeting. He also asked the chair to be able to call on Ms. Goldsmith (Education staff) to explain the existing law of tenure. The Chair did so, and Ms. Goldsmith gave her explanation.

Representative Arnold sent forth a technical amendment. He was called on by the Chair to explain the amendment. Upon completion of his explanation, he moved for adoption of the amendment. The Chair called for discussion and debate on the amendment. There being none the vote was taken on adoption of the amendment and it passed.

The Chair explained there were numerous amendments and she would take them in the order they were presented. She also explained that an additional meeting time was in the process of being scheduled. She then called on Representative Fox for explanation on his amendment. His amendment addressed national board certification. Representative Arnold spoke against the amendment. Representative Black spoke in favor of the amendment. Representatives Moore and Wilkins asked the bill sponsor questions. There being no further discussion or debate the chair called for a vote on the amendment. The Chair called for division. Representative Fox's amendment failed.

The next amendment sent forth was by Representative Tolson. He explained his amendment affected the fair employment and dismissal act. Representative Arnold was recognized to comment on the amendment. Chair asked staff then to comment. Ms. Goldsmith gave her explanation, as did Representative Tolson. Representative Arnold

offered no objection to the amendment. The Chair called for the vote and Representative Tolson's amendment passed.

Representative Davis was called on by the Chair to explain his amendment. Representative Shubert spoke in favor of the amendment and offered a perfecting amendment. Without objection the Chair asked staff to make Representative Shubert's change to Representative Davis' amendment. Representative Arnold brought forth a new amendment to Representative Davis's amendment. Representative Decker asked the committee to defeat Representative Arnold's amendment. The Chair called for the vote on Representative Arnold's perfecting amendment and it passed. Representative Davis requested the ayes and noes. The amendment passed.

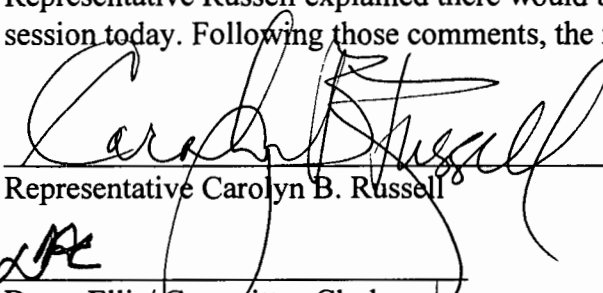
The next amendment brought forth by the Chair was again sponsored by Representative Davis. Staff was asked to explain his amendment and to answer questions by Representative Arnold. Representative Arnold spoke against the amendment. The Chair called for the vote and Representative Davis' amendment failed.

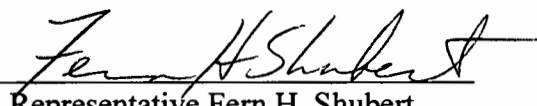
Next the Chair called on Representative Wilson to explain her amendment. Upon completion of her explanation, Representative Arnold asked the Chair to have staff explain further. Discussion continued and Representatives Dickson and Arnold asked the State Board to comment on the amendment. Ann Berlam, Legislative Director for the State Board of Education gave her comments. Chair requested Representative Wilson withdraw her amendment and she did so, with the understanding it would be taken up in the afternoon continuation meeting.

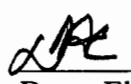
Representative Decker was recognized by the Chair to explain his amendment. Upon completion of his explanation, Representative Arnold was called on for his comments and he also stated his opposition to the amendment. Representative Ives then asked two questions and Representative Moore asked follow up questions. Representative Nichols stated he was not in favor of the amendment. Representative Cansler asked several questions of staff.

The Chair called the question and Representative Decker's amendment failed.

Representative Russell explained there would be another meeting thirty minutes after session today. Following those comments, the meeting was adjourned at 11:50 a.m.


Representative Carolyn B. Russell


Representative Fern H. Shubert


Dawn Ellis/ Committee Clerk



passed Arnold #1

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 351

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)
Page 1 of ____

H351-ARC-004

Date _____, 1997

Comm. Sub. [YES] H351-PCS2241
Amends Title []

Representative Arnold

- 1 moves to amend the bill on page 5, line 3,
- 2 by deleting the words "Student Performance" and substituting
- 3 "Educational Progress";
- 4
- 5 and on page 8, line 12, by deleting the number "3" and substituting
- 6 the number "4(a)";
- 7
- 8 and on page 9, line 13, by deleting the number "5" and substituting
- 9 the number "6";
- 10
- 11 and on page 9, line 14, by deleting the number "13" and substituting
- 12 the number "14";
- 13
- 14 and on page 10, line 22, by inserting after the word "evaluated" the
- 15 words "more or";
- 16
- 17 and on page 13, line 13, by deleting the number "10(a)" and insert
- 18 the number "11(a)";
- 19
- 20 and on page 13, by rewriting lines 34-37 to read:
- 21 "(1d) 'Case manager' means a person selected under G.S.
- 22 115C-325(h)(7).";
- 23
- 24 and on page 14, line 33, by inserting after the word "supervisor,"
- 25 the word "or";
- 26
- 27 and on page 15, line 27, by deleting the phrase "~~he~~ the teacher" and
- 28 substituting "the teacher";



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 351

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)
Page 2 of ____

H351-ARC-004

- 1 and on page 29, by rewriting lines 1-2 to read:
- 2 "(2) If the career employee requested a hearing by a case
- 3 manager, the";
- 4
- 5 and on page 32, line 42, by deleting the phrase "G.S. 115C-325
- 6 (m)(2)" and substituting "G.S. 115C-325(m)(2)";
- 7
- 8 and on page 35, line 30, by deleting the number "5" and substituting
- 9 "6";
- 10
- 11 and on page 35, line 31, by deleting the number "7" and substituting
- 12 the number "8";
- 13
- 14 and on page 35, line 43, by deleting the phrase "FEWER STEPS IN
- 15 SALARY SCHEDULE";
- 16
- 17 and on page 39, line 12, by deleting the number "\$38,340", and
- 18 substituting the number "\$39,390".
- 19

~~#2~~ #3
Tolson



passed

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 351

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)
Page 1 of ____

H351-ALE-05

Date _____, 1997

Comm. Sub. []
Amends Title []
Proposed Committee Substitute H351-PCS2241

Representative *Tolson*

1 moves to amend the bill on page 35, line 16,
2 by deleting the language "January 1, 1998" and substituting
3 "September 1, 1997".
4

SIGNED *Joe Irlm*
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

4 Shuler asked
for perfecting amendment
Amend delete 14 - word of page 2



26 passes
10 yea.

321
- 7N -

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 351

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)
Page 1 of ____

H351-ARC-010

Date _____, 1997

Comm. Sub. [YES] H351-PCS4421
Amends Title []

Representative Davis

- 1 moves to amend the bill on page 4, line 43, by inserting after the
2 word "student" the word "academic";
3
4 and on page 5, line 1, by inserting before the word "performance"
5 the word "academic";
6
7 and on page 5, line 2, by inserting after the word "student" the
8 word "academic";
9
10 and on page 5, line 4, by inserting after the word "student" the
11 word "academic";
12
13 and on page 5, by inserting after line 5 the following:
14 "(c) G.S. 115C-12 is amended by adding a new subsection to
15 read as follows:
16 '(26) Duty Regarding Student Surveys. -- The State Board
17 shall ensure that no student shall be required, as
18 part of any applicable program, to submit to a
19 survey, questionnaire, analysis, or evaluation, that
20 reveals information concerning: (i) political
21 affiliations; (ii) mental and psychological problems
22 potentially embarrassing to the student or the
23 student's family; (iii) sex behavior and attitudes;
24 (iv) illegal, anti-social, self incriminating and
25 demeaning behavior; (v) critical appraisals of other
26 individuals with whom respondents have close family
27 relationships; (vi) legally recognized privileged or
28 analogous relationships, such as those of lawyers,



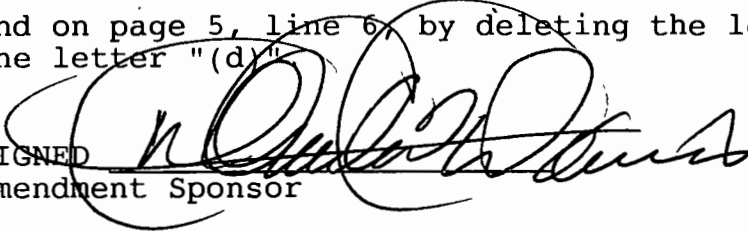
NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 351

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)
Page 2 of ____

H351-ARC-010

1 physicians, and ministers; or (vii) income other than
2 that required by law to determine eligibility for
3 participation in a program of for receiving financial
4 assistance under such program. Parents and guardians
5 shall be given prior written notification of any
6 survey, questionnaire, analysis, or evaluation that
7 addresses any or all of the above. In order to
8 voluntarily participate in any survey, questionnaire,
9 analysis, or evaluation that addresses any and all of
10 the above a parent, guardian, or a student if the
11 student is an adult or emancipated minor, must give
12 prior written consent.'
13

14 and on page 5, line 6, by deleting the letter "(c)" and substituting
15 the letter "(d)"
16

SIGNED 
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

VISITOR REGISTRATION SHEET

House of Representatives
~~Standing Committee on EDUCATION~~
 Name of Committee

4-15-97

Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK.

NAME

FIRM OR AGENCY AND ADDRESS

Gene Causby	E - EBC
C. C. Dawson	NC Pub Sch Personnel
Loey Presnell	" " " "
Joyce Peters	E - EBC
Susan Harmon	WCPSS
Marriet Sutherland	DOA - VA10
Beryl Smith	IBM
Don Martin	Winston-Salem / Forsyth Co. Bd of Ed.
Jan Pratt	NCAASA
Clifton Stacey	QWE GA
Donny Hunter	NCCCS
Hal Miller	NCAACT

VISITOR REGISTRATION SHEET

House of Representatives
~~Standing Committee on EDUCATION~~
 Name of Committee

4-15-97

Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK.

NAME

FIRM OR AGENCY AND ADDRESS

Marilyn Dixon	Wake ACT 703 Johnson St. Raleigh 27609
John Wilson	NCAE
Joyce Elliott	NCAE
Cecil Banks	NCAE
Bill Wilson	ncae
Karen Gask	Office of the Governor
Buddy Alb	Office of the Speaker
BR Wade	BR Wade Gov
William & Louise Butler	
Kelly Sandling	Leg. Intern
Ant Williams	Gov's Office
Jordan & Susan Carter	

VISITOR REGISTRATION SHEET

House of Representatives
~~Standing Committee on~~ EDUCATION
Name of Committee

Date 4/15/97

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK.

NAME

FIRM OR AGENCY AND ADDRESS

Brian Washington

NCAE

VISITOR REGISTRATION SHEET

House of Representatives

~~Standing Committee on EDUCATION~~

Name of Committee

Date _____

4/15/92

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME _____

FIRM OR AGENCY AND ADDRESS

Phil Kirk

NCCBT

Th. M. Orell

NEAICU

El Regem

N.C.A.C.C.

MINUTES
HOUSE STANDING COMMITTEE ON EDUCATION
April 15, 1997

The House Committee on EDUCATION met in Room 544 of the Legislative Office Building on Tuesday, April 15, 1997, at 4:00 p.m. Representative Carolyn B. Russell Co-Chairperson presided at the meeting and the following members were present: Representatives Arnold, Beall, Black, Boyd McIntyre, Cansler, Capps, Cole, Daughtry, Davis, Decker, Dickson, Dockham, Eddins, Fox, Grady, Gulley, Hall, Hensley, Hiatt, Howard, Insko, Ives, Kinney, McMahan, Moore, Morris, Mosley, Nichols, Nye, Oldham, Owens, Preston, Rayfield, Sexton, Shubert, Sherrill, Smith, Tolson, Warner, Wilkins, Wilson, and Woods. Legislative Staff Jim Watts, Robin Johnson, Kory Goldsmith, Sara Kamprath were present to assist the Committee. The visitor registration sheet is attached and made part of the minutes.

The Chair explained there would be one item on the agenda House Bill 351- Excellent Schools Act, a continuation from the morning's meeting. Representative Russell recognized Representative Wilson to explain her amendment. When she finished her explanation Representative Arnold advised the committee he had no objection to her amendment. As there was no further discussion or debate Chair called for the vote and the amendment carried.

The Chair then recognized Representative Insko to explain her amendment. Representative Arnold advised the committee of his concerns concerning the amendment and stated he could not support the amendment. After questions and discussion the Chair called for the vote and the amendment failed.

The Chair recognized Representative Moore to explain his amendment on tenure. Representative Arnold was called on by the Chair for his input. After Representative Arnold gave his explanation, Representative Daughtry made comments about the bill. Next to speak was Representative Boyd-McIntyre and she spoke in favor of the amendment. Several Representatives spoke both for and against the amendment. Representative Daughtry called the question, and it carried. The Chair asked for a show of hands for and against the amendment. The amendment failed.

Representative Warner was recognized by the Chair to speak on his amendment. He gave his explanation and Representative Arnold stated it was a good idea and he would support the amendment. The Chair called for the vote and the amendment passed.

Next to be recognized was Representative Owens to explain his amendment. His amendment concerned teachers assistants and an increase in their salaries. Representative Arnold gave his opinions to the committee. Representative Sherrill sent forth a perfecting amendment. The vote was called and the perfecting amendment carried. After further discussion and debate a roll call vote was asked for and Representative Owens' amendment carried.

The next amendment before the committee was presented by its sponsor Representative Nye. Upon completion of his explanation he asked for adoption of his amendment. The Chair called on Representative Arnold for his comments, and he asked the committee oppose the amendment. The amendment failed.

The Chair called on Representative Wilkins to give his explanation on his amendment. It concerns incentive awards and increasing the awards by twice the amount in the bill. Representative Arnold spoke against the amendment. The amendment failed.

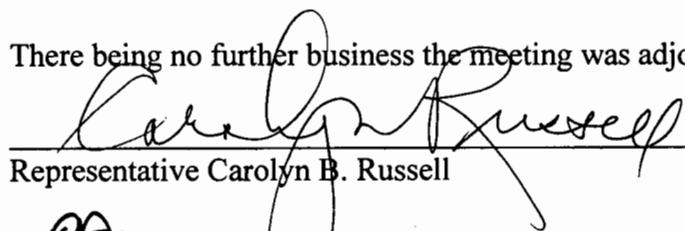
Representative Insko was next to speak on her amendment. Upon completion of her explanation the vote was called for and the amendment passed.

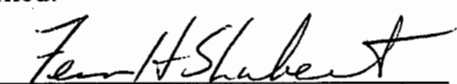
Representative Sherrill was recognized to bring forth her amendment. She explained her amendment and asked for adoption of her amendment. Chair called on Representative Arnold for his comments. He spoke emphatically against the amendment. Representative Arnold asked staff to speak on the bill. Representative Sherrill and Representative Arnold each spoke on the amendment. The Chair asked Representative Arnold about training and additional items. Representative Cansler, Insko and others directed questions to Representative Arnold. The Chair asked Ann Berlam to clarify the State Board's position. The vote was called and the amendment carried.

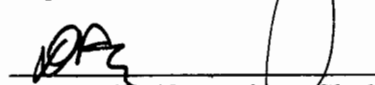
The last amendment was submitted by Representative Eddins, and he explained the amendment. Following his explanation Representative Arnold suggested his amendment should be in a different bill. There was no further debate and the vote was taken on the amendment. The amendment failed.

Chair recognized Representative Arnold who motioned for a favorable report to the new committee substitute as amended rolled into a new committee substitute, unfavorable report to the original bill giving authority to the staff to make conforming changes necessary do to the amendments and to be re-referred to the Appropriations committee. Motion carried and the Chair thanked the committee for their hard work on this bill.

There being no further business the meeting was adjourned.


Representative Carolyn B. Russell


Representative Fern H. Shubert


Dawn Ellis/Committee Clerk



afternoon
#1 carries passes

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 351

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)
Page 1 of ____

H351-ARC-001.1

Date _____, 1997

Comm. Sub. [YES] H351-PCS2241
Amends Title []

Representative Wilson

- 1 moves to amend the bill on page 4, by rewriting line 13 to read as
2 follows:
3 "certification area. The State Board shall develop and implement a
4 plan to require all certified staff members working";
5
6 and on page 5, line 12 by adding after the word "section." the
7 following:
8 "By September 1, 1999, the State Board shall adopt and implement a
9 plan requiring all certified staff members in low performing schools
10 demonstrate their competency in their certification area."

SIGNED *Connie Wilson*
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

#4 - passes



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 351

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)
Page 1 of ____

H351-ALE-07

Date _____, 1997

Comm. Sub. []
Amends Title []
Proposed Committee Substitute H351-PCS2241

Representative Warner

- 1 moves to amend the bill on page 43, line 36,
2 by deleting the period at the end of the sentence and substituting
3 the following:
4 " and for reviewing performance pay systems for teachers."
5

SIGNED Charles Warner
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

5-AC



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 351

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)
Page 1 of ____

H351-ALE-11

Date _____, 1997

Comm. Sub. []
Amends Title []
Proposed Committee Substitute H351-PCS2241

Representative Quinn

- 1 moves to amend the bill on page 40, lines 39-40,
2 by rewriting the lines to read:
3 "awards in schools that meet the expected improvements may be up:
4 (i) to seven hundred fifty dollars (\$750.00) for each teacher and
5 for certified personnel; and (ii) three hundred seventy-five dollars
6 (\$375.00) for each teacher assistant."
7

SIGNED W.C. Owens
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

Rep. Sherrill
⑤ line 3 - perfecting amendment - carries

#8 yes passes

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

EDITION No. _____

H. B. No. 351

DATE _____

S. B. No. _____

Amendment No. _____

(to be filled in by
Principal Clerk)

COMMITTEE SUBSTITUTE ☒

Rep.) Insko
Sen.) _____

1 moves to amend the bill on page 5, line 38

2 () WHICH CHANGES THE TITLE
3 by inserting before the word "competencies"
4 the word "demonstrated".

5 _____

6 _____

7 _____

8 _____

9 _____

10 _____

11 _____

12 _____

13 _____

14 _____

15 _____

16 _____

17 _____

18 _____

19 _____

SIGNED Verla C Insko

ADOPTED _____ FAILED _____ TABLED _____

#9 - yes

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

EDITION No. _____

H. B. No. 351

DATE _____

S. B. No. _____

Amendment No. _____

(to be filled in by
Principal Clerk)

COMMITTEE SUBSTITUTE ☒

Rep.) Sherrell
Sen.) _____

1 moves to amend the bill on page 13, line 6

2 () WHICH CHANGES THE TITLE

3 by deleting the word "consolidate"
4 and by substituting the word
5 "align";

6
7 and on page 13, line 8, by
8 rewriting the line to read:
9 "statutory changes, consolidation,
10 or other organizational changes."
11
12
13
14
15
16
17
18
19

SIGNED A. Shuitt

ADOPTED _____ FAILED _____ TABLED _____

VISITOR REGISTRATION SHEET 2ND

House of Representatives
~~Standing Committee on EDUCATION~~
 Name of Committee

Date

4/15/97

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Gene Caushy

EEBC

Joan Harrison

WCPSS

John P. Linn

Public School System of NC

Loanne E. Runko

E. G. H. S.

Ann Berlam

SBE

Amy Van Dorem

PENNC

Julius Rungt

NCATA

Jan Cusack

NCASA

Clifton B. Nutter

DIO GA

Lynette

EEBC

VISITOR REGISTRATION SHEET

House of Representatives
~~Standing Committee on EDUCATION~~
 Name of Committee

Date

2nd
 4/15/97

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK.

NAME

FIRM OR AGENCY AND ADDRESS

CECIL BANKS

NCAE

Joyce Elliott

NCAE

John Wilson

NCAE

Susan Hancock

NCAE

Bry DeLo

NCAE

Bill White

NCAE

Karen Gask

Gov's Office

B. Wade

"

Kelley Sanders

Leg. Intern

Curt Williams

Gov's Office

Franklin D. Thompson

..

K. B. Briggs

OSBA

VISITOR REGISTRATION SHEET

House of Representatives
~~Standing Committee on~~ EDUCATION
Name of Committee

Date

2nd
4/15/99

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

David Brown

OSBM

James Pittard

OSBM

Sue Adams

OSBM

**1997 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **Russell and Shubert** for the Committee on **EDUCATION**.

☐ Committee Substitute for

H.B. 351 A BILL TO BE ENTITLED AN ACT TO ENACT THE EXCELLENT
SCHOOLS ACT.

☐ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on
☐ Appropriations ☐ Finance ☐

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on ☐ Appropriations ☐ Finance ☐

☒ With a favorable report as to committee substitute bill, unfavorable as to original bill, and
recommendation that the committee substitute bill be re-referred to the Committee on
Appropriations.

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes
the title, unfavorable as to Senate committee substitute bill.

☐ And having received a unanimous vote in committee, is placed on the Consent Calendar.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur, request conferees.

☐ With recommendation that the House concur, committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

MINUTES
HOUSE STANDING COMMITTEE ON EDUCATION
April 17, 1997

The House Committee on EDUCATION met in Room 544 of the Legislative Office Building on February 25, 1997, at 11:00 a.m. Representative Fern H. Shubert Co-Chairperson presided at the meeting and the following members were present: Representatives Arnold, Beall, Black, Boyd-McIntyre, Capps, Cole, Davis, Decker, Dickson, Dockham, Eddins, Fox, Grady, Gulley, Hall, Hensley, Hiatt, Kinney, McMahan, Moore, Morris, Mosley, Nye, Oldham, Owens, Preston, Rayfield, Russell, Sexton, Sherrill, Smith, Tolson, and Warner. Legislative Staff Jim Watts, Robin Johnson, Kory Goldsmith, Sara Kampraths were present to assist the Committee. Visitor registration sheet is attached and made part of the minutes.

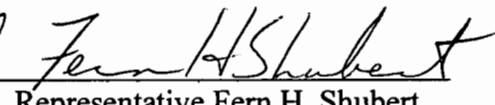
The Chair, Representative Fern H. Shubert, introduced pages Reginald Colin Brown from Forsythe County and Latrina Berdin Hertford from Hertford County. The Chair then requested Representative Warner to come forward to explain his bill, HB 157-Community College Scholarship Program. He explained he had 31 years of experience as a classroom teacher and he thought this bill was an outstanding idea. Upon completion of his lengthy explanation, the Chair called on Representative Hall who was first to ask questions and add his comments. Next to ask a question of Representative Warner was Representative Fox. He asked about financial needs. Representative Warner then asked staff to explain the issue of residency for financial aid. Next to ask a question of the bill sponsor was Representative Capps, who asked the average cost of a technical college and how many students would be covered under this bill. Staff explained they did not have the exact numbers due to the changing eligibility numbers. Representative Mosely asked the Chair, if the representative from the Community Colleges could speak on this issue. The Chair agreed and Hal Miller with the North Carolina Association of Community Colleges Trustees and he answered the tuition question. He advised the current tuition while under the quarter system is \$185.50. This will change when they go to the semester system. At that time the charge will be \$280.00. Next to ask a question was Representative Decker and his question concerned felonies. The next to ask questions was Representative Moore, and his questions also concerned felonies. Representative Eddins explained his concerns about the bill. The Chair then called on Representative Sherrill for an amendment. Her amendment stated the bill would only apply to graduates of A North Carolina school. Representative Grady and Hall asked questions about the amendment. There being no further discussion The Chair then called for the vote and the amendment carried. Representative Tolson made comments about the bill. Chair called on Representative Decker for an amendment concerning felonies. Representative Owens asked questions of Representative Decker. Representative Warner gave his support for the amendment. As there was no further discussion nor debate the Chair called for the vote and the amendment carried. Representative Decker made a motion that HB 157 receive a favorable as amended rolled into a committee substitute, unfavorable to original bill and re-refer the bill to the committee on Appropriations. The motion carried.

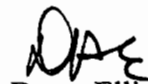
Chair called on Representative Sherrill as bill sponsor to explain HB 769 Dropout Prevention/Drivers License. She immediately asked staff to explain the technical amendment she proposed. There being no comments on the amendment, The Chair asked for the vote and the amendment carried. She explained her bill and stated the State Board of Education had helped with formatting the bill. She stated she had endorsements from the State Board of Education, The North Carolina Principals Association, The North Carolina School Board Association, The NCAE, NCCBI, and the North Carolina PTA Legislative Committee. Representative Moore moved for a favorable report, and have it re-referred to finance as amended. Representative Hensley asked what the penalty would be if the bill was enacted. Representative Sherrill answered his questions. Representative Hensley stated this would be a feel good bill, but felt it would not help to keep anyone in school. Representative Dickson requested of the Chair to allow Ann Berlam, Legislative Director for the State Board of Education speak on the bill. The Chair did so and Mrs. Berlam explained the State Board of Education supported the bill. The Chair then called for the vote on the previous motion, and it passed.

There being no further business the meeting was adjourned at 11:50 a.m.


Representative Carolyn B. Russell

and


Representative Fern H. Shubert


Dawn Ellis/Committee Clerk

VISITOR REGISTRATION SHEET

House of Representatives
~~Standing Committee on EDUCATION~~
 Name of Committee

April 17, 1997
 Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK.

NAME

FIRM OR AGENCY AND ADDRESS

Tim Milam	McAICU
Ann Belam	SBE
Charles F. Bell	UNC General Administration
Bobbie Ethridge	US Congress
Susan Harrison	WCPS
Sarah Stewart	AFT
W. H. Adam	Veterans Advocate
Tony Spence	DOT / DAV
Don Cullen	—
Alicia Hare	Public School Forum
Op Ann Norris	" " "
Hal Miller	McAcet

VISITOR REGISTRATION SHEET 209

House of Representatives
~~Standing Committee on~~ EDUCATION
Name of Committee

Date 4/18/97

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK.

NAME

FIRM OR AGENCY AND ADDRESS

John Wilson	NCAE
B. W. W. W.	BN
Bob Zelon	NCSA
Marian Dodd	League of Women Voters NC
Jamie Thetzel	WS/FC Board of Education
Lindalyn Kakadelis	Chair/Meck Board of Education
Ann Emery	
Jane Estep	parent from Charlotte
Jerome H. Asken, Jr.	Governor's Office of Substance Abuse Policy
Jeff Davis	UNC

VISITOR REGISTRATION SHEET

House of Representatives

~~Standing Committee on EDUCATION~~

Name of Committee

Date _____

April 12, 97

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK.

NAME _____

FIRM OR AGENCY AND ADDRESS

Tierra Litu

Mc Aree

Donny Plunk

NCCCS

Weaver Rogers

SBE

MINUTES
HOUSE STANDING COMMITTEE ON EDUCATION
April 22, 1997

The House Committee on EDUCATION met at 11:00 a. m. on Tuesday, April 22, 1997, in Room 544 in the Legislative Office Building. Representative Russell presided and the following members were present: Representative Shubert, Co-chairperson; Representative Arnold, Beall, Black, Boyd-McIntyre, Cansler, Capps, Cole, Davis, Decker, Dickson, Dockham, Eddins, Fox, Grady, Hall, Hensley, Hiatt, Kinney, Moore, Morris, Mosley, Nye, Oldham, Owens, Sexton, Sherrill, Smith, Tolson, Warner and Wilkins. Legislative staff Kory Goldsmith, Robin Johnson, Sara Kamprath and Jim Watts were present to assist the Committee. Visitor registration sheet is attached and made part of the minutes.

Co-chairperson Representative Russell introduced the Page serving the Committee and welcomed guests. The Page was Catherine Elizabeth Sherrill from Iredell County. The Chair then proceeded with the first item on the agenda, House Bill 905, entitled An Act To Enact the Excellent Community Colleges Act, sponsored by Representative Grady.

House Bill 905 provides more funds to the community college system in order to enhance vocational programs for North Carolina industry and students. The Chair called upon Representative Smith who made a motion for a favorable report. The motion passed and House Bill 905 was referred to Appropriations.

House Bill 945, sponsored by Representative Nesbitt, entitled Nursing Scholars Program, was the second item on the agenda. The Chair recognized Representative Shubert who requested Jim Newlin, Legislative Staff member of the Fiscal Research Department, to explain the bill. The bill will allow part-time nursing students to be included in the Nursing Scholars Program. The Chair recognized Representative Beall who made a motion for a favorable report. There being no further discussion, the Chair called the vote and the motion passed.

The Chair then recognized Representative Starnes, bill sponsor for the next item on the agenda, who discussed House Bill 952, entitled Deduct PostSecondary Tuition. The bill sponsor explained that his bill provides tax deductions for North Carolina residents who have obtained a college, masters or doctorate degree. Representative Hensley asked the bill sponsor if there was a fiscal note to the bill. The bill sponsor informed the committee that the fiscal note to the bill was currently being prepared by the Fiscal Research Department. Representative Hensley then asked the Chair to displace the bill until the fiscal note could be reviewed by the committee. The Chair temporarily displaced the bill. The Chair then asked Representative Starnes if he would like to proceed with his next bill,

House Bill 942, entitled Deduct Elementary/Secondary Tuition. Representative Starnes replied that his next bill also required a fiscal note that was being prepared. The Chair informed the committee that House Bill 942 would also be temporarily displaced.

The Chair informed the committee that the rules chairman stated that committees can hear other bills that have been referred to the committee that do not appear on the agenda. The Chair asked Representative Arnold if he would like to take up his bill, House Bill 1026, entitled An Act to Provide For Eleven Months of Employment for Teachers.

Representative Arnold explained that his bill asked the General Assembly to consider adding additional days when giving to a salary increase across the board. Representative Dickson asked of staff to draw up an amendment that states, "The Joint Legislative Education Oversight Committee shall study adding additional paid days when considering teachers salary. The Joint Legislative Education Oversight Committee shall report its findings to the General Assembly prior to March 1, 1998." While the committee prepared the amendment, the Chair proceeded with the meeting.

The Chair asked Representative Kinney if he would like to take up his bill next, House Bill 1089, entitled UNC Military Tuition. Representative Kinney explained that his bill will classify military individuals who obtain higher educational degrees in North Carolina as in-state students so they can pay in-state tuition. Representative Grady asked a technical question of staff regarding funds. Staff informed the Chair that the bill does require a fiscal note and the Chair temporarily displaced the bill.

The Chair asked Representative Arnold to take up his second bill, House Bill 1001, entitled Payroll Dues Check-Off Limits. House Bill 1001 limits the authorization for payroll deductions from employees' salaries to employees' organizations. Representatives Moore and Smith requested that John Wilson of the NCAE speak briefly on the bill. Mr. Wilson spoke against the bill. Representative Hensley asked for a roll call vote on the bill. Representative Arnold made a motion to displace the bill. The Chair displaced the bill.

Following the displacement of House Bill 1001, the Chair informed the committee that the amendment to House Bill 1026 was ready. There being no further discussion, the amendment was passed. Representative Dickson made a motion for a favorable report as amended, rolled into a Proposed Committee Substitute, unfavorable as to the original bill. The motion passed.

The next bill to be heard was the Proposed Committee Substitute for House Bill 989, sponsored by Representative Rogers, entitled School Administrator's Exam Fee Upped. The Proposed Committee Substitute will increase the fee for School Administrator's Exams. Representative Beall made a motion to approve the Proposed Committee Substitute with a favorable report, unfavorable as to the original bill. The motion carried and the bill was rereferred to the Finance Committee.

Representative Shubert was recognized next to discuss House Bill 1046, entitled NC Partnership Audit Process. House Bill 1046 allows for a change in the audit process for

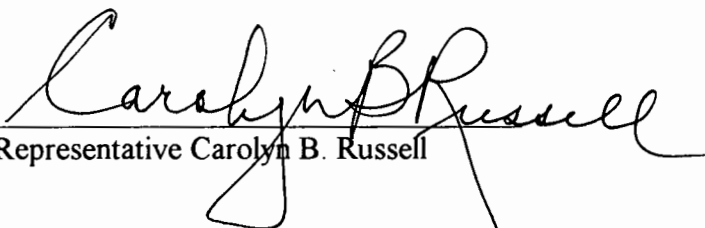
the North Carolina Partnership For Children, Inc. Representative Cole was recognized for a motion for a favorable report. Representatives Hensley and Owens asked questions of the bill sponsor. There being no further discussion or debate, the Chair accepted Representative Cole's motion for a favorable report and the bill passed. The Chair then adjourned the meeting at 11:50 a. m.



Representative Fern H. Shubert



Dawn Ellis, Committee Clerk



Representative Carolyn B. Russell

**1997 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **Russell and Shubert** for the Committee on **EDUCATION**.

☐ Committee Substitute for

H.B. 989 A BILL TO BE ENTITLED AN ACT TO INCREASE THE FEE FOR THE SCHOOL ADMINISTRATOR'S EXAM.

☐ With a favorable report.

With a favorable report and recommendation that the bill be re-referred to the Committee on

☐ Appropriations ☐ Finance ☐

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on ☐ Appropriations ☐ Finance ☐

☒ With a favorable report as to committee substitute, unfavorable as to original bill and recommendation that the committee substitute bill be re-referred to the Committee on Finance.

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ And having received a unanimous vote in committee, is placed on the Consent Calendar.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

FOR JOURNAL USE ONLY

- ____ Pursuant to Rule 36(a), the bill is placed on the Calendar of _____.
- ____ The (committee substitute) bill/resolution (, as amended,) is (ordered engrossed and) re-referred to the Committee on _____.
- ____ The (committee substitute) bill/resolution (, as amended,) is placed on the Consent Calendar of _____. The original bill/resolution is placed on the Unfavorable Calendar.
- ____ The bill/resolution is re-referred to the Committee on _____.
- ____ On motion of (Rep. _____,) (the Chair,) the (committee substitute) bill/resolution is (ordered engrossed and) re-referred to the Committee on _____.
- ____ Pursuant to Rule 36(a), the (House)committee substitute bill (No. _____)/resolution is placed on the Calendar of _____. (The original bill) (House Committee Substitute Bill No. _____)/resolution is placed on the Unfavorable Calendar.
- ____ On motion of Rep. _____, (the rules are suspended) (Rule _____ is suspended) and the bill/resolution is placed on today's calendar. (for immediate consideration.)
- ____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).
- ____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).
- ____ Rep. _____ offers Amendment No. _____ which (is adopted.) (fails of adoption.) (by EV _____.) () This amendment changes the title.
- ____ The bill/resolution (, as amended,) passes its second reading (by following vote, _____ RC) (, by EV _____,) and (remains on the Calendar,) (and there being no objection is read a third time).
- ____ The bill/resolution (, as amended,) passes its third reading (by the following vote, _____ RC) (, by EV _____,) and is ordered
____ sent to the Senate.
____ without engrossment. _____ by Special message.
____ sent to the Senate for concurrence in
____ House amendment (s).
____ House committee substitute.
____ enrolled.
- ____ On motion of Rep. _____, the House concurs in the (material) Senate _____ (by the following vote, _____ RC) (, by EV _____,) and the bill is ordered enrolled.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

D

HOUSE BILL 989*
Proposed Committee Substitute H989-PCS6229

Short Title: Sch. Administrator's Exam Fee Upped.

(Public)

Sponsors:

Referred to:

April 17, 1997

- 1 A BILL TO BE ENTITLED
2 AN ACT TO INCREASE THE FEE FOR THE SCHOOL ADMINISTRATOR'S
3 EXAM.
4 The General Assembly of North Carolina enacts:
5 Section 1. G.S. 115C-290.5(a) reads as rewritten:
6 "(a) The Standards Board shall administer this Article. In fulfilling this duty, the
7 Standards Board shall:
8 (1) In accordance with subsection (c) of this section, develop and
9 implement a North Carolina Public School Administrator Exam,
10 based on the professional standards established by the Standards
11 Board.
12 (2) Establish and collect an application fee not to exceed fifty dollars
13 ~~(\$50.00). (\$50.00), and an exam fee not to exceed one hundred~~
14 ~~fifty dollars (\$150.00).~~ Fees collected under this Article shall be
15 credited to the General Fund as nontax revenue.
16 (3) Review the educational achievements of an applicant to take the
17 exam to determine whether the achievements meet the
18 requirements set by G.S. 115C-290.7.
19 (4) Notify the State Board of Education of the names and addresses of
20 the persons who passed the exam and are thereby recommended to
21 be certified as public school administrators by the State Board of
22 Education.

- 1 (5) Maintain accounts and records in accordance with the Executive
- 2 Budget Act, Article 1 of Chapter 143 of the General Statutes.
- 3 (6) Adopt rules in accordance with Chapter 150B of the General
- 4 Statutes to implement this Article.
- 5 (7) Submit an annual report by December 1 of each year to the Joint
- 6 Legislative Education Oversight Committee of its activities during
- 7 the preceding year, together with any recommendations and
- 8 findings regarding improvement of the profession of public school
- 9 administration."
- 10 Section 2. This act becomes effective July 1, 1997.

**1997 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) Russell and Shubert for the Committee on **EDUCATION**.

☐ Committee Substitute for

H.B. 1026 A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR ELEVEN MONTHS OF
EMPLOYMENT FOR TEACHERS.

☐ With a favorable report.

With a favorable report and recommendation that the bill be re-referred to the Committee on

☐ Appropriations ☐ Finance ☐

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on ☐ Appropriations ☐ Finance ☐

☒ With a favorable report as to committee substitute bill , unfavorable as to original bill.

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes
the title, unfavorable as to Senate committee substitute bill.

☐ And having received a unanimous vote in committee, is placed on the Consent Calendar.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1997

H

D

HOUSE BILL 1026
Proposed Committee Substitute H1026-PCSA354

Short Title: Extra Days of Employment for Teachers.

(Public)

Sponsors:

Referred to:

April 21, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE FOR ELEVEN MONTHS OF EMPLOYMENT FOR
3 TEACHERS.

4 The General Assembly of North Carolina enacts:

5 Section 1. The General Assembly finds that adding additional workdays
6 for public school teachers would have the benefits of increasing teacher salary,
7 making it unnecessary for teachers to seek summer employment, giving local boards
8 of education additional days on which to schedule teacher development, planning,
9 and extra teacher workdays, allowing the State the capability of extending the school
10 year, and allowing the State the capability of converting to year-round schools;
11 therefore, it is the intent of the General Assembly to consider adding days to the
12 school calendar as one way of increasing teacher pay.

13 Section 2. The Joint Legislative Education Oversight Committee shall
14 study adding additional paid days when considering teachers' salary. The Joint
15 Legislative Education Oversight Committee shall report its findings to the General
16 Assembly prior to March 1, 1998.

17 Section 3. This act becomes effective July 1, 1997.

**1997 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **Russell and Shubert** for the Committee on **EDUCATION**.

HB 905- A BILL TO BE ENTITLED AN ACT TO ENACT THE EXCELLENT COMMUNITY COLLEGES ACT.

- ☐ With a favorable report.
- ☒ With a favorable report and recommendation that the bill be re-referred to the Committee on
☒ Appropriations ☐ Finance ☐

- ☐ With a favorable report, as amended.
- ☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on ☐ Appropriations ☐ Finance ☐

With a favorable report as to House committee substitute, unfavorable as to Senate bill.

- ☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.
- ☐ And having received a unanimous vote in committee, is placed on the Consent Calendar.
- ☐ With an unfavorable report.
- ☐ With recommendation that the House concur.
- ☐ With recommendation that the House do not concur.
- ☐ With recommendation that the House do not concur; request conferees.
- ☐ With recommendation that the House concur; committee believes bill to be material.
- ☐ With an unfavorable report, with a Minority Report attached.
- ☐ Without prejudice.
- ☐ With an indefinite postponement report.
- ☐ With an indefinite postponement report, with a Minority Report attached.
- ☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

FOR JOURNAL USE ONLY

- ____ Pursuant to Rule 36(a), the bill is placed on the Calendar of _____.
- ____ The (committee substitute) bill/resolution (, as amended,) is (ordered engrossed and) re-referred to the Committee on _____.
- ____ The (committee substitute) bill/resolution (, as amended,) is placed on the Consent Calendar of _____. The original bill/resolution is placed on the Unfavorable Calendar.
- ____ The bill/resolution is re-referred to the Committee on _____.
- ____ On motion of (Rep. _____,) (the Chair,) the (committee substitute) bill/resolution is (ordered engrossed and) re-referred to the Committee on _____.
- ____ Pursuant to Rule 36(a), the (House)committee substitute bill (No. ____)/resolution is placed on the Calendar of _____. (The original bill) (House Committee Substitute Bill No. ____)/resolution is placed on the Unfavorable Calendar.
- ____ On motion of Rep. _____, (the rules are suspended) (Rule ____ is suspended) and the bill/resolution is placed on today's calendar. (for immediate consideration.)
- ____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).
- ____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).
- ____ Rep. _____ offers Amendment No. _____ which (is adopted.) (fails of adoption.) (by EV _____.) () This amendment changes the title.
- ____ The bill/resolution (, as amended,) passes its second reading (by following vote, _____ RC) (, by EV _____,) and (remains on the Calendar,) (and there being no objection is read a third time).
- ____ The bill/resolution (, as amended,) passes its third reading (by the following vote, _____ RC) (, by EV _____,) and is ordered
____ sent to the Senate.
____ without engrossment. _____ by Special message.
____ sent to the Senate for concurrence in
____ House amendment (s).
____ House committee substitute.
____ enrolled.
- ____ On motion of Rep. _____, the House concurs in the (material) Senate _____ (by the following vote, _____ RC) (, by EV _____,) and the bill is ordered enrolled.

**1997 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **Russell and Shubert** for the Committee on **EDUCATION**.

HB 945- A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT CERTAIN PART-TIME BACCALAUREATE DEGREE STUDENTS ARE ELIGIBLE FOR NURSING SCHOLARSHIP LOANS.

☒ With a favorable report.

With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐.

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on ☐ Appropriations ☐ Finance ☐.

With a favorable report as to House committee substitute, unfavorable as to Senate bill.

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ And having received a unanimous vote in committee, is placed on the Consent Calendar.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

FOR JOURNAL USE ONLY

- ____ Pursuant to Rule 36(a), the bill is placed on the Calendar of _____.
- ____ The (committee substitute) bill/resolution (, as amended,) is (ordered engrossed and) re-referred to the Committee on _____.
- ____ The (committee substitute) bill/resolution (, as amended,) is placed on the Consent Calendar of _____. The original bill/resolution is placed on the Unfavorable Calendar.
- ____ The bill/resolution is re-referred to the Committee on _____.
- ____ On motion of (Rep. _____,) (the Chair,) the (committee substitute) bill/resolution is (ordered engrossed and) re-referred to the Committee on _____.
- ____ Pursuant to Rule 36(a), the (House)committee substitute bill (No. ____)/resolution is placed on the Calendar of _____. (The original bill) (House Committee Substitute Bill No. ____)/resolution is placed on the Unfavorable Calendar.
- ____ On motion of Rep. _____, (the rules are suspended) (Rule ____ is suspended) and the bill/resolution is placed on today's calendar. (for immediate consideration.)
- ____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).
- ____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).
- ____ Rep. _____ offers Amendment No. _____ which (is adopted.) (fails of adoption.) (by EV _____.) () This amendment changes the title.
- ____ The bill/resolution (, as amended,) passes its second reading (by following vote, _____ RC) (, by EV _____,) and (remains on the Calendar,) (and there being no objection is read a third time).
- ____ The bill/resolution (, as amended,) passes its third reading (by the following vote, _____ RC) (, by EV _____,) and is ordered
____ sent to the Senate.
____ without engrossment. _____ by Special message.
____ sent to the Senate for concurrence in
____ House amendment (s).
____ House committee substitute.
____ enrolled.
- ____ On motion of Rep. _____, the House concurs in the (material) Senate _____ (by the following vote, _____ RC) (, by EV _____,) and the bill is ordered enrolled.

**1997 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **Russell and Shubert** for the Committee on **EDUCATION**.

HB 1046- A BILL TO BE ENTITLED AN ACT TO CHANGE THE AUDIT PROCESS FOR THE NORTH CAROLINA PARTNERSHIP FOR CHILDREN, INC.

☒ With a favorable report.

With a favorable report and recommendation that the bill be re-referred to the Committee on
Appropriations ☐ Finance ☐

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on ☐ Appropriations ☐ Finance ☐

With a favorable report as to House committee substitute, unfavorable as to Senate bill.

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes
the title, unfavorable as to Senate committee substitute bill.

☐ And having received a unanimous vote in committee, is placed on the Consent Calendar.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

VISITOR REGISTRATION SHEET

House of Representatives
~~Standing Committee on EDUCATION~~
 Name of Committee

April 22, 1997
 Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK.

NAME	FIRM OR AGENCY AND ADDRESS
Alicia Hare	Public School Forum
To Ann Norris	Public School Forum
Ann Bellam	SBE
Mike Acford	Jacksonville / Onslow Chamber of Commerce
RONALD K. LINGG	COASTAL CAROLINA CC
Anne Shaw	COASTAL CAROLINA COMM COLLEGE Greater Jax / Onslow Chamber of Commerce
Sindy Barker	NC Nurses Association
Billy Brown	
Dr. + Betty Wallons (Chapel Hill) accompanying Dr. Rajiva Wijesinha	7 visitor from Sri Lanka who is Coordinator of General English Language Teaching Program in Sri Lanka - arranged by Rep. Russell Capps
J. P. NORMAN/DEAD	Jacksonville/Onslow Chamber of Commerce (Crosstree Center)
Barbara Hamlin	OSBM
Superintendent	SEB

VISITOR REGISTRATION SHEET

House of Representatives
~~Standing Committee on EDUCATION~~
 Name of Committee

April 22, 1997
 Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK.

NAME

FIRM OR AGENCY AND ADDRESS

Lakesha Byrd	Coastal Carolina Community College Jacksonville NC
Cleo Croom	Onslow County School System Jacksonville, NC
Ron Singletary	Onslow County Schools Jacksonville, N.C.
Pete Andrews	Onslow County Schools Jacksonville, NC.
George Blalock	Jacksonville Onslow County Chamber of Commerce
Vincent Catalon	Retired educator P.O. Box 576 Democratic Party chair Jacksonville, NC
Susanne Sirtelle	Jacksonville Chamber of Commerce
Sheila Peice	Jacksonville Chamber of Commerce
Don Henning	Onslow County Schools
JOHN WATERS	MARINE CORPS BASE - DIA. ED. PROGRAMS CAMP LEJEUNE, NC 28546
Paula Redick	Jacksonville Chamber of Commerce
Anne Zivonar	Onslow Co Schools Jacksonville

VISITOR REGISTRATION SHEET

House of Representatives
~~Standing Committee on EDUCATION~~
Name of Committee

Date April 22, 1997

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK.

NAME _____

FIRM OR AGENCY AND ADDRESS

Eddie Finch

Revenue

Greg Ralston

Revenue

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

EDITION No. 1

H. B. No. 1026

DATE _____

S. B. No. _____

Amendment No. _____

(to be filled in by
Principal Clerk)

COMMITTEE SUBSTITUTE _____

Rep.) Dickson
Sen.) _____

after line
12-

1 moves to amend the bill on page 1

2 () WHICH CHANGES THE TITLE

3 by adding the following section.

4 "Section 2. The Joint Legislative
5 Education Oversight Committee
6 shall study adding additional
7 paid days ~~to the required~~
8 ~~number of workdays~~ when
9 considering teachers' salary.

10 ~~and~~ The Joint Legislative
11 Education Oversight Committee
12 shall report its findings to
13 the General Assembly, prior
14 to March 1, 1998."

15 and by renumbering the remaining
16 sections accordingly.

17
18
19
SIGNED W. Dickson

ADOPTED _____ FAILED _____ TABLED _____

MINUTES
HOUSE STANDING COMMITTEE ON EDUCATION
April 23, 1997

The House Committee on EDUCATION met at 11:00 a. m. on Wednesday, April 23, 1997, in Room 544 in the Legislative Office Building. Representative Russell presided and the following members were present: Representative Shubert, Co-chairperson; Representative Beall, Black, Boyd-McIntyre, Cansler, Capps, Cole, Davis, Dickson, Dockham, Eddins, Fox, Hensley, Hiatt, Insko, Ives, Kinney, Moore, Morris, Mosley, Nichols, Nye, Oldham, Owens, Rayfield, Sexton, Sherrill, Smith, Tolson, Warner, Wilkins, C. Wilson and Wood. Legislative staff Kory Goldsmith, Robin Johnson, Sara Kamprath and Jim Watts were present to assist the Committee. Visitor registration sheet is attached and made part of the minutes.

Co-chairperson Representative Russell introduced the Pages serving the Committee and welcomed guests. The Pages were Mary Catherine Hackney and Catherine Elizabeth Sherrill from Iredell County. The Chair then proceeded with the first item on the agenda, House Bill 1136, entitled Revise Community College Elections.

The Chair recognized Representative Rayfield to explain his technical amendment and the bill. There being no further discussion regarding the technical amendment, the amendment was adopted by the committee. Representative Rayfield then proceeded with the explanation of House Bill 1136. House Bill 1136 deals with the election of the trustees of the Board of Community Colleges. Representative Hiatt was recognized by the Chair for a motion for a favorable report. There being no further discussion or debate, a vote for a favorable report on the bill as amended, rolled into a committee substitute, unfavorable report as to the original bill, was taken. The Proposed Committee Substitute was adopted.

The Chair recognized Representative Sexton to report the findings of the subcommittee on House Bill 379, entitled Amend Charter Schools. The Proposed Committee Substitute of House Bill 379 was explained by staff. The Proposed Committee Substitute has several technical changes that covers leasing, admission and laws. An amendment was brought forth by Representative Shubert. There being no discussion, the Chair called for a vote on the amendment. The amendment passed. Representative Capps, Rayfield and Fox asked questions of Representative Sexton regarding the Proposed Committee Substitute as amended. Representative Dickson was recognized by the Chair for a favorable report on the bill as amended, rolled into a committee substitute, unfavorable as to the original bill. Representative Moore asked the Chair to recognize John Wilson of the NCAE and Bob Berlam of the North Carolina School Board Association to speak on the bill. Mr. Wilson

stated it was only the intent of NCAE to have public schools convert to charter schools and not private schools. Mr. Berlam stated that the North Carolina School Board Association has problems with preference issues. Following Mr. Berlam's comments, Representative Sexton sent forth an amendment to delete the tax sections from the bill. There being no further discussion on the amendment, the Chair called the vote and the amendment passed. Representatives Nye and Beall asked questions of the bill sponsor. The Chair proceeded with the motion for rolling the amendments and the Proposed Committee Substitute into a new Proposed Committee Substitute and giving it a favorable report. The motion carried.

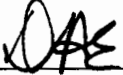
Representative Capps was recognized next to speak about the changes made by the subcommittee on House Bill 458. House Bill 458, entitled Charter School Amendments, sponsored by Representative Barbee, amends the charter act so charter schools will be operated either by private non-profit corporations or by a board of directors approved by the local school board. Representative Tolson was recognized by the Chair to send forth an amendment. Representatives Hensley and Dickson asked questions of the bill sponsor. The bill sponsor asked the Chair to recognize Dennis Ducker of the Department of the State Treasurer to further answer the questions asked by Representatives Hensley and Dickson. There being no further discussion or debate regarding the amendment, the Chair called for a vote and the amendment passed. Representative Shubert was recognized to send forth an amendment. Representatives Shubert, Hensley, Boyd-McIntyre, Dickson and Nichols made comments regarding the amendment. Representative Dickson sent forth a perfecting amendment to Representative Shubert's amendment. There being no further discussion or debate, the Chair called a vote of the perfecting amendment and it passed. There being no further discussion or debate regarding Representative Shubert's amendment, the Chair called for a vote and the amendment passed. The Chair then recognized Representative Capps who made a motion for a favorable report to roll the amendments into a new Proposed Committee Substitute, unfavorable as to the old Proposed Committee Substitute. The motion carried and House Bill 458 was rereferred to the Committee on Pensions and Retirement.

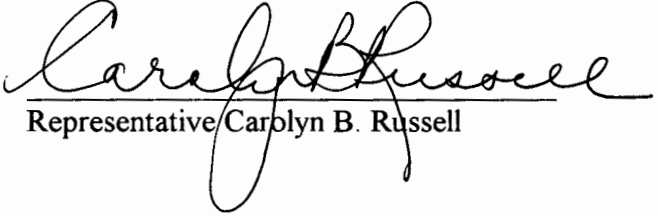
Representative Kinney, bill sponsor for House Bill 1089, came forth to explain his technical amendment and bill. The Chair called for further discussion and debate regarding the amendment; there being none, the vote was called. The amendment passed. Representative Kinney explained that House Bill 1089 will allow a military person, not from North Carolina, to pay in-state student rates rather than out-of-state. Representatives Dickson and Nichols asked questions of staff regarding the bill. Representative Capps was recognized by the Chair to send forth an amendment that would insert the word "tuition" on page 1, line 18. The Chair called the vote and the amendment passed. The Chair accepted a motion for a favorable report as to the Proposed Committee Substitute as amended, unfavorable as to the original bill. The motion carried.

The Chair then recognized Representative Ives to explain his bill, House Bill 483, entitled School Board "Quick Takes." House Bill 483 changes the law to allow school boards the right to "Quick Take" a piece of property to have a school built or educational program

underway. Staff was recognized to explain the technical amendment. The Chair asked for further discussion regarding the technical amendment. There being no further discussion, the Chair called for a vote and the technical amendment was adopted. Representatives Owens, Warner and Insko asked questions of staff and the bill sponsor. The Chair recognized Representative Owens who sent forth an amendment. There being no further discussion regarding the amendment, the vote was called and the motion carried. Representative Capps was recognized to express his opposition to the bill. Representative Dickson was recognized for a motion for a favorable report on the bill as amended, rolled into a committee substitute, unfavorable as to the original bill. The Chair asked for further discussion or debate. There being none, the vote was called and the motion carried. Following the discussion of House Bill 483, the meeting was adjourned at 11:50 a. m.


Representative Fern H. Shubert


Dawn Ellis, Committee Clerk


Representative Carolyn B. Russell

**1997 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **Russell and Shubert** for the Committee on **EDUCATION**.

HB 458 A BILL TO BE ENTITLED AN ACT TO AMEND THE CHARTER SCHOOL ACT OF 1996 TO ELIMINATE THE REQUIREMENT THAT CHARTER SCHOOLS BE OPERATED BY PRIVATE NONPROFIT CORPORATIONS AND TO MAKE SUCH OPERATION OPTIONAL.

With a favorable report.

With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on ☐ Appropriations ☐ Finance ☐

With a favorable report as to House committee substitute, unfavorable as to Senate bill.

☒ With a favorable report as to House committee substitute bill, unfavorable to original bill and recommend the committee substitute be re-referred to the committee on Pensions and Retirement.

☐ And having received a unanimous vote in committee, is placed on the Consent Calendar.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

D

HOUSE BILL 458
Proposed Committee Substitute H458-PCS8192

Short Title: Charter School Amendments/AB.

(Public)

Sponsors:

Referred to:

March 10, 1997

A BILL TO BE ENTITLED

AN ACT TO AMEND THE CHARTER SCHOOL ACT OF 1996 TO ELIMINATE THE REQUIREMENT THAT CHARTER SCHOOLS BE OPERATED BY PRIVATE NONPROFIT CORPORATIONS AND TO MAKE THAT OPERATION OPTIONAL.

The General Assembly of North Carolina enacts:

Section 1. G.S. 115C-238.29B reads as rewritten:

"§ 115C-238.29B. Eligible applicants; contents of applications; submission of applications for approval.

(a) Any person, group of persons, or nonprofit corporation seeking to establish a charter school within a local school administrative unit may apply to establish a charter school on behalf of a private nonprofit corporation. school. If the applicant seeks to convert a public school to a charter school, the application shall include a statement signed by a majority of the teachers and instructional support personnel currently employed at the school indicating that they favor the conversion and evidence that a significant number of parents of children enrolled in the school favor conversion.

(b) The application shall contain at least the following information:

- (1) A description of a program that implements one or more of the purposes in G.S. 115C-238.29A.
- (2) A description of student achievement goals for the school's educational program and the method of demonstrating that

- 1 students have attained the skills and knowledge specified for those
2 student achievement goals.
- 3 (3) The governance structure of the school including the process to be
4 followed by the school to ensure parental involvement.
- 5 (4) Admission policies and procedures.
- 6 (5) A proposed budget for the school and evidence that the plan for
7 the school is economically sound.
- 8 (6) Requirements and procedures for program and financial audits.
- 9 (7) A description of how the school will comply with G.S. 115C-
10 238.29F.
- 11 (8) Types and amounts of insurance coverage, including bonding
12 insurance for the principal officers of the school, to be obtained by
13 the charter school.
- 14 (9) The term of the contract.
- 15 (10) The qualifications required for individuals employed by the school.
- 16 (11) The procedures by which students can be excluded from the
17 charter school and returned to a public school. Notwithstanding
18 any law to the contrary, any local board may refuse to admit any
19 student who is suspended or expelled from a charter school due to
20 actions that would lead to suspension or expulsion from a public
21 school under G.S. 115C-391 until the period of suspension or
22 expulsion has expired.
- 23 (12) The number of students to be served, which number shall be at
24 least 65, and the minimum number of teachers to be employed at
25 the school, which number shall be at least three. However, the
26 charter school may serve fewer than 65 students or employ fewer
27 than three teachers if the application contains a compelling reason,
28 such as the school would serve a geographically remote and small
29 student population.
- 30 (13) Information regarding the facilities to be used by the school and
31 the manner in which administrative services of the school are to be
32 provided.
- 33 (14) A description of whether the school will ~~operate~~ be operated by a
34 private nonprofit corporation independently of the local board of
35 education or whether it ~~agrees to be subject to some supervision~~
36 ~~and control of its administrative operations by the local board of~~
37 ~~education.~~ will be operated by a board of directors, the
38 membership of which shall be approved by the chartering entity. In
39 the event the charter school elects to operate independently of the
40 local board of education, the application must specify which
41 employee benefits will be offered to its employees and how the
42 benefits will be funded.
- 43 (c) An applicant shall submit the application to a chartering entity for preliminary
44 approval. A chartering entity may be:

- (1) The local board of education of the local school administrative unit in which the charter school will be located;
- (2) The board of trustees of a constituent institution of The University of North Carolina, so long as the constituent institution is involved in the planning, operation, or evaluation of the charter school; or
- (3) The State Board of Education.

Regardless of which chartering entity receives the application for preliminary approval, the State Board of Education shall have final approval of the charter school."

Section 2. G.S. 115C-238.29D(d) reads as rewritten:

"(d) The State Board of Education may grant a charter for a period not to exceed five years and may renew the charter upon the request of the chartering entity for subsequent periods not to exceed five years each. A material revision of the provisions of a charter application shall be made only upon the approval of the State Board of Education. Nonrenewal of a charter operated by a board of directors whose members are approved by the chartering entity shall constitute a termination of that board of directors."

Section 3. G.S. 115C-238.29E(b) reads as rewritten:

"(b) A charter school shall be operated ~~by a private nonprofit corporation that shall have received federal tax-exempt status no later than 24 months following final approval of the application.~~ in one of the following ways:

- (1) By a private, nonprofit corporation that receives federal tax-exempt status no later than 24 months after final approval of the application; or
- (2) By a board of directors whose members are approved by the chartering entity. The board of directors shall be composed of no more than 25 members. The initially proposed members shall serve terms no longer than the length of the charter granted by the State Board. Subsequently proposed members shall serve terms no longer than five years. No member may serve more than two full terms. Appointments to the board of directors, including those necessary to fill vacancies, shall be recommended by the current board of directors and approved by the chartering entity.

In the event a charter school receives final approval from the State Board of Education by March 31, 1997, the State Board shall provide the opportunity for the school to be operated by a board of directors whose members are approved by the chartering entity."

Section 4. G.S. 115C-238.29F reads as rewritten:

"§ 115C-238.29F. General requirements.

(a) Health and Safety Standards. -- A charter school shall meet the same health and safety requirements required of a local school administrative unit.

(b) School Nonsectarian. -- A charter school shall be nonsectarian in its programs, admission policies, employment practices, and all other operations and shall not

1 charge tuition. A charter school shall not be affiliated with a nonpublic sectarian
2 school or a religious institution.

3 (c) Civil Liability and Insurance. --

4 (1) The board of directors of a charter school may sue and be sued.
5 The board of directors shall obtain at least the amount of and types
6 of insurance required by the contract.

7 (2) No civil liability shall attach to any chartering entity, to the State
8 Board of Education, or to any of their members or employees,
9 individually or collectively, for any acts or omissions of the charter
10 school. In the event a charter school ~~has not elected total~~
11 ~~independence from the local board of education under subsection~~
12 ~~(e) of this section, is operated by a board of directors approved by~~
13 ~~the chartering entity,~~ the immunity established by this subsection
14 shall be deemed to have been waived to the extent of
15 indemnification by insurance, indemnification under Articles 31A
16 and 31B of Chapter 143 of the General Statutes, and to the extent
17 sovereign immunity is waived under the Tort Claims Act, as set
18 forth in Article 31 of Chapter 143 of the General Statutes.

19 (d) Instructional Program. --

20 (1) The school shall provide instruction each year for at least 180 days.

21 (2) The school shall design its programs to at least meet the student
22 performance standards adopted by the State Board of Education
23 and the student performance standards contained in the contract
24 with the local board of education.

25 (3) A charter school shall conduct the student assessments required for
26 charter schools by the State Board of Education.

27 (4) The school shall comply with policies adopted by the State Board
28 of Education for charter schools relating to the education of
29 children with special needs.

30 (5) The school is subject to and shall comply with Article 27 of
31 Chapter 115C of the General Statutes; except that a charter school
32 may also exclude a student from the charter school and return that
33 student to another school in the local school administrative unit in
34 accordance with the terms of its contract.

35 (e) Employees. --

36 (1) An employee of a charter school is not an employee of the local
37 school administrative unit in which the charter school is located.
38 The charter school's board of directors shall employ and contract
39 with necessary teachers to perform the particular service for which
40 they are employed in the school; at least seventy-five percent
41 (75%) of these teachers in grades kindergarten through five, at
42 least fifty percent (50%) of these teachers in grades six through
43 eight, and at least fifty percent (50%) of these teachers in grades
44 nine through 12 shall hold teacher certificates. The board also may

1 employ necessary employees who are not required to hold teacher
2 certificates to perform duties other than teaching and may contract
3 for other services. The board may discharge teachers and
4 noncertificated employees. In the event a charter school is
5 operated by a board of directors approved by the chartering entity,
6 all employment decisions, including hiring and firing of
7 employees of the charter school, shall be approved by the
8 chartering entity upon the recommendation of the board of
9 directors.

10 (2) No local board of education shall require any employee of the
11 local school administrative unit to be employed in a charter school.

12 (3) If a teacher employed by a local school administrative unit makes a
13 written request for an extended leave of absence to teach at a
14 charter school, the local school administrative unit shall grant the
15 leave. The local school administrative unit shall grant a leave for
16 any number of years requested by the teacher, shall extend the
17 leave for any number of years requested by the teacher, and shall
18 extend the leave at the teacher's request. The local school
19 administrative unit may require that the request for a leave or
20 extension of leave be made up to 90 days before the teacher would
21 otherwise have to report for duty. A teacher who has career status
22 under G.S. 115C-325 prior to receiving an extended leave of
23 absence to teach at a charter school may return to a public school
24 in the local school administrative unit with career status at the end
25 of the leave of absence or upon the end of employment at the
26 charter school if an appropriate position is available. If an
27 appropriate position is unavailable, the teacher's name shall be
28 placed on a list of available teachers and that teacher shall have
29 priority on all positions for which that teacher is qualified in
30 accordance with G.S. 115C-325(e)(2).

31 (4) ~~In the event a charter school, in its application, elects total~~
32 ~~independence from the local board of education, school is~~
33 operated by a private nonprofit corporation, its employees shall not
34 be deemed to be employees of the local school administrative unit
35 and shall not be entitled to any State-funded employee benefits,
36 including membership in the North Carolina Teachers' and State
37 Employees' Retirement System or the Teachers' and State
38 Employees' Comprehensive Major Medical Plan. In the event a
39 ~~charter school, in its application, agrees to be subject to some~~
40 ~~supervision and control of its administrative operations by the local~~
41 ~~board of education, school is operated by a board of directors~~
42 approved by the chartering entity, the employees of the charter
43 school will be deemed employees of the local school administrative
44 unit for purposes of providing certain State-funded employee

benefits, including membership in the Teachers' and State Employees' Retirement System and the Teachers' and State Employees' Comprehensive Major Medical Plan. ~~The Board of Trustees of the Teachers' and State Employees' Retirement System, in consultation with the State Board of Education, shall determine the degree of supervision and control necessary to qualify the employees of the applicant for membership in the Retirement System.~~ In no event shall anything contained in this Part require the North Carolina Teachers' and State Employees' Retirement System to accept employees of a private employer as members or participants of the System.

(f) Accountability. --

- (1) The school is subject to the financial audits, the audit procedures, and the audit requirements adopted by the State Board of Education for charter schools.
- (2) The school shall comply with the reporting requirements established by the State Board of Education in the Uniform Education Reporting System.
- (3) The school shall report at least annually to the chartering entity and the State Board of Education the information required by the chartering entity or the State Board.

(g) Admission Requirements. --

- (1) Any child who is qualified under the laws of this State for admission to a public school is qualified for admission to a charter school.
- (2) No local board of education shall require any student enrolled in the local school administrative unit to attend a charter school.
- (3) Admission to a charter school shall not be determined according to the school attendance area in which a student resides, except that any local school administrative unit in which a public school converts to a charter school shall give admission preference to students who reside within the former attendance area of that school.
- (4) Admission to a charter school shall not be determined according to the local school administrative unit in which a student resides, except that the provisions of G.S. 115C-366(d) shall apply to a student who wishes to attend a charter school in a county other than the county in which the student resides.
- (5) A charter school shall not discriminate against any student on the basis of ethnicity, national origin, gender, or disability. Except as otherwise provided by law or the mission of the school as set out in the contract, the school shall not limit admission to students on the basis of intellectual ability, measures of achievement or aptitude, athletic ability, disability, race, creed, gender, national

1 origin, religion, or ancestry. Within one year after the charter
2 school begins operation, the population of the school shall
3 reasonably reflect the racial and ethnic composition of the general
4 population residing within the local school administrative unit in
5 which the school is located or the racial and ethnic composition of
6 the special population that the school seeks to serve residing within
7 the local school administrative unit in which the school is located.
8 The school shall be subject to any court-ordered desegregation
9 plan in effect for the local school administrative unit.

10 (6) The school shall enroll an eligible student who submits a timely
11 application, unless the number of applications exceeds the capacity
12 of a program, class, grade level, or building. In this case, students
13 shall be accepted by lot.

14 (7) Notwithstanding any law to the contrary, a charter school may
15 refuse admission to any student who has been expelled or
16 suspended from a public school under G.S. 115C-391 until the
17 period of suspension or expulsion has expired.

18 (h) Transportation. -- The charter school shall provide transportation for students
19 enrolled at the school who reside in the local school administrative unit in which the
20 school is located. The charter school may provide transportation for students enrolled
21 at the school who reside in different local school administrative units.

22 (i) Assets. -- Upon dissolution of the charter school or upon the nonrenewal of the
23 charter, all assets of the charter school shall be deemed the property of the local
24 school administrative unit in which the charter school is located."

25 Section 5. This act is effective when it becomes law.

**1997 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) _____ for the Committee on _____

☐ Committee Substitute for

H.B. 483 A BILL TO BE ENTITLED AN ACT TO PROVIDE "QUICK TAKE"
PROCEDURES IN EMINENT DOMAIN PROCEEDINGS BY SCHOOL BOARDS.

☐ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on
☐ Appropriations ☐ Finance ☐

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on ☐ Appropriations ☐ Finance ☐

☒ With a favorable report as to committee substitute bill, unfavorable as to original bill and
recommendation that the committee substitute bill be re-referred to the Committee on
Judiciary I.

☐ With a favorable report as to House committee substitute bill (# _____), ☐ which changes
the title, unfavorable as to Senate committee substitute bill.

☐ And having received a unanimous vote in committee, is placed on the Consent Calendar.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

D

HOUSE BILL 483
Proposed Committee Substitute H483-PCS1330

Short Title: School Board "Quick Take".

(Public)

Sponsors:

Referred to:

March 10, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE "QUICK TAKE" PROCEDURES IN EMINENT DOMAIN
3 PROCEEDINGS BY SCHOOL BOARDS.
4 The General Assembly of North Carolina enacts:
5 Section 1. G.S. 40A-42(a) reads as rewritten:
6 "(a) When a local public condemnor is acquiring property by condemnation for a
7 purpose set out in G.S. 40A-3(b)(1), (4) or (7), or when a city is acquiring property
8 for a purpose set out in G.S. 160A-311(1), (2), (3), (4), (6), or (7), or when a county
9 is acquiring property for a purpose set out in G.S. 153A-274(1), (2) or (3), or when a
10 local board of education is acquiring property for any purpose set forth in G.S. 115C-
11 517, or when a condemnor is acquiring property by condemnation as authorized by
12 G.S. 40A-3(c)(8), (9), (10) or (12), title to the property and the right to immediate
13 possession shall vest pursuant to this subsection. Unless an action for injunctive relief
14 has been initiated, title to the property specified in the complaint, together with the
15 right to immediate possession thereof, shall vest in the condemnor upon the filing of
16 the complaint and the making of the deposit in accordance with G.S. 40A-41."
17 Section 2. G.S. 115C-517 reads as rewritten:
18 "§ 115C-517. Acquisition of sites.
19 Local boards of education may acquire suitable sites for schoolhouses or other
20 school facilities either within or without the local school administrative unit; but no
21 school may be operated by a local school administrative unit outside its own
22 boundaries, although other school facilities such as repair shops, may be operated
23 outside the boundaries of the local school administrative unit. Whenever any such

1 board is unable to acquire or enlarge a suitable site or right-of-way for a school,
2 school building, school bus garage or for a parking area or access road suitable for
3 school buses or for other school facilities by gift or purchase, condemnation
4 proceedings to acquire same may be instituted by such board under the provisions of
5 Chapter 40A of the General Statutes, including the rights and procedures pursuant to
6 G.S. 40A-42(a), et seq., and the determination of the local board of education of the
7 land necessary for such purposes shall be conclusive. A local board shall not initiate a
8 proceeding under G.S. 40A-42(a) unless the action is approved by a resolution
9 adopted by the board of county commissioners."

10 Section 3. This act is effective when it becomes law.

**1997 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **SHUBERT & RUSSELL** for the Committee on **EDUCATION**.

☐ Committee Substitute for

H.B. 1136 A BILL TO BE ENTITLED AN ACT TO REVISE THE STATE BOARD OF
COMMUNITY COLLEGE ELECTION AND TO REVISE THE ELIGIBILITY
REQUIREMENTS FOR MEMBERS OF THE LOCAL BOARDS OF TRUSTEES FOR
COMMUNITY COLLEGES.

☐ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on
☐ Appropriations ☐ Finance ☐

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on ☐ Appropriations ☐ Finance ☐

☒ With a favorable report as to committee substitute bill, unfavorable as to original bill.

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes
the title, unfavorable as to Senate committee substitute bill.

☐ And having received a unanimous vote in committee, is placed on the Consent Calendar.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

**1997 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **RUSSELL AND SHUBERT** for the Committee on **EDUCATION**.

☐ Committee Substitute for

H.B. 1089 A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT CERTAIN MEMBERS OF THE MILITARY ARE CLASSIFIED AS NORTH CAROLINA RESIDENTS AND SO QUALIFY TO PAY IN-STATE TUITION AT STATE INSTITUTIONS OF HIGHER EDUCATION.

☐ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on
☐ Appropriations ☐ Finance ☐

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on ☐ Appropriations ☐ Finance ☐

☒ With a favorable report as to committee substitute bill, unfavorable as to original bill.

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ And having received a unanimous vote in committee, is placed on the Consent Calendar.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H'

D

HOUSE BILL 1089
Proposed Committee Substitute H1089-PCSA358

Short Title: UNC Military Tuition.

(Public)

Sponsors:

Referred to:

April 21, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE THAT CERTAIN MEMBERS OF THE MILITARY ARE
3 CLASSIFIED AS NORTH CAROLINA RESIDENTS AND SO QUALIFY TO
4 PAY IN-STATE TUITION AT STATE INSTITUTIONS OF HIGHER
5 EDUCATION.

6 The General Assembly of North Carolina enacts:

7 Section 1. G.S. 116-143.3(b) reads as rewritten:

8 "(b) Any member of the armed services qualifying for admission to an institution
9 of higher education as defined in G.S. 116-143.1(a)(3) but not qualifying as a resident
10 for tuition purposes under G.S. 116-143.1 shall be charged the out-of-State tuition
11 rate; provided, that the out- of-State tuition shall be forgiven to the extent that the
12 out-of-State tuition rate exceeds any amounts payable to the institution or the service
13 member by the service member's employer by reason of enrollment pursuant to such
14 admission while the member is abiding in this State incident to active military duty,
15 plus the amount that represents the percentage of the out-of-State tuition rate paid to
16 the institution or the service member by the service member's employer multiplied by
17 the in-State tuition rate and then subtracted from the in-State tuition rate. Any
18 member of the armed services who does not qualify for any tuition payment by the
19 member's employer shall be classified as a resident for tuition purposes and shall pay
20 the full amount of the in-State tuition rate."

21 Section 2. This act becomes effective July 1, 1997.

Carried



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 1136

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)
Page 1 of ____

H1136-ARC-001

Date _____, 1997

Comm. Sub. ☐
Amends Title ☐

Representative

1 moves to amend the bill on page 4, by deleting the words "law and"
2 and substituting the phrase "law. Section 2".
3 '

SIGNED John R. Hargett
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

D

HOUSE BILL 379*
Proposed Committee Substitute H379-PCS6224

Short Title: Amend Charter Sch. Laws.

(Public)

Sponsors:

Referred to:

March 3, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO AMEND THE LAWS GOVERNING CHARTER SCHOOLS.

3 The General Assembly of North Carolina enacts:

4 Section 1. G.S. 115C-238.29B is amended by adding the following new
5 subsection to read:

6 "(c1) Unless an applicant submits its application under subsection (c) of this
7 section to the local board of education of the local school administrative unit in
8 which the charter school will be located, the applicant shall submit a copy of its
9 application to that local board by November 10. The local board may offer any
10 information or comment concerning the application it considers appropriate to the
11 chartering entity. The local board shall deliver this information to the chartering
12 entity no later than January 1 of the next calendar year. The applicant shall not be
13 required to obtain or deliver this information to the chartering entity on behalf of the
14 local board."

15 Section 2. Part 6A of Article 16 of Chapter 115C of the General Statutes
16 is amended by adding the following new section to read:

17 "§ 115C-238.29C1. Criminal history checks.

18 (a) As used in this section:

19 (1) 'Criminal history' means a county, state, or federal criminal history
20 of conviction of a crime, whether a misdemeanor or a felony, that
21 indicates an individual (i) poses a threat to the physical safety of
22 students or personnel, or (ii) has demonstrated that he or she does
23 not have the integrity or honesty to fulfill his or her duties as the

operator of a charter school. These crimes include the following North Carolina crimes contained in any of the following Articles of Chapter 14 of the General Statutes: Article 5A, Endangering Executive and Legislative Officers; Article 6, Homicide; Article 7A, Rape and Kindred Offenses; Article 8, Assaults; Article 10, Kidnapping and Abduction; Article 13, Malicious Injury or Damage by Use of Explosive or Incendiary Device or Material; Article 14, Burglary and Other Housebreakings; Article 15, Arson and Other Burnings; Article 16, Larceny; Article 17, Robbery; Article 18, Embezzlement; Article 19, False Pretense and Cheats; Article 19A, Obtaining Property or Services by False or Fraudulent Use of Credit Device or Other Means; Article 20, Frauds; Article 21, Forgery; Article 26, Offenses Against Public Morality and Decency; Article 26A, Adult Establishments; Article 27, Prostitution; Article 28, Perjury; Article 29, Bribery; Article 31, Misconduct in Public Office; Article 35, Offenses Against the Public Peace; Article 36A, Riots and Civil Disorders; Article 39, Protection of Minors; and Article 60, Computer-Related Crime. These crimes also include possession or sale of drugs in violation of the North Carolina Controlled Substances Act, Article 5 of Chapter 90 of the General Statutes, and alcohol-related offenses such as sale to underage persons in violation of G.S. 18B-302 or driving while impaired in violation of G.S. 20-138.1 through G.S. 20-138.5. In addition to the North Carolina crimes listed in this subdivision, such crimes also include similar crimes under federal law or under the laws of other states.

(2) 'School personnel' means any:

- a. Member of the board of directors of a charter school,
 - b. Employee of a charter school, or
 - c. Independent contractor or employee of independent contractor of a charter school if the independent contractor carries out duties customarily performed by school personnel,
- whether paid with federal, State, local, or other funds, who has significant access to students or who has responsibility for the fiscal management of a charter school.

(b) The State Board of Education shall adopt a policy on whether and under what circumstances school personnel shall be required to be checked for a criminal history after an application for a charter school has received preliminary approval under G.S. 115C-238.29C. The Board shall apply its policy uniformly in requiring school personnel to be checked for a criminal history. The Board may grant conditional approval of an application while the Board is checking a person's criminal history and making a decision based on the results of the check.

1 The State Board shall not require school personnel to pay for the criminal history
2 check authorized under this section.

3 (c) The Board of Education shall require the person to be checked by the
4 Department of Justice to (i) be fingerprinted and to provide any additional
5 information required by the Department of Justice to a person designated by the
6 State Board, or to the local sheriff or the municipal police, whichever is more
7 convenient for the person, and (ii) sign a form consenting to the check of the
8 criminal record and to the use of fingerprints and other identifying information
9 required by the repositories. The State Board shall consider refusal to consent when
10 deciding whether to grant final approval of an application under G.S. 115C-238.29D
11 and when making an employment recommendation. The fingerprints of the
12 individual shall be forwarded to the State Bureau of Investigation for a search of the
13 State criminal history record file, and the State Bureau of Investigation shall forward
14 a set of fingerprints to the Federal Bureau of Investigation for a national criminal
15 record check. The Department of Justice shall provide to the State Board of
16 Education the criminal history from the State and National Repositories of Criminal
17 Histories of any school personnel for which the Board requires a criminal history
18 check.

19 The State Board shall not require school personnel to pay for being fingerprinted
20 as authorized under this section.

21 (d) The State Board shall review the criminal history it receives on an individual.
22 The State Board shall determine whether the results of the review indicate that the
23 individual (i) poses a threat to the physical safety of students or personnel, or (ii) has
24 demonstrated that he or she does not have the integrity or honesty to fulfill his or her
25 duties as school personnel and shall use the information when deciding whether to
26 grant final approval of an application for a charter school under G.S. 115C-238.29D
27 and for making an employment recommendation to the operator of a charter school.
28 The State Board shall make written findings with regard to how it used the
29 information when deciding whether to grant final approval under G.S. 115C-238.29D
30 and when making an employment recommendation.

31 (e) The State Board shall notify in writing the school's board of directors of the
32 determination by the State Board as to whether the school personnel is qualified to
33 be employed by a charter school based on the criminal history it receives on any
34 person who is or who is applying for employment as an employee or independent
35 contractor of the charter school. At the same time, the State Board shall provide to
36 the board of directors the written findings the Board makes in subsection (d) of this
37 section and its employment recommendation. If the State Board recommends
38 dismissal or nonemployment of any person, the operator of the charter school shall
39 dismiss or refuse to employ that person. In accordance with the law regulating the
40 dissemination of the contents of the criminal history file furnished by the Federal
41 Bureau of Investigation, the State Board shall not release nor disclose any portion of
42 the school personnel's criminal history to the operator of the charter school or to any
43 member of its board of directors. The State Board also shall notify the school

1 personnel of the procedure for completing or challenging the accuracy of the criminal
2 history and personnel's right to contest the Board's determination in court.

3 (f) All the information received by the State Board of Education or the operator
4 of a charter school in accordance with subsection (e) of this section through the
5 checking of the criminal history is privileged information and is not a public record
6 but is for the exclusive use of the State Board of Education. The State Board of
7 Education may destroy the information after it is used for the purposes authorized by
8 this section after one calendar year.

9 (g) There shall be no liability for negligence on the part of the State Board of
10 Education, or its employees, or the operator of the charter school or its employees,
11 arising from any act taken or omission by any of them in carrying out the provisions
12 of this section. The immunity established by this subsection shall not extend to gross
13 negligence, wanton conduct, or intentional wrongdoing that would otherwise be
14 actionable. The immunity established by this subsection shall be deemed to have
15 been waived to the extent of indemnification by insurance, indemnification under
16 Articles 31A and 31B of Chapter 143 of the General Statutes, and to the extent
17 sovereign immunity is waived under the Tort Claims Act, as set forth in Article 31 of
18 Chapter 143 of the General Statutes."

19 Section 3. G.S. 115C-238.29D(d) reads as rewritten:

20 "(d) The State Board of Education may grant a the initial charter for a period not
21 to exceed ~~five~~ 10 years and may renew the charter upon the request of the chartering
22 entity for subsequent periods not to exceed five years each. If the State Board grants
23 the initial charter for a period greater than five years, the Board shall review the
24 status of the charter school five years after it grants the initial charter. A material
25 revision of the provisions of a charter application shall be made only upon the
26 approval of the State Board of Education. The State Board shall establish a policy to
27 enable a charter school to increase the number of students to be served in years
28 following the initial year of a charter school's operation in a manner that would not
29 be considered a material revision of a charter application and would not require the
30 Board's approval."

31 Section 4. G.S. 115C-238.29E(a) reads as rewritten:

32 "(a) A charter school that is approved by the State shall be a public school within
33 the local school administrative unit in which it is located. It shall be accountable to
34 ~~the local board of education~~ its chartering entity, or to the State Board if the
35 chartering entity denied preliminary approval, for purposes of ensuring compliance
36 with applicable laws and the provisions of its charter."

37 Section 5. G.S. 115C-238.29E(c) reads as rewritten:

38 "(c) A charter school shall operate under a written contract signed by the ~~local~~
39 ~~board of education~~ chartering entity, or by the State Board if the chartering entity
40 denied preliminary approval, and the applicant. The contract shall incorporate at a
41 minimum the information provided in the application, as modified during the charter
42 approval process, and any terms and conditions imposed on the charter school by the
43 State Board of Education.

1 ~~If the local board of education does not sign the contract, the State Board may sign~~
2 ~~on behalf of the local board. "~~

3 Section 6. G.S. 115C-238.29E(e) reads as rewritten:

4 "(e) ~~A charter school shall be located in the local school administrative unit with~~
5 ~~which it signed the contract. Its~~ A charter school's specific location shall not be
6 prescribed or limited by a local board or other authority except a zoning authority.
7 The school may lease space from a local board of education, from a public or private
8 nonsectarian organization, education or as is otherwise lawful in the local school
9 administrative unit in which the charter school is located. At the request of the
10 charter school, the local board of education of the local school administrative unit in
11 which the charter school will be located shall lease any available building or land to
12 the charter school unless the board demonstrates that the lease is not economically or
13 practically feasible or that the local board does not have adequate classroom space to
14 meet its enrollment needs. In the event that a public school converts to a charter
15 school, the local board of education of the local school administrative unit in which
16 the school is located shall lease to the charter school the school facilities that have
17 been used by that public school unless the board demonstrates that the lease is not
18 economically or practically feasible or that the local board does not have adequate
19 classroom space to meet its enrollment needs."

20 Section 7. G.S. 115C-238.29F(g) reads as rewritten:

21 "(g) Admission Requirements. --

- 22 (1) Any child who is qualified under the laws of this State for
23 admission to a public school is qualified for admission to a charter
24 school.
- 25 (2) No local board of education shall require any student enrolled in
26 the local school administrative unit to attend a charter school.
- 27 (3) Admission to a charter school shall not be determined according to
28 the school attendance area in which a student resides, except that
29 any local school administrative unit in which a public school
30 converts to a charter school shall give admission preference to
31 students who reside within the former attendance area of that
32 ~~school.~~ school, and any private school that becomes a charter
33 school may give admission preference to former students of that
34 school during the first year of the charter school's operation so
35 long as admission is not limited to only those students.
- 36 (4) Admission to a charter school shall not be determined according to
37 the local school administrative unit in which a student ~~resides;~~
38 ~~except that~~ resides; however, the provisions of G.S. 115C-366(d)
39 shall apply to a student who wishes to attend a charter school in a
40 county other than the county in which the student ~~resides.~~ resides,
41 except that no tuition shall be charged.
- 42 (5) A charter school shall not discriminate against any student on the
43 basis of ethnicity, national origin, gender, or disability. Except as
44 otherwise provided by law or the mission of the school as set out

1 in the contract, the school shall not limit admission to students on
2 the basis of intellectual ability, measures of achievement or
3 aptitude, athletic ability, disability, race, creed, gender, national
4 origin, religion, or ancestry. However, so long as admission is not
5 limited to only these children, the school may give enrollment
6 priority to the siblings of a pupil currently enrolled in the charter
7 school, the children of the employees of the charter school, the
8 children of the members of the school's board of directors, and the
9 children of the applicants for the charter school. Within one year
10 after the charter school begins operation, the population of the
11 school shall reasonably reflect the racial and ethnic composition of
12 the general population residing within the local school
13 administrative unit in which the school is located or the racial and
14 ethnic composition of the special population that the school seeks
15 to serve residing within the local school administrative unit in
16 which the school is located. The school shall be subject to any
17 court-ordered desegregation plan in effect for the local school
18 administrative unit.

19 (6) The school shall enroll an eligible student who submits a timely
20 application, unless the number of applications exceeds the capacity
21 of a program, class, grade level, or building. In this case, students
22 shall be accepted by lot.

23 (7) Notwithstanding any law to the contrary, a charter school may
24 refuse admission to any student who has been expelled or
25 suspended from a public school under G.S. 115C-391 until the
26 period of suspension or expulsion has expired."

27 Section 8. G.S. 115C-238.29F(h) reads as rewritten:

28 "(h) Transportation. -- The charter school ~~shall provide transportation for students~~
29 ~~enrolled at the school who reside in the local school administrative unit in which the~~
30 ~~school is located. The charter school may provide transportation for students enrolled~~
31 ~~at the school who reside in different local school administrative units.~~ school. The
32 charter school shall develop a transportation plan so that transportation is not a
33 barrier to any student who resides in the local school administrative unit in which the
34 school is located. The charter school is not required to provide transportation to any
35 student who lives within one and one-half miles of the school. The local board of the
36 local school administrative unit in which the charter school is located is encouraged
37 to contract with the charter school for the provision of transportation if the board
38 operates a school bus transportation system."

39 Section 9. G.S. 115C-238.29F(i) reads as rewritten:

40 "(i) Assets. -- Upon dissolution of the charter school or upon the nonrenewal of
41 the charter, all net assets of the charter school purchased with public funds shall be
42 deemed the property of the local school administrative unit in which the charter
43 school is located."

44 Section 10. G.S. 115C-238.29H(a) reads as rewritten:

1 "(a) The State Board of Education shall allocate to each charter school (i) an
2 amount equal to the average per pupil allocation for average daily membership from
3 the local school administrative unit allotments in which the charter school is located
4 for each child attending the charter school except for the allocation for children with
5 special needs and (ii) an additional amount for each child attending the charter
6 school who is a child with special needs. In accordance with its policy adopted under
7 G.S. 115C-238.29D(d), the State Board shall allow for annual adjustments to the
8 amount allocated to a charter school based on its enrollment growth in school years
9 subsequent to the initial year of operation.

10 In the event a child with special needs leaves the charter school and enrolls in a
11 public school during the first 60 school days in the school year, the charter school
12 shall return the additional State funds allocated for that child to the State Board, and
13 the State Board shall reallocate those funds to the local school administrative unit in
14 which the public school is located.

15 Funds allocated by the State Board of Education ~~shall not be used to purchase~~
16 ~~land or buildings.~~ may be used to enter into operational leases for real property or
17 mobile classroom units for use as school facilities for charter schools and may be used
18 for interest payments on loans to the charter school for facilities or equipment.
19 However, funds allocated by the State Board of Education shall not be used to obtain
20 any other interest in real property or mobile classroom units. As used in this
21 subsection, the term 'operational leases' is defined according to generally accepted
22 accounting principles. The school may own land and buildings it ~~obtained~~ obtains
23 through non-State sources."

24 Section 11. G.S. 105-278.4(a) reads as rewritten:

25 "(a) Buildings, the land they actually occupy, and additional land reasonably
26 necessary for the convenient use of any such building shall be exempted from
27 taxation if:

- 28 (1) Owned by an educational institution (including a university,
29 college, school, charter school, seminary, academy, industrial
30 school, public library, museum, and similar institution);
- 31 (2) The owner is not organized or operated for profit and no officer,
32 shareholder, member, or employee of the owner or any other
33 person is entitled to receive pecuniary profit from the owner's
34 operations except reasonable compensation for services;
- 35 (3) Of a kind commonly employed in the performance of those
36 activities naturally and properly incident to the operation of an
37 educational institution such as the owner; and
- 38 (4) Wholly and exclusively used for educational purposes by the owner
39 or occupied gratuitously by another nonprofit educational
40 institution (as defined herein) and wholly and exclusively used by
41 the occupant for nonprofit educational purposes."

42 Section 12. G.S. 105-278.4(e) reads as rewritten:

43 "(e) Personal property owned by a church, a religious body, or an educational
44 institution (including a university, college, school, charter school, seminary, academy,

1 industrial school, public library, museum, and similar institution) shall be exempted
2 from taxation if:

3 (1) The owner is not organized or operated for profit, and no officer,
4 shareholder, member, or employee of the owner, or any other
5 person is entitled to receive pecuniary profit from the owner's
6 operations except reasonable compensation for services; and

7 (2) Used wholly and exclusively for educational purposes by the owner
8 or held gratuitously by a church, religious body, or nonprofit
9 educational institution (as defined herein) other than the owner,
10 and wholly and exclusively used for nonprofit educational purposes
11 by the possessor."

12 Section 13. This act is effective when it becomes law.

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

- Amendment Bill -

EDITION No. PCS 6224

H. B. No. 379

DATE _____

S. B. No. _____

Amendment No. _____

(to be filled in by
Principal Clerk)

COMMITTEE SUBSTITUTE _____

Rep.) Shubert
Sen.) _____

1 moves to amend the bill on page 05, line 38-41

2 () WHICH CHANGES THE TITLE

3 by rewriting the lines to read:

4 " ~~except that the provisions of G.S. HSC 366(d)~~
5 ~~shall apply to a student who wishes to~~
6 ~~attend a charter school in a county other~~
7 ~~than the county which the student~~
8 ~~resides.~~ "

9 _____

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19 _____

SIGNED Fern H Shubert

ADOPTED _____ FAILED _____ TABLED _____

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

EDITION No. _____

H. B. No. 379

DATE _____

S. B. No. _____

Amendment No. _____

(to be filled in by
Principal Clerk)

COMMITTEE SUBSTITUTE 6224

Rep.) Seyton
Sen.) _____

1 moves to amend the bill on page 7, line 3 24-44

2 () WHICH CHANGES THE TITLE + page 8, lines 1-11,

3 by _____

4 by deleting those lines & renumbering
5 the remaining sections

6 _____

7 _____

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19 _____

SIGNED Wayne Seyton

ADOPTED _____ FAILED _____ TABLED _____



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 458

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)
Page 1 of ____

H458-ARH-002

Date _____, 1997

Comm. Sub. []
Amends Title []

Representative Tolson

- 1 moves to amend the bill on page 3, lines 7-8, by inserting the
2 following new section:
3 "Section 2. G.S. 115C-238.29D(d) reads as rewritten:
4 '(d) The State Board of Education may grant a charter for a
5 period not to exceed five years and may renew the charter upon the
6 request of the chartering entity for subsequent periods not to
7 exceed five years each. A material revision of the provisions of a
8 charter application shall be made only upon the approval of the
9 State Board of Education. Nonrenewal of a charter operated by a
10 board of directors whose members are approved by the local board of
11 education shall constitute a termination of that board of
12 directors.'";
13
14 and by renumbering the remaining sections;
15
16 and on page 3, lines 9-12, by rewriting the lines to read:
17 "'(b) A charter school shall be operated ~~by a private nonprofit~~
18 ~~corporation that shall have received federal tax-exempt status no~~
19 ~~later than 24 months following final approval of the application. in~~
20 one of the following ways:
21 (1) By a private, nonprofit corporation that receives
22 federal tax-exempt status no later than 24 months
23 after final approval of the application; or
24 (2) By a board of directors whose members are approved by
25 the local board of education. The board of directors



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 458

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)
Page 2 of ____

H458-ARH-002

1 shall be composed of no more than 25 members. The
2 initially proposed members shall serve terms no longer
3 than the length of the charter granted by the State
4 Board. Subsequently proposed members shall serve
5 terms no longer than five years. No member may serve
6 more than two full terms. Appointments to the board
7 of directors, including those necessary to fill
8 vacancies, shall be recommended by the current board
9 of directors and approved by the local board of
10 education.
11 In the event a charter school receives final approval from the
12 State Board of Education by March 31, 1997, the State Board shall
13 provide the opportunity for the school to be operated by a board of
14 directors whose members are approved by the local board.'".
15

SIGNED 
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

4/23/97

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

EDITION No. _____

H. B. No. 458

DATE _____

S. B. No. _____

Amendment No. _____

(to be filled in by
Principal Clerk)

COMMITTEE SUBSTITUTE _____

Rep.)

)

Sen.)

page 2, lines 36-37; p. 3, lines 12; page 3, line 31;
page 4, lines 23-24; page 4, lines 25-26; page 5, line 16;

1 moves to amend the bill on page _____, line _____

2 () WHICH CHANGES THE TITLE

3 by deleting "local board of education" & by

4 substituting "State Board of Education"

5 in all these places

6

7 perfecting by Dickson "chartering entity"

8

9

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SIGNED Fern H Shubert

ADOPTED _____ FAILED _____ TABLED _____

4/23/97 - passed



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 1089

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)
Page 1 of ____

H1089-ARC-001

Date _____, 1997

Comm. Sub. ☐
Amends Title ☐

Representative

1 moves to amend the bill on page 1, line 7,
2 by deleting the phrase "116-4.3(b)" and substituting "116-143.3(b)".
3

SIGNED *DK Murry*
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

4/23/97
passed

EDITION No. _____

H. B. No. 1089

DATE _____

S. B. No. _____

Amendment No. _____

(to be filled in by
Principal Clerk)

COMMITTEE SUBSTITUTE _____

Rep.) Capps
Sen.)

1 moves to amend the bill on page 1, line 18

2 () WHICH CHANGES THE TITLE

3 by inserting the word "tuition"
4 after the word "any".

5 _____

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SIGNED

James Capps

ADOPTED _____ FAILED _____ TABLED _____

1st
-Amendment
passed



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 483

H483-ARC-001

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)
Page 1 of ____

Date _____, 1997

Comm. Sub. [☐
Amends Title [☐

Representative IVES -

- 1 moves to amend the bill on page 1, by rewriting line 10 to read as
2 follows:
3 "local board of education is";
4
5 and on page 2, line 6 by deleting the phrase "G.S. 40A-42, et seq.,"
6 and substituting the phrase "G.S. 40A-42(a),".
7

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

EDITION No. _____

H. B. No. 483

DATE 4/23

S. B. No. _____

Amendment No. 2

(to be filled in by
Principal Clerk)

COMMITTEE SUBSTITUTE _____

Rep.) Owens
Sen.) _____

1 moves to amend the bill on page 2, line 4

2 () WHICH CHANGES THE TITLE

3 by inserting after the word
4 "board" the phrase "after
5 approval by the ~~board of~~ county
6 commissioners. "

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19 _____

SIGNED H.C. Owens

ADOPTED X FAILED _____ TABLED _____

VISITOR REGISTRATION SHEET

House of Representatives
~~Standing Committee on~~ EDUCATION
 Name of Committee

April 23, 1997
 Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Bill Scogon	NCEA
Ann Berlam	SPBE
John Harris	Public School System of NC
Alicia Hare	" " "
Sarah Stewart	AFT/NC
Bob Berlan	NC SRA
Joyce Peters	NEECB
Bob Harris	OSBM
Tim McInerney	NC AICU
Gene Caushy	E - EBE
Frank Lella	Stokes County Schools
Lorraine Nicholson	NE PTA
Randy Tremont	NC Education Reform Foundation

VISITOR REGISTRATION SHEET

House of Representatives

~~Standing Committee on EDUCATION~~

Name of Committee

Date _____

4/23/97

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK.

NAME _____

FIRM OR AGENCY AND ADDRESS

Harriet Dial

NCA E

John Wilson

 η_{CAE}

Jan Pruthi

NEASH

**1997 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **Russell and Shubert** for the Committee on **EDUCATION**.

HB 458 A BILL TO BE ENTITLED AN ACT TO AMEND THE CHARTER SCHOOL ACT OF 1996 TO ELIMINATE THE REQUIREMENT THAT CHARTER SCHOOLS BE OPERATED BY PRIVATE NONPROFIT CORPORATIONS AND TO MAKE SUCH OPERATION OPTIONAL.

With a favorable report.

With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on ☐ Appropriations ☐ Finance ☐

With a favorable report as to House committee substitute, unfavorable as to Senate bill.

☒ With a favorable report as to House committee substitute bill ,unfavorable to original bill and recommend the committee substitute be re-referred to the committee on Pensions and Retirement.

☐ And having received a unanimous vote in committee, is placed on the Consent Calendar.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

FOR JOURNAL USE ONLY

- ____ Pursuant to Rule 36(a), the bill is placed on the Calendar of _____.
- ____ The (committee substitute) bill/resolution (, as amended,) is (ordered engrossed and) re-referred to the Committee on _____.
- ____ The (committee substitute) bill/resolution (, as amended,) is placed on the Consent Calendar of _____. The original bill/resolution is placed on the Unfavorable Calendar.
- ____ The bill/resolution is re-referred to the Committee on _____.
- ____ On motion of (Rep. _____,) (the Chair,) the (committee substitute) bill/resolution is (ordered engrossed and) re-referred to the Committee on _____.
- ____ Pursuant to Rule 36(a), the (House)committee substitute bill (No. _____)/resolution is placed on the Calendar of _____. (The original bill) (House Committee Substitute Bill No. _____)/resolution is placed on the Unfavorable Calendar.
- ____ On motion of Rep. _____, (the rules are suspended) (Rule _____ is suspended) and the bill/resolution is placed on today's calendar. (for immediate consideration.)
- ____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).
- ____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).
- ____ Rep. _____ offers Amendment No. _____ which (is adopted.) (fails of adoption.) (by EV _____.) () This amendment changes the title.
- ____ The bill/resolution (, as amended,) passes its second reading (by following vote, _____ RC) (, by EV _____,) and (remains on the Calendar,) (and there being no objection is read a third time).
- ____ The bill/resolution (, as amended,) passes its third reading (by the following vote, _____ RC) (, by EV _____,) and is ordered
____ sent to the Senate.
____ without engrossment. _____ by Special message.
____ sent to the Senate for concurrence in
____ House amendment (s).
____ House committee substitute.
____ enrolled.
- ____ On motion of Rep. _____, the House concurs in the (material) Senate _____ (by the following vote, _____ RC) (, by EV _____,) and the bill is ordered enrolled.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1997

H

D

HOUSE BILL 458
Proposed Committee Substitute H458-PCS8192

Short Title: Charter School Amendments/AB.

(Public)

Sponsors:

Referred to:

March 10, 1997

A BILL TO BE ENTITLED

AN ACT TO AMEND THE CHARTER SCHOOL ACT OF 1996 TO ELIMINATE
THE REQUIREMENT THAT CHARTER SCHOOLS BE OPERATED BY
PRIVATE NONPROFIT CORPORATIONS AND TO MAKE THAT
OPERATION OPTIONAL.

The General Assembly of North Carolina enacts:

Section 1. G.S. 115C-238.29B reads as rewritten:

"§ 115C-238.29B. Eligible applicants; contents of applications; submission of
applications for approval.

(a) Any person, group of persons, or nonprofit corporation seeking to establish a
charter school within a local school administrative unit may apply to establish a
~~charter school on behalf of a private nonprofit corporation.~~ school. If the applicant
seeks to convert a public school to a charter school, the application shall include a
statement signed by a majority of the teachers and instructional support personnel
currently employed at the school indicating that they favor the conversion and
evidence that a significant number of parents of children enrolled in the school favor
conversion.

(b) The application shall contain at least the following information:

(1) A description of a program that implements one or more of the
purposes in G.S. 115C-238.29A.

(2) A description of student achievement goals for the school's
educational program and the method of demonstrating that

- 1 students have attained the skills and knowledge specified for those
2 student achievement goals.
- 3 (3) The governance structure of the school including the process to be
4 followed by the school to ensure parental involvement.
- 5 (4) Admission policies and procedures.
- 6 (5) A proposed budget for the school and evidence that the plan for
7 the school is economically sound.
- 8 (6) Requirements and procedures for program and financial audits.
- 9 (7) A description of how the school will comply with G.S. 115C-
10 238.29F.
- 11 (8) Types and amounts of insurance coverage, including bonding
12 insurance for the principal officers of the school, to be obtained by
13 the charter school.
- 14 (9) The term of the contract.
- 15 (10) The qualifications required for individuals employed by the school.
- 16 (11) The procedures by which students can be excluded from the
17 charter school and returned to a public school. Notwithstanding
18 any law to the contrary, any local board may refuse to admit any
19 student who is suspended or expelled from a charter school due to
20 actions that would lead to suspension or expulsion from a public
21 school under G.S. 115C-391 until the period of suspension or
22 expulsion has expired.
- 23 (12) The number of students to be served, which number shall be at
24 least 65, and the minimum number of teachers to be employed at
25 the school, which number shall be at least three. However, the
26 charter school may serve fewer than 65 students or employ fewer
27 than three teachers if the application contains a compelling reason,
28 such as the school would serve a geographically remote and small
29 student population.
- 30 (13) Information regarding the facilities to be used by the school and
31 the manner in which administrative services of the school are to be
32 provided.
- 33 (14) A description of whether the school will ~~operate~~ be operated by a
34 private nonprofit corporation independently of the local board of
35 education or whether it ~~agrees to be subject to some supervision~~
36 ~~and control of its administrative operation by the local board of~~
37 ~~education.~~ will be operated by a board of directors, the
38 membership of which shall be approved by the chartering entity. In
39 the event the charter school elects to operate independently of the
40 local board of education, the application must specify which
41 employee benefits will be offered to its employees and how the
42 benefits will be funded.
- 43 (c) An applicant shall submit the application to a chartering entity for preliminary
44 approval. A chartering entity may be:

- (1) The local board of education of the local school administrative unit in which the charter school will be located;
- (2) The board of trustees of a constituent institution of The University of North Carolina, so long as the constituent institution is involved in the planning, operation, or evaluation of the charter school; or
- (3) The State Board of Education.

Regardless of which chartering entity receives the application for preliminary approval, the State Board of Education shall have final approval of the charter school."

Section 2. G.S. 115C-238.29D(d) reads as rewritten:

"(d) The State Board of Education may grant a charter for a period not to exceed five years and may renew the charter upon the request of the chartering entity for subsequent periods not to exceed five years each. A material revision of the provisions of a charter application shall be made only upon the approval of the State Board of Education. Nonrenewal of a charter operated by a board of directors whose members are approved by the chartering entity shall constitute a termination of that board of directors."

Section 3. G.S. 115C-238.29E(b) reads as rewritten:

"(b) A charter school shall be operated ~~by a private nonprofit corporation that shall have received federal tax-exempt status no later than 24 months following final approval of the application.~~ in one of the following ways:

- (1) By a private, nonprofit corporation that receives federal tax-exempt status no later than 24 months after final approval of the application; or
- (2) By a board of directors whose members are approved by the chartering entity. The board of directors shall be composed of no more than 25 members. The initially proposed members shall serve terms no longer than the length of the charter granted by the State Board. Subsequently proposed members shall serve terms no longer than five years. No member may serve more than two full terms. Appointments to the board of directors, including those necessary to fill vacancies, shall be recommended by the current board of directors and approved by the chartering entity.

In the event a charter school receives final approval from the State Board of Education by March 31, 1997, the State Board shall provide the opportunity for the school to be operated by a board of directors whose members are approved by the chartering entity."

Section 4. G.S. 115C-238.29F reads as rewritten:

"§ 115C-238.29F. General requirements.

(a) Health and Safety Standards. -- A charter school shall meet the same health and safety requirements required of a local school administrative unit.

(b) School Nonsectarian. -- A charter school shall be nonsectarian in its programs, admission policies, employment practices, and all other operations and shall not

1 charge tuition. A charter school shall not be affiliated with a nonpublic sectarian
2 school or a religious institution.

3 (c) Civil Liability and Insurance. --

4 (1) The board of directors of a charter school may sue and be sued.
5 The board of directors shall obtain at least the amount of and types of
6 insurance required by the contract.

7 (2) No civil liability shall attach to any chartering entity, to the State
8 Board of Education, or to any of their members or employees,
9 individually or collectively, for any acts or omissions of the charter
10 school. In the event a charter school ~~has not elected total~~
11 ~~independence from the local board of education under subsection~~
12 ~~(e) of this section, is operated by a board of directors approved by~~
13 ~~the chartering entity,~~ the immunity established by this subsection
14 shall be deemed to have been waived to the extent of
15 indemnification by insurance, indemnification under Articles 31A
16 and 31B of Chapter 143 of the General Statutes, and to the extent
17 sovereign immunity is waived under the Tort Claims Act, as set
18 forth in Article 31 of Chapter 143 of the General Statutes.

19 (d) Instructional Program. --

20 (1) The school shall provide instruction each year for at least 180 days.

21 (2) The school shall design its programs to at least meet the student
22 performance standards adopted by the State Board of Education
23 and the student performance standards contained in the contract
24 with the local board of education.

25 (3) A charter school shall conduct the student assessments required for
26 charter schools by the State Board of Education.

27 (4) The school shall comply with policies adopted by the State Board
28 of Education for charter schools relating to the education of
29 children with special needs.

30 (5) The school is subject to and shall comply with Article 27 of
31 Chapter 115C of the General Statutes; except that a charter school
32 may also exclude a student from the charter school and return that
33 student to another school in the local school administrative unit in
34 accordance with the terms of its contract.

35 (e) Employees. --

36 (1) An employee of a charter school is not an employee of the local
37 school administrative unit in which the charter school is located.
38 The charter school's board of directors shall employ and contract
39 with necessary teachers to perform the particular service for which
40 they are employed in the school; at least seventy-five percent
41 (75%) of these teachers in grades kindergarten through five, at
42 least fifty percent (50%) of these teachers in grades six through
43 eight, and at least fifty percent (50%) of these teachers in grades
44 nine through 12 shall hold teacher certificates. The board also may

1 employ necessary employees who are not required to hold teacher
2 certificates to perform duties other than teaching and may contract
3 for other services. The board may discharge teachers and
4 noncertificated employees. In the event a charter school is
5 operated by a board of directors approved by the chartering entity,
6 all employment decisions, including hiring and firing of
7 employees of the charter school, shall be approved by the
8 chartering entity upon the recommendation of the board of
9 directors.

10 (2) No local board of education shall require any employee of the
11 local school administrative unit to be employed in a charter school.

12 (3) If a teacher employed by a local school administrative unit makes a
13 written request for an extended leave of absence to teach at a
14 charter school, the local school administrative unit shall grant the
15 leave. The local school administrative unit shall grant a leave for
16 any number of years requested by the teacher, shall extend the
17 leave for any number of years requested by the teacher, and shall
18 extend the leave at the teacher's request. The local school
19 administrative unit may require that the request for a leave or
20 extension of leave be made up to 90 days before the teacher would
21 otherwise have to report for duty. A teacher who has career status
22 under G.S. 115C-325 prior to receiving an extended leave of
23 absence to teach at a charter school may return to a public school
24 in the local school administrative unit with career status at the end
25 of the leave of absence or upon the end of employment at the
26 charter school if an appropriate position is available. If an
27 appropriate position is unavailable, the teacher's name shall be
28 placed on a list of available teachers and that teacher shall have
29 priority on all positions for which that teacher is qualified in
30 accordance with G.S. 115C-325(e)(2).

31 (4) ~~In the event a charter school, in its application, elects total~~
32 ~~independence from the local board of education, school is~~
33 ~~operated by a private nonprofit corporation, its employees shall not~~
34 ~~be deemed to be employees of the local school administrative unit~~
35 ~~and shall not be entitled to any State-funded employee benefits,~~
36 ~~including membership in the North Carolina Teachers' and State~~
37 ~~Employees' Retirement System or the Teachers' and State~~
38 ~~Employees' Comprehensive Major Medical Plan. In the event a~~
39 ~~charter school, in its application, agrees to be subject to some~~
40 ~~supervision and control of its administrative operations by the local~~
41 ~~board of education, school is operated by a board of directors~~
42 approved by the chartering entity, the employees of the charter
43 school will be deemed employees of the local school administrative
44 unit for purposes of providing certain State-funded employee

benefits, including membership in the Teachers' and State Employees' Retirement System and the Teachers' and State Employees' Comprehensive Major Medical Plan. ~~The Board of Trustees of the Teachers' and State Employees' Retirement System, in consultation with the State Board of Education, shall determine the degree of supervision and control necessary to qualify the employees of the applicant for membership in the Retirement System.~~ In no event shall anything contained in this Part require the North Carolina Teachers' and State Employees' Retirement System to accept employees of a private employer as members or participants of the System.

(f) Accountability. --

- (1) The school is subject to the financial audits, the audit procedures, and the audit requirements adopted by the State Board of Education for charter schools.
- (2) The school shall comply with the reporting requirements established by the State Board of Education in the Uniform Education Reporting System.
- (3) The school shall report at least annually to the chartering entity and the State Board of Education the information required by the chartering entity or the State Board.

(g) Admission Requirements. --

- (1) Any child who is qualified under the laws of this State for admission to a public school is qualified for admission to a charter school.
- (2) No local board of education shall require any student enrolled in the local school administrative unit to attend a charter school.
- (3) Admission to a charter school shall not be determined according to the school attendance area in which a student resides, except that any local school administrative unit in which a public school converts to a charter school shall give admission preference to students who reside within the former attendance area of that school.
- (4) Admission to a charter school shall not be determined according to the local school administrative unit in which a student resides, except that the provisions of G.S. 115C-366(d) shall apply to a student who wishes to attend a charter school in a county other than the county in which the student resides.
- (5) A charter school shall not discriminate against any student on the basis of ethnicity, national origin, gender, or disability. Except as otherwise provided by law or the mission of the school as set out in the contract, the school shall not limit admission to students on the basis of intellectual ability, measures of achievement or aptitude, athletic ability, disability, race, creed, gender, national

1 origin, religion, or ancestry. Within one year after the charter
2 school begins operation, the population of the school shall
3 reasonably reflect the racial and ethnic composition of the general
4 population residing within the local school administrative unit in
5 which the school is located or the racial and ethnic composition of
6 the special population that the school seeks to serve residing within
7 the local school administrative unit in which the school is located.
8 The school shall be subject to any court-ordered desegregation
9 plan in effect for the local school administrative unit.

10 (6) The school shall enroll an eligible student who submits a timely
11 application, unless the number of applications exceeds the capacity
12 of a program, class, grade level, or building. In this case, students
13 shall be accepted by lot.

14 (7) Notwithstanding any law to the contrary, a charter school may
15 refuse admission to any student who has been expelled or
16 suspended from a public school under G.S. 115C-391 until the
17 period of suspension or expulsion has expired.

18 (h) Transportation. -- The charter school shall provide transportation for students
19 enrolled at the school who reside in the local school administrative unit in which the
20 school is located. The charter school may provide transportation for students enrolled
21 at the school who reside in different local school administrative units.

22 (i) Assets. -- Upon dissolution of the charter school or upon the nonrenewal of the
23 charter, all assets of the charter school shall be deemed the property of the local
24 school administrative unit in which the charter school is located."

25 Section 5. This act is effective when it becomes law.

**1997 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **SHUBERT & RUSSELL** for the Committee on **EDUCATION**.

☐ Committee Substitute for

H.B. 379 A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS GOVERNING
CHARTER SCHOOLS.

☐ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on
☐ Appropriations ☐ Finance ☐

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on ☐ Appropriations ☐ Finance ☐

☒ With a favorable report as to committee substitute bill, unfavorable as to original bill and
recommendation that the committee substitute bill be re-referred to the Committee on
Judiciary II.

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes
the title, unfavorable as to Senate committee substitute bill.

☐ And having received a unanimous vote in committee, is placed on the Consent Calendar.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

D

HOUSE BILL 379*
Proposed Committee Substitute H379-PCS6233

Short Title: Amend Charter Sch. Laws.

(Public)

Sponsors:

Referred to:

March 3, 1997

1 A BILL TO BE ENTITLED

2 AN ACT TO AMEND THE LAWS GOVERNING CHARTER SCHOOLS.

3 The General Assembly of North Carolina enacts:

4 Section 1. G.S. 115C-238.29B is amended by adding the following new
5 subsection to read:

6 "(c1) Unless an applicant submits its application under subsection (c) of this
7 section to the local board of education of the local school administrative unit in
8 which the charter school will be located, the applicant shall submit a copy of its
9 application to that local board by November 10. The local board may offer any
10 information or comment concerning the application it considers appropriate to the
11 chartering entity. The local board shall deliver this information to the chartering
12 entity no later than January 1 of the next calendar year. The applicant shall not be
13 required to obtain or deliver this information to the chartering entity on behalf of the
14 local board."

15 Section 2. Part 6A of Article 16 of Chapter 115C of the General Statutes
16 is amended by adding the following new section to read:

17 "§ 115C-238.29C1. Criminal history checks.

18 (a) As used in this section:

19 (1) 'Criminal history' means a county, state, or federal criminal history
20 of conviction of a crime, whether a misdemeanor or a felony, that
21 indicates an individual (i) poses a threat to the physical safety of
22 students or personnel, or (ii) has demonstrated that he or she does
23 not have the integrity or honesty to fulfill his or her duties as the

operator of a charter school. These crimes include the following North Carolina crimes contained in any of the following Articles of Chapter 14 of the General Statutes: Article 5A, Endangering Executive and Legislative Officers; Article 6, Homicide; Article 7A, Rape and Kindred Offenses; Article 8, Assaults; Article 10, Kidnapping and Abduction; Article 13, Malicious Injury or Damage by Use of Explosive or Incendiary Device or Material; Article 14, Burglary and Other Housebreakings; Article 15, Arson and Other Burnings; Article 16, Larceny; Article 17, Robbery; Article 18, Embezzlement; Article 19, False Pretense and Cheats; Article 19A, Obtaining Property or Services by False or Fraudulent Use of Credit Device or Other Means; Article 20, Frauds; Article 21, Forgery; Article 26, Offenses Against Public Morality and Decency; Article 26A, Adult Establishments; Article 27, Prostitution; Article 28, Perjury; Article 29, Bribery; Article 31, Misconduct in Public Office; Article 35, Offenses Against the Public Peace; Article 36A, Riots and Civil Disorders; Article 39, Protection of Minors; and Article 60, Computer-Related Crime. These crimes also include possession or sale of drugs in violation of the North Carolina Controlled Substances Act, Article 5 of Chapter 90 of the General Statutes, and alcohol-related offenses such as sale to underage persons in violation of G.S. 18B-302 or driving while impaired in violation of G.S. 20-138.1 through G.S. 20-138.5. In addition to the North Carolina crimes listed in this subdivision, such crimes also include similar crimes under federal law or under the laws of other states.

(2) 'School personnel' means any:

- a. Member of the board of directors of a charter school,
 - b. Employee of a charter school, or
 - c. Independent contractor or employee of independent contractor of a charter school if the independent contractor carries out duties customarily performed by school personnel,
- whether paid with federal, State, local, or other funds, who has significant access to students or who has responsibility for the fiscal management of a charter school.

(b) The State Board of Education shall adopt a policy on whether and under what circumstances school personnel shall be required to be checked for a criminal history after an application for a charter school has received preliminary approval under G.S. 115C-238.29C. The Board shall apply its policy uniformly in requiring school personnel to be checked for a criminal history. The Board may grant conditional approval of an application while the Board is checking a person's criminal history and making a decision based on the results of the check.

1 The State Board shall not require school personnel to pay for the criminal history
2 check authorized under this section.

3 (c) The Board of Education shall require the person to be checked by the
4 Department of Justice to (i) be fingerprinted and to provide any additional
5 information required by the Department of Justice to a person designated by the
6 State Board, or to the local sheriff or the municipal police, whichever is more
7 convenient for the person, and (ii) sign a form consenting to the check of the
8 criminal record and to the use of fingerprints and other identifying information
9 required by the repositories. The State Board shall consider refusal to consent when
10 deciding whether to grant final approval of an application under G.S. 115C-238.29D
11 and when making an employment recommendation. The fingerprints of the
12 individual shall be forwarded to the State Bureau of Investigation for a search of the
13 State criminal history record file, and the State Bureau of Investigation shall forward
14 a set of fingerprints to the Federal Bureau of Investigation for a national criminal
15 record check. The Department of Justice shall provide to the State Board of
16 Education the criminal history from the State and National Repositories of Criminal
17 Histories of any school personnel for which the Board requires a criminal history
18 check.

19 The State Board shall not require school personnel to pay for being fingerprinted
20 as authorized under this section.

21 (d) The State Board shall review the criminal history it receives on an individual.
22 The State Board shall determine whether the results of the review indicate that the
23 individual (i) poses a threat to the physical safety of students or personnel, or (ii) has
24 demonstrated that he or she does not have the integrity or honesty to fulfill his or her
25 duties as school personnel and shall use the information when deciding whether to
26 grant final approval of an application for a charter school under G.S. 115C-238.29D
27 and for making an employment recommendation to the operator of a charter school.
28 The State Board shall make written findings with regard to how it used the
29 information when deciding whether to grant final approval under G.S. 115C-238.29D
30 and when making an employment recommendation.

31 (e) The State Board shall notify in writing the school's board of directors of the
32 determination by the State Board as to whether the school personnel is qualified to
33 be employed by a charter school based on the criminal history it receives on any
34 person who is or who is applying for employment as an employee or independent
35 contractor of the charter school. At the same time, the State Board shall provide to
36 the board of directors the written findings the Board makes in subsection (d) of this
37 section and its employment recommendation. If the State Board recommends
38 dismissal or nonemployment of any person, the operator of the charter school shall
39 dismiss or refuse to employ that person. In accordance with the law regulating the
40 dissemination of the contents of the criminal history file furnished by the Federal
41 Bureau of Investigation, the State Board shall not release nor disclose any portion of
42 the school personnel's criminal history to the operator of the charter school or to any
43 member of its board of directors. The State Board also shall notify the school

1 personnel of the procedure for completing or challenging the accuracy of the criminal
2 history and personnel's right to contest the Board's determination in court.

3 (f) All the information received by the State Board of Education or the operator
4 of a charter school in accordance with subsection (e) of this section through the
5 checking of the criminal history is privileged information and is not a public record
6 but is for the exclusive use of the State Board of Education. The State Board of
7 Education may destroy the information after it is used for the purposes authorized by
8 this section after one calendar year.

9 (g) There shall be no liability for negligence on the part of the State Board of
10 Education, or its employees, or the operator of the charter school or its employees,
11 arising from any act taken or omission by any of them in carrying out the provisions
12 of this section. The immunity established by this subsection shall not extend to gross
13 negligence, wanton conduct, or intentional wrongdoing that would otherwise be
14 actionable. The immunity established by this subsection shall be deemed to have
15 been waived to the extent of indemnification by insurance, indemnification under
16 Articles 31A and 31B of Chapter 143 of the General Statutes, and to the extent
17 sovereign immunity is waived under the Tort Claims Act, as set forth in Article 31 of
18 Chapter 143 of the General Statutes."

19 Section 3. G.S. 115C-238.29D(d) reads as rewritten:

20 "(d) The State Board of Education may grant a the initial charter for a period not
21 to exceed five 10 years and may renew the charter upon the request of the chartering
22 entity for subsequent periods not to exceed five years each. If the State Board grants
23 the initial charter for a period greater than five years, the Board shall review the
24 status of the charter school five years after it grants the initial charter. A material
25 revision of the provisions of a charter application shall be made only upon the
26 approval of the State Board of Education. The State Board shall establish a policy to
27 enable a charter school to increase the number of students to be served in years
28 following the initial year of a charter school's operation in a manner that would not
29 be considered a material revision of a charter application and would not require the
30 Board's approval."

31 Section 4. G.S. 115C-238.29E(a) reads as rewritten:

32 "(a) A charter school that is approved by the State shall be a public school within
33 the local school administrative unit in which it is located. It shall be accountable to
34 the local board of education its chartering entity, or to the State Board if the
35 chartering entity denied preliminary approval, for purposes of ensuring compliance
36 with applicable laws and the provisions of its charter."

37 Section 5. G.S. 115C-238.29E(c) reads as rewritten:

38 "(c) A charter school shall operate under a written contract signed by the local
39 board of education chartering entity, or by the State Board if the chartering entity
40 denied preliminary approval, and the applicant. The contract shall incorporate at a
41 minimum the information provided in the application, as modified during the charter
42 approval process, and any terms and conditions imposed on the charter school by the
43 State Board of Education.

1 ~~If the local board of education does not sign the contract, the State Board may sign~~
2 ~~on behalf of the local board. "~~

3 Section 6. G.S. 115C-238.29E(e) reads as rewritten:

4 "(e) ~~A charter school shall be located in the local school administrative unit with~~
5 ~~which it signed the contract. Its~~ A charter school's specific location shall not be
6 prescribed or limited by a local board or other authority except a zoning authority.
7 The school may lease space from a local board of education, ~~from a public or private~~
8 ~~nonsectarian organization, education~~ or as is otherwise lawful in the local school
9 administrative unit in which the charter school is located. At the request of the
10 charter school, the local board of education of the local school administrative unit in
11 which the charter school will be located shall lease any available building or land to
12 the charter school unless the board demonstrates that the lease is not economically or
13 practically feasible or that the local board does not have adequate classroom space to
14 meet its enrollment needs. In the event that a public school converts to a charter
15 school, the local board of education of the local school administrative unit in which
16 the school is located shall lease to the charter school the school facilities that have
17 been used by that public school unless the board demonstrates that the lease is not
18 economically or practically feasible or that the local board does not have adequate
19 classroom space to meet its enrollment needs."

20 Section 7. G.S. 115C-238.29F(g) reads as rewritten:

21 "(g) Admission Requirements. --

- 22 (1) Any child who is qualified under the laws of this State for
23 admission to a public school is qualified for admission to a charter
24 school.
- 25 (2) No local board of education shall require any student enrolled in
26 the local school administrative unit to attend a charter school.
- 27 (3) Admission to a charter school shall not be determined according to
28 the school attendance area in which a student resides, except that
29 any local school administrative unit in which a public school
30 converts to a charter school shall give admission preference to
31 students who reside within the former attendance area of that
32 ~~school.~~ school, and any private school that becomes a charter
33 school may give admission preference to former students of that
34 school during the first year of the charter school's operation so
35 long as admission is not limited to only those students.
- 36 (4) Admission to a charter school shall not be determined according to
37 the local school administrative unit in which a student resides,
38 ~~except that the provisions of G.S. 115C-366(d) shall apply to a~~
39 ~~student who wishes to attend a charter school in a county other~~
40 ~~than the county in which the student resides.~~
- 41 (5) A charter school shall not discriminate against any student on the
42 basis of ethnicity, national origin, gender, or disability. Except as
43 otherwise provided by law or the mission of the school as set out
44 in the contract, the school shall not limit admission to students on

the basis of intellectual ability, measures of achievement or aptitude, athletic ability, disability, race, creed, gender, national origin, religion, or ancestry. However, so long as admission is not limited to only these children, the school may give enrollment priority to the siblings of a pupil currently enrolled in the charter school, the children of the employees of the charter school, the children of the members of the school's board of directors, and the children of the applicants for the charter school. Within one year after the charter school begins operation, the population of the school shall reasonably reflect the racial and ethnic composition of the general population residing within the local school administrative unit in which the school is located or the racial and ethnic composition of the special population that the school seeks to serve residing within the local school administrative unit in which the school is located. The school shall be subject to any court-ordered desegregation plan in effect for the local school administrative unit.

(6) The school shall enroll an eligible student who submits a timely application, unless the number of applications exceeds the capacity of a program, class, grade level, or building. In this case, students shall be accepted by lot.

(7) Notwithstanding any law to the contrary, a charter school may refuse admission to any student who has been expelled or suspended from a public school under G.S. 115C-391 until the period of suspension or expulsion has expired."

Section 8. G.S. 115C-238.29F(h) reads as rewritten:

"(h) Transportation. -- ~~The charter school shall provide transportation for students enrolled at the school who reside in the local school administrative unit in which the school is located. The charter school may provide transportation for students enrolled at the school who reside in different local school administrative units.~~ school. The charter school shall develop a transportation plan so that transportation is not a barrier to any student who resides in the local school administrative unit in which the school is located. The charter school is not required to provide transportation to any student who lives within one and one-half miles of the school. The local board of the local school administrative unit in which the charter school is located is encouraged to contract with the charter school for the provision of transportation if the board operates a school bus transportation system."

Section 9. G.S. 115C-238.29F(i) reads as rewritten:

"(i) Assets. -- Upon dissolution of the charter school or upon the nonrenewal of the charter, all net assets of the charter school purchased with public funds shall be deemed the property of the local school administrative unit in which the charter school is located."

Section 10. G.S. 115C-238.29H(a) reads as rewritten:

1 "(a) The State Board of Education shall allocate to each charter school (i) an
2 amount equal to the average per pupil allocation for average daily membership from
3 the local school administrative unit allotments in which the charter school is located
4 for each child attending the charter school except for the allocation for children with
5 special needs and (ii) an additional amount for each child attending the charter
6 school who is a child with special needs. In accordance with its policy adopted under
7 G.S. 115C-238.29D(d), the State Board shall allow for annual adjustments to the
8 amount allocated to a charter school based on its enrollment growth in school years
9 subsequent to the initial year of operation.

10 In the event a child with special needs leaves the charter school and enrolls in a
11 public school during the first 60 school days in the school year, the charter school
12 shall return the additional State funds allocated for that child to the State Board, and
13 the State Board shall reallocate those funds to the local school administrative unit in
14 which the public school is located.

15 Funds allocated by the State Board of Education ~~shall not be used to purchase~~
16 ~~land or buildings.~~ may be used to enter into operational leases for real property or
17 mobile classroom units for use as school facilities for charter schools and may be used
18 for interest payments on loans to the charter school for facilities or equipment.
19 However, funds allocated by the State Board of Education shall not be used to obtain
20 any other interest in real property or mobile classroom units. As used in this
21 subsection, the term 'operational leases' is defined according to generally accepted
22 accounting principles. The school may own land and buildings it ~~obtained~~ obtains
23 through non-State sources."

24 Section 11. This act is effective when it becomes law.

**1997 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **SHUBERT & RUSSELL** for the Committee on **EDUCATION**.

☐ Committee Substitute for

H.B. 1136 A BILL TO BE ENTITLED AN ACT TO REVISE THE STATE BOARD OF
COMMUNITY COLLEGE ELECTION AND TO REVISE THE ELIGIBILITY
REQUIREMENTS FOR MEMBERS OF THE LOCAL BOARDS OF TRUSTEES FOR
COMMUNITY COLLEGES.

☐ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on
☐ Appropriations ☐ Finance ☐

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on ☐ Appropriations ☐ Finance ☐

☒ With a favorable report as to committee substitute bill, unfavorable as to original bill.

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes
the title, unfavorable as to Senate committee substitute bill.

☐ And having received a unanimous vote in committee, is placed on the Consent Calendar.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

FOR JOURNAL USE ONLY

- ____ Pursuant to Rule 36(a), the bill is placed on the Calendar of _____.
- ____ The (committee substitute) bill/resolution (, as amended,) is (ordered engrossed and) re-referred to the Committee on _____.
- ____ The (committee substitute) bill/resolution (, as amended,) is placed on the Consent Calendar of _____. The original bill/resolution is placed on the Unfavorable Calendar.
- ____ The bill/resolution is re-referred to the Committee on _____.
- ____ On motion of (Rep. _____,) (the Chair,) the (committee substitute) bill/resolution is (ordered engrossed and) re-referred to the Committee on _____.
- ____ Pursuant to Rule 36(a), the (House)committee substitute bill (No. _____)/resolution is placed on the Calendar of _____. (The original bill) (House Committee Substitute Bill No. _____)/resolution is placed on the Unfavorable Calendar.
- ____ On motion of Rep. _____, (the rules are suspended) (Rule _____ is suspended) and the bill/resolution is placed on today's calendar. (for immediate consideration.)
- ____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).
- ____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).
- ____ Rep. _____ offers Amendment No. _____ which (is adopted.) (fails of adoption.) (by EV _____.) () This amendment changes the title.
- ____ The bill/resolution (, as amended,) passes its second reading (by following vote, _____ RC) (, by EV _____,) and (remains on the Calendar,) (and there being no objection is read a third time).
- ____ The bill/resolution (, as amended,) passes its third reading (by the following vote, _____ RC) (, by EV _____,) and is ordered
____ sent to the Senate.
____ without engrossment. _____ by Special message.
____ sent to the Senate for concurrence in
____ House amendment (s).
____ House committee substitute.
____ enrolled.
- ____ On motion of Rep. _____, the House concurs in the (material) Senate _____ (by the following vote, _____ RC) (, by EV _____,) and the bill is ordered enrolled.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

D

HOUSE BILL 1136
Proposed Committee Substitute H1136-PCS2304

Short Title: Revise St. Bd. Comm. College Election.

(Public)

Sponsors:

Referred to:

April 21, 1997

- 1 A BILL TO BE ENTITLED
2 AN ACT TO REVISE THE STATE BOARD OF COMMUNITY COLLEGE
3 ELECTION AND TO REVISE THE ELIGIBILITY REQUIREMENTS FOR
4 MEMBERS OF THE LOCAL BOARDS OF TRUSTEES FOR COMMUNITY
5 COLLEGES.
6 The General Assembly of North Carolina enacts:
7 Section 1. G.S. 115D-2.1(b) reads as rewritten:
8 "(b) The State Board of Community Colleges shall consist of 20 members, as
9 follows:
10 (1) The Lieutenant Governor (or a person designated by the
11 Lieutenant Governor) shall be a member ex officio.
12 (2) The Treasurer of North Carolina shall be a member ex officio.
13 (3) The Governor shall appoint to the State Board four members from
14 the State at large and one member from each of the six Trustee
15 Association Regions defined in G.S. 115D-63 [G.S. 115D-62]. The
16 initial appointments by the Governor shall be made effective July
17 1, 1980, or as soon as feasible thereafter. In order to establish
18 regularly overlapping terms, the initial appointments by the
19 Governor shall be made so that three expire June 30, 1981, three
20 expire June 30, 1983, and four expire June 30, 1985. Each
21 subsequent regular appointment by the Governor shall be for a
22 term of six years and until a successor is appointed and qualifies.
23 Any vacancy occurring among his appointees before the expiration

1 of term shall be filled by appointment of the Governor; the
2 member so appointed shall meet the same residential qualification,
3 if any, as the member whom he succeeds and shall serve for the
4 remainder of the unexpired term of that member.

5 (4) The General Assembly shall elect eight members of the State
6 Board from the State at large in the following manner:

7 a. In 1980, the Senate shall elect three members, one of whom
8 shall serve a term expiring June 30, 1981, one of whom shall
9 serve a term expiring June 30, 1983, and one of whom shall
10 serve a term expiring June 30, 1985. In 1985, the Senate
11 shall elect two members to serve terms expiring June 30,
12 1991. Each subsequent regular election by the Senate shall
13 be for a term of six years and until a successor is elected and
14 qualifies.

15 b. In 1980, the House of Representatives shall elect four
16 members, one of whom shall serve a term expiring June 30,
17 1981, one of whom shall serve a term expiring June 30,
18 1983, and two of whom shall serve a term expiring June 30,
19 1985. In 1985, the House of Representatives shall elect two
20 members, to serve terms expiring June 30, 1991. Each
21 subsequent regular election by the House of Representatives
22 shall be for a term of six years and until a successor is
23 elected and qualifies.

24 c. Repealed by Session Laws 1985, c. 227, s. 5.

25 d. The initial elections by the two houses of the General
26 Assembly shall be held on or before July 1, 1980.

27 e. Any vacancy occurring among the members elected by the
28 two houses of the General Assembly before the expiration of
29 term shall be filled when the General Assembly next
30 convenes. The member then elected shall be elected by the
31 same house that elected the member whom he succeeds, and
32 shall serve for the remainder of the unexpired term of that
33 member.

34 f. At each session of the General Assembly held in an odd-
35 numbered year, the Speaker of the House of Representatives
36 and the President Pro Tempore of the Senate shall assign to
37 either a standing or a special committee of that house the
38 duty of receiving from the members of that house
39 nominations of persons to be considered by that house for
40 election to the State Board. The chairmen of the two
41 committees shall jointly determine a common final date for
42 receiving nominations from members of that house, and a
43 common date for reporting to their respective houses their
44 nominations for the State Board. Each committee shall

1 screen the proposed candidates for nomination as to their
2 qualifications, background, lack of statutory disabilities, and
3 willingness and ability to serve if elected. Each Senator and
4 each Representative may nominate only one candidate.
5 When the nominating process is closed, each committee
6 shall list all candidates and shall separately vote "aye" or
7 "no" on each candidate to determine whether that person
8 shall be listed as a nominee of the committee. The verbal
9 vote of a majority of those members of the committee
10 present and voting shall constitute one nominee of the
11 committee. An individual cannot be a candidate for
12 nomination to more than one place. If a sufficient number of
13 candidates is submitted to each committee, then each
14 committee shall nominate at least two persons for each place
15 to be filled by that chamber, otherwise each committee shall
16 nominate at least one person for each place to be filled by
17 each of the House of Representatives and the Senate. No
18 person may simultaneously be a candidate for election by
19 both houses, and if one is nominated in both houses, he
20 shall determine by which house he shall be nominated and
21 so advise the chairman of both committees. The two houses
22 shall, by joint resolution, fix a common date and time for
23 the election of members of the State Board. At the election
24 session in each house, the committee shall report its list of
25 nominees with the term of office indicated for each
26 nominee. ~~The ballot in the House of Representatives shall~~
27 ~~also include the names of all other persons nominated by a~~
28 ~~member of that house who are determined by the committee~~
29 ~~to be qualified for the offices, with the committee's list of~~
30 ~~nominees being clearly set out on the ballot.~~ No additional
31 nominations shall be received from the floor. Each house
32 shall then proceed to an election of the State Board. In
33 order to be chosen, a nominee shall receive the votes of a
34 majority of all members present and voting.

35 When each house has chosen one person for each place
36 to be filled on the State Board, the chairman of the
37 committee shall make a motion for the simultaneous
38 election of those persons by that house to the indicated
39 positions and for the indicated terms. The vote shall then be
40 called electronically. If a majority of those voting shall vote
41 'aye,' persons named in the motion shall be declared to
42 have been elected. Each house may adopt rules consistent
43 with this section with respect to the election by that house of
44 members of the State Board."

1 Section 2. G.S. 115D-12(b1) reads as rewritten:

2 "(b1) No person who has been employed full time by ~~the~~ any local community
3 college within the prior 5 years and no ~~spouse~~ spouse, parent, or child of a person
4 currently employed full time by the community college shall serve on the board of
5 trustees of that college."

6 Section 3. This act is effective when it becomes law. Section 2 applies
7 to terms beginning on or after that date.

MINUTES
HOUSE STANDING COMMITTEE ON EDUCATION
April 24, 1997

The House Committee on EDUCATION met at 11:00 a. m. on Thursday, April 24, 1997, in Room 544 in the Legislative Office Building. Representative Shubert presided and the following members were present: Representative Russell, Co-chairperson; Representative Arnold, Beall, Black, Cansler, Capps, Cole, Davis, Dickson, Dockham, Eddins, Fox, Gulley, Hall, Hensley, Hiatt, Insko, Kinney, McMahan, Moore, Morris, Mosley, Nichols, Nye, Oldham, Owens, Preston, Rayfield, Sexton, Sherrill, Smith, Tolson, Warner and C. Wilson. Legislative staff Kory Goldsmith, Robin Johnson, Sara Kamprath and Jim Watts were present to assist the Committee. Visitor registration sheet is attached and made part of the minutes.

Co-chairperson Representative Shubert introduced the Pages serving the Committee and welcomed guests. The Pages were Courtney Renee Beck from Randolph County and Hershal E. Spangler, III from Cleveland County. The Chair then proceeded with the first item on the agenda, House Bill 707, entitled Community Based School Assignments.

Bill sponsor Representative Gulley, introduced House Bill 707 which was adopted for the purpose of discussion. House Bill 707 allows children who live closest to a school in their neighborhood to have priority to attend that school. The Chair then recognized Senator Rucho to speak on the bill. Representatives Insko, Oldham, Moore and Russell asked questions of the bill sponsor and Senator Rucho. Representative McMahan commented regarding the bill's content and Representative Oldham made a motion to form a subcommittee to study the bill. The Chair then recognized Representative Arnold who requested that the subcommittee study a possible solution for inner-city school systems that will be affected by this bill. Representative Russell also requested that the subcommittee look at the legal ramifications of the bill. The Chair then assigned Representatives Gulley, McMahan, Kinney, C. Wilson, Oldham and Moore to the subcommittee. The Chair also appointed Representative C. Wilson as chair of the subcommittee.

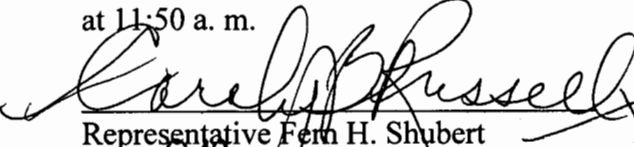
Following discussion of House Bill 707, the Chair recognized Representative Preston to discuss her Proposed Committee Substitute to House Bill 1098. House Bill 1098, entitled Special Education Mediation, amends the procedure of mediation for special education disputes between local education agencies and parents. Representative Sherrill was recognized for a motion for a favorable report to the Proposed Committee Substitute and an unfavorable report as to the original bill. There being no further discussion or debate, the Chair called for the vote. The Proposed Committee Substitute passed.

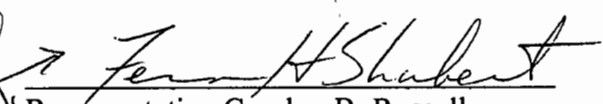
Representative Preston was recognized again to discuss her Proposed Committee Substitute for House Bill 1099. House Bill 1099, entitled Kindergarten Entry/Gifted Students, allows for children who are gifted to enter kindergarten a year earlier than normal. Representative Preston informed the committee that Representative Sherrill had an amendment to the Proposed Committee Substitute that she supported. There being no further discussion or debate on the amendment, the Chair called the vote and the amendment passed. The Chair then recognized Representative Owens who made a motion for a favorable report to the Proposed Committee Substitute as amended, unfavorable as to the original bill. The Proposed Committee Substitute as amended passed.

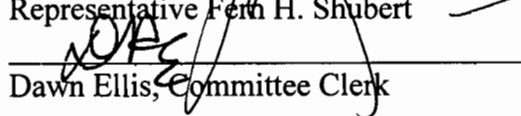
Following discussion regarding House Bill 1099, the Chair recognized bill sponsor Representative Jeffus to address House Bill 977. House Bill 977, entitled Parents On School Improvement Teams, allows parents to be elected by parents to serve on school improvement teams. Representatives Fox, Capps, Owens and Hall asked questions of the bill sponsor regarding the bill's content. There being no further discussion regarding the bill, Representative Arnold was recognized for a motion for a favorable report. The motion passed.

The Chair informed the committee that House Bill 1072 had been temporarily displaced until the next meeting. The Chair then recognized Representative Preston to discuss her bill, House Bill 1019. House Bill 1019, entitled Rigorous Academic Content, amends 115C-12 of the Standard Course of Study by adding a new subsection to give specific and clear standards for teaching at each grade level. The Chair called on Representative Dickson who made a motion for a favorable report. The motion passed and House Bill 1019 was rereferred to the Appropriations Committee.

The Chair called on bill sponsor Representative Reynolds to discuss the last item on the agenda, House Bill 969. House Bill 969, entitled School Inter-Unity Enrollment, allows local funds to follow students who cross county lines to attend school. Representative Reynolds requested of the Chair that House Bill 969 be sent to a subcommittee. The subcommittee's duties will be to study whether or not other counties experience loss of funds because local money does not follow the child. The Chair requested that the members of the subcommittee appointed earlier in the meeting also address the issues regarding House Bill 969. The Chair recognized Representative Sexton who requested that he be added to the subcommittee list. The Chair accepted his request and allowed Representative Moore to be excused from the subcommittee. The meeting was adjourned at 11:50 a. m.


Representative Fern H. Shubert


Representative Carolyn B. Russell


Dawn Ellis, Committee Clerk

**1997 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **SHUBERT AND RUSSELL** for the Committee on **EDUCATION**.

☐ Committee Substitute for

H.B. 1019 A BILL TO BE ENTITLED AN ACT TO REQUIRE THE STATE BOARD OF EDUCATION TO IMPLEMENT RIGOROUS AND FOCUSED CONTENT STANDARDS IN READING, WRITING, MATH, SCIENCE, AND SOCIAL STUDIES, AND TO MAKE AN APPROPRIATION.

With a favorable report.

☒ With a favorable report and recommendation that the bill be re-referred to the Committee on
X Appropriations ☐ Finance ☐

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on ☐ Appropriations ☐ Finance ☐

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title,
unfavorable as to original bill (Committee Substitute Bill #), (and recommendation
that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes
the title, unfavorable as to Senate committee substitute bill.

☐ And having received a unanimous vote in committee, is placed on the Consent Calendar.
(PUBLIC BILLS ONLY)

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

4/24/97

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 1019

Short Title: Rigorous Academic Content Standards.

(Public)

Sponsors: Representatives Preston; Adams, Arnold, Black, Bowie, Brawley, Cansler, Capps, Clary, Cunningham, Davis, Dickson, Fitch, Grady, Gulley, Hall, Hiatt, Jarrell, Kinney, McMahan, Moore, Morris, Neely, Nichols, Rayfield, Reynolds, Russell, Sexton, Sherrill, Shubert, Starnes, Wainwright, Warner, Watson, C. Wilson, and G. Wilson.

Referred to: Education, if favorable, Appropriations.

April 21, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO REQUIRE THE STATE BOARD OF EDUCATION TO
3 IMPLEMENT RIGOROUS AND FOCUSED CONTENT STANDARDS IN
4 READING, WRITING, MATH, SCIENCE, AND SOCIAL STUDIES, AND TO
5 MAKE AN APPROPRIATION.

6 The General Assembly of North Carolina enacts:

7 Section 1. G.S. 115C-12 is amended by adding the following new
8 subdivision to read:

9 "(9b) Power to Develop Content Standards. -- The Board shall develop a
10 comprehensive plan to revise content standards and the standard
11 course of study in the core academic areas of reading, writing,
12 mathematics, science, and social studies. The Board shall involve
13 and survey a representative sample of parents, teachers, and the
14 public to help determine academic content standard priorities and
15 usefulness of the content standards. A full review of available and
16 relevant academic content standards that are rigorous, specific,
17 sequenced, clear, focused, and measurable, whenever possible,
18 shall be a part of the process of the development of content
19 standards. The content standards developed in the core academic
20 areas shall (i) reflect high expectations for students and quality; (ii)
21 be clearly grounded in the content of each academic area; (iii) be

VISITOR REGISTRATION SHEET

House of Representatives
~~Standing Committee on EDUCATION~~
 Name of Committee

4/24/97
 Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK.

NAME

FIRM OR AGENCY AND ADDRESS

Katie Jefferson Exec. Director	Gaston Literacy Council, Inc. 130 South Oakland St, Gastonia NC 28052
Harriet Dial	NCAE
Bill Wilson	NCAE
Deborah Ross	ACLU
Hal Miller	NCACCT
• Bev Green	NCSSTA
JOSEPH F. MCCANN	ROWAN-SALISBURY SCHOOLS SALISBURY, NC 28145
Jan Gattis	NCA 512
Alicia Hare	Public School Forum
John Norris	" " "
Ann Belam	SBE
Martin Meany	DPI

VISITOR REGISTRATION SHEET

House of Representatives
~~Standing Committee on EDUCATION~~
Name of Committee

4-24-97

Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Lowell Harris	DPI
Clare Gilbert	Gannett's office
Rachel Lawrence	NC PTA
Jim Polk	NC PTA
McLarell	McAICU
Susan Harmon	WCPSS
Patricia Muller	
Gene Causby	E - ESC
Aracel Stewart	AFT/NC

**1997 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **RUSSELL AND SHUBERT** for the Committee on **EDUCATION**.

- ☐ Committee Substitute for
H.B. 1098 A BILL TO BE ENTITLED AN ACT TO AMEND THE PROCEDURE FOR
MEDIATION OF SPECIAL EDUCATION DISPUTES BETWEEN LOCAL EDUCATION
AGENCIES AND PARENTS.
- ☐ With a favorable report.
- ☐ With a favorable report and recommendation that the bill be re-referred to the Committee on
☐ Appropriations ☐ Finance ☐
- ☐ With a favorable report, as amended.
- ☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on ☐ Appropriations ☐ Finance ☐
- ☒ With a favorable report as to committee substitute bill , unfavorable as to original bill
- ☐ With a favorable report as to House committee substitute bill (#), ☐ which changes
the title, unfavorable as to Senate committee substitute bill.
- ☐ And having received a unanimous vote in committee, is placed on the Consent Calendar.
- ☐ With an unfavorable report.
- ☐ With recommendation that the House concur.
- ☐ With recommendation that the House do not concur.
- ☐ With recommendation that the House do not concur; request conferees.
- ☐ With recommendation that the House concur; committee believes bill to be material.
- ☐ With an unfavorable report, with a Minority Report attached.
- ☐ Without prejudice.
- ☐ With an indefinite postponement report.
- ☐ With an indefinite postponement report, with a Minority Report attached.
- ☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1997

H

D

HOUSE BILL 1098
Proposed Committee Substitute H1098-PCS1336

Short Title: Special Education Mediation.

(Public)

Sponsors:

Referred to:

April 21, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO AMEND THE PROCEDURE FOR MEDIATION OF SPECIAL
3 EDUCATION DISPUTES.

4 The General Assembly of North Carolina enacts:

5 Section 1. G.S. 115C-116(b) reads as rewritten:

6 "(b) Mediation. -- ~~Mediation of disputes or disagreements regarding the~~
7 ~~identification of children with special needs and the provision of special education for~~
8 ~~children with special needs prior to formal administrative review is encouraged. If a~~
9 ~~request for formal administrative review has not been filed, the superintendent, upon~~
10 ~~the request of a parent, guardian, or surrogate parent, shall meet, or designate an~~
11 ~~assistant or associate superintendent to meet, with the parent, guardian, or surrogate~~
12 ~~parent to attempt to resolve the dispute or disagreement. The meeting shall be~~
13 ~~informal and the General Assembly intends that the meeting shall be nonadversarial,~~
14 ~~as required by G.S. 150B-22.~~

15 It is the policy of this State to encourage local educational agencies and parents,
16 guardians, surrogate parents, custodians, and eligible students to seek informal
17 resolution of disputes or disagreements regarding the identification of children with
18 special needs and the provision of special education and related services before filing
19 a request for a formal administrative review of the matter. To that end, the following
20 provisions apply to the mediation of these disputes:

21 (1) Purpose. -- The purpose of mediation is to clarify the concerns of
22 the parents and to resolve disputes.

- (2) Definitions. -- As used in this subsection, the following terms have the following meanings:
- a. 'Dispute' means a disagreement between the parties that is subject to review under subsection (c) of this section.
 - b. 'Mediation' means an informal process conducted by a mediator with the objective of helping parties voluntarily settle their dispute.
 - c. 'Mediator' means a neutral person who acts to encourage and facilitate a resolution of a dispute.
 - d. 'Parents' means parents, guardians, surrogate parents, custodians, and eligible students.
 - e. 'Parties' means the local educational agency and the parents.
- (3) Nonadversarial. -- The mediation shall be informal and nonadversarial as provided in G.S. 150B-22.
- (4) Rules of procedure. -- The mediator is encouraged to follow applicable procedures provided in G.S. 7A-38.1, G.S. 7A-38.2, and applicable rules adopted by the Supreme Court under G.S. 7A-38.1. The mediator may establish other procedures to facilitate an informal resolution of the dispute. The mediator shall not render a decision or judgment as to the merits of the dispute.
- (5) Request for mediation. -- Before a request for formal administrative review is filed, mediation shall commence upon the request of either party, so long as the other party consents.
- (6) Selection of mediator. -- The parties shall agree to the selection of the mediator. The Exceptional Children Division of the Department of Public Instruction shall maintain a list of mediators who are certified or trained in resolving disputes under this subsection.
- (7) Notice of right to mediation. -- The local educational agency shall notify parents of their right to request mediation under this subsection.
- (8) Time periods tolled. -- Notwithstanding G.S. 150B-23, time periods related to the filing of a formal administrative review or the taking of any other action with respect to the dispute, including any applicable statutes of limitations, are tolled upon the filing of a request for mediation under this subsection until the mediation is completed or the mediator declares an impasse.
- (9) Good cause for continuance. -- A good faith effort by both parties to mediate the dispute is presumed to constitute good cause for a continuance so long as the administrative law judge does not find that the time delay for mediation would likely result in irreparable harm to one of the parties or to the child.
- (10) Inadmissibility of negotiations. -- Evidence of statements made and conduct occurring in a mediation shall not be subject to discovery

1 and shall be inadmissible in any proceeding in the action or other
2 actions on the same claim. However, no evidence otherwise
3 discoverable shall be inadmissible merely because it is presented or
4 discussed in a mediation. Mediators shall not be compelled in any
5 civil proceeding to testify or produce evidence concerning
6 statements made and conduct occurring in a mediation.

7 (11) Mediator's fees. -- If mediation is requested before a request for
8 formal administrative review is filed, the local educational agency
9 shall pay the mediator's fees for one mediation session. If
10 resolution is not reached in that session, the parties must agree to
11 continue the mediation. The local educational agency shall pay
12 any mediator fees for subsequent mediation sessions unless the
13 parties agree otherwise.

14 (12) Mediated settlement conference after a request for administrative
15 review. -- In addition to mediation as provided by this subsection,
16 the parties may participate in a mediated settlement conference as
17 provided by G.S. 150B-23.1.

18 (13) Promotion of other settlement procedures. -- The parties may agree
19 to use other dispute resolution methods or to use mediation in
20 other circumstances, including after a request for formal
21 administrative review is filed, to the extent permitted under State
22 and federal law."

23 Section 2. This act is effective when it becomes law.

**1997 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **RUSSELL AND SHUBERT** for the Committee on **EDUCATION**.

☐ Committee Substitute for

H.B. 1099 A BILL TO BE ENTITLED AN ACT TO AUTHORIZE SCHOOL PRINCIPALS
TO ADMIT CERTAIN GIFTED STUDENTS TO KINDERGARTEN REGARDLESS OF
THEIR BIRTH DATES.

- ☐ With a favorable report.
- ☐ With a favorable report and recommendation that the bill be re-referred to the Committee on
☐ Appropriations ☐ Finance ☐
- ☐ With a favorable report, as amended.
- ☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on ☐ Appropriations ☐ Finance ☐
- ☒ With a favorable report as to committee substitute bill , unfavorable as to original bill.
- ☐ With a favorable report as to House committee substitute bill (#), ☐ which changes
the title, unfavorable as to Senate committee substitute bill.
- ☐ And having received a unanimous vote in committee, is placed on the Consent Calendar.
- ☐ With an unfavorable report.
- ☐ With recommendation that the House concur.
- ☐ With recommendation that the House do not concur.
- ☐ With recommendation that the House do not concur; request conferees.
- ☐ With recommendation that the House concur; committee believes bill to be material.
- ☐ With an unfavorable report, with a Minority Report attached.
- ☐ Without prejudice.
- ☐ With an indefinite postponement report.
- ☐ With an indefinite postponement report, with a Minority Report attached.
- ☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

D

HOUSE BILL 1099
Proposed Committee Substitute H1099-PCS1338

Short Title: Kindergarten Entry/Gifted Students.

(Public)

Sponsors:

Referred to:

April 21, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO AUTHORIZE SCHOOL PRINCIPALS TO ADMIT CERTAIN
3 GIFTED STUDENTS TO KINDERGARTEN REGARDLESS OF THEIR BIRTH
4 DATES.

5 The General Assembly of North Carolina enacts:

6 Section 1. G.S. 115C-364 reads as rewritten:

7 "§ 115C-364. Admission requirements.

8 A child, to be entitled to initial entry in the public schools, must have passed the
9 fifth anniversary of ~~his/her~~ the child's birth on or before October 16 of the year in
10 which the child is presented for enrollment, and must be presented for enrollment
11 during the first month of the school year.

12 A child who has passed the fourth anniversary of the child's birth on or before
13 April 16 may enter a public school if the child is presented for enrollment during the
14 first month of the school year and if the principal of the school finds, based on
15 information submitted by the child's parent or guardian, that the child is gifted and
16 that the child has the maturity to justify admission to the school. The State Board of
17 Education shall establish guidelines for the principal to use in making this finding.

18 The initial point of entry into the public school system shall be at the kindergarten
19 level: Provided, that if a particular child has already been attending school in another
20 state in accordance with the laws or regulations of the school authorities of ~~such~~ that
21 state before moving to and becoming a resident of North Carolina, ~~such~~ the child ~~will~~
22 be is eligible for enrollment in the schools of this State regardless of whether ~~such~~ the
23 child has passed the fifth anniversary of ~~his~~ the child's birth before October 16. If the

1 principal of a school finds as fact subsequent to initial entry that a child, by reason of
2 maturity can be more appropriately served in the first grade rather than in
3 kindergarten, the principal may act under the provisions of G.S. 115C-288 to
4 implement this educational decision without regard to chronological age. The
5 principal of any public school shall have the authority to require the ~~parents~~ parent
6 or guardian of any child presented for admission for the first time to ~~such~~ a school to
7 furnish a certified copy of the birth certificate of ~~such~~ the child, which shall be
8 furnished by the register of deeds of the county having on file the record of the birth
9 of ~~such~~ the child, or other satisfactory evidence of date of birth."

10 Section 2. G.S. 115C-81(f) reads as rewritten:

11 "(f) Establishment and Maintenance of Kindergartens. --

12 (1) Local boards of education shall provide for their respective local
13 school administrative unit kindergartens as a part of the public
14 school system for all children living in the local school
15 administrative unit who are eligible for admission pursuant to
16 subdivision (2) of this subsection provided that funds are available
17 from State, local, federal or other sources to operate a kindergarten
18 program as provided in this subsection.

19 All kindergarten programs so established shall be subject to the
20 supervision of the Department of Public Instruction and shall be
21 operated in accordance with the standards adopted by the State
22 Board of Education, upon recommendation of the Superintendent
23 of Public Instruction.

24 Among the standards to be adopted by the State Board of
25 Education shall be a provision that the Board will allocate funds
26 for the purpose of operating and administering kindergartens to
27 each school administrative unit in the State based on the average
28 daily membership for the best continuous three out of the first four
29 school months of pupils in the kindergarten program during the
30 last school year in that respective school administrative unit. Such
31 allocations are to be made from funds appropriated to the State
32 Board of Education for the kindergarten program.

33 (2) Any child who has passed the fifth anniversary of ~~his~~ the child's
34 birth on or before October 16 of the year in which he enrolls or
35 who otherwise meets the requirements of G.S. 115C-364 shall be
36 eligible for enrollment in kindergarten. Any child who is enrolled
37 in kindergarten and not withdrawn by ~~his~~ the child's parent or
38 guardian shall attend kindergarten.

39 (3) Notwithstanding any other provision of law to the contrary, subject
40 to the approval of the State Board of Education, any local board of
41 education may elect not to establish and maintain a kindergarten
42 program. Any funds allocated to a local board of education which
43 does not operate a kindergarten program may be reallocated by the
44 State Board of Education, within the discretion of the Board, to a

- 1 county or city board of education which will operate such a
- 2 program."
- 3 Section 3. This act is effective when it becomes law.

**1997 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) Russell and Shubert for the Committee on EDUCATION.

HB 977 A BILL TO BE ENTITLED AN ACT TO ALLOW PARENTS TO ELECT THE PARENTS WHO SERVE ON SCHOOL IMPROVEMENT TEAMS.

X With a favorable report.

With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on ☐ Appropriations ☐ Finance ☐

With a favorable report as to House committee substitute, unfavorable as to Senate bill.

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ And having received a unanimous vote in committee, is placed on the Consent Calendar.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 977

Short Title: Parents on School Improvement Teams.

(Public)

Sponsors: Representatives Jeffus; Adams, Boyd-McIntyre, Hiatt, Jarrell, Moore, Mosley, Wainwright, and Watson.

Referred to: Education.

April 17, 1997

1 A BILL TO BE ENTITLED

2 AN ACT TO ALLOW PARENTS TO ELECT THE PARENTS WHO SERVE ON
3 SCHOOL IMPROVEMENT TEAMS.

4 The General Assembly of North Carolina enacts:

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

6 "**§ 115C-105.27. Development and approval of school improvement plans.**

7 In order to improve student performance, each school shall develop a school
8 improvement plan that takes into consideration the annual performance goal for that
9 school that is set by the State Board under G.S. 115C-105.35. The principal of each
10 school, representatives of the assistant principals, instructional personnel, instructional
11 support personnel, and teacher assistants assigned to the school building, and parents
12 of children enrolled in the school shall constitute a school improvement team to
13 develop a school improvement plan to improve student performance. Parents serving
14 on school improvement teams shall be elected by parents of children enrolled in the
15 school in an election conducted by the parent and teacher organization of the school
16 or, if none exists, by the largest organization of parents formed for this purpose.
17 Parents serving on school improvement teams shall reflect the racial and
18 socioeconomic composition of the students enrolled in that school and shall not be
19 members of the building-level staff. Parental involvement is a critical component of
20 school success and positive student achievement; therefore, it is the intent of the
21 General Assembly that parents, along with teachers, have a substantial role in
22 developing school improvement plans. To this end, school improvement team
23 meetings shall be held at a convenient time to assure substantial parent participation.

MINUTES
HOUSE STANDING COMMITTEE ON EDUCATION
APRIL 29, 1997

The House Committee on EDUCATION met at 11:00 a.m. on Tuesday, April 29, 1997, in Room 544 , Legislative Office Building. Representative Crawford presided, and the following members were present: Representatives Russell and Shubert, Co-Chairpersons; Representatives Arnold, Beall, Black, Cansler, Capps, Cole, Davis, Decker, Dickson, Eddins, Fox, Gulley, Hall, Hensley, Hiatt, Insko, Kinney, McMahan, Moore, Morris, Mosley, Nichols, Nye, Oldham, Owens, Peston, Rayfield, Sexton, Sherrill, Smith, Tolson, Wilkins, Wilson, and Wood. Legislative staff Kory Goldsmith, Robin Johnson, Sara Kamprath, and Jim Watts were present. Visitor registration sheet is attached and made part of the minutes.

Representative Crawford welcomed guests and introduced the Pages serving the committee—Alida Marie Parise, Iredell County, and Alisha Pendergrass, Davidson County.

HOUSE BILL 707 COMMUNITY-BASED SCHOOL ASSIGNMENTS. Rep. Wilson presented and explained a proposed committee substitute to create a Legislative Research Commission to study pupil assignment options. This substitute resulted from a subcommittee appointed at the April 24 meeting. Rep. Nichols moved to adopt the substitute and the motion carried. After discussion, Rep. Shubert moved for a favorable report as to committee substitute, unfavorable report as to the original bill. The motion passed.

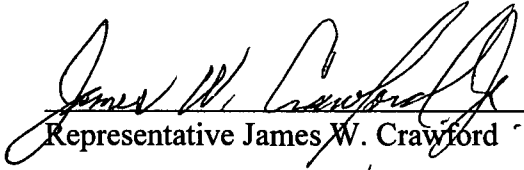
HOUSE BILL 511 EVOLUTION NOT TAUGHT AS FACT. Rep. Capps presented a proposed committee substitute and explained that the bill would simply require that evolution be taught as theory. Rep. Sherrill moved to accept the committee substitute, and the motion passed. Ann Berlam and Dr. Henry Johnson, Department of Public Instruction, responded to questions regarding costs and logistics of changing the Program of Studies. Rep. Decker motioned for a favorable report as to the proposed committee substitute and unfavorable report as to the original bill. The motion passed by a show of hands—25 in favor, 10 opposed.

HOUSE BILL 1072 PREVENT SCHOOL VIOLENCE. Rep. Cole explained the bill and presented a committee substitute to create a Legislative Research Commission to study student discipline. Rep. Sherrill moved to adopt the committee substitute, and the motion passed. Staff commented on primary concerns in the original bill. Rep. Moore moved for a favorable report as to committee substitute and unfavorable report as to the original bill. The motion passed.

HOUSE BILL 1142 TUITION WAIVERS/EMERGENCY WORKERS. Rep. Redwine explained the bill. Rep. Shubert moved to amend the bill, and the motion passed. After

discussion, Rep. Decker moved for a favorable report as to a committee substitute, an unfavorable report as to the original bill, and that it be re-referred to Judiciary II Committee. The motion passed.

The meeting adjourned at 12:00.


Representative James W. Crawford


Linda Winstead, Committee Clerk

**1997 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **RUSSELL AND SHUBERT** for the Committee on **EDUCATION**.

☐ Committee Substitute for

H.B. 1072 A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE SCHOOLS TO
DEVELOP CASE MANAGEMENT PLANS FOR JUVENILES TO PREVENT SCHOOL
VIOLENCE.

☐ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on
☐ Appropriations ☐ Finance ☐

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on ☐ Appropriations ☐ Finance ☐

☒ With a favorable report as to committee substitute bill which changes the title, unfavorable
as to original bill.

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes
the title, unfavorable as to Senate committee substitute bill.

☐ And having received a unanimous vote in committee, is placed on the Consent Calendar.
(PUBLIC BILLS ONLY)

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

4/24/97

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H.

D

HOUSE BILL 1072
Proposed Committee Substitute H1072-PCS2317

Short Title: LRC Study Student Discipline.

(Public)

Sponsors:

Referred to:

April 21, 1997

- 1 A BILL TO BE ENTITLED
2 AN ACT TO AUTHORIZE THE LEGISLATIVE RESEARCH COMMISSION TO
3 STUDY STUDENT DISCIPLINE AND METHODS TO INCREASE PARENTAL
4 INVOLVEMENT.
5 The General Assembly of North Carolina enacts:
6 Section 1. The Legislative Research Commission may study options for
7 addressing student discipline and increasing parental involvement in the public
8 schools. The study, if authorized, shall examine:
9 (1) Effective mechanisms for identifying students in need of guidance
10 or counseling to prevent violent and disruptive behavior;
11 (2) Effective mechanisms for assisting parents in becoming more
12 involved in the education and the discipline of their children who
13 are enrolled in the public schools; and
14 (3) Appropriate penalties for parents who, consistently and after
15 receiving reasonable assistance, refuse to fulfill their parental
16 responsibilities for the education and discipline of their children.
17 Section 2. The Legislative Research Commission, if it undertakes this
18 study, may report its findings and recommendations to the 1999 General Assembly.
19 Section 3. This act becomes effective July 1, 1997.

**1997 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **RUSSELL AND SHUBERT** for the Committee on **EDUCATION**.

☐ Committee Substitute for

H.B. 1142 A BILL TO BE ENTITLED AN ACT TO WAIVE TUITION FOR CHILDREN
OR SPOUSES OF CERTAIN EMERGENCY WORKERS KILLED OR DISABLED IN
THE LINE OF DUTY.

☐ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on
☐ Appropriations ☐ Finance ☐

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on ☐ Appropriations ☐ Finance ☐

☒ With a favorable report as to committee substitute bill , unfavorable as to original bill, and
recommendation that the committee substitute bill be re-referred to the Committee on
JUDICIARY II.

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes
the title, unfavorable as to Senate committee substitute bill.

☐ And having received a unanimous vote in committee, is placed on the Consent Calendar.
(PUBLIC BILLS ONLY)

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

4/24/97

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

D

HOUSE BILL 1142
Proposed Committee Substitute H1142-PCS2316

Short Title: Tuition Waivers/Emergency Workers.

(Public)

Sponsors:

Referred to:

April 21, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO WAIVE TUITION FOR CHILDREN OR SPOUSES OF CERTAIN
3 EMERGENCY WORKERS KILLED OR DISABLED IN THE LINE OF DUTY.

4 The General Assembly of North Carolina enacts:

5 Section 1. The title of Chapter 115B reads as rewritten:

6 "Tuition ~~Waiver for Senior Citizens~~ Waivers."

7 Section 2. G.S. 115B-1 reads as rewritten:

8 "~~§ 115B-1. Definition.~~ Definitions.

9 ~~As used in this Chapter, "tuition" shall mean the~~ The following definitions apply
10 in this Chapter:

- 11 (1) Permanently and totally disabled in the line of duty. -- A person:
12 (i) who as a law enforcement officer, firefighter, or volunteer
13 firefighter suffered a disabling injury while in active service or
14 training for active service, (ii) who at the time of active service or
15 training was a North Carolina resident, and (iii) who has been
16 determined to be permanently and totally disabled for
17 compensation purposes by the North Carolina Industrial
18 Commission.
- 19 (2) Survivor. -- Any person whose parent or spouse: (i) was a law
20 enforcement officer, a firefighter, or a volunteer firefighter, (ii) was
21 killed while in active service or training for active service or died
22 as a result of a service-connected disability, and (iii) at the time of
23 active service or training was a North Carolina resident. The term

1 does not include the widow or widower of a law enforcement
2 officer, firefighter, or volunteer firefighter if the widow or widower
3 has remarried.

- 4 (3) Tuition. -- The amount charged for registering for a credit hour of
5 instruction and shall not be construed to mean any other fees or
6 charges or costs of textbooks."

7 Section 3. G.S. 115B-2 reads as rewritten:

8 **"§ 115B-2. Tuition waiver authorized.**

9 State-supported institutions of higher education, community colleges, industrial
10 education centers and technical institutes, shall permit ~~legal residents of North~~
11 ~~Carolina who have attained the age of 65~~ the following persons to attend classes for
12 credit or noncredit purposes without the required payment of tuition; provided,
13 however, that such persons meet admission and other standards deemed appropriate
14 by the educational institution, and provided further that such persons shall be
15 accepted by the constituent institutions of the University of North Carolina only on a
16 spaces-available ~~basis.~~ basis:

- 17 (1) Legal residents of North Carolina who have attained the age of 65.
18 (2) Any person who is the survivor of a police officer, firefighter, or
19 volunteer firefighter killed in the line of duty.
20 (3) The spouse of a police officer, firefighter, or volunteer firefighter
21 who is permanently and totally disabled in the line of duty.
22 (4) Any child, if the child is at least 17 years old but not yet 23 years
23 old, whose parent is a police officer, firefighter, or volunteer
24 firefighter who is permanently and totally disabled in the line of
25 duty. However, a child's eligibility for a waiver of tuition under
26 this Chapter shall not exceed: (i) 48 months, if the child is seeking
27 a baccalaureate degree, or (ii) if the child is not seeking a
28 baccalaureate degree, the number of months required to complete
29 the educational program to which the child is applying."

30 Section 4. G.S. 115B-5 reads as rewritten:

31 **"§ 115B-5. Proof of eligibility.**

32 (a) The officials of such institutions charged with administration of this Chapter
33 may require such proof as they deem necessary to insure that ~~the~~ a person applying
34 to the institution as a senior citizen is eligible for the benefits provided by this
35 Chapter.

36 (b) The officials of such institutions charged with administration of this Chapter
37 shall require the following proof to insure that a person applying to the institution
38 and who requests a tuition waiver under G.S. 115B-2(2),(3), or (4) is eligible for the
39 benefits provided by this Chapter.

- 40 (1) The parent-child relationship shall be verified by a birth certificate,
41 legal adoption papers, or other documentary evidence deemed
42 appropriate by the institution.

1 (2) The marital relationship shall be verified by a marriage certificate
2 or other documentary evidence deemed appropriate by the
3 institution.

4 (3) The cause of death of the law enforcement officer, firefighter, or
5 volunteer firefighter shall be verified by certification from the
6 records of the Department of State Treasurer, the appropriate city
7 or county law enforcement agency that employed the deceased, the
8 administrative agency for the fire department or fire protection
9 district recognized for funding under the Department of State
10 Auditor, or the administrative agency having jurisdiction over any
11 paid firefighters of all counties and cities.

12 (4) The permanent and total disability shall be verified by
13 documentation deemed necessary by the institution from the North
14 Carolina Industrial Commission."

15 Section 5. Chapter 115B is amended by adding a new section to read:

16 "**§ 115B-5A. Student to be credited for scholarship value.**

17 If a person obtains a tuition waiver under G.S. 115B-2(2),(3), or (4) and the person
18 also receives a cash scholarship paid or payable to the institution, from whatever
19 source, the amount of the scholarship shall be applied to the credit of the person in
20 the payment of incidental expenses of the person's attendance at the institution, and
21 any balance, if the terms of the scholarship permit, shall be returned to the student."

22 Section 6. This act becomes effective July 1, 1997, and applies to deaths
23 or disabilities occurring on or after that date.

**1997 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **RUSSELL AND SHUBERT** for the Committee on **EDUCATION**.

☐ Committee Substitute for

H.B. 511 A BILL TO BE ENTITLED AN ACT TO AMEND THE PUBLIC SCHOOL LAWS TO ENSURE THAT EVOLUTION IS NOT TAUGHT AS FACT IN NORTH CAROLINA PUBLIC SCHOOLS.

☐ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on
☐ Appropriations ☐ Finance ☐

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on ☐ Appropriations ☐ Finance ☐

☒ With a favorable report as to committee substitute bill, which changes the title, unfavorable as to original bill.

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ And having received a unanimous vote in committee, is placed on the Consent Calendar.
(PUBLIC BILLS ONLY)

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

4/24/97

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

D

HOUSE BILL 511

Proposed Committee Substitute H511-PCS7293

Short Title: Evolution Not Taught as Fact.

(Public)

Sponsors:

Referred to:

March 13, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO AMEND THE PUBLIC SCHOOL LAWS TO ENSURE THAT
3 EVOLUTION IS NOT TAUGHT AS FACT IN NORTH CAROLINA
4 SCHOOLS.

5 The General Assembly of North Carolina enacts:

6 Section 1. Chapter 115C of the General Statutes is amended by adding a
7 new section to read:

8 "§ 115C-81.3. Students shall not be taught evolution as fact.

9 The State Board of Education and local boards of education shall ensure that
10 students in North Carolina public schools are not taught evolution as proven fact."

11 Section 2. The State Board of Education shall revise the Standard
12 Course of Study in the science curriculum to reflect that evolution is taught as a
13 scientific theory, not as a proven fact. The Board shall make the necessary changes
14 to the Standard Course of Study by July 15, 1997.

15 Section 3. This act becomes effective July 1, 1997, and shall apply
16 beginning with the 1997-98 school year.

**1997 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **RUSSELL AND SHUBERT** for the Committee on **EDUCATION**.

Committee Substitute for

H.B. 707 A BILL TO BE ENTITLED AN ACT TO PERMIT CHILDREN TO ATTEND
COMMUNITY SCHOOLS.

- ☐ With a favorable report.
- ☐ With a favorable report and recommendation that the bill be re-referred to the Committee on
☐ Appropriations ☐ Finance ☐
- ☐ With a favorable report, as amended.
- ☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on ☐ Appropriations ☐ Finance ☐
- ☒ With a favorable report as to committee substitute bill which changes the title, unfavorable
as to original bill.
- ☐ With a favorable report as to House committee substitute bill (#), ☐ which changes
the title, unfavorable as to Senate committee substitute bill.
- ☐ And having received a unanimous vote in committee, is placed on the Consent Calendar.
(PUBLIC BILLS ONLY)
- ☐ With an unfavorable report.
- ☐ With recommendation that the House concur.
- ☐ With recommendation that the House do not concur.
- ☐ With recommendation that the House do not concur; request conferees.
- ☐ With recommendation that the House concur; committee believes bill to be material.
- ☐ With an unfavorable report, with a Minority Report attached.
- ☐ Without prejudice.
- ☐ With an indefinite postponement report.
- ☐ With an indefinite postponement report, with a Minority Report attached.
- ☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

4/24/97

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

D

HOUSE BILL 707*
Proposed Committee Substitute H707-PCS2312

Short Title: LRC Study Pupil Assignment Options.

(Public)

Sponsors:

Referred to:

March 31, 1997

- 1 A BILL TO BE ENTITLED
2 AN ACT TO AUTHORIZE THE LEGISLATIVE RESEARCH COMMISSION TO
3 STUDY THE OPTIONS FOR PUPIL ASSIGNMENT WITHIN THE PUBLIC
4 SCHOOLS.
5 The General Assembly of North Carolina enacts:
6 Section 1. The Legislative Research Commission may study options
7 related to pupil assignment within the public schools, including community-based
8 enrollment, inter-unit open enrollment, intra-unit open enrollment, and magnet
9 schools. The study, if authorized, shall examine:
10 (1) Current pupil assignment plans throughout the State;
11 (2) The status of court-ordered and voluntary pupil assignment plans
12 in the State;
13 (3) The legal history of pupil assignment in North Carolina and the
14 potential local and legal implications of State-initiated alternative
15 pupil assignment plans;
16 (4) Selected significant pupil assignment plans, including successful
17 alternatives, in other states affected by court-ordered plans;
18 (5) The fiscal implications, including transportation, operation,
19 facilities, and tuition costs, of pupil assignment options; and
20 (6) Pupil assignment options that may improve student achievement
21 and educational opportunities, particularly in urban areas or for
22 economically disadvantaged youth.

1 Section 2. The Legislative Research Commission, if it authorizes a
2 committee to conduct this study, shall appoint at least four public members to that
3 committee.

4 Section 3. The Legislative Research Commission, if it undertakes this
5 study, may report its findings and recommendations to the 1999 General Assembly.

6 Section 4. This act becomes effective July 1, 1997.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 707*

Short Title: Community-Based School Assignments.

(Public)

Sponsors: Representatives Gulley; Baker, Barbee, Berry, Black, Bowie, Brawley, Brown, Buchanan, Cansler, Capps, Carpenter, Clary, Creech, Culp, Davis, Dickson, Eddins, Hall, Hardy, Hiatt, Justus, Kiser, McMahan, Morris, Rayfield, Reynolds, Sexton, Sherrill, Shubert, Starnes, Thompson, Weatherly, C. Wilson, G. Wilson, and Wood.

Referred to: Education.

March 31, 1997

A BILL TO BE ENTITLED

AN ACT TO PERMIT CHILDREN TO ATTEND COMMUNITY SCHOOLS.

The General Assembly of North Carolina enacts:

Section 1. Chapter 115C of the General Statutes is amended by adding a new section to read:

"§ 115C-364.1. School attendance districts or zones should promote community-based schools.

(a) The General Assembly finds that community-based schools can enhance the educational program of the public schools by (i) improving community commitment to schools, (ii) making schools more responsive to community needs, (iii) facilitating parental participation and involvement in conferences, events, and other school activities, (iv) providing services to families of children attending the schools, (v) providing after-school services to children such as tutoring, mentoring, and special programming, (vi) improving communication and maintaining close relationships with parents, and (vii) respecting parents as the child's first and most important teachers.

(b) Local boards of education shall review their school attendance districts or zones and shall establish a process for modifying them to promote community-based schools. Local boards of education shall also review the relative merits of schools within their units and shall consider reallocating resources, if appropriate, to enhance parental satisfaction with schools within each community. Local boards of education

VISITOR REGISTRATION SHEET

House of Representatives
~~Standing Committee on EDUCATION~~
Name of Committee

Date

4/29/97

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK.

NAME

FIRM OR AGENCY AND ADDRESS

Tim McLaurel	NCIAICU
Charles Barwin	Educationist
Henry Johnson	DPI
Ann Berlam	SBE
Devin Dufay	Cary NC
Charles Keeling	INVESTAR
Roslyn Swift	Lobbyist
Sarah Stewart	AFT/NC
Ging VanDusen	PENC
Leanne E. Winner	EGH+S
Bill Banks	NCPPC
Jan Crutts	NCASA

VISITOR REGISTRATION SHEET

House of Representatives
~~Standing Committee on~~ EDUCATION
 Name of Committee

4/29/97
 Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Bill Witten	NCAE
Deborah Roz	ALU
Karen Garr	Gov.'s Office
Bill Wade	Gov's Office
Pam Seamans	United Way of NC/Covenant w/ NC's Children
Paula Hoel	Covenant with NC's Children
Harriett Dontherlan	VAIO - DOA
Donna Reynolds	wife of Rep. Dennis Reynolds
Cassi Huffman	guest of Rep. Dennis Reynolds
Paul + Olive Taylor	—
Stephen J. Harris	NC JCDC
James V. Mearns	725 Lakestone Dr. Raleigh NC 27609

VISITOR REGISTRATION SHEET

House of Representatives
~~Standing Committee on EDUCATION~~
Name of Committee

Date 4/29/97

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK.

NAME _____

FIRM OR AGENCY AND ADDRESS

JOSEPH TWINSON

WILKES Co Schools

Alfred B. Wetzel

440 GA

Gene Causing

$$F - E \text{ BC}$$

Joyce Petrus

E E B C

Nancy Foran, Clerk

NCCBY

W. Lloyd Garrison

TAP/AL

Susan Harrison

WCPS

VISITOR REGISTRATION SHEET

House of Representatives
~~Standing Committee on~~ EDUCATION
Name of Committee

4/29/97
Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

John Rustic

NC FPC

MINUTES
HOUSE STANDING COMMITTEE ON EDUCATION
May 13, 1997

The House Committee on EDUCATION met at 11:00 a. m. on Tuesday, May 13, 1997, in Room 544 in the Legislative Office Building. Representative Shubert presided and the following members were present: Representative Russell, Co-chairperson; Representative Arnold, Black, Boyd-McIntyre, Cansler, Capps, Cole, Davis, Decker, Dickson, Eddins, Fox, Gulley, Hall, Hensley, Hiatt, Insko, Kinney, McMahan, Moore, Morris, Mosley, Nye, Oldham, Owens, Rayfield, Sexton, Sherrill, Smith, Tolson, Wilkins and C. Wilson. Legislative staff Kory Goldsmith, Robin Johnson, Sara Kamprath and Jim Watts were present to assist the Committee. Visitor registration sheet is attached and made part of the minutes.

Co-chairperson Representative Shubert introduced the Pages serving the Committee and welcomed guests. The Pages were Charlotte Sloan McClure from Wake County and Stephen Mark McGraw from McDowell County. The Chair then proceeded with the first item on the agenda, House Bill 952, entitled Deduct Postsecondary Tuition.

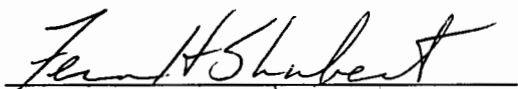
Bill sponsor Representative Starnes, introduced House Bill 952 which was adopted for the purpose of discussion. House Bill 952 provides for a deduction on an individual's North Carolina income tax for those who seek baccalaureate and post-baccalaureate degrees. Representative Dickson asked the Chair if a representative of the colleges and universities could speak regarding their concerns of the bill. Tim McDowell with the North Carolina Association of Independent Colleges and Universities expressed his concerns regarding exactly who qualifies and how much will they be able to deduct due to scholarships and grant money. Representative Hall stated his opposition to the bill because of the amount of grants and scholarships awarded and the federal bill going through Congress currently. Representative Moore asked the bill sponsor if he would be willing to send the bill to a subcommittee to look at various issues. The Chair stated that the subcommittee would be appointed after she confers with her Co-chair.

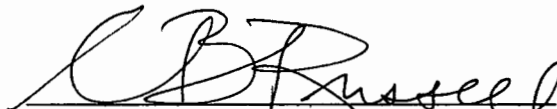
Representative Starnes then proceeded with his other bill, House Bill 942, which provides the same deductions as House Bill 952, except it is for students who attend preschool, elementary and secondary schools. Representatives Black and Davis asked questions of the bill sponsor. Representative Moore asked the bill sponsor if he would be willing send this bill to a subcommittee also to look at issues of concern. The Chair stated that the subcommittee would be appointed after she confers with her Co-Chair.

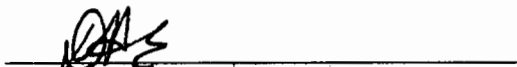
The Chair proceeded with the next bill, House Bill 979, entitled Substitute Teacher Pay Raise. Representative Jeffus, bill sponsor of House Bill 979, stated that her bill will allow pay raises for substitute teachers. The Chair recognized Representative Black who made a motion for a favorable report and to have the bill be rereferred to the Committee on Appropriations. Representatives Capps, Owens, Cansler and Wilkins asked questions of the bill sponsor. Representative Dickson asked to hear from Ann Berlam of DPI. Ms. Berlam explained the problems that many counties are having finding enough good substitute teachers to help fill in when needed. Representative Sexton offered an amendment to the bill that would pay certified teachers the same amount a day as first year teachers and the State Board of Education would set the pay for other substitute teachers. Representatives Moore and Cansler asked questions of the amendment sponsor and staff regarding different types of teaching certificates. There being no further discussion on the amendment, the Chair called the vote and the amendment carried. The Chair then asked for further discussion regarding the bill. There being no further discussion, a motion for a favorable report as amended, rolled into a committee substitute, unfavorable as to the original bill and rereferred to the Committee on Appropriations passed.

House Bill 1154, entitled Safe School Plans/Accountability, sponsored by Representative Black, requires school systems to develop safe school plans. Representative Dickson made a motion for a favorable report as amended, rolled into a committee substitute, unfavorable to the original bill and rereferred to the Committee on Appropriations. Representatives Hall and Rayfield asked questions of the bill sponsor. There being no further discussion, the Chair called the vote and the motion carried.

The Chair then turned over her gavel to Representative Sherrill to chair the meeting so she could present her bill, House Bill 1199, entitled Monetary Incentives/Academic Excellence. Representative Sherrill recognized Representative Shubert to discuss her technical amendment and bill. Following staff's comments regarding the technical amendment, Representative Sherrill turned over the gavel to Representative Russell. There being no further discussion regarding the technical amendment, the Chair called for the vote and the amendment passed. Representative Shubert stated that House Bill 1199 allows for the state to fund the cost of advanced placement tests and provides pro-rata funding for the time a student is in the public school. The bill also would pay tuition for high school students who take college courses because they have completed all their diploma requirements early. Representatives Insko and Owens asked questions of the bill sponsor. The Chair acknowledged that the meeting time was coming to a close and stated that House Bill 1199 would be carried over to the next meeting. The meeting was adjourned at 11:50 a. m.


Representative Fern H. Shubert


Representative Carolyn B. Russell


Representative

**1997 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **SHUBERT AND RUSSELL** for the Committee on **EDUCATION**.

☐ Committee Substitute for

H.B. 1154 A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE
IMPLEMENTATION OF SAFE SCHOOL PLANS AND TO HOLD PRINCIPALS
ACCOUNTABLE FOR THE SAFETY OF SCHOOLS.

- ☐ With a favorable report.
- ☐ With a favorable report and recommendation that the bill be re-referred to the Committee on
☐ Appropriations ☐ Finance ☐
- ☐ With a favorable report, as amended.
- ☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on ☐ Appropriations ☐ Finance ☐
- ☒ With a favorable report as to committee substitute bill, unfavorable as to original bill and to
be re-referred to the Committee on APPROPRIATIONS.
- ☐ With a favorable report as to House committee substitute bill (#), ☐ which changes
the title, unfavorable as to Senate committee substitute bill.
- ☐ And having received a unanimous vote in committee, is placed on the Consent Calendar.
(PUBLIC BILLS ONLY)
- ☐ With an unfavorable report.
- ☐ With recommendation that the House concur.
- ☐ With recommendation that the House do not concur.
- ☐ With recommendation that the House do not concur; request conferees.
- ☐ With recommendation that the House concur; committee believes bill to be material.
- ☐ With an unfavorable report, with a Minority Report attached.
- ☐ Without prejudice.
- ☐ With an indefinite postponement report.
- ☐ With an indefinite postponement report, with a Minority Report attached.
- ☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

4/24/97

FOR JOURNAL USE ONLY

- ____ Pursuant to Rule 36(a), the bill is placed on the Calendar of _____.
- ____ The (committee substitute) bill/resolution (, as amended,) is (ordered engrossed and) re-referred to the Committee on _____.
- ____ The (committee substitute) bill/resolution (, as amended,) is placed on the Consent Calendar of _____. The original bill/resolution is placed on the Unfavorable Calendar.
- ____ The bill/resolution is re-referred to the Committee on _____.
- ____ On motion of (Rep. _____,) (the Chair,) the (committee substitute) bill/resolution is (ordered engrossed and) re-referred to the Committee on _____.
- ____ Pursuant to Rule 36(a), the (House)committee substitute bill (No. _____)/resolution is placed on the Calendar of _____. (The original bill) (House Committee Substitute Bill No. _____)/resolution is placed on the Unfavorable Calendar.
- ____ On motion of Rep. _____, (the rules are suspended) (Rule _____ is suspended) and the bill/resolution is placed on today's calendar. (for immediate consideration.)
- ____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).
- ____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).
- ____ Rep. _____ offers Amendment No. _____ which (is adopted.) (fails of adoption.) (by EV _____.) () This amendment changes the title.
- ____ The bill/resolution (, as amended,) passes its second reading (by following vote, _____ RC) (, by EV _____,) and (remains on the Calendar,) (and there being no objection is read a third time).
- ____ The bill/resolution (, as amended,) passes its third reading (by the following vote, _____ RC) (, by EV _____,) and is ordered
____ sent to the Senate.
____ without engrossment. _____ by Special message.
____ sent to the Senate for concurrence in
____ House amendment (s).
____ House committee substitute.
____ enrolled.
- ____ On motion of Rep. _____, the House concurs in the (material) Senate _____ (by the following vote, _____ RC) (, by EV _____,) and the bill is ordered enrolled.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

D

HOUSE BILL 1154
Proposed Committee Substitute H1154-PCS8228

Short Title: Safe School Plans/Accountability.

(Public)

Sponsors:

Referred to:

April 24, 1997

- 1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE FOR THE IMPLEMENTATION OF SAFE SCHOOL
3 PLANS AND TO HOLD PRINCIPALS ACCOUNTABLE FOR THE SAFETY
4 OF SCHOOLS.
5 The General Assembly of North Carolina enacts:
6 Section 1. Chapter 115C of the General Statutes is amended by adding a
7 new Article to read:
8 "ARTICLE 8C.
9 "Local Plans for Maintaining Safe and Orderly Schools.
10 "§ 115C-105.45. Legislative findings.
11 The General Assembly finds that all schools should be safe, secure, and orderly. If
12 students are to aim for academic excellence, it is imperative that there is a climate of
13 respect in every school and that every school is free of disruption, drugs, violence,
14 and weapons. All schools must have plans, policies, and procedures for dealing with
15 disorderly and disruptive behavior. All schools and school units must have effective
16 measures for assisting students who are at risk of academic failure or of engaging in
17 disruptive and disorderly behavior.
18 "§ 115C-105.46. State Board of Education responsibilities.
19 In order to implement this Article, the State Board of Education:
20 (1) Shall adopt guidelines for developing local plans under G.S. 115C-
21 105.47;
22 (2) Shall provide, in cooperation with the Board of Governors of The
23 University of North Carolina, ongoing technical assistance to the

1 local school administrative units in the development,
2 implementation, and evaluation of their local plans under G.S.
3 115C-105.47;

4 (3) May require a local board of education to withhold the salary of
5 any administrator or other employee of local school administrative
6 units who delays or refuses to prepare and implement local safe
7 school plans in accordance with G.S. 115C-105.47;

8 (4) May revoke the certificate of the superintendent, pursuant to G.S.
9 115C-274(c), for failure to fulfill the superintendent's duties under
10 a local safe school plan.

11 "§ 115C-105.47. Local safe school plans.

12 (a) Each local board of education shall develop a local school administrative unit
13 safe school plan designed to ensure that every school in the local school
14 administrative unit is safe, secure, and orderly, that there is a climate of respect in
15 every school, and that appropriate personal conduct is a priority for all students and
16 all public school personnel. The board shall include parents, the school community,
17 representatives of the community, and others in the development of this plan. The
18 plan may be developed by or in conjunction with other committees.

19 (b) Each plan shall include each of the following components:

20 (1) Clear statements of the standard of behavior expected of students
21 at different grade levels and of school personnel and clear
22 statements of the consequences that will result from one or more
23 violations of those standards.

24 (2) A clear statement of the responsibility of the superintendent for
25 coordinating the adoption and the implementation of the plan,
26 evaluating principals' performance regarding school safety,
27 monitoring and evaluating the implementation of safety plans at
28 the school-level, and coordinating with local law enforcement and
29 court officials appropriate aspects of implementation of the plan.
30 The statement of responsibility shall provide appropriate
31 disciplinary consequences that may occur if the superintendent fails
32 to carry out these responsibilities, including a reprimand in the
33 superintendent's personnel file and withholding of the
34 superintendent's salary.

35 (3) A clear statement of the responsibility of the school principal for
36 restoring, if necessary, and maintaining a safe, secure, and orderly
37 school environment and of the consequences that may occur if the
38 principal fails to meet that responsibility. The principal's duties
39 shall include exhibiting appropriate leadership for school personnel
40 and students, providing for alternative placements for students who
41 are seriously disruptive, reporting all criminal acts pursuant to G.S.
42 115C-288(g), and providing appropriate disciplinary consequences
43 for disruptive students. The consequences to the principal that
44 may occur shall include a reprimand in the principal's personnel

- 1 file, disciplinary proceedings under G.S. 115C-325 for principals
2 who hold career status, and disciplinary proceedings under the
3 principal's contract for principals who are under contract.
4 (4) Clear statements of the roles of other administrators, teachers, and
5 other school personnel in restoring, if necessary, and maintaining a
6 safe, secure, and orderly school environment.
7 (5) Procedures for identifying and serving the needs of students who
8 are at risk of academic failure or of engaging in disruptive or
9 disorderly behavior.
10 (6) Mechanisms for assessing the needs of disruptive and disorderly
11 students, providing them with services to assist them in achieving
12 academically and in modifying their behavior, and removing them
13 from the classroom when necessary.
14 (7) Measurable objectives for improving school safety and order.
15 (8) Measures of the effectiveness of efforts to assist students at risk of
16 academic failure or of engaging in disorderly or disruptive
17 behavior.
18 (9) Professional development clearly matched to the goals and
19 objectives of the plan.
20 (10) A plan to work effectively with local law enforcement officials and
21 court officials to ensure that schools are safe and laws are enforced.
22 (11) A plan to provide access to information to the school community,
23 parents, and representatives of the local community on the ongoing
24 implementation of the local plan, monitoring of the local plan, and
25 the integration of educational and other services for students into
26 the total school program.
27 (12) The name and role description of the person responsible for
28 implementation of the plan.
29 (13) Direction to school improvement teams within the local school
30 administrative unit to consider the special conditions at their
31 schools and to incorporate into their local school improvement
32 plans the appropriate components of the local plan for maintaining
33 safe and orderly schools.
34 (14) Any other information the local board considers necessary or
35 appropriate to implement this Article.

36 (c) Upon its approval of the plan developed under this section, the local board
37 shall submit the plan to the State Board of Education for its review and comments.
38 The local board shall consider the comments it receives from the State Board before
39 it implements the plan.

40 (d) The local board may amend the plan as often as it considers necessary or
41 appropriate. Any changes to a plan may be submitted to the State Board of
42 Education for its review and comments."

43 Section 2. The State Board of Education shall develop a plan to reward
44 school principals for improving school safety and school climate. The Board shall

1 report this plan, along with any recommended statutory changes, to the Joint
2 Legislative Education Oversight Committee by April 15, 1998.

3 Section 3. There is appropriated from the General Fund to the State
4 Board of Education the sum of fifty thousand dollars (\$50,000) for the 1997-98 fiscal
5 year and the sum of fifty thousand dollars (\$50,000) for the 1998-99 fiscal year for the
6 development of guidelines for local safe school plans and for providing technical
7 assistance to local school administrative units, in accordance with G.S. 115C-105.46,
8 as enacted in Section 1 of this act.

9 Section 4. This act becomes effective July 1, 1997. Local boards of
10 education shall begin implementation of local safe school plans developed under
11 Section 1 of this act by the beginning of the 1998-99 school year.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 1154

Short Title: Safe School Plans/Accountability.

(Public)

Sponsors: Representatives Black; Aldridge, Alexander, Arnold, Baddour, Beall, Bonner, Bowie, Braswell, Brawley, Brown, Buchanan, Cole, Culpepper, Davis, Dedmon, Dickson, Earle, Easterling, Fox, Gamble, Goodwin, Grady, Hackney, Hiatt, H. Hunter, R. Hunter, Hurley, Insko, Jarrell, Jeffus, Luebke, Mercer, Michaux, Miller, Moore, Mosley, Nesbitt, Oldham, Owens, Preston, Ramsey, Redwine, Rogers, Russell, Saunders, Smith, Tolson, Wainwright, Warner, Warwick, Watson, Wilkins, and Yongue.

Referred to: Education, if favorable, Appropriations.

April 24, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE FOR THE IMPLEMENTATION OF SAFE SCHOOL
3 PLANS AND TO HOLD PRINCIPALS ACCOUNTABLE FOR THE SAFETY
4 OF SCHOOLS.

5 The General Assembly of North Carolina enacts:

6 Section 1. Chapter 115C of the General Statutes is amended by adding a
7 new Article to read:

8 "ARTICLE 8C.

9 "Local Plans for Maintaining Safe and Orderly Schools.

10 "§ 115C-105.45. Legislative findings. The General Assembly finds that all schools
11 should be safe, secure, and orderly. If students are to aim for academic excellence, it
12 is imperative that there is a climate of respect in every school and that every school is
13 free of disruption, drugs, violence, and weapons. All schools must have plans,
14 policies, and procedures for dealing with disorderly and disruptive behavior. All
15 schools and school units must have effective measures for assisting students who are
16 at risk of academic failure or of engaging in disruptive and disorderly behavior.

17 "§ 115C-105.46. State Board of Education responsibilities.

18 In order to implement this Article, the State Board of Education:

**1997 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **SHUBERT AND RUSSELL** for the Committee on **EDUCATION**.

☐ Committee Substitute for

H.B. 979 A BILL TO BE ENTITLED AN ACT TO LINK PAY RAISES FOR SUBSTITUTE
TEACHERS TO PAY RAISES FOR TEACHERS.

☐ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on

☐ Appropriations ☐ Finance ☐

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on ☐ Appropriations ☐ Finance ☐

☒ With a favorable report as to committee substitute bill, unfavorable as to original bill and to
be re-referred to the Committee on APPROPRIATIONS.

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes
the title, unfavorable as to Senate committee substitute bill.

☐ And having received a unanimous vote in committee, is placed on the Consent Calendar.
(PUBLIC BILLS ONLY)

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

4/24/97

FOR JOURNAL USE ONLY

- ____ Pursuant to Rule 36(a), the bill is placed on the Calendar of ____.
- ____ The (committee substitute) bill/resolution (, as amended,) is (ordered engrossed and) re-referred to the Committee on ____.
- ____ The (committee substitute) bill/resolution (, as amended,) is placed on the Consent Calendar of _____. The original bill/resolution is placed on the Unfavorable Calendar.
- ____ The bill/resolution is re-referred to the Committee on _____.
- ____ On motion of (Rep. _____,) (the Chair,) the (committee substitute) bill/resolution is (ordered engrossed and) re-referred to the Committee on _____.
- ____ Pursuant to Rule 36(a), the (House)committee substitute bill (No. ____)/resolution is placed on the Calendar of _____. (The original bill) (House Committee Substitute Bill No. ____)/resolution is placed on the Unfavorable Calendar.
- ____ On motion of Rep. _____, (the rules are suspended) (Rule ____ is suspended) and the bill/resolution is placed on today's calendar. (for immediate consideration.)
- ____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).
- ____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).
- ____ Rep. _____ offers Amendment No. _____ which (is adopted.) (fails of adoption.) (by EV _____.) () This amendment changes the title.
- ____ The bill/resolution (, as amended,) passes its second reading (by following vote, _____ RC) (, by EV _____,) and (remains on the Calendar,) (and there being no objection is read a third time).
- ____ The bill/resolution (, as amended,) passes its third reading (by the following vote, _____ RC) (, by EV _____,) and is ordered
____ sent to the Senate.
____ without engrossment. _____ by Special message.
____ sent to the Senate for concurrence in
____ House amendment (s).
____ House committee substitute.
____ enrolled.
- ____ On motion of Rep. _____, the House concurs in the (material) Senate _____ (by the following vote, _____ RC) (, by EV _____,) and the bill is ordered enrolled.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

D

HOUSE BILL 979
Proposed Committee Substitute H979-PCS1373

Short Title: Substitute Teacher Pay Raise.

(Public)

Sponsors:

Referred to:

April 17, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO LINK PAY RAISES FOR SUBSTITUTE TEACHERS TO PAY
3 RAISES FOR TEACHERS.

4 The General Assembly of North Carolina enacts:

5 Section 1. G.S. 115C-12(8) reads as rewritten:

6 "(8) Power to Make Provisions for Sick Leave and for Substitute
7 Teachers. -- The Board shall provide for sick leave with pay for all
8 public school employees in accordance with the provisions of this
9 Chapter and shall promulgate rules and regulations providing for
10 necessary substitutes on account of sick leave and other teacher
11 absences.

12 ~~The pay for a substitute shall be fixed by the Board. A~~
13 ~~substitute teacher with a teaching certificate shall be paid at the~~
14 ~~daily pay rate of a teacher with no years of experience who is paid~~
15 ~~on the 'A' certificate salary schedule. The State Board shall fix~~
16 ~~the daily rate of pay for all other substitutes.~~

17 If a teacher assistant acts as a substitute teacher, the salary of
18 the teacher assistant for the day shall be the same as the daily
19 salary of an entry-level teacher with an 'A' certificate.

20 The Board may provide to each local school administrative
21 unit not exceeding one percent (1%) of the cost of instructional
22 services for the purpose of providing substitute teachers for those

1 on sick leave as authorized by law or by regulations of the Board,
2 but not exceeding the provisions made for other State employees."

3 Section 2. There is appropriated from the General Fund to State Aid to
4 Local School Administrative Units the sum of ten million five hundred twenty-seven
5 thousand nine hundred twelve dollars (\$10,527,912) for the 1997-98 fiscal year and
6 the sum of ten million five hundred twenty-seven thousand nine hundred twelve
7 dollars (\$10,527,912) for the 1998-99 fiscal year to implement Section 1 of this act.

8 Section 3. This act becomes effective July 1, 1997.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 979

Short Title: Substitute Teacher Pay Raise.

(Public)

Sponsors: Representatives Jeffus, Jarrell; Adams, Baddour, Bonner, Boyd-McIntyre, Braswell, Dedmon, Earle, Goodwin, Hensley, Insko, Kinney, Luebke, Miller, Moore, Mosley, Nesbitt, Redwine, Saunders, Smith, Wainwright, Warwick, and Watson.

Referred to: Education, if favorable, Appropriations.

April 17, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO LINK PAY RAISES FOR SUBSTITUTE TEACHERS TO PAY
3 RAISES FOR TEACHERS.
4 The General Assembly of North Carolina enacts:
5 Section 1. G.S. 115C-12(8) reads as rewritten:
6 "(8) Power to Make Provisions for Sick Leave and for Substitute
7 Teachers. -- The Board shall provide for sick leave with pay for all
8 public school employees in accordance with the provisions of this
9 Chapter and shall promulgate rules and regulations providing for
10 necessary substitutes on account of sick leave and other teacher
11 absences.
12 ~~The pay for a substitute shall be fixed by the Board. A~~
13 substitute teacher shall be paid at the daily pay rate of a teacher
14 with no years of experience who is paid on the 'A' certificate
15 salary schedule.
16 If a teacher assistant acts as a substitute teacher, the salary of
17 the teacher assistant for the day shall be the same as the daily
18 salary of an entry-level teacher with an 'A' certificate.
19 The Board may provide to each local school administrative
20 unit not exceeding one percent (1%) of the cost of instructional
21 services for the purpose of providing substitute teachers for those

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

EDITION No. _____

H. B. No. 979

DATE _____

S. B. No. _____

Amendment No. _____

COMMITTEE SUBSTITUTE _____

(to be filled in by
Principal Clerk)

Rep.) Sexton
Sen.) _____

1 moves to amend the bill on page 1, line 13

2 () WHICH CHANGES THE TITLE ^{before}
3 by inserting ~~after~~ the word "shall" the following:
4 "with ~~a~~ ^{teaching} ~~teaching~~ certificate";

5
6 and on page 1, line 15, by inserting
7 after the word "schedule." the following:
8 "The State Board shall fix the daily
9 rate of pay for all other substitutes."

10
11
12
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15
16
17
18
19

SIGNED Wayne Sexton

ADOPTED _____ FAILED _____ TABLED _____

VISITOR REGISTRATION SHEET

House of Representatives
~~Standing Committee on EDUCATION~~
 Name of Committee

May 13, 97
 Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK.

NAME

FIRM OR AGENCY AND ADDRESS

Brian Washington	NCAE
Harriet Dial	NCAE
Bill W. L. Sr.	NCAE
Anna Lark	Governor's Office
Douglas Blum	United Way of North Carolina
Marian Dodd	League of Women Voters NC
Larry Dix	AOC/Juvenile Services P.O. Box 2448 Raleigh NC 27603
Janet Hall	Wife of Rep. Hall
D.L. Cuddy	Self, 1027 St. Mary's, Raleigh
Nancy Pomeroy	DOR
Bob Zelson	NSBA
Hal Miller	NCAECT

VISITOR REGISTRATION SHEET

House of Representatives
~~Standing Committee on EDUCATION~~
Name of Committee

Date

May 13, 97

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Lyndy Thompson	TAP/AP
Tom Muldoon	UCCILE
Gene Causby	E - EBC
Ann Belam	SBE
Ann Harris	Public School Forum
Jan Cratts	NCASH
Julie Campbell	NCAASA
Narah Stewart	AFT/NC
Billy Bryan	
Chris Fitzsimon	Common Sense Foundation
Rob Schoheld	NCJCDL
Joyce Peters	EEBE

VISITOR REGISTRATION SHEET

House of Representatives
~~Standing Committee on EDUCATION~~
Name of Committee

May 13, 97
Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

MICHAEL LATAR

SWIFT CREEK ALLIANCE

*George Reed**NC Council of Churches*

MINUTES
HOUSE STANDING COMMITTEE ON EDUCATION
May 20, 1997

The House Committee on EDUCATION met at 11:00 a. m. on Tuesday, May 20, 1997, in Room 544 in the Legislative Office Building. Representative Russell presided and the following members were present: Representative Russell, Co-chairperson; Representatives Arnold, Beall, Black, Boyd-McIntyre, Capps, Cole, Davis, Decker, Eddins, Fox, Gulley, Hall, Hensley, Hiatt, Moore, Morris, Mosley, Nichols, Nye, Oldham, Owens, Rayfield, Sexton, Sherrill, Shubert, Smith, Tolson, and Wilkins. Legislative staff Kory Goldsmith, Robin Johnson, Sara Kamprath and Jim Watts were present to assist the Committee. Visitor registration sheet is attached and made part of the minutes.

Co-chairperson Representative Russell introduced the Pages serving the Committee and welcomed guests. The Pages were William Brooks Long and Katherine Leffler both from Wake County. The Chair then proceeded with the first item on the agenda, House Bill 1199- Monetary Incentive/Academics. The Chair called on Representative Shubert, as bill sponsor of House Bill 1199, to continue her explanation of the bill. This bill was carried over from the previous meeting. She advised there was a committee substitute, and it was adopted for discussion purposes. The proposed committee substitute she stated did not change any of the underlying intent of the bill. Representative Shubert advised staff thought the wording could be made better and clearer, and so the proposed committee substitute was in the nature of technical corrections. Representative Moore asked questions, then Representative Oldham. Staff and the bill sponsor answered each question. There being no further discussion or debate Representative Capps moved for a favorable report on the proposed committee substitute and an unfavorable report to the original bill, and that the bill be re-referred to the committee on Appropriations. The motion passed.

The Chair then called on Senator Winner to explain her bill SB 366 -Revise School/ County Mediation. The Senator explained the bill and Representative Nichols was recognized to send forth an amendment. Senator Winner then continued to explain the amendment. Representative Nichols moved for a favorable report on the amendment. Representative Hensley asked a question of the bill sponsor concerning private mediation. There being no further discussion or debate the vote was taken and the amendment passed. Representative Nichols moved the bill as amended be rolled into a committee substitute and a favorable report to the same, unfavorable to the original bill. The motion passed. Representative Capps asked a question about mediation, and Senator Winner answered the question. Chair then called for the vote and the motion carried.

The Chair called on Senator Gulley to explain his bill SB 297 Amend Charter School Laws. She also explained there would be no vote on the bill, and that this meeting was for discussion only. She stated she knew there would be numerous questions and comments from the committee membership. Senator Gulley gave a lengthy explanation. Representative Nichols was first to ask questions. He questioned why since Charter Schools are public schools the employees were not eligible for the state's retirement program. The Chair called on staff to help answer his questions. Stanley Moore answered his questions.

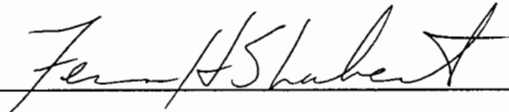
Representative Shubert asked if anyone in the Department of Public Instruction applied for a private letter ruling from the IRS. Senator Gulley answered no. Then Dennis Ducker, from the Department of State Treasurer's office, was called on by the Chair to give his input. He gave a wordy explanation. Representative Nye asked Senator Gulley if the Treasurer or his office had made a mistake. He answered this question. Then Representative Capps was recognized for his questions about the lottery system for Charter Schools. Senator Gulley answered his questions. Representative Oldham followed up with his own questions and comments about the lottery method for Charter Schools.

The Chair then explained that due to a shortage of time if there were further questions to hold them until the next meeting. She then explained there would be a subcommittee for HB 952 Deduct Postsecondary Tuition and HB 942 Deduct Elementary/ Secondary Tuition.

The subcommittee Chair is Representative Eddins with members Cole, Gulley, Moore, Morris, Sherrill, McMahan, Oldham, and Sexton. There being no further business the meeting was adjourned.



Representative Carolyn B. Russell



Representative Fern H. Shubert



Dawn Ellis/Committee Clerk

**1997 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **RUSSELL AND SHUBERT** for the Committee on **EDUCATION**.

☐ Committee Substitute for

S.B. 366 A BILL TO BE ENTITLED AN ACT TO REVISE THE MEDIATION
PROCEDURE FOR RESOLVING SCHOOL BUDGET DISPUTES BETWEEN LOCAL
BOARDS OF EDUCATION AND BOARDS OF COUNTY COMMISSIONERS, AND TO
CLARIFY THE SCOPE OF THE SCHOOL FACILITIES GUIDELINES.

☐ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on
☐ Appropriations ☐ Finance ☐

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on ☐ Appropriations ☐ Finance ☐

☒ With a favorable report as to HOUSE committee substitute bill, unfavorable as to original
bill .

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes
the title, unfavorable as to Senate committee substitute bill.

☐ And having received a unanimous vote in committee, is placed on the Consent Calendar.
(PUBLIC BILLS ONLY)

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

4/24/97

FOR JOURNAL USE ONLY

- ____ Pursuant to Rule 36(a), the bill is placed on the Calendar of _____.
- ____ The (committee substitute) bill/resolution (, as amended,) is (ordered engrossed and) re-referred to the Committee on _____.
- ____ The (committee substitute) bill/resolution (, as amended,) is placed on the Consent Calendar of _____. The original bill/resolution is placed on the Unfavorable Calendar.
- ____ The bill/resolution is re-referred to the Committee on _____.
- ____ On motion of (Rep. _____,) (the Chair,) the (committee substitute) bill/resolution is (ordered engrossed and) re-referred to the Committee on _____.
- ____ Pursuant to Rule 36(a), the (House)committee substitute bill (No. _____)/resolution is placed on the Calendar of _____. (The original bill) (House Committee Substitute Bill No. _____)/resolution is placed on the Unfavorable Calendar.
- ____ On motion of Rep. _____, (the rules are suspended) (Rule _____ is suspended) and the bill/resolution is placed on today's calendar. (for immediate consideration.)
- ____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).
- ____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).
- ____ Rep. _____ offers Amendment No. _____ which (is adopted.) (fails of adoption.) (by EV _____.) () This amendment changes the title.
- ____ The bill/resolution (, as amended,) passes its second reading (by following vote, _____ RC) (, by EV _____,) and (remains on the Calendar,) (and there being no objection is read a third time).
- ____ The bill/resolution (, as amended,) passes its third reading (by the following vote, _____ RC) (, by EV _____,) and is ordered
____ sent to the Senate.
____ without engrossment. _____ by Special message.
____ sent to the Senate for concurrence in
____ House amendment (s).
____ House committee substitute.
____ enrolled.
- ____ On motion of Rep. _____, the House concurs in the (material) Senate _____ (by the following vote, _____ RC) (, by EV _____,) and the bill is ordered enrolled.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S

D

SENATE BILL 366

Education/Higher Education Committee Substitute Adopted 4/14/97
Proposed Committee Substitute S366-PCS7802

Short Title: Revise Sch. Bd./Cty. Comm. Mediation.

(Public)

Sponsors:

Referred to:

March 11, 1997

1 A BILL TO BE ENTITLED

2 AN ACT TO REVISE THE MEDIATION PROCEDURE FOR RESOLVING
3 SCHOOL BUDGET DISPUTES BETWEEN LOCAL BOARDS OF
4 EDUCATION AND BOARDS OF COUNTY COMMISSIONERS, AND TO
5 CLARIFY THE SCOPE OF THE SCHOOL FACILITIES GUIDELINES.

6 The General Assembly of North Carolina enacts:

7 Section 1. G.S. 115C-431 reads as rewritten:

8 "**§ 115C-431. Procedure for resolution of dispute between board of education and**
9 **board of county commissioners.**

10 (a) If the board of education determines that the amount of money appropriated
11 to the local current expense fund, or the capital outlay fund, or both, by the board of
12 county commissioners is not sufficient to support a system of free public schools, the
13 chairman of the board of education and the chairman of the board of county
14 commissioners shall arrange a joint meeting of the two boards to be held within seven
15 days after the day of the county commissioners' decision on the school
16 appropriations.

17 Prior to the joint meeting, the Senior Resident Superior Court Judge shall appoint
18 a mediator unless the boards agree to jointly select a mediator. The mediator shall
19 preside at the joint meeting and shall act as a neutral facilitator of disclosures of
20 factual information, statements of positions and contentions, and efforts to negotiate
21 an agreement settling the boards' differences.

At the joint meeting, the entire school budget shall be considered carefully and judiciously, and the two boards shall make a good-faith attempt to resolve the differences that have arisen between them.

(b) If no agreement is reached at the joint meeting of the two boards, ~~either board may notify the clerk of superior court who shall request the appointment of a mediator by superior court under G.S. 7A-38.1. The mediator shall be appointed within five days of the notification to the clerk. The mediator shall present recommendations for resolution of the matters in dispute within 15 days of the notification to the clerk.~~ the mediator shall, at the request of either board, commence a mediation immediately or within a reasonable period of time. The mediation shall be held in accordance with rules and standards of conduct adopted under Chapter 7A of the General Statutes governing mediated settlement conferences but modified as appropriate and suitable to the resolution of the particular issues in disagreement.

Unless otherwise agreed upon by both boards, the following individuals shall constitute the two working groups empowered to represent their respective boards during the mediation:

(1) The chair of each board or the chair's designee;

(2) The superintendent of the local school administrative unit and the county manager or either's designee;

(3) The finance officer of each board; and

(4) The attorney for each board.

Members of both boards, their chairs, and representatives shall cooperate with and respond to all reasonable requests of the mediator to participate in the mediation. The mediation proceedings involving the two working groups shall be conducted in private. Information disclosed and conduct occurring during the mediation proceedings shall remain privileged and confidential. Reports by members of either working group to their respective boards shall be made in compliance with Article 33C of Chapter 143 of the General Statutes.

Unless both boards agree otherwise, or unless the boards have already resolved their dispute, the mediation shall end no later than August 1. The mediator shall have the authority to determine that an impasse exists and to discontinue the mediation. The mediation may continue beyond August 1 provided both boards agree. If both boards agree to continue the mediation beyond August 1, the board of county commissioners shall appropriate to the local school administrative unit for deposit in the local current expense fund a sum of money sufficient to equal the local contribution to this fund for the previous year.

If the working groups reach a proposed agreement, the terms and conditions must be approved by each board. If no agreement is reached, the mediator shall announce that fact to the chairs of both boards, the Senior Resident Superior Court Judge, and the public. The mediator shall not disclose any other information about the mediation. The mediator shall not make any recommendations or public statement of findings or conclusions.

The local board of education and the board of county commissioners shall share equally the mediator's compensation and expenses. The mediator's compensation

1 shall be determined according to rules adopted under Chapter 7A of the General
2 Statutes.

3 (c) ~~Within five days of receiving the recommendations of the mediator, either~~
4 ~~board~~ after an announcement of no agreement by the mediator, the local board of
5 education may file an action in the superior court division of the General Court of
6 Justice. The court shall find the facts as to the amount of money necessary to
7 maintain a system of free public schools, and the amount of money needed from the
8 county to make up this total. Either board has the right to have the issues of fact tried
9 by a jury. When a jury trial is demanded, the cause shall be set for the first
10 succeeding term of the superior court in the county, and shall take precedence over
11 all other business of the court. However, if the judge presiding certifies to the Chief
12 Justice of the Supreme Court, either before or during the term, that because of the
13 accumulation of other business, the public interest will be best served by not trying
14 the cause at the term next succeeding the filing of the action, the Chief Justice shall
15 immediately call a special term of the superior court for the county, to convene as
16 soon as possible, and assign a judge of the superior court or an emergency judge to
17 hold the court, and the cause shall be tried at this special term. The issue submitted
18 to the jury shall be what amount of money is needed from sources under the control
19 of the board of county commissioners to maintain a system of free public schools.

20 All findings of fact in the superior court, whether found by the judge or a jury,
21 shall be conclusive. When the facts have been found, the court shall give judgment
22 ordering the board of county commissioners to appropriate a sum certain to the local
23 school administrative unit, and to levy such taxes on property as may be necessary to
24 make up this sum when added to other revenues available for the purpose.

25 (d) If an appeal is taken to the appellate division of the General Court of Justice,
26 and if such an appeal would result in a delay beyond a reasonable time for levying
27 taxes for the year, the judge shall order the board of county commissioners to
28 appropriate to the local school administrative unit for deposit in the local current
29 expense fund a sum of money sufficient when added to all other moneys available to
30 that fund to equal the amount of this fund for the previous year. All papers and
31 records relating to the case shall be considered a part of the record on appeal.

32 (e) If, in an action filed under this section, the final judgment of the General
33 Court of Justice is rendered after the due date prescribed by law for property taxes,
34 the board of county commissioners is authorized to levy such supplementary taxes as
35 may be required by the judgment, notwithstanding any other provisions of law with
36 respect to the time for doing acts necessary to a property tax levy. Upon making a
37 supplementary levy under this subsection, the board of county commissioners shall
38 designate the person who is to compute and prepare the supplementary tax receipts
39 and records for all such taxes. Upon delivering the supplementary tax receipts to the
40 tax collector, the board of county commissioners shall proceed as provided in G.S.
41 105-321.

42 The due date of supplementary taxes levied under this subsection is the date of the
43 levy, and the taxes may be paid at par or face amount at any time before the one
44 hundred and twentieth day after the due date. On or after the one hundred and

1 twentieth day and before the one hundred and fiftieth day from the due date there
2 shall be added to the taxes interest at the rate of two percent (2%). On or after the
3 one hundred and fiftieth day from the due date, there shall be added to the taxes, in
4 addition to the two percent (2%) provided above, interest at the rate of three-fourths
5 of one percent ($\frac{3}{4}$ of 1%) per 30 days or fraction thereof until the taxes plus interest
6 have been paid. No discounts for prepayment of supplementary taxes levied under
7 this subsection shall be allowed."

8 Section 2. G.S. 143-318.11(a)(3) reads as rewritten:

9 "(a) Permitted Purposes. -- It is the policy of this State that closed sessions shall be
10 held only when required to permit a public body to act in the public interest as
11 permitted in this section. A public body may hold a closed session and exclude the
12 public only when a closed session is required:

13 (1) To prevent the disclosure of information that is privileged or
14 confidential pursuant to the law of this State or of the United
15 States, or not considered a public record within the meaning of
16 Chapter 132 of the General Statutes.

17 (2) To prevent the premature disclosure of an honorary degree,
18 scholarship, prize, or similar award.

19 (3) To consult with an attorney employed or retained by the public
20 body in order to preserve the attorney-client privilege between the
21 attorney and the public body, which privilege is hereby
22 acknowledged. General policy matters may not be discussed in a
23 closed session and nothing herein shall be construed to permit a
24 public body to close a meeting that otherwise would be open
25 merely because an attorney employed or retained by the public
26 body is a participant. The public body may consider and give
27 instructions to an attorney concerning the handling or settlement of
28 a claim, judicial action, mediation, arbitration, or administrative
29 procedure. If the public body has approved or considered a
30 settlement, other than a malpractice settlement by or on behalf of a
31 hospital, in closed session, the terms of that settlement shall be
32 reported to the public body and entered into its minutes as soon as
33 possible within a reasonable time after the settlement is concluded.

34 (4) To discuss matters relating to the location or expansion of
35 industries or other businesses in the area served by the public
36 body.

37 (5) To establish, or to instruct the public body's staff or negotiating
38 agents concerning the position to be taken by or on behalf of the
39 public body in negotiating (i) the price and other material terms of
40 a contract or proposed contract for the acquisition of real property
41 by purchase, option, exchange, or lease; or (ii) the amount of
42 compensation and other material terms of an employment contract
43 or proposed employment contract.

(6) To consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee; or to hear or investigate a complaint, charge, or grievance by or against an individual public officer or employee. General personnel policy issues may not be considered in a closed session. A public body may not consider the qualifications, competence, performance, character, fitness, appointment, or removal of a member of the public body or another body and may not consider or fill a vacancy among its own membership except in an open meeting. Final action making an appointment or discharge or removal by a public body having final authority for the appointment or discharge or removal shall be taken in an open meeting.

(7) To plan, conduct, or hear reports concerning investigations of alleged criminal misconduct."

Section 3. G.S. 115C-521(c) reads as rewritten:

"(c) The building of all new school buildings and the repairing of all old school buildings shall be under the control and direction of, and by contract with, the board of education for which the building and repairing is done. If a board of education is considering building a new school building to replace an existing school building, the board shall not invest any construction money in the new building unless it submits to the State Superintendent and the State Superintendent submits to the North Carolina Historical Commission an analysis that compares the costs and feasibility of building the new building and of renovating the existing building and that clearly indicates the desirability of building the new building. No board of education shall invest any money in any new building until it has (i) developed plans based upon a consideration of the State Board's facilities guidelines, (ii) submitted these plans to the State Board for its review and comments, and (iii) reviewed the plans based upon a consideration of the comments it receives from the State Board. No local board of education shall contract for more money than is made available for the erection of a new building. However, this subsection shall not be construed so as to prevent boards of education from investing any money in buildings that are being constructed pursuant to a continuing contract of construction as provided for in G.S. 115C-441(c). All contracts for buildings shall be in writing and all buildings shall be inspected, received, and approved by the local superintendent and the architect before full payment is made therefor. Nothing in this subsection shall prohibit boards of education from repairing and altering buildings with the help of janitors and other regular employees of the board.

In the design and construction of new school buildings and in the renovation of existing school buildings that are required to be designed by an architect or engineer under G.S. 133-1.1, the local board of education shall participate in the planning and review process of the Energy Guidelines for School Design and Construction that are developed and maintained by the Department of Public Instruction and shall adopt

1 local energy-use goals for building design and operation that take into account local
2 conditions in an effort to reduce the impact of operation costs on local and State
3 budgets. In the design and construction of new school facilities and in the repair and
4 renovation of existing school facilities, the local board of education shall consider the
5 placement and design of windows to use the climate of North Carolina for both light
6 and ventilation in case of power shortages. A local board shall also consider the
7 installation of solar energy systems in the school facilities whenever practicable.

8 In the case of any school buildings erected, repaired, or equipped with any money
9 loaned or granted by the State to any local school administrative unit, ~~the State~~
10 ~~Board of Education, under any rules as it may deem advisable, may retain any~~
11 ~~amount not to exceed fifteen percent (15%) of the loan or grant, until the completed~~
12 ~~buildings, erected or repaired, in whole or in part, from the loan or grant funds, shall~~
13 ~~have been approved by a designated agent of the State Board of Education. Upon~~
14 ~~approval by the State Board of Education, the State Treasurer may pay the balance of~~
15 ~~the loan or grant to the treasurer of the local school administrative unit for which the~~
16 ~~loan or grant was made. no board of education shall invest any money until it has (i)~~
17 developed plans based upon a consideration of the State Board's facilities guidelines,
18 (ii) submitted these plans to the State Board for its review and comments, and (iii)
19 reviewed the plans based upon a consideration of the comments it receives from the
20 State Board."

21 Section 4. This act is effective when it becomes law.

**1997 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **RUSSELL AND SHUBERT** for the Committee on **EDUCATION**.

☐ Committee Substitute for

H.B. 1199 A BILL TO BE ENTITLED AN ACT TO PROVIDE MONETARY
INCENTIVES FOR ACADEMIC EXCELLENCE.

☐ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on
☐ Appropriations ☐ Finance ☐

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on ☐ Appropriations ☐ Finance ☐

☒ With a favorable report as to committee substitute bill, unfavorable as to original bill, and
recommendation that the committee substitute bill be re-referred to the Committee on
APPROPRIATIONS.

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes
the title, unfavorable as to Senate committee substitute bill.

☐ And having received a unanimous vote in committee, is placed on the Consent Calendar.
(PUBLIC BILLS ONLY)

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

4/24/97

FOR JOURNAL USE ONLY

- ____ Pursuant to Rule 36(a), the bill is placed on the Calendar of _____.
- ____ The (committee substitute) bill/resolution (, as amended,) is (ordered engrossed and) re-referred to the Committee on _____.
- ____ The (committee substitute) bill/resolution (, as amended,) is placed on the Consent Calendar of _____. The original bill/resolution is placed on the Unfavorable Calendar.
- ____ The bill/resolution is re-referred to the Committee on _____.
- ____ On motion of (Rep. _____,) (the Chair,) the (committee substitute) bill/resolution is (ordered engrossed and) re-referred to the Committee on _____.
- ____ Pursuant to Rule 36(a), the (House)committee substitute bill (No. ____)/resolution is placed on the Calendar of _____. (The original bill) (House Committee Substitute Bill No. ____)/resolution is placed on the Unfavorable Calendar.
- ____ On motion of Rep. _____, (the rules are suspended) (Rule ____ is suspended) and the bill/resolution is placed on today's calendar. (for immediate consideration.)
- ____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).
- ____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).
- ____ Rep. _____ offers Amendment No. _____ which (is adopted.) (fails of adoption.) (by EV _____.) () This amendment changes the title.
- ____ The bill/resolution (, as amended,) passes its second reading (by following vote, _____ RC) (, by EV _____,) and (remains on the Calendar,) (and there being no objection is read a third time).
- ____ The bill/resolution (, as amended,) passes its third reading (by the following vote, _____ RC) (, by EV _____,) and is ordered
____ sent to the Senate.
____ without engrossment. _____ by Special message.
____ sent to the Senate for concurrence in
____ House amendment (s).
____ House committee substitute.
____ enrolled.
- ____ On motion of Rep. _____, the House concurs in the (material) Senate _____ (by the following vote, _____ RC) (, by EV _____,) and the bill is ordered enrolled.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

D

HOUSE BILL 1199
Proposed Committee Substitute H1199-PCS2333

Short Title: Monetary Incentive/Acad. Excellence.

(Public)

Sponsors:

Referred to:

May 1, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE MONETARY INCENTIVES FOR ACADEMIC
3 EXCELLENCE.

4 The General Assembly of North Carolina enacts:

5 Section 1. Chapter 115C of the General Statutes is amended by adding a
6 new Article to read:

7 "ARTICLE 35A.

8 "State Funds to Encourage Academic Excellence.

9 "**§ 115C-496. State funds to pay advancement costs.**

10 Since it is the desire of the State to encourage academic excellence and to
11 encourage high school students to take more demanding classes, the State Board of
12 Education shall pay the cost of the Advanced Placement exam for any student who
13 takes and completes an Advanced Placement class with a passing grade.

14 "**§ 115C-496.1. Funds prorated for part-time students attending high school.**

15 The State Board of Education shall include students who are enrolled in a public
16 high school but attend classes for less than one-half of the instructional day when
17 calculating the average daily membership for a local school administrative unit. The
18 State Board shall use funds available from the Public School Fund to allocate to the
19 local school administrative unit an appropriate pro rata amount for these part time
20 students.

21 "**§ 115C-496.2. State pays tuition for high school student taking college classes.**

22 Notwithstanding any other provision of law, if a student who is eligible to attend a
23 public high school completes the student's high school course requirements prior to

1 completing 12 years of schooling (not including kindergarten and prekindergarten if
2 applicable) and enrolls in a college level class or classes at an institution of higher
3 education, the State Board of Education shall pay for the student's tuition at the
4 institution of higher education. The amount set aside for payment of tuition shall be
5 the amount that would have been allocated to the local school administrative unit for
6 the student to complete 12 years of schooling (not including kindergarten and
7 prekindergarten if applicable) in the public schools. These funds may be used to pay
8 tuition at any nationally or regionally accredited institution of higher education that
9 the student may choose to attend for up to four years of instruction. Funds set aside
10 but not expended for the payment of tuition shall not revert during the four years of
11 instruction.

12 Should a student not complete all high school graduation requirements but be
13 advanced in certain subjects to the point that university or community college courses
14 would be more beneficial than those available at the student's high school, the
15 normal allotment to the local school administrative unit shall be apportioned based
16 upon the amount of instructional time taken in the local school administrative unit
17 and the local school administrative unit shall receive funds for the portion of the day
18 that the student attends class in the public school. The balance of the funds shall be
19 used to pay tuition at an institution of higher education to the extent that funds are
20 available after payment to the local school administrative unit."

21 Section 2. There is appropriated from the General Fund to the State
22 Board of Education the sum of four million six hundred eighty-seven thousand two
23 hundred twelve dollars (\$4,687,212) for the 1997-98 fiscal year and the sum of four
24 million nine hundred seventy-four thousand six hundred forty dollars (\$4,974,640) for
25 the 1998-99 fiscal year to assist with the costs of taking the Advanced Placement tests,
26 including the costs of the exams, materials and supplies for the exam, and the
27 education of teachers who instruct and prepare students for the exam.

28 Section 3. Except as provided otherwise, this act becomes effective July
29 1, 1997. G.S. 115C-496.1 and G.S. 115C-496.2 shall become effective July 1, 1998.
30 The State Board of Education shall develop policies for implementing this act.

VISITOR REGISTRATION SHEET

House of Representatives
~~Standing Committee on EDUCATION~~
Name of Committee

May 20, 97
Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK.

NAME

FIRM OR AGENCY AND ADDRESS

Gene Canby	E - EBC
Susan Harrison	WCPSS
Ann Belam	SBE
Richard Thomas	SOP I
Amy Van Coshum	PENC
Sarah Stewart	AFT/NC
Meredith Miller	UNC General Administration
Steve J. Kimm	NC JCDC
Jan Bratts	NCASA
Laura Crumpler	AG/SBE
Clifton B. Vetter	UNC
Tom Tarasco	Citizen

VISITOR REGISTRATION SHEET

House of Representatives
~~Standing Committee on EDUCATION~~
 Name of Committee

May 20, 91
 Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK.

NAME

FIRM OR AGENCY AND ADDRESS

Heather Hunter

UNC student

ROXANE PREMONT

NC EDUCATION REFORM FOUNDATION

Phillip Strach

Rep. Don Davis

Lakes Gark

Governor's Office

Hrau Barada

NCAE

Bauwda

NCAE

Hannit Dmil

NCAE

Huan Chingfen

NCAE

Chen Jimenez

NC Family Policy Council

Bill Brooks

NCFPC

D. L. Cuddy

Sett, Raleigh

R. C. Dawson

N.C. Ret Sch Personnel

VISITOR REGISTRATION SHEET

House of Representatives

~~Standing Committee on EDUCATION~~

Name of Committee

Date _____

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK.

NAME _____

FIRM OR AGENCY AND ADDRESS

Lacy Presnell	N.C. Retired School Personnel

LARRY C. ARANT

NORTHEAST TOOL & DIE INDIAN TRAIL, N.C.

Reid E. BROWN

11 11 11 11

Bob Belton

NCSBA

Leif H. Hammond

NC Retired Governmental Eng. Assn.

Dennis Ducker

Dept. of State Treasurer

VISITOR REGISTRATION SHEET

House of Representatives
~~Standing Committee on EDUCATION~~
Name of Committee

Date _____

May 20, 91

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK.

NAME

FIRM OR AGENCY AND ADDRESS

Loyce Peters

F-EBC

Tim McInerney

NCALSCU

Emmett Floyd

EAST CAROLINA UNIV.

Donny Hunter

NCCLS

Hal Miller

McAcet

Barbara Harris

OSBM

John A. Smith

Public School Zone

MINUTES
HOUSE STANDING COMMITTEE ON EDUCATION
May 22, 1997

The House Committee on EDUCATION met at 11:00 a. m. on Thursday, May 22, 1997, in Room 544 in the Legislative Office Building. Representative Shubert presided and the following members were present: Representative Shubert, Co-chairperson; Representatives Arnold, Beall, Boyd-McIntyre, Capps, Cole, Decker, Dickson, Eddins, Gulley, Hall, Hensley, Moore, Morris, Mosley, Nichols, Nye, Oldham, Owens, Preston, Rayfield, Russell, Sexton, Sherrill, Smith, Tolson, Warner, Wilkins Daughtry, Woods, and Howard. Legislative staff members Jim Watts, Kory Goldsmith, Robin Johnson, and Sara Kambreth were present to assist the Committee. Visitor registration sheet is attached and made part of the minutes.

Co-chairperson Representative Shubert introduced the Pages serving the Committee and welcomed guests. The Pages were Matthew Anson Corn from Cherokee County and William Dustin Carmichael from Cabarrus County.

The Chair called on Representative Russell who explained there were numerous members present from the various local school boards. She thanked them on behalf of the committee for their attendance. Representative Shubert then requested Representative Russell to continue chairing the meeting.

Representative Russell then proceeded with the first item on the agenda Senate Bill 765-Adequate Funding/Alternative Schools. As bill sponsor Senator Dannelly explained this bill. Representative Dickson asked if there was any opposition from the State Department of Public Instruction. The Senator answered no. Representative Moore was called on and he presented an amendment. Senator Dannelly stated he was not opposed to the amendment. The Chair called for the vote and the amendment carried and was adopted. Representative Dickson motioned for a favorable report on a House committee substitute, incorporating the amendment, which may change the title, unfavorable to the original bill. There being no further discussion the Chair called for the vote and the motion carried.

Next on the agenda was Senate Bill 616, Limit Appeals to School Boards. Senator Horton as bill sponsor was recognized to explain the bill. He stated the bill limited the items that could be appealed to the local school boards. And it also permitted the local school boards to set up panels of two or more to hear the appeals. He then suggested an amendment. Representative Owens sent forward the amendment and asked for the adoption of the amendment. Representative Hensley asked a question of the bill

sponsor, and he answered the Representative's question. There being no further discussion or debate the Chair called for a vote and the amendment passed. Representative Morris moved for a favorable report to the amendment as rolled into a committee substitute unfavorable as to the Senate committee substitute bill. The vote was taken and the motion carried.

The Chair called on Senator Hartsell as bill sponsor to discuss Senate Bill 958- Students Eligible to Attend Schools. He explained that the bill takes a practical approach about whom a child resides with and the unit where child would then go to school. Representative Owens stated he was glad to see the bill in this committee and he moved for a favorable report. Representative Arnold asked a few questions. Robin Johnson as a staff member answered Representative Arnold's question. Representative Preston was recognized to present an amendment to the bill. Representative Owens withdrew his motion. Representative Preston explained her amendment and Senator Hartsell stated he had no opposition to the amendment. Chair called for the vote on the amendment and the amendment passed. Representative Owens moved that the amendment be rolled into a committee substitute and the committee substitute receive a favorable report, unfavorable to the Senate committee substitute. The vote was taken and the motion carried.

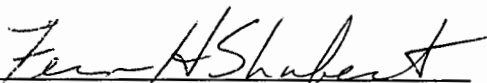
Senator Foxx was recognized to speak on her bill, Senate Bill 1011- Initial Entry Into Kindergarten. The Chair explained there was a proposed committee substitute and it was adopted for discussion. The Senator then explained her bill. Representative Dickson moved for a favorable report. Representative Hall asked a question. Staff answered his question. The Chair called for the vote and the motion for a favorable report carried.

Chair recognized Senator Hartsell as bill sponsor to explain Senate Bill 587- School Personnel/Class Experience. After his explanation Representative Preston was recognized to present an amendment. She stated her amendment concerned the word require versus the word encourage. Senator Hartsell stated he disagreed with the amendment. Representative Hall stated he agreed with the amendment. Representative Nichols asked a question of the amendment sponsor. She answered his question. Representative Arnold also stated he had problems with the bill. Representative Dickson asked if anyone from the Department of Public Instruction would speak on this issue. DPI's representative spoke and stated that DPI had no real opinion on the wording. Senator Dickson asked the Chair if she would entertain a motion that the bill be sent to a subcommittee. The Chair said yes. Representative Beall asked if there would be assurances the bill would come back to the committee and the Chair said yes it would come back.

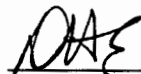
Senator Gulley was called on to present his bill Senate Bill 297- Amend Charter School Laws. The Chair announced there was a House committee substitute for this bill. Representative Shubert moved for the adoption of the committee substitute for discussion purposes. The Chair called for the vote and the motion carried.

Representative Sexton was called on to explain the committee substitute. He did so and then asked staff member Robin Johnson to explain numerous items in the bill. Next to speak was Senator Gulley, and he explained how important speed was for this bill. He stated that if the House made changes to the Senate bill it would guarantee that when the bill comes from the House the bill will not move quickly. There would be a conference committee, discussions of weeks of delay on consensus items. He urged the Senate bill as it was be passed to eliminate delay.

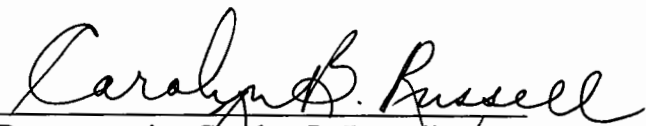
The Chair advised there would not be enough time for amendments to be brought forth and also to vote on the bill and she advised the members look at the two versions and get their amendments ready for the next meeting. Those comments being completed she adjourned the meeting at 11:50 a.m.



Representative Fern H. Shubert



Dawn Ellis, Committee Clerk



Representative Carolyn B. Russell



1st amend.
Carried

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 297

S297-ARH-002

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)
Page 1 of 1

Date 5/22, 1997

Comm. Sub. ☒ [X]
Amends Title ☐ []
S297-PCSRH-012

Representative _____

- 1 moves to amend S297-PCSRH-012 on page 11, line 38,
2 by deleting the word "The" and by substituting the following:
3 "The- For the initial year of a charter school's operation, the
4 local school administrative unit may require that the request for a
5 leave or extension of leave be made up to 45 days before the teacher
6 would otherwise have to report for duty. For subsequent years,
7 the".
8

SIGNED Wayne Seton
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____



Adm Bill

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 442

S442-ARC-001

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)
Page 1 of ____

Date _____, 1997

Comm. Sub. [☐
Amends Title [☐
Third Edition

Representative Moore

- 1 moves to amend the bill on page 2, by inserting a new section
2 between lines 34 and 35 to read as follows:
3 "Section 4. The State Board of Education shall study the
4 feasibility of requiring two high school courses in United States
5 history as a condition of graduation.";
6
7 and by renumbering the remaining section accordingly.
8

SIGNED *Rep Moore*
Amendment sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

5/22/97



passed

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 958

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)
Page 1 of 1

S958-ARH-002

Date _____, 1997

Comm. Sub. [☐
Amends Title [☐
Second Edition

Representative Preston:

- 1 moves to amend the bill on page 1, line 21, by deleting the word
2 "student;" and by substituting the following:
3 "student,
4 e. The loss or uninhabitability of the student's home as the
5 result of a natural disaster;".
6
7

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 442

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)
Page 1 of ____

S442-ARC-001

Date _____, 1997

Comm. Sub. [☐
Amends Title [☐
Third Edition

Representative Moore

- 1 moves to amend the bill on page 2, by inserting a new section
2 between lines 34 and 35 to read as follows:
3 "Section 4. The State Board of Education shall study the
4 feasibility of requiring two high school courses in United States
5 history as a condition of graduation.";
6
7 and by renumbering the remaining section accordingly.
8

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 958

5/22/97

S958-ARH-002

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)
Page 1 of 1

Date _____, 1997

Comm. Sub. []
Amends Title []
Second Edition

Representative Preston:

- 1 moves to amend the bill on page 1, line 21, by deleting the word
2 "student;" and by substituting the following:
3 "student,
4 e. The loss or uninhabitability of the student's home as the
5 result of a natural disaster;".
6
7

SIGNED John Preston
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

Carried 5/22/97



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 765

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)
Page 1 of ____

S765-ARC-001

Date 5/22, 1997

Comm. Sub. [☐
Amends Title [YES]

Representative Moore

- 1 moves to amend the bill on page 1, line 2 by deleting the word
2 "ENCOURAGE" and substitute "REQUIRE";
3
4 and on page 1, by rewriting lines 16-19 to read as follows:
5 "require that local school administrative units shall use (i) the
6 teachers allocated for students assigned to alternative learning
7 programs pursuant to the regular teacher allotment and (ii) the
8 teachers allocated for students assigned to alternative learning
9 programs only to serve the needs of these students."

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

- passed -

H. B. No. _____

DATE MAY 22, 1997

S. B. No. 616

Amendment No. _____
(to be filled in by
Principal Clerk)

Rep.) _____
Sen.) _____

moves to amend the bill on page 1, line 10

by deleting the period and inserting the following:

"(c), (d) and (d.1)."

SIGNED W.C. Owens May 22

ADOPTED _____ FAILED _____ TABLED _____

VISITOR REGISTRATION SHEET

House of Representatives
~~Standing Committee on EDUCATION~~
 Name of Committee

MAY 22, 97
 Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK.

NAME

FIRM OR AGENCY AND ADDRESS

Frank Greenway

Warren County School Board Member

Mike SALANIK

Rountree Rapids Graded School Board member

Stephen J. Barnes

NC JCDC

J. H. H.

TTP/AP

Susan Harrison

WCPSS

James P. Davis

Public School

JD 'Buck' Carter

Scotland County School Board

Meredith Miller

UNC General Administration

Sarah Stewart

AFT/NC

Dan Pratt

NCASD

Lynda McCulloch

Gov's Office

Barry Anzic

FBM

VISITOR REGISTRATION SHEET

House of Representatives
~~Standing Committee on EDUCATION~~
 Name of Committee

MAY 22, 97
 Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK.

NAME

FIRM OR AGENCY AND ADDRESS

Charles Kohl	UNC GA.
Joyce Peters	F-FBE
Kirk Elgerton	Johnston Co. Bd. of Ed.
Dennis Ducker	Dept. of State Treasuries
Tim Howell	NCAICU
Ann McCall	NCSBA
BOB ANDREWS	CABARRUS CO. SCHOOL BOARD - V. CHAIR
Rickey Wilson	Camden County
Carole C. Smith	Camden County
Kay F. Wright	Chowan County
Lafayette Majette	Northampton County School Board Member
Dee Atkinson	State Board of Education

VISITOR REGISTRATION SHEET

House of Representatives
~~Standing Committee on EDUCATION~~
Name of Committee

MAY 22 97
Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK.

NAME

FIRM OR AGENCY AND ADDRESS

John Wilson	NCAE
Bill Wilh	NCAE
Harriet Dial	NCAE
Marie Baroda	NCAE
Brian Washington	NCAE
Diane White	
Leonic Thors	
Pet Kellogg	
Frank M. Cressman	
Cecily & Clie	RWC
Dandra Langenbach	RWC
Karen George	RWC- 

VISITOR REGISTRATION SHEET

House of Representatives
~~Standing Committee on EDUCATION~~
Name of Committee

MAY 22, 97
Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK.

NAME

FIRM OR AGENCY AND ADDRESS

D.L. Cuddy	self, Raleigh
Barbara Hamm	OSBM
Janet Ritten	OSBM
Alyson Grine	ACLU
Neal Ensley	NCSBA -
Lois Hawk	NCSBA - Henderson Co. S.B.
Douglas Blum	United Way of North Carolina
Jacki-Arnaby	Henderson County Board of Ed
Phuep Strack	Tuten
Michael Dixon	NCSBA - P.H. County School Board

VISITOR REGISTRATION SHEET

House of Representatives

~~Standing Committee on EDUCATION~~

Name of Committee

Date May 22, 1997

Date _____

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK.

NAME _____

FIRM OR AGENCY AND ADDRESS

John Kennedy	Chairman Elkin City Board of Ed.
Linda Johnson	Hannapolis City Schools Board of Ed.
Kay Wright Norman	Rowan-Salisbury School Board, Salisbury, NC.
Bob Kern	Nash-Rm Board,
Bruce Thompson	C Rep. Richard Moore
Melie Hall	Kann. City School Bd - NCSBA-BOD
Ed Ipson	" " " Superintendent

**1997 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **RUSSELL AND SHUBERT** for the Committee on **EDUCATION**.

☒ Committee Substitute for

S.B. 616 A BILL TO BE ENTITLED AN ACT TO LIMIT APPEALS TO LOCAL
BOARDS OF EDUCATION.

- ☐ With a favorable report.
- ☐ With a favorable report and recommendation that the bill be re-referred to the Committee on
☐ Appropriations ☐ Finance ☐
- ☐ With a favorable report, as amended.
- ☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on ☐ Appropriations ☐ Finance ☐
- ☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title,
unfavorable as to original bill (Committee Substitute Bill #), (and recommendation
that the committee substitute bill #) be re-referred to the Committee on .)
- ☒ With a favorable report as to House committee substitute bill, unfavorable as to Senate
committee substitute bill.
- ☐ And having received a unanimous vote in committee, is placed on the Consent Calendar.
(PUBLIC BILLS ONLY)
- ☐ With an unfavorable report.
- ☐ With recommendation that the House concur.
- ☐ With recommendation that the House do not concur.
- ☐ With recommendation that the House do not concur; request conferees.
- ☐ With recommendation that the House concur; committee believes bill to be material.
- ☐ With an unfavorable report, with a Minority Report attached.
- ☐ Without prejudice.
- ☐ With an indefinite postponement report.
- ☐ With an indefinite postponement report, with a Minority Report attached.
- ☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

4/24/97

FOR JOURNAL USE ONLY

- ____ Pursuant to Rule 36(a), the bill is placed on the Calendar of _____.
- ____ The (committee substitute) bill/resolution (, as amended,) is (ordered engrossed and) re-referred to the Committee on _____.
- ____ The (committee substitute) bill/resolution (, as amended,) is placed on the Consent Calendar of _____. The original bill/resolution is placed on the Unfavorable Calendar.
- ____ The bill/resolution is re-referred to the Committee on _____.
- ____ On motion of (Rep. _____,) (the Chair,) the (committee substitute) bill/resolution is (ordered engrossed and) re-referred to the Committee on _____.
- ____ Pursuant to Rule 36(a), the (House)committee substitute bill (No. _____)/resolution is placed on the Calendar of _____. (The original bill) (House Committee Substitute Bill No. _____)/resolution is placed on the Unfavorable Calendar.
- ____ On motion of Rep. _____, (the rules are suspended) (Rule _____ is suspended) and the bill/resolution is placed on today's calendar. (for immediate consideration.)
- ____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).
- ____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).
- ____ Rep. _____ offers Amendment No. _____ which (is adopted.) (fails of adoption.) (by EV _____.) () This amendment changes the title.
- ____ The bill/resolution (, as amended,) passes its second reading (by following vote, _____ RC) (, by EV _____,) and (remains on the Calendar,) (and there being no objection is read a third time).
- ____ The bill/resolution (, as amended,) passes its third reading (by the following vote, _____ RC) (, by EV _____,) and is ordered
____ sent to the Senate.
____ without engrossment. _____ by Special message.
____ sent to the Senate for concurrence in
____ House amendment (s).
____ House committee substitute.
____ enrolled.
- ____ On motion of Rep. _____, the House concurs in the (material) Senate _____ (by the following vote, _____ RC) (, by EV _____,) and the bill is ordered enrolled.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S

D

SENATE BILL 616

Education/Higher Education Committee Substitute Adopted 4/30/97
Proposed House Committee Substitute S616-PCS7805

Short Title: Limit Appeals to School Boards.

(Public)

Sponsors:

Referred to:

April 1, 1997

A BILL TO BE ENTITLED

AN ACT TO LIMIT APPEALS TO LOCAL BOARDS OF EDUCATION.

The General Assembly of North Carolina enacts:

Section 1. G.S. 115C-45(c) reads as rewritten:

"(c) Appeals to Board of Education and to Superior Court. -- ~~An appeal shall lie from the decision~~ A person may appeal any one or more of the following decisions of all school personnel to the appropriate local board of education:

(1) The discipline of a student taken under G.S. 115C-391(c), (d), and (d1).

(2) An action, inaction, or decision that is claimed to violate federal law.

(3) An action, inaction, or decision that is claimed to substantially interfere with a student's ability to receive an education.

(4) A decision that may be appealed under G.S. 115C-305.

(5) Any other decision which by statute specifically provides for a right of appeal to the local board of education.

In addition, a local board of education may, in its discretion, grant a hearing regarding any decision of school personnel within a local school administrative unit.

In all such appeals to the board it shall be the duty of the board of education to see that a proper notice is given to all parties concerned and that a record of the hearing is properly entered in the records of the board conducting the hearing.

1 The board of education may designate hearing panels composed of not less than
2 two members of the board to hear and act upon ~~such~~ appeals to the board in the
3 name and on behalf of the board of education.

4 An appeal shall lie from the decision of a local board of education to the superior
5 court of the State in any action of a local board of education affecting one's character
6 or right to teach.

7 This subsection shall not affect the rights of appeal under G.S. 115C-305."

8 Section 2. G.S. 115C-305 reads as rewritten:

9 "**§ 115C-305. Appeals to board of education and to superior court.**

10 ~~Appeals to the local board of education or to the superior court shall lie from~~
11 School officials and school employees have a right to appeal the decisions of all
12 school personnel, including decisions affecting character or the right to teach, as
13 provided in G.S. ~~115C-45(e).~~ 115C-45(c), to the local board of education or to
14 superior court."

15 Section 3. This act is effective when it becomes law and applies to
16 decisions of school personnel made on or after August 1, 1997.

**1997 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **RUSSELL AND SHUBERT** for the Committee on **EDUCATION**.

X Committee Substitute for

S.B. 958 A BILL TO BE ENTITLED AN ACT TO ALLOW STUDENTS WHO RESIDE WITH DOMICILIARIES OF A LOCAL SCHOOL ADMINISTRATIVE UNIT TO ATTEND THE PUBLIC SCHOOLS OF THAT UNIT WITHOUT THE PAYMENT OF TUITION.

- ☐ With a favorable report.
- ☐ With a favorable report and recommendation that the bill be re-referred to the Committee on
☐ Appropriations ☐ Finance ☐
- ☐ With a favorable report, as amended.
- ☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on ☐ Appropriations ☐ Finance ☐
- ☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title, unfavorable as to original bill (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)
- X** With a favorable report as to House committee substitute bill, unfavorable as to Senate committee substitute bill.
- ☐ And having received a unanimous vote in committee, is placed on the Consent Calendar. (PUBLIC BILLS ONLY)
- ☐ With an unfavorable report.
- ☐ With recommendation that the House concur.
- ☐ With recommendation that the House do not concur.
- ☐ With recommendation that the House do not concur; request conferees.
- ☐ With recommendation that the House concur; committee believes bill to be material.
- ☐ With an unfavorable report, with a Minority Report attached.
- ☐ Without prejudice.
- ☐ With an indefinite postponement report.
- ☐ With an indefinite postponement report, with a Minority Report attached.
- ☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

4/24/97

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S

D

SENATE BILL 958

Education/Higher Education Committee Substitute Adopted 4/28/97
Proposed Committee Substitute S958-PCS1819

Short Title: Students Eligible to Attend School.

(Public)

Sponsors:

Referred to:

April 17, 1997

A BILL TO BE ENTITLED

1 AN ACT TO ALLOW STUDENTS WHO RESIDE WITH DOMICILIARIES OF A
2 LOCAL SCHOOL ADMINISTRATIVE UNIT TO ATTEND THE PUBLIC
3 SCHOOLS OF THAT UNIT WITHOUT THE PAYMENT OF TUITION.

4 The General Assembly of North Carolina enacts:

5 Section 1. G.S. 115C-366 is amended by adding the following new
6 subsection to read:

7 "(a3) A student who is not a domiciliary of a local school administrative unit may
8 attend, without the payment of tuition, the public schools of that unit if:

9 (1) The student resides with an adult, who is a domiciliary of that unit,
10 as a result of:

11 a. The death, serious illness, or incarceration of a parent or
12 legal guardian.

13 b. The abandonment by a parent or legal guardian of the
14 complete control of the student as evidenced by the failure
15 to provide substantial financial support and parental
16 guidance.

17 c. Abuse or neglect by the parent or legal guardian.

18 d. The physical or mental condition of the parent or legal
19 guardian is such that he or she cannot provide adequate
20 care and supervision of the student, or
21

- 1 e. The loss or uninhabitability of the student's home as the
2 result of a natural disaster;
- 3 (2) The student is not currently under a term of suspension or
4 expulsion from a school for conduct that could have led to a
5 suspension or an expulsion from the local school administrative
6 unit; and
- 7 (3) The adult with whom the student resides and the student's parent,
8 guardian, or legal custodian have each completed and signed
9 separate affidavits that:
- 10 a. Confirm the qualifications set out in this subsection
11 establishing the student's residency,
- 12 b. Attest that the student's claim of residency in the unit is not
13 primarily related to attendance at a particular school within
14 the unit, and
- 15 c. Attest that the adult with whom the student is residing has
16 been given and accepts responsibility for educational
17 decisions for the child, including receiving notices of
18 discipline under G.S. 115C-391, attending conferences with
19 school personnel, granting permission for school-related
20 activities, and taking appropriate action in connection with
21 student records.

22 For purposes of subdivision (1)c. of this subsection, a student shall be deemed to
23 be abused or neglected if there has been an adjudication of that issue. The State
24 Board may adopt an additional definition of abuse and neglect and that definition
25 shall also apply to this subsection.

26 If the student's parent, guardian, or legal custodian is unable, refuses, or is
27 otherwise unavailable to sign the affidavit, then the adult with whom the student is
28 living shall attest to that fact in the affidavit.

29 Upon receipt of both affidavits or an affidavit from the adult with whom the
30 student is living that includes an attestation that the student's parent, guardian, or
31 legal custodian is unable, refuses, or is otherwise unavailable to sign an affidavit, the
32 local board shall admit and assign as soon as practicable the student to an
33 appropriate school, as determined under the local board's school assignment policy,
34 pending the results of any further procedures for verifying eligibility for attendance
35 and assignment within the local school administrative unit.

36 If it is found that the information contained in either or both affidavits is false,
37 then the local board may, unless the student is otherwise eligible for school
38 attendance under other laws or local board policy, remove the student from school.
39 If a student is removed from school, the board shall provide an opportunity to appeal
40 the removal under the appropriate policy of the local board and shall notify any
41 person who signed the affidavit of this opportunity. If it is found that a person
42 willfully and knowingly provided false information in the affidavit, the maker of the
43 affidavit shall be guilty of a Class 1 misdemeanor and shall pay to the local board an

- 1 amount equal to the cost of educating the student during the period of enrollment.
- 2 Repayment shall not include State funds.
- 3 Affidavits shall include, in large print, the penalty, including repayment of the cost
- 4 of educating the student, for providing false information in an affidavit."

5 Section 2. This act is effective when it becomes law.

**1997 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **RUSSELL AND SHUBERT** for the Committee on **EDUCATION**.

☐ Committee Substitute for

S.B. 765 A BILL TO BE ENTITLED AN ACT TO ENCOURAGE LOCAL BOARDS OF
EDUCATION TO DEDICATE ADEQUATE FUNDING TO STUDENTS IN
ALTERNATIVE SCHOOLS.

☐ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on
☐ Appropriations ☐ Finance ☐

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on ☐ Appropriations ☐ Finance ☐

☒ With a favorable report as to ^{House} committee substitute bill (#); ☒ which changes the title,
unfavorable as to original bill (~~Committee Substitute Bill #~~); (~~and recommendation~~
~~that the committee substitute bill #~~) ~~be re-referred to the Committee on~~)

☐ With a favorable report as to House committee substitute bill, unfavorable as to Senate bill.

☐ And having received a unanimous vote in committee, is placed on the Consent Calendar.
(PUBLIC BILLS ONLY)

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

4/24/97

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S

D

SENATE BILL 765
Proposed Committee Substitute S765-PCS7804

Short Title: Adequate Funding/Alternative Schools.

(Public)

Sponsors:

Referred to:

April 9, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO REQUIRE LOCAL BOARDS OF EDUCATION TO DEDICATE
3 ADEQUATE FUNDING TO STUDENTS IN ALTERNATIVE SCHOOLS.
4 The General Assembly of North Carolina enacts:
5 Section 1. G.S. 115C-12(24) reads as rewritten:
6 "(24) Duty to Develop Guidelines for Alternative Learning Programs,
7 Provide Technical Assistance on Implementation of Programs,
8 and Evaluate Programs. -- The State Board of Education shall
9 adopt guidelines for assigning students to alternative learning
10 programs. These guidelines shall include (i) a description of the
11 programs and services that are recommended to be provided in
12 alternative learning programs and (ii) a process for ensuring that
13 an assignment is appropriate for the student and that the student's
14 parents are involved in the decision.
15 The State Board of Education shall also adopt guidelines to
16 require that local school administrative units shall use (i) the
17 teachers allocated for students assigned to alternative learning
18 programs pursuant to the regular teacher allotment and (ii) the
19 teachers allocated for students assigned to alternative learning
20 programs only to serve the needs of these students.
21 The State Board of Education shall provide technical
22 support to local school administrative units to assist them in

1 developing and implementing plans for alternative learning
2 programs.

3 The State Board shall evaluate the effectiveness of
4 alternative learning programs and, in its discretion, of any other
5 programs funded from the Alternative Schools/At-Risk Student
6 allotment. Local school administrative units shall report to the
7 State Board of Education on how funds in the Alternative
8 Schools/At-Risk Student allotment are spent and shall otherwise
9 cooperate with the State Board of Education in evaluating the
10 alternative learning programs. The State Board of Education shall
11 report annually to the Joint Legislative Education Oversight
12 Committee, beginning in December 1996, on the results of this
13 evaluation."

14 Section 2. The State Board of Education shall report to the Joint
15 Legislative Education Oversight Committee in August 1997 and in March 1998 on the
16 implementation of this act.

17 Section 3. This act is effective when it becomes law.

**1997 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **RUSSELL AND SHUBERT** for the Committee on **EDUCATION**.

☒ Committee Substitute for

S.B. 1011 A BILL TO BE ENTITLED AN ACT TO REQUIRE LOCAL BOARDS TO
ADMIT OTHERWISE ELIGIBLE CHILDREN TO KINDERGARTEN AFTER THE FIRST
MONTH OF SCHOOL.

☐ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on
☐ Appropriations ☐ Finance ☐

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on ☐ Appropriations ☐ Finance ☐

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title,
unfavorable as to original bill (Committee Substitute Bill #), (and recommendation
that the committee substitute bill #) be re-referred to the Committee on .)

☒ With a favorable report as to House committee substitute bill, unfavorable as to Senate
committee substitute bill.

☐ And having received a unanimous vote in committee, is placed on the Consent Calendar.
(PUBLIC BILLS ONLY)

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

4/24/97

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S

D

SENATE BILL 1011

Education/Higher Education Committee Substitute Adopted 4/24/97
Proposed House Committee Substitute S1011-PCS8708

Short Title: Time for Initial Entry Into Kindergarten.

(Public)

Sponsors:

Referred to:

April 21, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO REQUIRE LOCAL BOARDS TO ADMIT OTHERWISE ELIGIBLE
3 CHILDREN TO KINDERGARTEN AFTER THE FIRST MONTH OF
4 SCHOOL.

5 The General Assembly of North Carolina enacts:

6 Section 1. G.S. 115C-364 reads as rewritten:

7 "§ 115C-364. Admission requirements.

8 ~~A child, to be entitled to initial entry in the public schools, must have passed the~~
9 ~~fifth anniversary of his/her birth on or before October 16 of the year in which the~~
10 ~~child is presented for enrollment, and must be presented for enrollment during the~~
11 ~~first month of the school year. (a) A child who is presented for enrollment at any~~
12 ~~time during the first 120 days of a school year is entitled to initial entry into the~~
13 ~~public schools if:~~

- 14 (1) The child reaches or reached the age of 5 on or before October 16
15 of that school year; or
16 (2) The child did not reach the age of 5 on or before October 16 of
17 that school year, but has been attending school during that school
18 year in another state in accordance with the laws or rules of that
19 state before the child moved to and became a resident of North
20 Carolina.

1 (b) A local board may allow a child who is presented for enrollment at any time
2 after the first 120 days of a school year to be eligible for initial entry into the public
3 schools if:

4 (1) The child reached the age of 5 on or before October 16 of that
5 school year; or

6 (2) The child did not reach the age of 5 on or before October 16 of
7 that school year, but has been attending school during that school
8 year in another state in accordance with the laws or rules of that
9 state before the child moved to and became a resident of North
10 Carolina.

11 (c) The initial point of entry into the public school system shall be at the
12 kindergarten level. ~~Provided, that if a particular child has already been attending~~
13 ~~school in another state in accordance with the laws or regulations of the school~~
14 ~~authorities of such state before moving to and becoming a resident of North Carolina;~~
15 ~~such child will be eligible for enrollment in the schools of this State regardless of~~
16 ~~whether such child has passed the fifth anniversary of his birth before October 16.~~
17 level. If the principal of a school finds as fact subsequent to initial entry that a child,
18 by reason of maturity can be more appropriately served in the first grade rather than
19 in kindergarten, the principal may act under the provisions of G.S. 115C-288 to
20 implement this educational decision without regard to chronological age. The
21 principal of any public school ~~shall have the authority to~~ may require the ~~parents~~
22 parent or guardian of any child presented for admission for the first time to ~~such~~ that
23 school to furnish a certified copy of the child's birth ~~certificate of such child;~~
24 certificate, which shall be furnished by the register of deeds of the county having on
25 file the record of the birth of ~~such~~ the child, or other satisfactory evidence of date of
26 birth."

27 Section 2. G.S. 115C-81(f) reads as rewritten:

28 "(f) Establishment and Maintenance of Kindergartens. --

29 (1) Local boards of education shall provide for their respective local
30 school administrative unit kindergartens as a part of the public
31 school system for all children living in the local school
32 administrative unit who are eligible for admission pursuant to
33 subdivision (2) of this subsection provided that funds are available
34 from State, local, federal or other sources to operate a kindergarten
35 program as provided in this subsection.

36 All kindergarten programs so established shall be subject to
37 the supervision of the Department of Public Instruction and shall
38 be operated in accordance with the standards adopted by the State
39 Board of Education, upon recommendation of the Superintendent
40 of Public Instruction.

41 Among the standards to be adopted by the State Board of
42 Education shall be a provision that the Board will allocate funds
43 for the purpose of operating and administering kindergartens to
44 each school administrative unit in the State based on the average

1 daily membership for the best continuous three out of the first four
2 school months of pupils in the kindergarten program during the
3 last school year in that respective school administrative unit. Such
4 allocations are to be made from funds appropriated to the State
5 Board of Education for the kindergarten program.

6 (2) Any child who ~~has passed the fifth anniversary of his birth on or~~
7 ~~before October 16 of the year in which he enrolls~~ meets the
8 requirements of G.S. 115C-364 shall be eligible for enrollment in
9 kindergarten. Any child who is enrolled in kindergarten and not
10 withdrawn by ~~his~~ the child's parent or guardian shall attend
11 kindergarten.

12 (3) Notwithstanding any other provision of law to the contrary, subject
13 to the approval of the State Board of Education, any local board of
14 education may elect not to establish and maintain a kindergarten
15 program. Any funds allocated to a local board of education which
16 does not operate a kindergarten program may be reallocated by the
17 State Board of Education, within the discretion of the Board, to a
18 county or city board of education which will operate such a
19 program."
20

Section 3. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S

2

SENATE BILL 1011

Education/Higher Education Committee Substitute Adopted 4/24/97

Short Title: Time for Initial Entry Into Kindergarten.

(Public)

Sponsors:

Referred to:

April 21, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO REQUIRE LOCAL BOARDS TO ADMIT OTHERWISE ELIGIBLE
3 CHILDREN TO KINDERGARTEN AFTER THE FIRST MONTH OF
4 SCHOOL.

5 The General Assembly of North Carolina enacts:

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10 ~~child is presented for enrollment, and must be presented for enrollment during the~~
11 ~~first month of the school year. A child who is presented for enrollment at any time~~
12 ~~during the first 120 days of a school year is entitled to initial entry into the public~~
13 ~~schools if:~~

- 14 (1) The child reaches or reached the age of five on or before October
15 16 of that school year; or
16 (2) The child did not reach the age of five on or before October 16 of
17 that school year, but has been attending school during that school
18 year in another state in accordance with the laws or rules of that
19 state before the child moved to and became a resident of North
20 Carolina.

21 A local board may allow a child who is presented for enrollment at any time after
22 the first 120 days of a school year to be eligible for initial entry into the public
23 schools if:

MINUTES
HOUSE STANDING COMMITTEE ON EDUCATION
JUNE 3, 1997

The House Committee on EDUCATION met at 11:00 a. m. on Tuesday, June 3, 1997, in Room 544 in the Legislative Office Building. Representative Russell presided and the following members were present: Representative Russell, Co-chairperson; Representatives Arnold, Beall, Black, Boyd-McIntyre, Capps, Davis, Decker, Dickson, Eddins, Fox, Gulley, Hensley, Hiatt, Ives, McMahan, Moore, Morris, Mosley, Nichols, Nye, Oldham, Owens, Preston, Rayfield, Sexton, Sherrill, Smith, Tolson, Howard, Daughtry, and Wilkins. Legislative staff Kory Goldsmith, Robin Johnson, Sara Kamprath and Jim Watts were present to assist the Committee. Visitor registration sheet is attached and made part of the minutes.

Co-chairperson Representative Russell introduced the Pages serving the Committee and welcomed guests. The Pages were Erika Joy Galluppi from Wake County and Michelle Lynn Hernandez from Mecklenburg County.

The Chair explained the first item on the agenda was to be Senate Bill 297- Amend Charter School Laws. However, she requested the members remember Senate Bill 587- School Personnel /Class Experience, Senator Hartsell's bill. She proceeded to explain the bill had been displaced and an informal subcommittee consisting of Representatives Arnold, Moore, Preston and others had met. There had been concern from the membership of the school officials keeping records and she advised the subcommittee had removed that part of the bill. She explained there was a new proposed committee substitute and it was adopted for discussion. Senator Hartsell stated he had no problem with the substitute. Representative Nichols asked the Chair if she would have someone explain the differences in the proposed committee substitute and the bill the way it was prior to the substitute. The Chair called on Representative Arnold to explain. Representative Arnold gave his explanation and Representative Nichols then had a follow question. Next to ask a question was Representative Dickson, who asked an administration question. The Chair called on Senator Hartsell to explain. Representative Dickson asked again the purpose of social workers, psychologists, etc. going into the classroom to teach for 2 days. Upon Senator Hartsell's explanation Representative Dickson asked the Chair to call on someone from the Department of Public Instruction to comment. The Chair stated they had already done so in the last meeting and they had no objections to the bill. Jan Crofts representing the School Administrators Association stated this particular concept was not opposed by the School Administrators, but they did have a problem with the bill stating it was required for the administrators to go to the classroom and teach two days. She further stated they would like to see the bill state it

would be optional for the administrators to go to the classroom and teach for two days. Representative Wilkins then asked a question. Representatives Preston, Rayfield, Nye also asked questions. Representative Moore stated he supported the bill and then gave his explanation of what the proposed committee substitute stated and why the schools needed this bill. Then Representative Nichols asked several questions, all directed to the bill sponsor. Next to ask questions of the bill sponsor was Representative Boyd McIntyre. The Chair advised the members of the committee that she had several amendments yet to be heard on this bill. And due to the time the committee had already spent on this bill she felt it necessary to displace this bill until a later date, so the committee could again take up SB 297- Amend Charter School Laws.

The Chair then called on Senator Gulley and Representative Sexton to explain the proposed House Committee Substitute for SB 297- Amend Charter School Laws. Representative Nichols asked the Chair if the new proposed committee substitute had been discussed in prior meetings. Her response was no. Representative Nichols moved for adoption of the proposed committee substitute for discussion purposes. First to speak was Representative Sexton and he stated this bill was necessary. He added the committee substitute incorporated the exact language pertaining to the retirement issue that was in Senate Bill 297. He stated House Bill 370 had been passed through this committee, and that many parts of that bill were included in this substitute. He then proceeded to explain the variety of differences in the substitute. Upon completion of his explanation the Chair advised, the bill would, upon passing out of committee, be re-referred to the committee on Pensions and Retirement before it went to the House floor. She then called on Representative Nichols, who asked a question of Representative Sexton. His question concerned lease payments. Senator Gulley was called on by the Chair to speak on his bill. He stated that he felt the majority in the committee wanted Charter Schools to succeed as an important educational innovation tool in North Carolina. He felt there were technical and non controversial issues in the Senate bill that had been addressed. He also explained in depth his concerns about loading the Senate bill up with amendments and he felt it would slow the bill down.

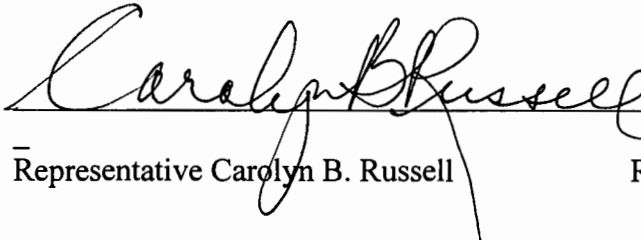
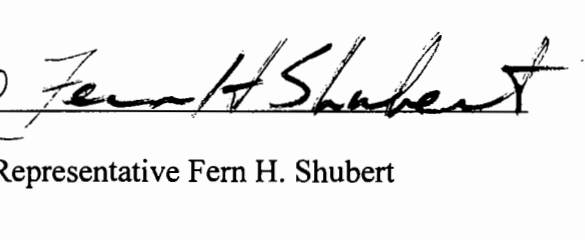
The Chair called on Representative Hensley, who stated he had an amendment to present for discussion. He stated his amendment basically removes the preference from the Charter School Bill. He further stated that in public school nothing was more onerous than preference and privilege in schools. He stated that he was appalled about the elitist attitude from some individuals involved with Charter Schools. He then moved for the adoption of the amendment. Representative Sexton was called on by Chair and he stated there were strong arguments for each side of this issue, and that those involved with the proposed committee substitute thought this was a good compromise. He further stated he opposed the amendment and asked the committee members to vote against it.

Representative Hensley asked for a role call vote, however the call was not sustained. The Chair then call for the vote and the amendment passed. The Chair then called on Representative Eddins to explain his amendment. He explained that his amendment was so that the Charter School would be responsible for maintenance and insurance on a building if an existing public school building decides to be a Charter School.

Representative Sexton stated he supported the amendment. Representatives Arnold and

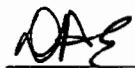
Dickson asked questions and staff answered each question. Representatives Nichols and Wilkins asked several questions. Representative Arnold gave his interpretation on the amendment and he suggested the amendment sponsor withdraw the amendment for further work. Representative Eddins withdrew his amendment. The Chair then recognized Representative Moore who advised he had an amendment. He explained the amendment stated the Charter School can not charge a tuition. And that he wanted to add to this that the Charter School could not require a tuition or fee. He stated that this was just like public schools in as much as you cannot require a fee. You may charge one, but you cannot make a child pay one if they are unable to afford the fee. Since noone had any comments the Chair called for the vote and the motion carried.

As the allotted time for the Education committee had elapsed Representative Nichols asked the Chair to adjourn, and she did so.

Representative Carolyn B. Russell

Representative Fern H. Shubert



Dawn Ellis/Committee Clerk



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
SENATE BILL 297

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)
Page 1 of ____

S297-ALE-03

Date _____, 1997

Comm. Sub. [YES]
Amends Title []
S297-PCSRH-012

Representative Moore

- 1 moves to amend the bill on page 9, line 26,
2 by deleting the language "tuiticn." and substituting "~~tuition~~
3 tuition and fees."
4

SIGNED Robert Moore
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____



passed 6/3/97

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
SENATE BILL 297

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)
Page 1 of ____

S297-ALE-04

Date June 4, 1997

Comm. Sub. [YES]
Amends Title []
S297-PCSRH-012

Representative Hensley

- 1 moves to amend the bill on page 13, lines 31-35,
2 by rewriting the lines to read "attendance area of that school.";
3
4 and on page 14, lines 7-14, by rewriting the lines to read "origin,
5 religion, or ancestry."
6

SIGNED R. G. Hensley
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

(Please type or use ballpoint pen)

EDITION No. _____

H. B. No. ~~227~~ _____

DATE _____

S. B. No. _____

Amendment No. _____

COMMITTEE SUBSTITUTE 5297-PCBRH-013(to be filled in by
Principal Clerk)Rep.) Hensley
Sen.) _____1 moves to amend the bill on page 14, line _____

2 () WHICH CHANGES THE TITLE

3 by ~~deleting the underlined~~ rewriting
4 the lines to read "attendance
5 area of that school." ;6
7 and on page 14, by rewriting the
8 lines to read: "origin, religion,
9 or ancestry. within".

10

11

12

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19

SIGNED



ADOPTED _____ FAILED _____ TABLED _____

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

Amendment
6/3/97

EDITION No. _____

H. B. No. ~~3297~~ _____

DATE 6/3/97

S. B. No. _____

Amendment No. _____

(to be filled in by
Principal Clerk)

COMMITTEE SUBSTITUTE 5297-PCBRH-013

Rep.) Hensley
Sen.) _____

1 moves to amend the bill on page 14, line _____

2 () WHICH CHANGES THE TITLE

3 by ~~deleting the underlined~~ rewriting
4 the lines ²⁻⁹ to read "attendance
5 area of that school. ";

6
7 and on page 14, by rewriting the
8 lines ²⁵⁻³² to read: "origin, religion,
9 or ancestry. Within".

10
11
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19

SIGNED R. J. Hensley

ADOPTED _____ FAILED _____ TABLED _____

VISITOR REGISTRATION SHEET

House of Representatives
~~Standing Committee on EDUCATION~~
 Name of Committee

June 30, 97
 Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Melissa Ray	Office of the Governor Administration Bldg.
Aristona Carpenter	SBE
Harriet C. Dial	NCAE
Bill Wilson	NCAE
Spencer Gark	Gov.'s Office
Andrea Cline	The Lock Foundation
Bob High	Dept. of State Treas.
Heather Hunter	UNC Student
Will Cherry	By Intern Rep. Neely
Amey Jo Bain	Smith Anderson
Ed Powell	McKin + Bredt
Bill Mart	FORT MVM

VISITOR REGISTRATION SHEET

JUNE 3rd

House of Representatives

~~Standing Committee on EDUCATION~~

Name of Committee

Date

97

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK.

NAME

FIRM OR AGENCY AND ADDRESS

Janet Pittard

OSBM

Maver Poyen

SP82

Susan Harrison

WCPSS

Steph V. Bennis

NCJCDL

Evan W. Bryant

NCJCDL

Barbara Harris

OSBM

House of Representatives
~~Standing Committee on EDUCATION~~
 Name of Committee

May 97
 Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

John Kousi	Public School Forum of NC
Gene Causby	E - EBC
Jan Crater	NCHSA
DE Mark	UNC
Amy Van Oostum	PENC
Tim McDowell	NCAKE
Ann Belam	SBE
Richard Thompson	SOPE
Adriene Hill	SBE
Sarah Stewart	~~AFT~~ AFT/NC
Grace Barada	NCAE
Brian Washington	NCAE

June 3rd

152997
Date

[illegible]

MINUTES
HOUSE STANDING COMMITTEE ON EDUCATION
JUNE 10, 1997

The House Committee on EDUCATION met at 11:00 a. m. on Tuesday, June 10, 1997, in Room 544 in the Legislative Office Building. Representative Russell presided and the following members were present: Representative Shubert, Co-chairperson; Representatives Arnold, Beall, Boyd-McIntyre, Cansler, Capps, Cole, Davis, Decker, , Eddins, Fox, Grady, Gulley, Hensley, Hiatt, Insko, Ives, McMahan, Moore, Morris, Mosley, Nichols, Nye, Oldham, Owens, Preston, Rayfield, Russell, Sexton, Sherrill, Smith, Tolson, Wilkins, Wilson, and Daughtry. Legislative staff members Jim Watts, Kory Goldsmith, Robin Johnson, and Sara Kambreth were present to assist the Committee. Visitor registration sheet is attached and made part of the minutes.

The Chair recognized Representative Sexton to continue his discussion on Senate Bill 297- Amend Charter School Laws. Representative Sexton asked the committee to remember the last meeting and the fact that there was an amendment to take out the preference part out of the bill and that the amendment had passed. He advised there had been extensive conversation on this bill and he hoped they would support the proposed committee substitute. He advised the committee that Representative Eddins had an amendment. The Chair then recognized Representative Eddins for explanation of his amendment. He advised the amendment was similar to the one in the previous meeting, with the exception that he changed the one word from shall to may. The Chair asked for discussion and or debate. As there was none, the vote was taken and the amendment carried. The Chair then recognized Representative Sexton who moved that on Senate Bill 297 Amend Charter School Laws all the amendments be rolled into a committee substitute and it receive a favorable report, unfavorable to the original bill and then the bill be re-referred to the Committee on Pensions and Retirement. There being no further discussion or debate the vote was taken and the motion carried.

The Chair then recognized Senator Shaw to present his bill, Senate Bill 457- Students Learn CPR. Senator Shaw gave his explanation. Representative Davis moved for a favorable report on the bill. As there was no further discussion or debate on the bill the vote was called for by the Chair and the motion carried.

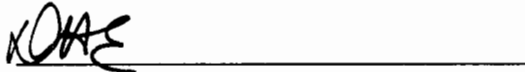
The Chair then called on Senator Allran to discuss the next item on the agenda , Senate Bill 442-American History Act. Senator Allran explained it was an anticensorship bill and explained the main points. First to ask questions was Representative Hensley. Then Representative Arnold made numerous comments and asked questions of the bill sponsor. Next to be recognized by the Chair was Representative Moore who brought forth an amendment to the bill. His amendment asked the state board to study adding courses in History and Economics as a condition of graduation, and submit to the House Oversight committee its findings. Representative Ives spoke against the amendment. Representative Dockham asked the bill sponsor what his thoughts were concerning the amendment. He stated he did not want the bill tampered with, but that Representative Moore had shown him the amendment prior to the meeting. He knew he was supportive of the bill so he would leave that call up to the committee. Representative Decker was the next to ask questions about the amendment. He then asked the Chair to have someone from the State Board of Education advise the committee of their thoughts on the amendment. Anne Berlam , Legislative Director for the State Board of Education, stated that Representative Moore shared the amendment with them as well and they had no problems with the amendment. Representative Shubert and Cole spoke in favor of the amendment. There being no further discussion or debate the vote was taken and the amendment passed. Representative Oldham was recognized to explain his amendment. He did so, and Representative Boyd-McIntyre stated her support for the amendment. The Chair called for the vote and the amendment carried. Next to be called on was Representative Hensley to send forth an amendment. He gave a lengthy explanation of his amendment. The Chair called on Senator Allran for his comments and he stated that if Representative Hensley's amendment passed it would gut the bill and so he was opposed to the amendment. Representative Capps voiced opposition to the amendment, but was in favor of the bill. As there was no further debate the vote was taken on the amendment and it failed. The Chair called for further discussion and there was none. Representative Nichols moved to have a favorable report to the amendments rolled into a committee substitute, unfavorable to the original bill. The vote was taken and the motion carried.

Next on the agenda was Senate Bill 1066, Identify/Remediate At-Risk Students and the Chair recognized Senator Martin, bill sponsor, for his explanation. After he finished his explanation he advised the committee he would be glad to respond to any questions they might have. First to ask one was Representative Arnold who asked him to explain the term focus resources. He did so and then Representative Nichols asked if the items in this bill were in the Excellent Schools Act or the ABC's program. Staff person Jim Watts stated there were provisions both in the Safe Schools Act and in other legislation that the House passed that directly address this issue and this bill is not duplicative of what the House has already done. Representatives Ives and Shubert spoke in favor of the bill. Representative Shubert moved for a favorable report. As there was no further discussion or debate the Chair called for the vote and the motion passed.

The Chair then recognized the two pages serving the committee today. They were Julie Cheng and Margarette Elizabeth Duncan both from Wake County. As there was no further business the Chair adjourned the meeting at 11:50 a.m.


Representative Fern H. Shubert


Representative Carolyn B. Russell


Dawn Ellis, Committee Clerk

of Representatives
 Standing Committee on EDUCATION
 Name of Committee

Date

7/29/97

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Bob Berlow	NCSA
Harriet Diehl	NCAE
Bill Wilson	NCAE
Dooy Hyman	Advantage Schools
Martin Edus	Self-Help
John Wilson	NCAE
Tom Kaulich	Sec Office
Brian Anderson	NCAE
Donny Huster	NCCES
Barbara Harris	OSBM
Amelia Murphy	Intern - speaker's office
D. L. Cuddy	self

House of Representatives
~~Standing Committee on EDUCATION~~
Name of Committee

Date 6/8/97

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

John Cyrus	N.C. State Grange
Tim Loevell	NCAICU
Gene Causby	E - EBC
John Morris	Public School Term
Steve Brown	TAP/AD
Stephen J. Brown	NCSCDC
Weaver Rogers	SPBE
Amy Van Oostum	TPENC
Janet Pullard	OSBM
Amy Jo Bain	Smith Anderson
Leanne E. Winer	EGH+S
Joyce Peters	EEBC

VISITOR REGISTRATION SHEET

House of Representatives

~~Standing Committee on EDUCATION~~

Name of Committee

Date

June 16, 97

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK.

NAME

FIRM OR AGENCY AND ADDRESS

John Rustin

NCFPC

Ed Regan

N.C.A.C.C.

**1997 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **RUSSELL AND SHUBERT** for the Committee on **EDUCATION**.

☐ Committee Substitute for

S.B. 442 A BILL TO BE ENTITLED AN ACT TO ENSURE THAT PUBLIC SCHOOL STUDENTS RECEIVE ACCURATE INSTRUCTION ON OUR AMERICAN HISTORY.

☐ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on
☐ Appropriations ☐ Finance ☐

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on ☐ Appropriations ☐ Finance ☐

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title, unfavorable as to original bill (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

☒ With a favorable report as to House committee substitute bill, unfavorable as to Senate committee substitute bill.

☐ And having received a unanimous vote in committee, is placed on the Consent Calendar.
(PUBLIC BILLS ONLY)

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

4/24/97

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S

D

SENATE BILL 442
Corrected Copy 3/21/97
Education/Higher Education Committee Substitute Adopted 4/28/97
Proposed House Committee Substitute S442-PCS2771

Short Title: American History Act.

(Public)

Sponsors:

Referred to:

March 20, 1997

- 1 A BILL TO BE ENTITLED
2 AN ACT TO ENSURE THAT PUBLIC SCHOOL STUDENTS RECEIVE
3 ACCURATE INSTRUCTION ON OUR AMERICAN HISTORY.
4 The General Assembly of North Carolina enacts:
5 Section 1. G.S. 115C-81(g) reads as rewritten:
6 "(g) Civic Literacy. --
7 (1) Local boards of education shall require during the high school
8 years the teaching of the nation's founding and related documents,
9 which shall include at least the major principles in the Declaration
10 of Independence, the United States Constitution and its
11 amendments, and the most important of the Federalist Papers.
12 (2) Local boards of education shall require that high school students
13 demonstrate knowledge and understanding of the nation's founding
14 and related documents in order to receive a certificate or diploma
15 of graduation from high school.
16 (3) Local boards of education shall include among the requirements
17 for graduation from high school a passing grade in all courses that
18 include primary instruction in the Declaration of Independence,
19 the United States Constitution and its amendments, and the most
20 important of the Federalist Papers.

(3a) Local boards of education shall allow and may encourage any public school teacher or administrator to read or post in a public school building, classroom, or event, any excerpts or portions of writings, documents, and records that reflect the history of the United States, including, but not limited to, (i) the preamble to the North Carolina Constitution, (ii) the Declaration of Independence, (iii) the United States Constitution, (iv) the Mayflower Compact, (v) the national motto, (vi) the National Anthem, (vii) the Pledge of Allegiance, (viii) the writings, speeches, documents, and proclamations of the founding fathers and Presidents of the United States, (ix) decisions of the Supreme Court of the United States, and (x) acts of the Congress of the United States, including the published text of the Congressional Record. Local boards, superintendents, principals, and supervisors shall not allow content-based censorship of American history in the public schools of this State based on religious references in these writings, documents, and records.

(4) The State Board of Education shall require that any high school level curriculum-based tests developed and administered statewide beginning with academic year 1990-91 include questions related to the Declaration of Independence, the United States Constitution and its amendments, and the most important of the Federalist Papers.

(5) The State Department of Public Instruction and the local boards of education, as appropriate, shall establish curriculum content and provide for teacher training to ensure that the intent and provisions of this subsection are carried out. The curriculum content established shall include a review of the contributions made by Americans of all ~~rac~~es during the period in which our ~~nation was founded.~~ races."

Section 2. The State Board of Education shall adopt a policy by September 30, 1997, to ensure that the textbooks it adopts have no content-based censorship of American history based on religious references.

Section 3. The State Board of Education shall provide a copy of this act to each local school superintendent in the State, and each local school superintendent shall ensure that school personnel within the unit are informed about the act.

Section 4. The State Board of Education shall study the feasibility of requiring two high school courses in United States history and two high school courses in Economic, Legal, and Political Systems in Action as a condition of graduation. The State Board shall report the results of this study to the Joint Legislative Education Oversight Committee prior to September 15, 1998.

Section 5. This act is effective when it becomes law.



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 297

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)
Page 1 of ____

S297-ARC-001

Date _____, 1997

Comm. Sub. [YES]
Amends Title []
S297-PCSRH-013

Representative Eddins

- 1 moves to amend the bill on page 9, line 25,
2 by adding the following sentence after the period:
3 "Notwithstanding any other law, a local board of education may
4 provide a school facility to a charter school free of charge;
5 however, the charter school shall be responsible for the maintenance
6 of and insurance for the school facility."
7

SIGNED *W. Eddins*
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____



6/10/97

Passy

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 442

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)
Page 1 of ____

S442-ARC-001

Date _____, 1997

Comm. Sub. []
Amends Title []
Third Edition

Representative Moore

- 1 moves to amend the bill on page 2, by inserting a new section
2 between lines 34 and 35 to read as follows:
3 "Section 4. The State Board of Education shall study the
4 feasibility of requiring two high school courses in United States
5 history and two high school courses in Economic, Legal, and
6 Political Systems in Action as a condition of graduation. The State
7 Board shall report the results of this study to the Joint
8 Legislative Education Oversight Committee prior to September 15,
9 1998.";
10
11 and by renumbering the remaining section accordingly.
12

SIGNED Robert Moore
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

6/10/97

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

Carried

EDITION No. 3

H. B. No. _____

S. B. No. 442

COMMITTEE SUBSTITUTE _____

DATE 6/10/97

Amendment No. _____

(to be filled in by
Principal Clerk)

Rep.) ~~Robert~~ Oldham
Sen.) _____

1 moves to amend the bill on page 2, line 3 27-28

2 () WHICH CHANGES THE TITLE

3 by rewriting the lines to read:

4 "made by Americans of all races during
5 the period in which our nation was
6 founded. racess."

7 _____

8 _____

9 _____

10 _____

11 _____

12 _____

13 _____

14 _____

15 _____

16 _____

17 _____

18 _____

19 _____

SIGNED _____

ADOPTED  FAILED _____ TABLED _____

**1997 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **RUSSELL AND SHUBERT** for the Committee on **EDUCATION**.

☐ Committee Substitute for

S.B. 457 A BILL TO BE ENTITLED AN ACT TO REQUIRE THE COMPREHENSIVE SCHOOL HEALTH EDUCATION PROGRAM TO PROVIDE INSTRUCTION ON THE PERFORMANCE OF CARDIOPULMONARY RESUSCITATION AND THE HEIMLICH MANEUVER.

☒ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on
☐ Appropriations ☐ Finance ☐

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on ☐ Appropriations ☐ Finance ☐

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title, unfavorable as to original bill (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ And having received a unanimous vote in committee, is placed on the Consent Calendar.
(PUBLIC BILLS ONLY)

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

4/24/97

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S

2

SENATE BILL 457
Second Edition Engrossed 4/15/97

Short Title: Students Learn CPR.

(Public)

Sponsors: Senators Shaw of Guilford; Albertson, Allran, Ballance, Ballantine, Blust, Carpenter, Carrington, Clark, Conder, Dalton, East, Forrester, Foxx, Garwood, Horton, Jenkins, Jordan, Kincaid, Kinnaid, Ledbetter, Lee, Lucas, Martin of Pitt, McDaniel, Odom, Perdue, Phillips, Plyler, Rand, Reeves, Shaw of Cumberland, Warren, Weinstein, and Wellons.

Referred to: Education/Higher Education.

March 24, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO REQUIRE THE COMPREHENSIVE SCHOOL HEALTH
3 EDUCATION PROGRAM TO PROVIDE INSTRUCTION ON THE
4 PERFORMANCE OF CARDIOPULMONARY RESUSCITATION AND THE
5 HEIMLICH MANEUVER.

6 The General Assembly of North Carolina enacts:

7 Section 1. G.S. 115C-81(e1)(1) reads as rewritten:

8 "(e1) School Health Education Program to Be Developed and Administered.

- 9 (1) A comprehensive school health education program shall be
10 developed and taught to pupils of the public schools of this State
11 from kindergarten through ninth grade. This program includes age-
12 appropriate instruction in the following subject areas, regardless of
13 whether this instruction is described as, or incorporated into a
14 description of, 'family life education', 'family health education',
15 'health education', 'family living', 'health', 'healthful living
16 curriculum', or 'self-esteem':
17 a. Mental and emotional health;
18 b. Drug and alcohol abuse prevention;
19 c. Nutrition;
20 d. Dental health;

**1997 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **RUSSELL AND SHUBERT** for the Committee on **EDUCATION**.

☐ Committee Substitute for

S.B. 1066 A BILL TO BE ENTITLED AN ACT TO DIRECT THE STATE BOARD OF EDUCATION TO DETERMINE WHICH GROUPS OF STUDENTS ARE LIKELY TO SCORE BELOW BENCHMARKS ON STATEWIDE TESTS AND TO RECOMMEND WAYS TO FOCUS RESOURCES ON ADDRESSING THE NEEDS OF THOSE STUDENTS.

☒ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on
☐ Appropriations ☐ Finance ☐ .

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on ☐ Appropriations ☐ Finance ☐

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title, unfavorable as to original bill (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ And having received a unanimous vote in committee, is placed on the Consent Calendar.
(PUBLIC BILLS ONLY)

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

4/24/97

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S

1

SENATE BILL 1066

Short Title: Identify & Remediate At-Risk Students.

(Public)

Sponsors: Senator Martin of Guilford.

Referred to: Education/Higher Education.

April 21, 1997

1 A BILL TO BE ENTITLED

2 AN ACT TO DIRECT THE STATE BOARD OF EDUCATION TO DETERMINE
3 WHICH GROUPS OF STUDENTS ARE LIKELY TO SCORE BELOW
4 BENCHMARKS ON STATEWIDE TESTS AND TO RECOMMEND WAYS TO
5 FOCUS RESOURCES ON ADDRESSING THE NEEDS OF THOSE
6 STUDENTS.

7 The General Assembly of North Carolina enacts:

8 Section 1. The State Board of Education shall analyze the results of end-
9 of-grade and end-of-course tests by gender, race, and economic status of students to
10 identify those groups of students who are statistically performing below the State
11 benchmark on these tests. The State Board shall also consider ways to focus
12 resources to address the needs of those students.

13 The State Board of Education shall report the results of this study to the
14 Joint Legislative Education Oversight Committee prior to November 15, 1998.

15 Section 2. This act is effective when it becomes law.

MINUTES
HOUSE STANDING COMMITTEE ON EDUCATION
JUNE 12, 1997

The House Committee on EDUCATION met at 11:00 a. m. on Thursday, June 12, 1997, in Room 544 in the Legislative Office Building. Representative Shubert presided and the following members were present: Representative Russell, Co-chairperson; Representatives Arnold, Beall, Black, Boyd-McIntyre, Capps, Cole, Davis, Decker, Dickson, Eddins, Gulley, Hall, Hensley, Hiatt, Insko, Ives, Kinney, McMahan, Moore, Morris, Mosley, Nye, Oldham, Owens, Preston, Rayfield, Sexton, Sherrill, Smith, Tolson, Warner, Wilson, and Daughtry. Legislative staff Kory Goldsmith, Robin Johnson, Sara Kamprath and Jim Watts were present to assist the Committee. Visitor registration sheet is attached and made part of the minutes.

Representative Shubert introduced the Pages serving the Committee and welcomed guests. The Pages were Margarette Elizabeth Duncan and Laura Dale Gupton both from Wake County. The committee they also had an honorary House page, Sarah Welch from Wake County, who graduated from fifth grade and was one of two fifth graders in North Carolina to receive the President's Award of Excellence.

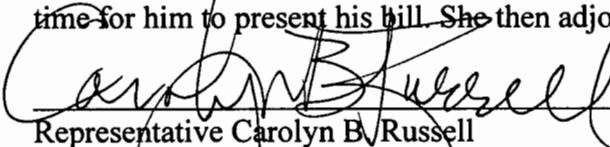
The Chair then recognized Senator Winner to present her bill, Senate Bill 5-Education Governance Changes. Senator Winner explained the bill proposes a constitutional amendment calling for a referendum of the people to decide whether to have the State Board of Education appoint the State Superintendent of Public Instruction, rather than have one elected by the public. The amendment would also change the composition of the State Board of Education from eleven appointed by the governor plus the Treasurer and Lt. Governor to nine appointed by the Governor, three appointed by the Speaker of the House (one of which would be, by the recommendation of the minority leader) and three by the Senate (one of which would be, by the recommendation of the minority leader), and the two ex officio. It also would change the terms of office for the members of the board from eight years to four years, and limit them to two terms of office.

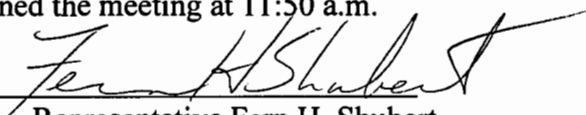
Representative Dickson was recognized by the Chair for comments. He stated at the proper time he wanted to make a motion for a favorable report. Senator Winner then continued her explanation. Representative Capps asked a question of the bill sponsor. Then Representative Decker asked a question about the qualifications of the superintendent of public instruction. Senator Winner answered that this question had been asked in the past and she was not opposed to having the qualifications for this position added to the bill. Representative Decker then asked staff to draft an amendment stating that the General Assembly may by statute set up the qualifications for this office. Representative Ives stated that this bill is to be a constitutional amendment and that he did not think it should be cluttered up by specific details. He further stated that failure to mention specifics in this bill did not negate the General Assembly's ability to come back

at a later time and put in other stipulations. Representative Dickson asked someone from DPI to speak on this issue. Anne Berlam, Legislative Director for the State Board of Education stated to Representative Dickson that the State Board of Education supports an appointed superintendent and the board appointing the state superintendent, however, they have not addressed the question that Representative Decker has raised.

Representative Arnold was recognized next to ask a question. He asked about the accountability by the Governor for this position. Senator Winner then stated that the idea was for an elected person to be accountable for this appointment, and that person would be the Governor. He asked further questions about the eight districts and the appointments from each area. He then asked about the vacancies and how they were to be appointed. Next he asked about the salary for the superintendent and what the range of salary's to be for this position. She answered each question. Representative Hensley spoke at length against the bill. Next to speak against the bill was Representative Hall. The Chair then asked Representative Decker if his amendment was ready, and he said yes. The Chair recognized Representative Decker for his explanation. Upon completion of Representative Decker's explanation, the Chair called on Senator Winner for her comments and she stated she was neutral about the amendment. Representative Ives stated he was strongly opposed to the amendment. Representative Dickson asked the amendment sponsor for some examples and Representative Decker gave several. As there was no further discussion or debate the Chair called for the vote. The amendment was defeated. Representative Sherrill asked the bill sponsor about the spouses occupational problems in the bill. Representative Dickson again spoke in favor of the bill. Representative Sexton stated he was in favor of the bill and had been for many years. He thinks it was long over due and hoped all would support the bill. Representative Nye stated he opposed this bill. Representative Arnold asked more questions and Senator Winner answered them. Representative Hall was recognized to speak against the bill one last time. Representative Arnold asked to speak again on the bill and he stated the bill clearly put on the shoulders of the Governor the responsibility for education in North Carolina. He further stated if they wanted the Governor to be in charge and if they wanted some politicizing then vote for the bill. Representative Davis made comments about the bill. The Chair then called on Representative Eddins and he requested the ayes and nos. The Chair called for a vote on the roll call vote and the vote was sustained. The roll call vote was taken; the tabulation was 24 in favor and 12 against a favorable report on Senate Bill 5.

The Chair advised Senator Hartsell , bill sponsor for Senate Bill 587- School Personnel/Class Experience that due to session starting at 12 noon there would not be time for him to present his bill. She then adjourned the meeting at 11:50 a.m.


Representative Carolyn B. Russell


Representative Fern H. Shubert


Dawn Amber Ellis Committee Clerk

ROLL CALL VOTE

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S

1

SENATE BILL 5

Short Title: Education Governance Changes.

(Public)

Sponsors: Senators Winner; Albertson, Conder, Cooper, Gulley, Hoyle, Kinnaird, Lee, Lucas, Martin of Guilford, Odom, Perdue, Plyler, Rand, Shaw of Cumberland, Soles, Warren, Weinstein, and Wellons.

Referred to: Education/Higher Education.

February 3, 1997

1 A BILL TO BE ENTITLED

2 AN ACT TO AMEND THE CONSTITUTION TO CHANGE THE
3 COMPOSITION OF THE STATE BOARD OF EDUCATION AND MAKE THE
4 SUPERINTENDENT OF PUBLIC INSTRUCTION AN APPOINTEE OF THE
5 STATE BOARD OF EDUCATION, AND TO MAKE CORRESPONDING
6 STATUTORY CHANGES.

7 The General Assembly of North Carolina enacts:

8 Section 1. Section 4(1) of Article IX of the Constitution reads as
9 rewritten:

10 "(1) **Board.** The State Board of Education shall consist of the Lieutenant
11 Governor, the Treasurer, ~~and eleven members appointed by the Governor, subject to~~
12 ~~confirmation by the General Assembly in joint session.~~ nine members appointed by
13 the Governor, three members appointed by the General Assembly upon the
14 recommendation of the President Pro Tempore of the Senate, and three members
15 appointed by the General Assembly upon the recommendation of the Speaker of the
16 House of Representatives. The General Assembly shall divide the State into eight
17 educational districts. Of the ~~appointive members of the Board,~~ Governor's nine
18 appointees, one shall be appointed from each of the eight educational districts and
19 ~~three~~ one who shall serve as chair shall be appointed from the State at large.
20 Appointments shall be for overlapping terms of ~~eight~~ four years. The General
21 Assembly may provide by statute for any qualifications of Board members and any
22 limitation on the number of terms a member may serve on the Board. Appointments

1 to fill vacancies shall be made ~~by the Governor for the unexpired terms and shall not~~
2 ~~be subject to confirmation, as provided by law.~~"

3 Section 2. Section 4(2) of Article IX of the Constitution reads as
4 rewritten:

5 "(2) **Superintendent of Public Instruction.** The Superintendent of Public
6 Instruction shall be the secretary and chief administrative officer of the State Board of
7 Education. The Superintendent shall be appointed by the State Board of Education
8 and shall serve at the pleasure of the State Board of Education."

9 Section 3. Section 7(1) of Article III of the Constitution reads as
10 rewritten:

11 "(1) **Officers.** A Secretary of State, an Auditor, a Treasurer, ~~a Superintendent of~~
12 ~~Public Instruction,~~ an Attorney General, a Commissioner of Agriculture, a
13 Commissioner of Labor, and a Commissioner of Insurance shall be elected by the
14 qualified voters of the State in 1972 and every four years thereafter, at the same time
15 and places as members of the General Assembly are elected. Their term of office
16 shall be four years and shall commence on the first day of January next after their
17 election and continue until their successors are elected and qualified."

18 Section 4. G.S. 115C-10 reads as rewritten:

19 "**§ 115C-10. Appointment of Board.**

20 (a) The State Board of Education shall consist of the Lieutenant Governor, the
21 State Treasurer, ~~and 11~~ nine members appointed by the Governor, three members
22 appointed by the General Assembly upon the recommendation of the President Pro
23 Tempore of the Senate in accordance with G.S. 120-121, one of which shall be upon
24 the recommendation of the Senate Minority Leader to the President Pro Tempore,
25 and three members appointed by the General Assembly upon the recommendation of
26 the Speaker of the House of Representatives in accordance with G.S. 120-121, one of
27 which shall be upon the recommendation of the House Minority Leader to the
28 Speaker. Governor, subject to confirmation by the General Assembly in joint session.
29 ~~Not~~ The Governor may appoint no more than one public school employee paid from
30 State or local funds ~~may~~ to serve as an appointive member of the State Board of
31 Education. The General Assembly shall not appoint any public school employees
32 paid from State or local funds to serve as appointive members of the State Board of
33 Education. No spouse of any public school employee paid from State or local funds
34 ~~and no~~ No employee of the Department of Public Instruction ~~or his spouse,~~ may
35 serve as an appointive member of the State Board of Education. ~~Of the appointive~~
36 ~~members of the State Board of Education, one shall be appointed~~ Of the Governor's
37 nine appointments, one shall be appointed from each of the eight educational districts
38 and ~~three~~ one, who shall serve as chair, shall be appointed ~~as members~~ from the State
39 at large. Appointments shall be for terms of eight years and shall be made in four
40 classes. Appointments to fill vacancies shall be made by the Governor for the
41 unexpired terms and shall not be subject to confirmation.

42 (b) All initial terms shall begin July 1, 1999. The nine initial members appointed
43 by the Governor, one from each of the eight educational districts and one from the
44 State at large who shall serve as chair, shall serve terms ending February 28, 2001.

1 The remainder of the initial appointive members shall serve for terms ending July 1,
2 2003. All subsequent terms shall be for four years.

3 No member shall serve more than two full four-year terms in succession.
4 Resignation from a term of office does not constitute a break in service for the
5 purpose of this subsection. Members appointed for a term to begin July 1, 1999, and
6 to end February 28, 2001, may be reappointed for two additional successive terms.

7 (c) Appointments to fill vacancies in positions filled by the Governor shall be
8 made by the Governor for the unexpired terms. Appointments by the General
9 Assembly shall be made in accordance with G.S. 120-121, and appointments to fill
10 vacancies in those positions shall be made in accordance with G.S. 120-122.

11 ~~The Governor shall transmit to the presiding officers of the Senate and the House~~
12 ~~of Representatives, on or before the sixtieth legislative day of the General Assembly,~~
13 ~~the names of the persons appointed by him and submitted to the General Assembly~~
14 ~~for confirmation; thereafter, pursuant to joint resolution, the Senate and the House of~~
15 ~~Representatives shall meet in joint session for consideration of an action upon such~~
16 ~~appointments."~~

17 Section 5. G.S. 115C-11(a) reads as rewritten:

18 "(a) Presiding Officer. -- The chair shall be appointed by the Governor from the
19 State at large. The State Board of Education shall elect from its membership a
20 ~~chairman and~~ vice-chairman. A majority of the Board shall constitute a quorum for
21 the transaction of business. Per diem and expenses of the appointive members of the
22 Board shall be provided by the General Assembly. The chairman of the Board shall
23 preside at all meetings of the Board. In the absence of the chairman, the
24 vice-chairman shall preside; in the absence of both the chairman and the
25 vice-chairman, the Board shall name one of its own members as chairman pro
26 tempore."

27 Section 6. G.S. 115C-18 reads as rewritten:

28 "**§ 115C-18. Election Appointment of Superintendent of Public Instruction.**
29 **Instruction; salary.**

30 ~~The Superintendent of Public Instruction shall be elected by the qualified voters of~~
31 ~~the State in 1972 and every four years thereafter at the same time and places as~~
32 ~~members of the General Assembly are elected. His term of office shall be four years~~
33 ~~and shall commence on the first day of January next after election and continue until~~
34 ~~his successor is elected and qualified.~~

35 ~~If the office of the Superintendent of Public Instruction is vacated by death,~~
36 ~~resignation, or otherwise, it shall be the duty of the Governor to appoint another to~~
37 ~~serve until his successor is elected and qualified. Every such vacancy shall be filled by~~
38 ~~election at the first election for members of the General Assembly that occurs more~~
39 ~~than 30 days after the vacancy has taken place, and the person chosen shall hold the~~
40 ~~office for the remainder of the unexpired term fixed in Article III, Sec. 7 of the~~
41 ~~Constitution of North Carolina. When a vacancy occurs in the office and the term~~
42 ~~expires on the first day of January succeeding the next election for members of the~~
43 ~~General Assembly, the Governor shall appoint to fill the vacancy for the unexpired~~
44 ~~term of the office. Upon the occurrence of a vacancy in the office for any of the~~

~~causes stated herein, the Governor may appoint an interim officer to perform the duties of that office until a person is appointed or elected pursuant to Article III, Sec. 7 of the Constitution of North Carolina to fill the vacancy and is qualified.~~

~~The time of the election of the Superintendent of Public Instruction shall be in accordance with the provisions of Article 1 of Subchapter I of Chapter 163 of the General Statutes.~~

~~The election, term and induction into office of the Superintendent of Public Instruction shall be in accordance with the provisions of G.S. 147-4. appointed by the State Board of Education and shall serve at the pleasure of the State Board of Education. The salary of the Superintendent shall be set by the State Board of Education."~~

Section 7. G.S. 115C-19 reads as rewritten:

"§ 115C-19. Chief administrative officer of the State Board of Education.

As provided in Article IX, Sec. 4(2) of the North Carolina Constitution, the Superintendent of Public Instruction shall be the secretary and chief administrative officer of the State Board of Education. ~~As secretary and chief administrative officer of the State Board of Education, the Superintendent manages on a day-to-day basis the administration of the free public school system, subject to the direction, control, and approval of the State Board. Subject to the direction, control, and approval of the State Board of Education, the Superintendent of Public Instruction shall carry out the duties prescribed under G.S. 115C-21. The Board shall define the specific duties of the Superintendent as secretary and chief administrative officer of the Board. The Superintendent of Public Instruction shall perform these duties and any other duties that the Board may assign to the Superintendent."~~

Section 8. G.S. 115C-20 is repealed.

Section 9. G.S. 115C-21 is repealed.

Section 10. G.S. 120-123 is amended by adding a new subdivision to read:

"(68) The State Board of Education, as established in G.S. 115C-10."

Section 11. G.S. 147-3(c) reads as rewritten:

"(c) The general civil executive officers of this State are as follows:

- (1) A Governor;
- (2) A Lieutenant Governor;
- (3) Private secretary for the Governor;
- (4) A Secretary of State;
- (5) An Auditor;
- (6) A Treasurer;
- (7) An Attorney General;
- ~~(8) A Superintendent of Public Instruction;~~
- (9) The members of the Governor's Council;
- (10) A Commissioner of Agriculture;
- (11) A Commissioner of Labor;
- (12) A Commissioner of Insurance."

Section 12. G.S. 147-4 reads as rewritten:

1 **"§ 147-4. Executive officers -- election; term; induction into office.**

2 The executive department shall consist of a Governor, a Lieutenant Governor, a
3 Secretary of State, an Auditor, a Treasurer, ~~a Superintendent of Public Instruction~~, an
4 Attorney General, a Commissioner of Agriculture, a Commissioner of Insurance, and
5 a Commissioner of Labor, who shall be elected for a term of four years, by the
6 qualified electors of the State, at the same time and places, and in the same manner,
7 as members of the General Assembly are elected. Their term of office shall
8 commence on the first day of January next after their election and continue until
9 their successors are elected and qualified. The persons having the highest number of
10 votes, respectively, shall be declared duly elected, but if two or more be equal and
11 highest in votes for the same office, then one of them shall be chosen by joint ballot
12 of both houses of the General Assembly. Contested elections shall be determined by a
13 joint ballot of both houses of the General Assembly in such manner as shall be
14 prescribed by law."

15 Section 13. G.S. 147-11.1 reads as rewritten:

16 **"§ 147-11.1. Succession to office of Governor; Acting Governor.**

17 (a) Lieutenant Governor. --

18 (1) The Lieutenant Governor-elect shall become Governor upon the
19 failure of the Governor-elect to qualify. The Lieutenant Governor
20 shall become Governor upon the death, resignation, or removal
21 from office of the Governor. The further order of succession to the
22 office of Governor shall be prescribed by law. A successor shall
23 serve for the remainder of the term of the Governor whom he
24 succeeds and until a new Governor is elected and qualified.

25 (2) During the absence of the Governor from the State, or during the
26 physical or mental incapacity of the Governor to perform the
27 duties of his office, the Lieutenant Governor shall be Acting
28 Governor. The further order of succession as Acting Governor
29 shall be prescribed by law.

30 (b) President of Senate, Speaker of the House and Other Officers. --

31 (1) If, by reason of failure to qualify, death, resignation, or removal
32 from office, there is neither a Governor nor a Lieutenant Governor
33 to discharge the powers and duties of the office of Governor, then
34 the President of the Senate shall, upon his resignation as President
35 of the Senate and as Senator, become Governor.

36 (2) If, at the time when under subdivision (1) of this subsection the
37 President of the Senate is to become Governor, there is no
38 President of the Senate, or the President of the Senate fails to
39 qualify as Governor, then the Speaker of the House of
40 Representatives shall, upon his resignation as Speaker and as
41 Representative, become Governor.

42 (3) If, at the time when under subdivision (2) of this subsection the
43 Speaker of the House of Representatives is to become Governor,
44 there is no Speaker of the House of Representatives, or the

1 Speaker of the House of Representatives fails to qualify as
2 Governor, then that officer of the State of North Carolina who is
3 highest on the following list, and who is not under disability to
4 serve as Governor, shall, upon his resignation of the office which
5 places him in the order of succession, become Governor: Secretary
6 of State, Auditor, Treasurer, ~~Superintendent of Public Instruction,~~
7 Attorney General, Commissioner of Agriculture, Commissioner of
8 Labor, and Commissioner of Insurance.

9 (c) Acting Governor Generally. --

10 (1) If, by reason of absence from the State or physical or mental
11 incapacity, there is neither a Governor nor a Lieutenant Governor
12 qualified to discharge the powers and duties of the office of
13 Governor, then the President of the Senate shall become Acting
14 Governor.

15 (2) If, at the time when under subdivision (1) of this subsection the
16 President of the Senate is to become Acting Governor, there is no
17 President of the Senate, or the President of the Senate fails to
18 qualify as Acting Governor, then the Speaker of the House of
19 Representatives shall become Acting Governor.

20 (3) If, at the time when under subdivision (2) of this subsection the
21 Speaker of the House of Representatives is to become Acting
22 Governor, there is no Speaker of the House of Representatives, or
23 the Speaker of the House of Representatives fails to qualify as
24 Acting Governor, then that officer of the State of North Carolina
25 who is highest on the following list, and who is not under disability
26 to serve as Acting Governor, shall become Acting Governor:
27 Secretary of State, Auditor, Treasurer, ~~Superintendent of Public~~
28 ~~Instruction,~~ Attorney General, Commissioner of Agriculture,
29 Commissioner of Labor, and Commissioner of Insurance.

30 (d) Governor Serving under Subsection (c). -- An individual serving as Acting
31 Governor under subsection (c) of this section shall continue to act for the remainder
32 of the term of the Governor whom he succeeds and until a new Governor is elected
33 and qualified, except that:

34 (1) If his tenure as Acting Governor is founded in whole or in part
35 upon the absence of both the Governor and Lieutenant Governor
36 from the State, then he shall act only until the Governor or
37 Lieutenant Governor returns to the State; and

38 (2) If his tenure as Acting Governor is founded in whole or in part
39 upon the physical or mental incapacity of the Governor or
40 Lieutenant Governor, then he shall act only until the removal of
41 the incapacity of the Governor or Lieutenant Governor.

42 (e) Officers to Which Subsections (b), (c) and (d) Applicable. -- Subsections (b),
43 (c), and (d) of this section shall apply only to such officers as are eligible to the office
44 of Governor under the Constitution of North Carolina, and only to officers who are

1 not under impeachment by the House of Representatives at the time they are to
2 become Governor or Acting Governor.

3 (f) Compensation of Acting Governor. -- During the period that any individual
4 serves as Acting Governor under subsection (c) of this section, his compensation shall
5 be at the rate then provided by law in the case of the Governor."

6 Section 14. G.S. 163-1 is amended by deleting the entries in the table for
7 "Superintendent of Public Instruction".

8 Section 15. G.S. 163-8 reads as rewritten:

9 **"§ 163-8. Filling vacancies in State executive offices.**

10 If the office of Governor or Lieutenant Governor shall become vacant, the
11 provisions of G.S. 147-11.1 shall apply. If the office of any of the following officers
12 shall be vacated by death, resignation, or otherwise than by expiration of term, it
13 shall be the duty of the Governor to appoint another to serve until his successor is
14 elected and qualified: Secretary of State, Auditor, Treasurer, ~~Superintendent of~~
15 ~~Public Instruction~~, Attorney General, Commissioner of Agriculture, Commissioner of
16 Labor, and Commissioner of Insurance. Each such vacancy shall be filled by election
17 at the first election for members of the General Assembly that occurs more than 60
18 days after the vacancy has taken place, and the person chosen shall hold the office for
19 the remainder of the unexpired four-year term: Provided, that when a vacancy occurs
20 in any of the offices named in this section and the term expires on the first day of
21 January succeeding the next election for members of the General Assembly, the
22 Governor shall appoint to fill the vacancy for the unexpired term of the office.

23 Upon the occurrence of a vacancy in the office of any one of these officers for any
24 of the causes stated in the preceding paragraph, the Governor may appoint an acting
25 officer to perform the duties of that office until a person is appointed or elected
26 pursuant to this section and Article III, Section 7 of the State Constitution, to fill the
27 vacancy and is qualified."

28 Section 16. G.S. 163-278.27(b) reads as rewritten:

29 "(b) Whenever the Board has knowledge of or has reason to believe there has been
30 a violation of any section of this Article, it shall report that fact, together with
31 accompanying details, to the following prosecuting authorities:

32 (1) In the case of a candidate for nomination or election to the State
33 Senate or State House of Representatives: report to the district
34 attorney of the prosecutorial district in which the candidate for
35 nomination or election resides;

36 (2) In the case of a candidate for nomination or election to the office
37 of Governor, Lieutenant Governor, Secretary of State, State
38 Auditor, State Treasurer, ~~State Superintendent of Public~~
39 ~~Instruction~~, State Attorney General, State Commissioner of
40 Agriculture, State Commissioner of Labor, State Commissioner of
41 Insurance, and all other State elective offices, Justice of the
42 Supreme Court, Judge of the Court of Appeals, judge of a superior
43 court, judge of a district court, and district attorney of the superior

1 court: report to the district attorney of the prosecutorial district in
2 which Wake County is located;

3 (3) In the case of an individual other than a candidate, including,
4 without limitation, violations by members of political committees,
5 referendum committees or treasurers: report to the district attorney
6 of the prosecutorial district in which the individual resides; and

7 (4) In the case of a person or any group of individuals: report to the
8 district attorney or district attorneys of the prosecutorial district or
9 districts in which any of the officers, directors, agents, employees
10 or members of the person or group reside."

11 Section 17. The amendments set out in Sections 1, 2, and 3 of this act
12 shall be submitted to the qualified voters of the State at a statewide general election
13 on November 3, 1998, which election shall be conducted under the laws then
14 governing elections in the State. Ballots, voting systems, or both may be used in
15 accordance with Chapter 163 of the General Statutes. The question to be used in the
16 voting systems and ballots shall be:

17 "[] FOR [] AGAINST

18 Constitutional amendments to make the Superintendent of Public
19 Instruction an appointee of the State Board of Education, rather than an elected
20 position, to change the composition of the State Board of Education, and to change
21 the length of terms for members of the State Board of Education."

22 Section 18. If a majority of votes cast on the question are in favor of the
23 amendments set out in Sections 1, 2, and 3 of this act, the State Board of Elections
24 shall certify the amendments to the Secretary of State. The Secretary of State shall
25 enroll the amendments so certified among the permanent records of that office. The
26 amendments shall become effective as follows:

27 (1) The amendment set out in Section 1 of this act shall become
28 effective upon such certification except that the term of office of
29 all members of the State Board of Education who were appointed
30 to the State Board of Education prior to July 1, 1999, and were
31 serving as members on June 30, 1999, shall expire on July 1, 1999.

32 (2) The amendments set out in Sections 2 and 3 of this act shall
33 become effective the later of January 1, 2001, and the date that
34 those sections are precleared under section 5 of the Voting Rights
35 Act of 1965.

36 Section 19. Sections 4 through 16 of this act become effective only if the
37 constitutional amendments set out in Sections 1, 2, and 3 of this act are approved by
38 the voters. If the constitutional amendments are approved by the voters:

39 (1) Sections 4, 5, and 10 of this act shall become effective July 1, 1999:
40 Provided, however, the General Assembly and the Governor may
41 appoint members to the State Board of Education in accordance
42 with Section 4 of this act, prior to July 1, 1999, for terms of office
43 beginning July 1, 1999.

- 1 (2) Sections 6, 7, 8, 9, and 11 through 16 of this act shall become
2 effective on the later of January 1, 2001, and the date that those
3 sections are precleared under section 5 of the Voting Rights Act of
4 1965.
5 Section 20. This act is effective when it becomes law.

VISITOR REGISTRATION SHEET

House of Representatives
~~Standing Committee on EDUCATION~~
Name of Committee

Date June 10, 97

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK.

NAME _____

FIRM OR AGENCY AND ADDRESS

John Wilson

HC AE

Harmit Dhill

NCAE

Lorne Miner

Σ 64c 5

Julie Hathcock

EGHS

John Rustic

NCFPL

V L McBride

WDA

Amy Van Costum

PENC

VISITOR REGISTRATION SHEET

House of Representatives
~~Standing Committee on EDUCATION~~
 Name of Committee

Date

June 12, 97

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Butch Gunnells

NCSODA

Will Lowel

NCAICU

Jimmie Brumquinn

NCATA

Ann Buler

SBE

Adrienne Hise

SBE

Phyllis Adams

Public School Enroll

Rexie Beragon

NCCBI

Loral Stewart

ART/NC

J. Cratts

NCHSA

Jim Caudy

NCHSA

John May

NC CEA

David Anders

PFFAK

Gere Causby

E-EBC

VISITOR REGISTRATION SHEET

House of Representatives
~~Standing Committee on EDUCATION~~
Name of Committee

Date

June 12, 97

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK.

NAME

FIRM OR AGENCY AND ADDRESS

Nancy Bradley

NCCBS

Phyllis Carpenter

SBE

Ed Regan

N.C.A.B.C.

**1997 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **RUSSELL AND SHUBERT** for the Committee on **EDUCATION**.

☐ Committee Substitute for

S.B. 5 A BILL TO BE ENTITLED AN ACT TO AMEND THE CONSTITUTION TO CHANGE THE COMPOSITION OF THE STATE BOARD OF EDUCATION AND MAKE THE SUPERINTENDENT OF PUBLIC INSTRUCTION AN APPOINTEE OF THE STATE BOARD OF EDUCATION, AND TO MAKE CORRESPONDING STATUORY CHANGES.

☒ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on
☐ Appropriations ☐ Finance ☐ .

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on ☐ Appropriations ☐ Finance ☐

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title, unfavorable as to original bill (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ And having received a unanimous vote in committee, is placed on the Consent Calendar.
(PUBLIC BILLS ONLY)

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

4/24/97

FOR JOURNAL USE ONLY

- ____ Pursuant to Rule 36(a), the bill is placed on the Calendar of _____.
- ____ The (committee substitute) bill/resolution (, as amended,) is (ordered engrossed and) re-referred to the Committee on _____.
- ____ The (committee substitute) bill/resolution (, as amended,) is placed on the Consent Calendar of _____. The original bill/resolution is placed on the Unfavorable Calendar.
- ____ The bill/resolution is re-referred to the Committee on _____.
- ____ On motion of (Rep. _____,) (the Chair,) the (committee substitute) bill/resolution is (ordered engrossed and) re-referred to the Committee on _____.
- ____ Pursuant to Rule 36(a), the (House)committee substitute bill (No. _____)/resolution is placed on the Calendar of _____. (The original bill) (House Committee Substitute Bill No. _____)/resolution is placed on the Unfavorable Calendar.
- ____ On motion of Rep. _____, (the rules are suspended) (Rule _____ is suspended) and the bill/resolution is placed on today's calendar. (for immediate consideration.)
- ____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).
- ____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).
- ____ Rep. _____ offers Amendment No. _____ which (is adopted.) (fails of adoption.) (by EV _____.) () This amendment changes the title.
- ____ The bill/resolution (, as amended,) passes its second reading (by following vote, _____ RC) (, by EV _____,) and (remains on the Calendar,) (and there being no objection is read a third time).
- ____ The bill/resolution (, as amended,) passes its third reading (by the following vote, _____ RC) (, by EV _____,) and is ordered
____ sent to the Senate.
____ without engrossment. _____ by Special message.
____ sent to the Senate for concurrence in
____ House amendment (s).
____ House committee substitute.
____ enrolled.
- ____ On motion of Rep. _____, the House concurs in the (material) Senate _____ (by the following vote, _____ RC) (, by EV _____,) and the bill is ordered enrolled.

MINUTES
HOUSE STANDING COMMITTEE ON EDUCATION
July 9, 1997

The House Committee on EDUCATION met in joint session with the House Rules Committee at 1:40 p m. on Wednesday, July 9, 1997, in Room 643 in the Legislative Office Building. Representative Morgan, House Rules Committee Chairperson presided and the following Education committee members were present: Representatives Boyd-McIntyre, Davis, Dickson, Fox, Gulley, Hall, Hiatt, Insko, Ives, McMahan, Morris, Nichols, Nye, Oldham, Owens, Preston, Rayfield, Russell, Shubert, Sexton, Smith, Tolson, Warner and Wilkins. Legislative staff Kory Goldsmith, Robin Johnson, Sara Kamprath and Jim Watts were present to assist the Committee.

The meeting was called by Representative Morgan as House Bill 1004-A Joint Resolution Providing For Confirmation of the Appointments to the State Board of Education was referred to his House Rules committee. Representative Morgan explained the handouts and they are made part of these minutes. He further explained the procedures he planned to take during the meeting. These included each appointee coming before the committee to make a statement and field questions from the Education committee.

First to be welcomed and recognized by Representative Morgan was Jay M. Robinson, the current Chairman of the North Carolina State Board of Education. Mr. Robinson stated he had promised the Governor that should he be reappointed he would stay on through the end of this session, but that it was his intention to leave shortly thereafter. He further stated he would work to be helpful in implementing the Excellent Schools Act, which is in his opinion, was the most important piece of Educational legislation that has ever happened in his life. He made numerous comments concerning the State Board of Education. He stated they felt a tremendous responsibility, due to Legislation passed in the last couple of sessions that is very significant on zeroing in on basic skill achievement. He made lengthy statements concerning the need to get back to basic reading, writing, math and science skills. Upon completion of his opening statement Representative Morgan asked if anyone had questions for Dr. Robinson.

First to be recognized was Representative Russell, Co-Chair of the House Education Committee. She stated she was delighted he would be staying on the Board of Education. She asked him to comment briefly on new things that the board needs to do, and what kind of board it will take to lead us into the next century based on the legislation that had been passed. Mr. Robinson said he believed that with the ABC plan and with the Excellent Schools Act the only significant additional thing they needed to do was to have significant benchmarks at various places in the curriculum probably at grades 4, 8, 10,

and 12 as an example, to let parents know when children are not doing as well as they should. His example was a fourth grader should be able to do these items as measured by an external measure, and then let the parents know what the student did in relation to other fourth graders, etc. He also stated he believed we should provide safe schools.

Representative Morgan then recognized Representative Shubert Co-Chair for the House Education Committee, for her comments and questions. She stated she was delighted Mr. Robinson had decided to stay for the additional time and that she was particularly interested in his comments regarding standards. The standard issue is of particular concern to her. She asked how difficult Mr. Robinson thought it was going to be to achieve the goals as set in the Excellent Schools Act? And her follow up question was, had any thought been given to looking back at what the standards once were in North Carolina. Mr. Robinson stated he thought it would be simple to achieve the goals since there had been much research about this issue.

Representative Morgan then opened up the floor for both the House Rules and the House Education committee to ask questions and make comment. First to be recognized was Representative Neely and he addressed his question to staff. It was, upon Dr. Robinson's departure, how would his vacancy be filled. Staff member Robin Johnson stated the statute provides the Governor makes the appointment for the remainder of the vacant term and it is not subject to confirmation. Next to offer his congratulations to Dr. Robinson was Representative Wood. His question was with regards to social promotions. Representative Wood asked what ideas Dr. Robinson had in place for aggressively addressing the vexing problem of this issue. Dr. Robinson stated in his opinion, there was never any justification for wholesale social promotions. He stated that they must address this problem and that this "term" should be gone from everyone's vocabulary in the near future. Representative Woods' next question regarded Charter Schools and the role they play in the life of the public school system in the state of North Carolina. Dr. Robinson stated he felt that by the end of next year, there would be Charter Schools that have been operational and they would show that the approval of Charter Schools was a good move. The troublesome set of circumstances for the State Board was he felt, the State Board was trying to follow the legislation and as a result the board has been accused by the Charter School people as well as the public school people of trying to do each group in. He stated he wished in this session the legislature would have just addressed the retirement and transportation issues. There were additional questions put to Dr. Robinson by Representatives Davis, Dixon, and Sexton. Representative Morgan expressed his appreciation to Dr. Robinson for making himself available to the committee.

Representative Morgan then introduced Evelyn B. Monroe from Moore County, who is also a nominee for appointment to the State Board of Education. She stated she has been serving on the State Board for almost two years and gave a brief summary of her past experience and life. Representative Morgan then recognized Representative Shubert for the first question. Her question to Mrs. Moore was how should the schools treat individual differences? Representative Shubert's follow-up question was how should the schools handle the different needs of the children, i.e. the gifted students, the tech prep programs, the straight academic programs, etc. Next to ask a question was Representative Tolson, and he asked what her views were about technology in the public schools. She

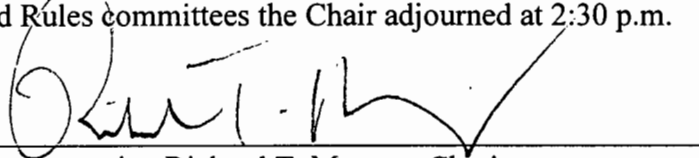
stated the public schools need help in this area. There being no further questions or comments of Mrs. Monroe Representative Morgan thanked her for her attendance.

Representative Morgan recognized Representative Wood for his comments on the last nominee for the State Board of Education, Mr. John R. Lauritzen. Representative Morgan explained to the committee that Mr. Lauritzen was traveling out of state and the meeting had been scheduled hastily. He also stated he was hoping that since Mr. Lauritzen was from Representative Woods district he would comment on his nomination.

Representative Wood explained Mr. Lauritzen had been a candidate for the Board of Governors and he was supported by the Guilford delegation. He further stated he hoped the committee would support his nomination.

Representative Morgan recognized Representative McMahan who stated he felt the committee had three excellent candidates and he moved for a favorable report for committee substitute House Bill 1004, unfavorable as to the original bill. As there was no further discussion or debate the vote was taken and the motion passed.

As there was no further business to come before the joint meeting of the House Education and Rules committees the Chair adjourned at 2:30 p.m.



Representative Richard T. Morgan, Chariman
Rules, Calendar, and Operations of the House



Dawn Amber Ellis, House Education Committee Clerk

VISITOR REGISTRATION SHEET

RULES, CALENDAR, AND OPERATIONS OF THE HOUSE

July 9, 1997

Name of Committee

Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

<u>NAME</u>	<u>FIRM OR AGENCY AND ADDRESS</u>
R. Paul Wilson	NCHBA
J. Michael Carpenter	NCHBA
Harry Jones	Attorney Raleigh
Paul B. Hanson	Professional Engineers of NC
Roshon Samuel	NC Coalition Against Domestic Violence
Ken Eick	Capital Strategies
Jim Keith	DA - 2nd Dist
Gregory Williams	Bone & Associates
Robert J. Young	attorney - Durham
Sam Johnson	ATTY
Tommy Harrison	Lehigh
Harold Webb	"
John McMillan	Manning, Feltus & Skinner P.A.
Alan Miles	Banks & Dixon LLP
Sam Cook	BP MHL
Paul Stock	NC Bankers Assn.
Steve Keene	NC Med Soc,
Amy Jo Bain	Smith Anderson
Bill Scoggin	NCSA
Carmen Hooker Buell	Carolina's Health Care System
Tommy Wenth	Carolina's Health Care System
Erleen Hawthorne	NCHBA
Maria - White	NCSA
Anna Hill	NC Med Soc
Michelle	"
Bobby Cox	Atlanta Braves
Stan Williams	HMO Inc.
Robert Redford	Hollywood CA

VISITOR REGISTRATION SHEET

RULES, CALENDAR, AND OPERATIONS OF THE HOUSE

July 9, 1997

Name of Committee

Date _____

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Anna Michelle	for Rep. Jerry Dockham
Yntleen	Norris Van Allen
John Beardsich	Zeb Alley PA.
Ron Atkins	CNANC
Ed Scott	PENC
Jerry Carter	nc Bd. of Registration
Ed Coburn	Ce/NE-
Laura Haytall	MCIC
Brenda Dougherty	Sprint
Deanne Kincaid	EGHIS
Nancy Woodlin	VICAP
James Peters	APF
Alvin Garland	Electric Cities
Bob Williams	Boys Office
David Simmons	201 PA
Lucinda Pullen	Attorney
Andy Romenit	N.C. & M.

MINUTES
HOUSE STANDING COMMITTEE ON EDUCATION
JULY 10, 1997

The House Committee on EDUCATION met at 11:00 a. m. on Thursday, July 10, 1997, in Room 544 in the Legislative Office Building. Representative Shubert, Co-Chair presided and the following members were present: Representative Russell, Co-chairperson; Representatives Arnold, Beall, Black, Boyd-McIntyre, Capps, Davis, Decker, Dickson, Eddins, Fox, Gulley, Hensley, Hiatt, Ives, McMahan, Moore, Morris, Mosley, Nichols, Nye, Oldham, Owens, Preston, Rayfield, Sexton, Sherrill, Smith, Tolson, Howard, Daughtry, and Wilkins. Legislative staff Kory Goldsmith, Robin Johnson, Sara Kamprath and Jim Watts were present to assist the Committee. Visitor registration sheet is attached and made part of the minutes.

Co-chairperson Representative Shubert introduced the Pages serving the Committee and welcomed guests. The Pages were Martin Sullivan and Jackson Cozort from Wake County, and Carlin Williford from Cumberland County.

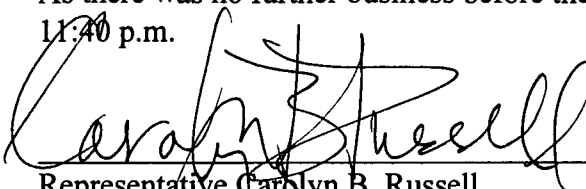
The Chair explained the only item on the agenda was Senate Bill 19- No Social Promotions Permitted. She explained that Senator Perdue, the bill's sponsor, was unable to attend the meeting and Representative Carolyn Russell would present the bill to the committee. Representative Russell explained the bill and reminded the committee of yesterday's Education committee meeting, when Dr. Robinson spoke of the need for benchmarks. She stated this bill fit into what he was talking about at the joint meeting of Rules and Education. As she finalized her comments about the bill she stated that the State Board of Education was responsible for working with Senator Perdue in developing this bill. She further explained there is no current cost associated with the bill. The cost associated with the bill was going to be in the years 2000-2006 assuming that some students would be held back. Representative Russell then sent forth a technical amendment. Representative Russell explained the technical amendment came to them at the suggestion of staff. Representative Beall moved for the adoption of the amendment. The Chair called for the vote and the amendment carried.

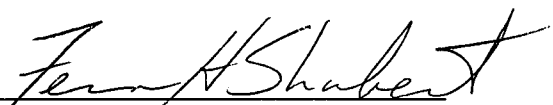
The first to ask a question was Representative Davis. His question concerned the benchmarks of the students and he then had a follow-up question about phonics. Representative Davis asked staff for comments on reading, etc. Jim Watts stated as far as he knew the State Board had not passed benchmarks. Mr. Watts then asked Anne Berlam Legislative Director for the State Board to address the issue. She stated the reading committee met yesterday. She had been at the General Assembly and did not know the decision of the committee. The Chair recognized Representative Moore who had a

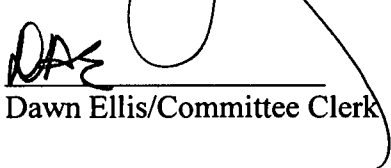
concern for students that may get caught in the middle of this implementation scheme. He made lengthy comments and Representative Russell asked staff to address his concerns. Kory Goldsmith pointed out numerous parts of the bill that would apply to his questions. Representative Russell stated she understood Representative Moore's concerns and she advised him to get with staff to work on language prior to the bill coming to the House Floor. Representative Shubert advised Representative Moore the bill should be re-referred to the House Appropriations committee due to the fiscal impact. The Chair then recognized Representative Rayfield who asked a question and staff person Jim Watts gave his explanation about student and classroom assessment. Representative Black stated he liked the concept of the bill, but he wanted to make sure they had the funds for this bill. Representative Shubert gave her explanation of the fiscal note. Representative Russell explained that the staff person from fiscal was out of town and she was sure these were good comments.

Representative Wilkins' question was about those students who failed on the second testing and how many students could possibly not pass in the third testing. His last question was how long the public school system would keep a student in the fourth grade. Representative Oldham asked questions concerning the identified low performing schools. Neither Representative Russell or staff had the answers to his questions, but Representative Russell asked staff to flag his comments and research this area for further consideration and discussion at a later date and time. Representative Beall made comments about brilliant students who were bored when tested and what provisions were in the bill for these type of students. Representative Russell stated she felt sure his concerns were addressed in the bill and Jim Watts further stated she was correct. The Chair recognized Representative Smith who made a motion that the bill receive a favorable report as amended rolled into a committee substitute, with a recommendation the bill be re-referred to the House Committee on Appropriations, unfavorable to the original bill.

As there was no further business before the committee the Chair adjourned the meeting at 11:40 p.m.


Representative Carolyn B. Russell


Representative Fern H. Shubert


Dawn Ellis/Committee Clerk



7/10/97

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 19

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)
Page 1 of ____

S19-ARC-001

Date _____, 1997

Comm. Sub. ☐
Amends Title ☐
Second Edition

Representative

1 moves to amend the bill on page 2, line 33,
2 by deleting the phrase "these students" and substituting "students
3 who do not successfully meet the performance benchmarks at grades
4 four and eight".
5

SIGNED C. Russell
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

**1997 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **RUSSELL AND SHUBERT** for the Committee on **EDUCATION**.

☒ Committee Substitute for

S.B. 19 A BILL TO BE ENTITLED AN ACT TO REQUIRE THAT STUDENTS MASTER THE BASICS AT ONE GRADE LEVEL BEFORE THEY ARE PROMOTED TO THE NEXT GRADE LEVEL.

☐ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on
☐ Appropriations ☐ Finance ☐

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on ☐ Appropriations ☐ Finance ☐

☒ With a favorable report as to House committee substitute bill ,unfavorable as to Senate Committee Substitute and recommendation that the House committee substitute bill be re-referred to the Committee on Appropriations.

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ And having received a unanimous vote in committee, is placed on the Consent Calendar.
(PUBLIC BILLS ONLY)

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

4/24/97

**1997 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **RUSSELL AND SHUBERT** for the Committee on **EDUCATION**.

☒ Committee Substitute for

S.B. 19 A BILL TO BE ENTITLED AN ACT TO REQUIRE THAT STUDENTS MASTER THE BASICS AT ONE GRADE LEVEL BEFORE THEY ARE PROMOTED TO THE NEXT GRADE LEVEL.

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☐ Appropriations ☐ Finance ☐ .

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☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on ☐ Appropriations ☐ Finance ☐

☒ With a favorable report as to House committee substitute bill ,unfavorable as to Senate Committee Substitute and recommendation that the House committee substitute bill be re-referred to the Committee on Appropriations.

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ And having received a unanimous vote in committee, is placed on the Consent Calendar.
(PUBLIC BILLS ONLY)

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

4/24/97

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S

D

SENATE BILL 19

Education/Higher Education Committee Substitute Adopted 4/24/97
Proposed Committee Substitute S19-PCS6707

Short Title: No Social Promotions Permitted.

(Public)

Sponsors:

Referred to:

February 3, 1997

1 A BILL TO BE ENTITLED

2 AN ACT TO REQUIRE THAT STUDENTS MASTER THE BASICS AT ONE
3 GRADE LEVEL BEFORE THEY ARE PROMOTED TO THE NEXT GRADE
4 LEVEL.

5 Whereas, some students in North Carolina receive social promotions; that
6 is, they are promoted to the next grade level before they master the basics at their
7 grade level; and

8 Whereas, a student who has not mastered the basics at one grade level is
9 unlikely to succeed at the next grade level; and

10 Whereas, it is imperative that the promotion standards we set for our
11 students are high enough to provide them with the skills and knowledge they need to
12 be successful as citizens and in the workplace; and

13 Whereas, it is imperative that the promotion standards we set for our
14 students are high enough to ensure that a high school diploma means that a student
15 has the skills and knowledge we should expect of a high school graduate; and

16 Whereas, it is imperative that every North Carolina school identify
17 students who are lagging behind these high standards and help them meet these
18 standards along with their age-level peers; Now, therefore,
19 The General Assembly of North Carolina enacts:

20 Section 1. G.S. 115C-174.11 reads as rewritten:

21 "§ 115C-174.11. Components of the testing program.

(a) Assessment Instruments for ~~First~~ Kindergarten, First, and Second Grades. -- The State Board of Education shall adopt and provide to the local school administrative units developmentally appropriate individualized assessment instruments in reading, writing, and mathematics consistent with the Basic Education Program for ~~the kindergarten and~~ first and second grades, rather than standardized tests. These instruments shall be used to assist teachers in determining student progress and improving classroom instruction.

Local school administrative units ~~may~~ shall use these assessment instruments provided to them by the State Board for kindergarten and first and second grade students, and shall not use standardized tests.

(a1) Student Performance Benchmarks for Grades Four and Eight.

(1) The State Board of Education shall establish student performance benchmarks in reading, writing, and mathematics for students in grades four and eight. In establishing these benchmarks, the State Board of Education shall take into consideration the grade-level student performance expectations outlined in the ABC's Plan, the standard course of study, the recommendations of the North Carolina Education Standards and Accountability Commission, and the benchmarks established for grades four and eight by the National Assessment of Educational Progress (NAEP). The benchmarks shall include State test scores, a standardized student performance checklist, and other information the State Board of Education deems appropriate.

The State Board of Education shall also establish grade-level standards for students in kindergarten through third grade and in fifth grade through seventh grade that can be used to identify students who may not meet the benchmarks.

(2) The State Board of Education shall adopt rules and guidelines to ensure that students who do not successfully meet the student performance benchmarks at grades four and eight shall not be promoted. These rules may provide for (i) alternative ways for students to demonstrate that they have met the benchmarks and for (ii) waivers of this requirement for narrowly defined classes of students including children with special needs. Local boards of education shall provide students who do not successfully meet the performance benchmarks at grades four and eight with intensive, accelerated instructional support to assist them in meeting the benchmarks for their grade level.

(3) The State Board of Education shall also develop rules and guidelines for providing technical assistance to local school administrative units to ensure compliance with this subsection. These rules and guidelines shall:

a. Identify for local boards of education the existing State and federal funds they can use to identify students who may not

1 meet the student performance benchmarks and to provide
2 services to students who may not or have not met the
3 benchmarks;

4 b. Identify options for incorporating strategies for
5 implementing this subsection into local school improvement
6 plans; and

7 c. Advise local boards of education to commit the resources
8 necessary to comply with this subsection.

9 (4) At the beginning of each school year, local boards of education
10 shall notify parents of children in kindergarten through eighth
11 grade of the student performance benchmarks in reading, writing,
12 and mathematics that students are expected to meet that year and
13 must meet in grades four and eight.

14 (b) Competency Testing Program.

15 (1) The State Board of Education shall adopt tests or other
16 measurement devices which may be used to assure that graduates
17 of the public high schools and graduates of nonpublic schools
18 supervised by the State Board of Education pursuant to the
19 provisions of Part 1 of Article 39 of this Chapter possess the skills
20 and knowledge necessary to function independently and
21 successfully in assuming the responsibilities of citizenship.

22 (2) The tests shall be administered annually to all tenth grade students
23 in the public schools. Students who fail to attain the required
24 minimum standard for graduation in the tenth grade shall be given
25 remedial instruction and additional opportunities to take the test
26 up to and including the last month of the twelfth grade. Students
27 who fail to pass parts of the test shall be retested on only those
28 parts they fail. Students in the tenth grade who are enrolled in
29 special education programs or who have been officially designated
30 as eligible for participation in such programs may be excluded
31 from the testing programs.

32 (3) The State Board of Education may develop and validate alternate
33 means and standards for demonstrating minimum competence.
34 These standards, which must be more difficult than the tests
35 adopted pursuant to subdivision (1) of this subsection, may be
36 passed by students in lieu of the testing requirement of subdivision
37 (2) of this subsection.

38 (4) Repealed by Session Laws 1996, Second Extra Session, c. 18, s.
39 18.14.

40 (c) Annual Testing Program.

41 (1) The State Board of Education shall adopt a system of annual
42 testing for grades three through 12. These tests shall be designed to
43 measure progress toward reading, communication skills, and
44 mathematics for grades three through eight, and toward

competencies designated by the State Board for grades nine through 12.

- (2) If the State Board of Education finds that additional testing in grades three through 12 is desirable to allow comparisons with national indicators of student achievement, that testing shall be conducted with the smallest size sample of students necessary to assure valid comparisons with other states."

Section 2. Prior to June 1, 1998, the State Board of Education shall:

- (1) Establish student performance benchmarks for grades four and eight in accordance with G.S. 115C-174.11(a1), as enacted in Section 1 of this act;
- (2) Conduct research on and develop information on the best methods for providing accelerated learning for students that are at risk of not meeting the fourth and eighth grade benchmarks and provide this information to local school administrative units;
- (3) Identify current resources available and additional resources necessary to implement these best methods;
- (4) Develop a comprehensive plan to assist local school administrative units in providing appropriate educational opportunities for students that are at risk of not meeting the fourth and eighth grade benchmarks; and
- (5) Evaluate the impact of this act on exceptional students and establish guidelines to assist local school administrative units in developing appropriate individualized education programs for exceptional students who are at risk of not meeting the fourth and eighth grade benchmarks.

Section 3. The State Board of Education shall report to the Joint Legislative Education Oversight Committee on July 15, 1998, on its progress in implementing this act. The State Board shall report on November 15, 2000, on the impact of this legislation on the public schools and on student achievement.

Section 4. The State Board of Education may expend from funds appropriated to add to local school administrative units funds to develop the assessment instruments for kindergarten, first, and second grades.

Section 5. This act is effective when it becomes law. Section 1 of this act applies to all school years beginning with the 1999-2000 school year.

VISITOR REGISTRATION SHEET

House of Representatives
~~Standing Committee on EDUCATION~~
 Name of Committee

Date

July 10, 97

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK.

NAME

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Adriene Hill	SBE
Christina Carpenter	SBE
Amy Van Oostum	PENC
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Ed Regan	N.C.A.C.C.
Aun Belam	SBE
Ewan Rogers	NCJCDC
Kashir B Nelson	NCJCDC
Stephen J. Barry	NCJCDC
Darryl Hunt	NCCCS
Hal Miller	DCACCT

VISITOR REGISTRATION SHEET

House of Representatives

~~Standing Committee on EDUCATION~~

Name of Committee

Date _____

Date July 10, 97

ITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME _____

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