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

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Russell and Gayle

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24

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sidence: P.O. Box 363, Erwin, NC 28339. (910) 7-5542. Business Address: P.O. Box 1113, Dunn, NC 28335. (910) 892-1841. District 19

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27

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Jim and Suzanne

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Bill and Rita

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Mia and Bill

Legislative Bldg. Room No 1315 Legislative Bldg. Office Phone No. 35114	٠
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Jean

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44

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Jim and Betty
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Connie and Tom

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Nelson and Libby

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Ted and Thelma

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Bob and Patricia





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Stan	and	JoAni

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Bill	and	Sue
m No	<i>ζ</i> Λ	22

egislative Bldg. Room No egislative Bldg. Office Phone No	633
egislative Bldg. Office Phone No	3-5784
taleigh Residence Phone No	
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Bill Owens



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Bill and Cynthia

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Ed and Evangeline

Legislative Bldg. Room No_	a //3
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Norris and Betsy

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Dub and Ruth Day

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Pete and Gladys

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ther Nos.



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Verla and Chet



HOUSE

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Alex and Jackie

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Richard



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Jane and Jerry

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Edd and Peggy

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41



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Jerry and Louise

Legislative Bldg. Room No_//0(3-5822)

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28

Robert Grady

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Robert and Neta





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Wayne and Janice

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Legislative Bldg. Office Phone No. 3 - 59.74

Rateigh Residence Phone No. ...

Other Nos.

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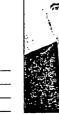
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Ronnie and Betty

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Flossie and Charles

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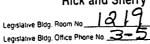


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Rick and Sherry



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Julia

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enislative Bidg Office Phone No 3-5904
Raleigh Residence Phone No.
Other Nos.



(Name of Committee)

ATTENDANCE

DATES	218	42	45	ગ્રા	34	3/6	3/11	78	3/20	3/25	3/a7	4/1	4/3	4/8	410
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EDUCATION

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Davis, D. —	/	~	1	1	8	1	-/	1	1		V	~	•	V	-
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Russell, Carolyn B co-chair			سا	<u>س</u> ام		~	~	/	V	1	V	/	/	1	₹∕	ا	-
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Shubert, Fern co-chair	: !		1	1	1	ت	-	- /	~	٢	~	C/A	V	~	V	<u>ب</u>	†
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ROLL CALL VOTE

YES	N	=(TOTAL)			SB#
HOUS	SE STA	NDING COMMITTEE ON _			
House	Subcor	nmittee on			
YES	NO	MEMBER (last name) ARNOLD, G. BEALL, C.	YES	NO	MEMBER (last name) KINNEY 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 off	icio Me	mbers
					Speaker Pro TemWOOD
					Majority LeaderDAUGHTRY
					Majority WhipHOWARD

*Not HEARD

Committee EDUCATION

Date					<u> </u>
Date Received		Senate Bill	Short Title	Action Taken	Date
	113		Add Trustees/College of the albemarie	with a Favorable Report	2/18/97
	88/s7a		St. Bd. of Ed. / Subpoena Power	with a Favorable Report to be re-referred to Judiciary I	ala7/97
	211		School Districts Sales Tax Refunds	With a Favorable Report tol	2/27/9
	272		Public College Sales Tax Refunds	with a Favorable Fleport to	2127/97
	87		at-Risk Students Task Force	With a Favorable Report, as amended, which changes Titl	3/4/97
		7/	Sch. Bd. Leases of Sch. Bldgs.	With a Favorable Report	3/4/97
	78		Sch. Admin. Stds. Exemption	With a Favorable Beport	3/4/97
	64		Lease Blogs For Schools		
	76		Local teaching Permits	·	
	86		Sales Tay Refund For Schools	:	
	89		Notify School / Juv. Probation	Committee Substitute received a forcest Report, 1988 99 Received a unsendous appropriate page 1	3/10/97
	90		Obsolete School Laws	Companion bill+O Senate Bill 70	
	157		Comm. College Scholarship Program	With a particular report as to commission of as too riginal bill, rereferred to commission of the comm	18 1/21/9/
	256		School Budief accountability	lying converte Externs to Corn. Sussistate Brill which cropses the Title Undownlis as to prignibil and to be versioned to the Common Record	Man 3/11/9
	351/Sa76	ζ.*	excellent Schools Act	Feverable reported to the complete substitution in and in and committee substitute bill reflected to be	100 Tienton
	379		Amend Chartee Schools Laws	priginal bill, relefered to comm. on J	manual A
	0	70	Obsolete School Laws	Vernanises substitute received a fairal versus a la commentation de la	3/10/97
	458		Charter School amendments	Without Forward Electricas & Commission United to Commission Commission Department of the Commission De	4/23/97
	483		School Board "Quick Take"	with a Favorable report as to Commission with a commission with and commission referred to the commission of the commiss	to comm. 4/2
	511		Evolution Not Taught AS Fact	with a Favorable related as to commisc Changes the title, unfavorable as to	ouging 1 pour
	ล์เล		School Safety Act	unfavorable to original Bill, Favorable to Committee Substitut	3/20/9
		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 Substitute 20 ferred to passed thee on	
			WINC Flexibility Frocedities	Referred to startee on juniversities	5/6/97
	707		Community-Based School Assignments	Universities with a Favorabe recommende as to commende to the commende to the commender of	sub-bill, which
	769			favorable report as to Comm. Sub., unsecto Original bill, to locareformation	MOTOR HIGHER
		· · · · · · · · · · · · · · · · · · ·		Commison sinance	-

BILL ORD FORM Committee EDUCATION

Date					
Received		Senate Bill	Short Title	Action Taken	Date
	905	170	Excellent Community Colleges Act	With a favorable report and refreserred to Comm. on Approp.	4/22/97
	0.10	72	St. Bd. of Ed./Subpoena Power		
	Q43		Deduct Elem / Secondary Edition	5/13) SEN NO SULCOMMONDER	
	952		Decluct Post-secondary Tuition	5/13 Chair of sublication).	Aportor Also
	969		School Inter-Unit Enrollment		/20
	977		Parents on School Improvement Team	5 With a Favorable report	4/24/97
	110		Employee Pay/Excused Snow Days		
	979		Substitute Teacher Pay Raise	with a Favorable reportasto comm Subjurements as to original militareterrection	5/13/97
	1001		tayroll dues Check-Off Limit	N. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1.	
	1019		Rigorous Academic Control Standard	with a Fowerable report, tobe rereferred to comm. on approp.	4124197
	1025		UNC Military TuitiON	WHAT A LANGE THE PROPERTY OF THE PARTY OF TH	h
	1072		Prevent School Violence	withat avorable report as to comm. Su Bill which the grands the title, unfavorabled to priginal bill With a Fautable report as to comm. Sub, unfavorable as bookinal bil	3 4/29/97
	1089			Sub unfavorable as bonginal bil	
	1098		Special Education Mediation	With a favorable report as to comme sub-/unfavorable as to original bill	4124/97
	1099		Kindergarten Entry/GiFted Student	with a favorable reportasto commissus unfavorable as to original bill	2 4/a4/97
	1136			with a favorable recorrasto como sub , unfavorable as to origin	164 4/23/9
	1142		Tuition Waivers/Emergency Workers	with a raudable report as to commisured to bill, rereferred to the committee on Tudici ary II	4/29/97
		366	Revise School/County Mediation		
		457	Students Learn CPR	Facorable report	6110197
	989		Sch. Administrator's Exam Fee Upped	Withafavorable report as to comm. Sub., rereferred to comm. on Finance	4/22/97
	1026		Extra Days of Employment For Teachers	with a favorable report asto comm. sub. Unfavorable acto orgin	albill 4/22/47
	945		NwwingScholars Program	with a favorable report	4/22/97
	1046		N.C. Partnership Audit Process	with a favorable Report	4/22/97
	1154		SAFESchool Plans/Accountability	With a tavorable REPORT OS HOLDON Sub- Lineaurable as to Uniqual Fall, herete- te comm. on Appropriations	d 5/13/7
	1180		FSU/Dembroke Teacher Ed. Consorti	universities	5/6/97
	1183		Civic Education Program Funds	Referred to Subcommittee on Preschool, Slongother yard Secondaria yard Secondaria yard Secondaria yarda secondaria yarda yarda secondaria yarda	4 5/6/91
		19	NOSOCIAL PICTIONO BED HUTECI	to Separte Com, Sub a recorn, be	711097
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BILL REOD FORM Committee EDUCATION

Date					
Received	House Bill	Senate Bill		Action Taken	Date
		587	School Personnel/Class Experience		
		1011	Initial Entry Into Kindergarten	BAD. YEARD AS TO HOLE COM SUB.	512297
		1054	Allow Divestiture	re-refrecol to Commerce	5/7/97
	1199		Monetary Incontive/ACAD. Excellence		
	1221		Enalish As A 2ND LANGUAGE STUDY		
		5	EDUCATION GOVERNANCE CHANGES	Fowerable report	612197
		297	AMEND CHARTER SCHOOL LAWS	facto House Com. Sub. untaged or a. a rest. to be re-ref. to Come Peus ho	611097
		442	AMEBICAN HISTORY ACT	FAQ to House Com. Sub. UNFAQ. TO SUB. THE PROSE OF A TO THE PROSE COM. Sub., UNFAQ. THE PROSECUTION OF A P. THE P	6/10/97
		616	LIMIT APPEALS TO SCHOOL BOARDS	٠	
		765	DOED HOTE FUND INCO LOTE SOLLAND	FRO. tollowse (DMSUDONARCE THE	5122)97
		958	Students ELIGIBLE TO AHEND SCHOOL	Emparal Liouse Commisses Sub-, unique to Senate Comm. sub	5122197
		1066	Tolentifu/Remediate At-Risk Students	Fourable report	6/10/97
	1198		SAVINGS RESERVE I School Technology Fund	reserved to subcommittee on Dreschool, Slementaryand Secondar	u 5/6/97
	1225			じょうしゅく ナン ちょりこんべけつごせん クロ・コ) ' 1 '
		SB366	TO REDISE THE MEDIATION PROCEDURE FOR rESOlving SCHOOL BUDGET DISQUES BETWEEN LOCAL BORRES OFED	DIRCHOOL, Elementary and Secondary Sub unter to House communes Ensurable to Douse Ensurable	5/20/97
	1199	1	TOPRODIDE MONEY incestives For Academic Excellence	ENGLIFED TO BUILDING COMME	5/20/97
		98616	Limit Appeals to ROOD POARds of Fol	FAUDIALLE TO HOUSE COMMINIST SUD,	5122197
		93616		renefer, back to EDCom,	6111197
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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. Shuber

Co-Chairs

Dawn Ellis

Committee Clerk

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 1997

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HOUSE BILL 113

Short Title: Add Trustees/College of the Albemarle. (Local) Sponsors: Representative Owens. Referred to: Education.

February 12, 1997

A BILL TO BE ENTITLED

2 AN ACT TO AUTHORIZE THE EXPANSION OF THE BOARD OF TRUSTEES 3 OF THE COLLEGE OF THE ALBEMARLE.

The General Assembly of North Carolina enacts:

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

"(a) Each community college established or operated pursuant to this Chapter 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 paragraph of this subsection, who shall be selected by the following agencies.

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 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.

House of Representatives
Standing Committee on EDUCATION
Name of Committee

2/18/97 Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK.

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House of Representatives
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House of Representatives
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Hande K. Potts	Spring Creek PJA 4340 Indian Springs Rd (Wayne County) Swen Springs NC (Wayne County)
Robin De Teaux	Spring Creek 4340 Indian Springs Pdg Wayne Co
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House of Representatives
Standing Committee on EDUCATION
Name of Committee

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an Cratts	NCASA
\mathcal{V} , .	PTA milbrook High School
Cherye Citron	10216 whitestone Rd Raileigh 27615
barbara Meyer	PTA- WEST MILL BOOK MIDDLE School (Wake CTY School Sys.)
1. 000	PTA TILLBROOK HIGH SCHOOL.
Annely	709 Bennington Dure Radagn > C 27615
dím Polk	NC PTA Beard of Managers Viae-Bresident for Legislatine Activity
Rachel Lawrence	NC PTA Board of Managers Cheir, Education Commission
Lorraine Nicholson	NC PTA 3501 Islenwood ave Raleigh, NC 27612
Helen Lyme	Much Co-
Helen Lyme Jug Tite	Chair Legist. Committee 4708-D COURTSIDE Place, Raleigh, Nº 27604
Rill Silta	PTH Achesille, MC ZR805
	5536 Kad Springs Dr. Char., NC 28227. 704-545-4719
Margaret W. Carnes	CM5 - 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 Dawn Ellis/Committee Clerk

and

Representative Fern H. Shubert

House of Representatives	•	2/20/91
Standing Committee on EDUCATION Name of Committee		Date

NAME	FIRM OR AGENCY AND ADDRESS
Ellen Picket	Parent of public school children Concerned eitizen-school board watcher 304 Kingston Rd., Knightdele, NC 27545
Pameli Ahli	Clerk/ Capps
I mal. Bridges	DPI - Office & Charles Schools
Judy Hoffman	Wake County School Board
Marian Doud	League 1 Women Voters NC
Clifton B. Nateay	ard -
Ein Jacy Black	Principal Fellows Program
Caerlibiker	Student from W.C. State intern for Rep. Davis
Martin Eches	Self-Help
THOMAS WILLIAMS	ALPHA
Laure Crumple	AG/SBE
VERON Robin	NCERF
Patti Bryce	Parent of Wake Cty. School emildren Mayellon Churter School Pavo Cate

House of Representatives
-Standing Committee on EDUCATION
Name of Committee

2/20/97

Date

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Susan Harrison	Wake County Public Schools	; ;
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House of Representatives
Standing Committee on EDUCATION
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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

Dawn Ellis/Committee Clerk

Representative Fern H. Shubert

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

2/25/91 Date

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25/97 Date

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Standing Committee on EDUCAT Name of Committee	2/25/97
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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

VISITO	R REGISTRATION SHEET
House of Representatives -Standing Committee on EDUCAT Name of Committee	2/a1/97
Name of Committee	Date
VISITORS: PLEASE SIGN BELOW	AND RETURN TO COMMITTEE CLERK.
NAME	FIRM OR AGENCY AND ADDRESS
M. Miller	- Miller Co
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W. La Throum	TAPAR
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Sarah Howard	AFTINC
Joe HAAS	NCCSA
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VISITOR REGISTRATION SHEET		
House of Representatives	-2/27/97	
-Standing Committee on EDUCAT Name of Committee	Date	
VISITORS: PLEASE SIGN BELOW A	AND RETURN TO COMMITTEE CLERK.	
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VISITO	R REGISTRATION SHEET
House of Representatives -Standing Committee on EDUCAT Name of Committee	2/22/97
Name of Committee	Date
VISITORS: PLEASE SIGN BELOW A	AND RETURN TO COMMITTEE CLERK.
NAME	FIRM OR AGENCY AND ADDRESS
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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 A BILL TO BE ENTITLED AN ACT TO GRANT SUBPOENA POWER TO THE H.B. 88 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 (#), \(\square\) 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 (#), \(\square\) 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. 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
	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,
	On motion of Rep, the House concurs in the (material) Senate (by the following vote, RC) (, by EV,) and the hill is ordered envalled

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 1997

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HOUSE BILL 88*

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Short Title: St. Bd. of Ed./Subpoena Power. (Public) Representatives Preston, Grady, Black, McMahan, Owens, Rogers; Sponsors: Culp, Dockham, Moore, Mosley, Shubert, Warner, and Watson. Referred to: Education, if favorable, Judiciary I. February 10, 1997 A BILL TO BE ENTITLED 1 AN ACT TO GRANT SUBPOENA POWER TO THE STATE BOARD OF EDUCATION IN CASES INVOLVING THE SUSPENSION OR REVOCATION 3 OF CERTIFICATES. 4 The General Assembly of North Carolina enacts: Section 1. G.S. 115C-296(d) reads as rewritten: 6 7 "(d) The State Board shall adopt rules to establish the reasons and procedures for the suspension and revocation of certificates. In addition, the State Board of Education may revoke or refuse to renew a teacher's certificate when: The Board identifies the school in which the teacher is employed 10 (1) as low-performing under G.S. 115C-105.37; and 11 The assistance team assigned to that school under G.S. 115C-12 (2) 105.38 makes the recommendation to revoke or refuse to renew 13 14 the teacher's certificate for one or more reasons established by the State Board in its rules for certificate suspension or revocation. 15 The State Board may issue subpoenas for the purpose of obtaining documents or 16 the testimony of witnesses in connection with proceedings to suspend or revoke certificates." 18

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 A BILL TO BE ENTITLED AN ACT TO ALLOW LOCAL BOARDS OF H.B. 271 EDUCATION TO OBTAIN REFUNDS OF SALES AND USE TAXES 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 (#), \(\square\) 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 (#), \(\square\) 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**

1

HOUSE BILL 271

Short Title: School District Sales Tax Refunds.

(Public)

Sponsors:

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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

A BILL TO BE ENTITLED

AN ACT TO ALLOW LOCAL BOARDS OF EDUCATION TO OBTAIN REFUNDS OF SALES AND USE TAXES. 3

4 The General Assembly of North Carolina enacts:

Section 1. G.S. 105-164.14(c) reads as rewritten:

- 5 Certain Governmental Entities. -- A governmental entity listed in this 6 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 A county. (1)
 - (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 this State.
5	(4)	
	(4)	A water and sewer authority created under Chapter 162A of the
6	(5)	General Statutes.
7	(5)	A lake authority created by a board of county commissioners
8	(6)	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	(0)	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.
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SESSION 1997

1 2	(19) The North Carolina Hazardous Waste Management Commission 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.

House Bill 271 Page 3

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.

 By Representative(s) Russell and Shubert for the Committee on EDUCATION.
 Committee Substitute for 3. 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 \square Appropriations \square Finance \square
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
	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,
	House committee substitute. enrolled.
	On motion of Rep, the House concurs in the (material) Senate (by the following vote, RC) (, by EV,) and the hill is ordered enrolled

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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HOUSE BILL 272

Short Title: Public College Sales Tax Refunds.

(Public)

1

Sponsors:

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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

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:

Section 1. G.S. 105-164.14(c) reads as rewritten:

"(c) Certain Governmental Entities. -- A governmental entity listed in this subsection is allowed an annual refund of sales and use tax paid by it under this Article, except under G.S. 105-164.4(a)(4a) and G.S. 105-164.4(a)(4c), on direct purchases of tangible personal property. Sales and use tax liability indirectly incurred by a governmental entity on building materials, supplies, fixtures, and equipment that become a part of or annexed to any building or structure that is owned or leased by the governmental entity and is being erected, altered, or repaired for use by the governmental entity is considered a sales or use tax liability incurred on direct purchases by the governmental entity for the purpose of this subsection. A request for a refund must be in writing and must include any information and documentation required by the Secretary. A request for a refund is due within six months after the end of the governmental entity's fiscal year.

This subsection applies only to the following governmental entities:

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

GENERAL.	ASSEMBLY	OF NORTH	CAROLINA
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SESSION 1997

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1 2	. ,	The North Carolina Hazardous Waste Management Commission created pursuant to Chapter 130B of the General Statutes.
3		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		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 Ja	nuary 1, 1997.

House Bill 272 Page 3

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

HOUSE BILL 271 Committee Substitute Favorable 3/5/97

Short Title: School District Sales Tax Refunds. (Public)
Sponsors:	
Referred to:	
February 18, 1997	
A BILL TO BE ENTITLED AN ACT TO ALLOW LOCAL BOARDS OF EDUCATION TO OF REFUNDS OF SALES AND USE TAXES. The General Assembly of North Carolina enacts: Section 1. G.S. 105-164.14(c) reads as rewritten: "(c) Certain Governmental Entities A governmental entity listed subsection is allowed an annual refund of sales and use tax taxes paid by it under Article, except under G.S. 105-164.4(a)(4a) and G.S. 105-164.4(a)(4c), on purchases of tangible personal property. Sales and use tax liability indirectly in by a governmental entity on building materials, supplies, fixtures, and equipmental education of the governmental entity and is being erected, altered, or repaired for use governmental entity is considered a sales or use tax liability incurred on purchases by the governmental entity for the purpose of this subsection. A requarefund must be in writing and must include any information and document required by the Secretary. A request for a refund is due within six months aftend of the governmental entity's fiscal year. 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.	in this ler this direct curred ent that ased by by the direct lest for ntation

1 2	(3)	A metropolitan sewerage district or a metropolitan water district in this State.
3 4	(4)	A water and sewer authority created under Chapter 162A of the General Statutes.
5	(5)	A lake authority created by a board of county commissioners pursuant to an act of the General Assembly.
7	(6)	•
8	(6)	A sanitary district.
9	(7)	A regional solid waste management authority created pursuant to G.S. 153A-421.
10	(8)	An area mental health, developmental disabilities, and substance
11	•	abuse authority, other than a single-county area authority,
12		established pursuant to Article 4 of Chapter 122C of the General
13		Statutes.
14	(9)	A district health department.
15	(10)	A regional council of governments created pursuant to G.S. 160A-
16	()	470.
17	(11)	A regional planning and economic development commission or a
18	、	regional economic development commission created pursuant to
19		Chapter 158 of the General Statutes.
20	(12)	A regional planning commission created pursuant to G.S. 153A-
21	()	391.
22	(13)	A regional sports authority created pursuant to G.S. 160A-479.
23	(14)	A public transportation authority created pursuant to Article 25 of
24	(- ')	Chapter 160A of the General Statutes.
25	(14a)	A facility authority created pursuant to Part 4 of Article 20 of
26	(- ')	Chapter 160A of the General Statutes.
27	(15)	A regional public transportation authority created pursuant to
28	()	Article 26 of Chapter 160A of the General Statutes.
29	(16)	A local airport authority that was created pursuant to a local act of
30	()	the General Assembly and has at least one of the following
31		characteristics:
32		a. It has all of the rights of a municipality.
33		b. A local act of the General Assembly declares it to be a
34		municipality.
35		c. A local act of the General Assembly specifically authorizes
36		it to receive a refund under this section.
37	(17)	A joint agency created by interlocal agreement pursuant to G.S.
38		160A-462 to operate a public broadcasting television station.
39	(18)	The North Carolina Low-Level Radioactive Waste Management
40	(10)	Authority created pursuant to Chapter 104G of the General
41		Statutes.
42	(19)	
43	(19)	The North Carolina Hazardous Waste Management Commission
73		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.

House Bill 271 Page 3

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

Н

HOUSE BILL 271

Short Title: School District Sales Tax Refunds.

(Public)

1

Sponsors:

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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

A BILL TO BE ENTITLED

2 AN ACT TO ALLOW LOCAL BOARDS OF EDUCATION TO OBTAIN REFUNDS OF SALES AND USE TAXES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 105-164.14(c) reads as rewritten:

- 5 Certain Governmental Entities. -- A governmental entity listed in this 6 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:
 - A county.
 - (2) A city as defined in G.S. 160A-1.

1	(2a)	A consolidated city-county as defined in G.S. 160B-2.
2	<u>(2b)</u>	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	(-0)	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	(10)	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.

House Bill 271 Page 3

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 Prnell 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

Maich 4, 1997

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK.

NAME	FIRM OR AGENCY AND ADDRESS
Both Byan	RRC
James M. Rosa	DHR
Mary Dratch.	Guardian ad Lifer
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Brend Norris	BPW/nc Sanford
JANN BEAL WAZTFIELD	BPW/NC
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VISITOR REGISTRATION SHEET

House of Representatives -Standing Committee on EDUCATION Name of Committee ASITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK. NAME FIRM OR AGENCY AND ADDRESS MAYO

VISITOR REGISTRATION SHEET

House of Representatives
-Standing Committee on EDUCATION
Name of Committee

Mach 4, 1997

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK.

NAME	FIRM OR AGENCY AND ADDRESS
ann Berlam	SBS
Alicia Horse	Public School Form
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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 A BILL TO BE ENTITLED AN ACT TO DIRECT VARIOUS STATE OFFICERS H.B. 87 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 (#), \(\square\) 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 .)), \(\square\) which changes With a favorable report as to House committee substitute bill (# the title, unfavorable as to Senate committee substitute bill. And having received a unanimous vote in committee, is placed on the Consent Calendar. 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
	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,
	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**

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HOUSE BILL 87

Short Title: At-Risk Students Task Force.

Representatives Preston, Grady, Black, McMahan, Rogers; Aldridge, Sponsors:

Culp, Dockham, Moore, Morris, Mosley, Shubert, Smith. Warner.

Watson, and Yongue.

Referred to: Education.

February 10, 1997

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.

The General Assembly of North Carolina enacts:

Section 1. (a) There is created the At-Risk Students Task Force under 6 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.

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.

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

^{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.

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. 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 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 (#), \(\square\) 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

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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

A BILL TO BE ENTITLED

1 AN ACT TO ALLOW SCHOOL BOARDS TO ENTER INTO OPERATIONAL LEASES OF REAL AND PERSONAL PROPERTY FOR USE AS SCHOOL 3 4 BUILDINGS, FOR THE REVIEW AND APPROVAL OF CERTAIN LEASES 5 COUNTY COMMISSIONERS AND THE LOCAL BYBOARDS OF 6 **GOVERNMENT** COMMISSION. AND TO **MAKE** TECHNICAL 7 REGARDING THE REVIEW BY CORRECTIONS THE GOVERNMENT COMMISSION OF CERTAIN LEASES, LEASE PURCHASE 8 CONTRACTS, AND INSTALLMENT PURCHASE CONTRACTS.

10 The General Assembly of North Carolina enacts:

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

"(d) Local boards of education shall make no contract for the erection or repair 12 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."

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

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

- (a) Local boards of education may enter into operational leases of real or personal property for use as school buildings or school facilities. Operational leases for terms of less than three years shall not be subject to the approval of the board of county commissioners. Operational leases for terms of three years or longer, including periods that may be added to the original term through the exercise of options to renew or extend, are permitted provided:
 - The budget resolution includes an appropriation authorizing the (1) current fiscal year's portion of the obligation;
 - (2) An unencumbered balance remains in the appropriation sufficient to pay in the current fiscal year the sums obligated by the lease for the current fiscal year; and
 - <u>(3)</u> The leases are approved by a resolution adopted by the board of county commissioners. If an operational lease is approved by the board of county commissioners, in each year the county commissioners shall appropriate sufficient funds to meet the amounts to be paid during the fiscal year under the lease.

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

- (b) Local boards of education may enter into contracts for the repair or 25 renovation of leased property provided the budget resolution includes an appropriation authorizing the obligation and an unencumbered balance remains in 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 bidding requirements of G.S. 143-129(a) and which do not constitute continuing contracts for capital outlay must be approved by the local board of county commissioners.
 - (c) Operational leases and contracts entered into under this section are subject to approval by the Local Government Commission under Article 8 of Chapter 159 of the General Statutes if they meet the standards set out in G.S. 159-148(a)(1), 159-148(a)(2), and 159-148(a)(3). For purposes of determining whether the standards set out in G.S. 159-148(a)(3) have been met, only the five hundred thousand dollar (\$500,000) threshold shall apply."

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

- "(d) Board of Education May Contract for Construction. -- Notwithstanding the provisions of G.S. 115C-40 and G.S. 115C-521, a local board of education may enter into contracts for the erection or repair of school buildings upon sites owned in fee simple by one or more counties in which the local school administrative unit is located."
 - Section 4. G.S. 115C-528(f) reads as rewritten:

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"(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 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."

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

Senate Bill 71 Page 3

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S

SENATE BILL 71*

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

(Public)

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Sponsors:

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

Referred to: Education/Higher Education.

February 10, 1997

A BILL TO BE ENTITLED

2 AN ACT TO ALLOW SCHOOL BOARDS TO ENTER INTO OPERATIONAL LEASES OF REAL AND PERSONAL PROPERTY FOR USE AS SCHOOL BUILDINGS AND FOR THE REVIEW AND APPROVAL OF CERTAIN LEASES BY BOARDS OF COUNTY COMMISSIONERS AND THE LOCAL GOVERNMENT COMMISSION.

7 The General Assembly of North Carolina enacts:

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

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

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

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

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

- (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 renew or extend, are permitted provided:
 - The budget resolution includes an appropriation authorizing the (1) current fiscal year's portion of the obligation;
 - An unencumbered balance remains in the appropriation sufficient (2) to pay in the current fiscal year the sums obligated by the lease for the current fiscal year; and
 - The leases are approved by a resolution adopted by the board of (3) county commissioners. If an operational lease is approved by the board of county commissioners, in each year the county commissioners shall appropriate sufficient funds to meet the amounts to be paid during the fiscal year under the lease.

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

- (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 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 commissioners.
- (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), 159-148(a)(2), and 159-148(a)(3)." 31

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

"(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."

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

Page 2 Senate Bill 71

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 (#), \(\square\) 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 (#), \(\square\) 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
 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,
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

1

HOUSE BILL 78

Short Title: Sch. Admin. Stds. Exemption.

(Public)

Sponsors:

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Representatives Rogers, Grady, Black, McMahan, Preston; Bonner,

Moore, Shubert, Sutton, and Yongue.

Referred to: Education.

February 10, 1997

A BILL TO BE ENTITLED

2 AN ACT TO CLARIFY WHO IS EXEMPT FROM THE PUBLIC SCHOOL ADMINISTRATOR EXAM. 3

4 The General Assembly of North Carolina enacts:

Section 1. Effective January 1, 1998, G.S. 115C-290.8 reads as rewritten:

"§ 115C-290.8. (Effective January 1, 1998) Exemptions from requirements.

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 eertificate, 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."

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

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
· Degen	N.C. Assoc. of Co. Comm.
Thusan Harrison	Wake County Schools
Alicia Hare	Public School Forum de NC
Jo Ann Nomis	· tt
Shord Harraum Sill Miller	TAP/AP
Jill Miller	NCATL
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Julie Rehder	UC Child Advocacy Intitute
Bill Wilson	nche
John Wilson	NCAE
Larah Stewart	AFTINC
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VISITOR REGISTRATION SHEET

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CARRY DIX	ACC. Trunice Serverses
Amanda Diging	NC Academy of Trial Lawyers
Paven walker	intern for Rep. Davis
Debrah Ros	Lov's Office
Debras Rosa	HULL
BILL BROOKS	NCFPC
- Stephen A. Bowen	NCJCDC
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· Cun Berlam	SBE
Reborah Perry	Charlotte-Mickenburg Schools
Harriet Diel	NCAE
Butch Gunnells	NCSDA
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Charles	MCATL
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GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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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 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 1150
5	TO CHAPTER 143B OF THE GENERAL STATUTES, TO STREAMLINE THI
6	REPORTS OF THE STATE BOARD OF EDUCATION TO THE JOINT
7	LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE, AND TO MAKI
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 1 2 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 7 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 12 is repealed.

STATE POLICY.

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

STATE SCHOOLS OF HEARING-IMPAIRED CHILDREN.

Section 12. Part 7 of Article 9 of Chapter 115C of the General Statutes, 17 G.S. 115C-123 through G.S. 115C-126.1, is recodified as Part 30 of Article 3 of 18 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 21 Statutes, G.S. 115C-127 through G.S. 115C-133, is recodified as Part 9A of Article 3 22 of Chapter 143B of the General Statutes, G.S. 143B-164.10 and G.S. 143B-164.13 23 through G.S. 143B-164.17.

- (b) G.S. 143B-176.1 is recodified as G.S. 143B-164.11 in Part 9A of 25 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 27 Article 3 of Chapter 143B of the General Statutes.
- 28 (d) The remainder of Part 12A of Article 3 of Chapter 143B of the 29 General Statutes is repealed.

SCHOOL SYSTEM DEFINED AND ORGANIZED.

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

32 "§115C-74. School system defined.

The school system of each local school administrative unit shall consist of 34 <u>kindergarten and</u> 12 years of study or grades, instruction or grade levels, and shall be 35 graded on the basis of a school year of not less than nine months. The system may be 36 organized in one or two ways as follows: The first eight grades shall be styled the 37 elementary school and the remaining four grades, the high school; or if more 38 practicable, a junior high school may be formed by combining the first year of high 39 school with both the seventh and eighth grades or with the eighth grade alone, and a 40 senior-high school which shall comprise the last three years of high school work. For 41 purposes of Title V of the National Defense Education Act of 1958 (Public-Law 42 85-864) the term "secondary school" shall be applicable to grades seven through 12. 43 The State Board of Education may make recommendations concerning the 44 classification or organization of the years of instruction or grade levels; however, each

GENERAL ASSEMBLY OF NORTH CAROLINA

- 1 local board of education may organize schools comprised of whatever years of 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."
 - (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 instruction or grade levels. 11
- (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 of study prescribed by the State Board.
- (f1) 'Middle school' or 'junior high school' means any school that has any combination of the sixth through ninth years of instruction or grade levels. 16
- (g1) 'Secondary school' means any middle school, junior high school, high school, or senior high school. 18
 - (k) 'Union school' means any school that has 12 years of instruction or grade levels and that may have a kindergarten."

CENTRAL ORPHANAGE.

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

STATE BOARD OF EDUCATION REPORTS

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

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

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(b) Article 12H of Chapter 120 of the General Statutes is amended by 1 2 adding the following new section:

3 "§ 120-70.83. Additional powers.

The Joint Legislative Education Oversight Committee, while in discharge of 5 official duties, shall have access to any paper or document, and may compel the 6 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:
- 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:
 - To certify and regulate the grade and salary of teachers and a. other school employees.
 - To adopt and supply textbooks. b. -
 - To adopt rules requiring all local boards of education to c. 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

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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 Stateallotted 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 subsubdivision 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 Stateallotted 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.

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1 Salary schedules for other support personnel, including but not limited to maintenance and school food service 2 3 personnel, shall be adopted by the State Board of Education. The Board shall classify these support positions in terms of 4 uniform pay grades included in the salary schedule of the 5 State Personnel Commission. These schedules shall apply if 6 7 the local board of education does not adopt a salary 8 schedule of its own for personnel paid from other than State 9 appropriations." (e) Effective July 1, 1999, G.S. 115C-12(24) reads as rewritten: 10 "(24) Duty to Develop Guidelines for Alternative Learning Programs, 11

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 35 the General Assembly that the mission of the public school community is to challenge 36 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 38 Basic Education Program for the public schools of the State. Before it adopts or 39 revises the Basic Education Program, the State Board shall consult with an Advisory 40 Committee, including at least eight members of local boards of education, that the 41 State Board appoints from a list of nominees submitted by the North Carolina School 42 Boards Association. The State Board shall report annually to the General Assembly 43 on any changes it has made in the program in the preceding 12 months and any 44 changes it is considering for the next 12 months.

Senate Bill 70 Page 7

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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 school administrative unit by July 1, 1995.

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 student achievement."

- (g) Effective July 1, 1999, Section 8.5(a) of Chapter 716 of the 1995 Session Laws, 1996 Regular Session, is repealed.
- (h) Section 29(b) of Chapter 716 of the 1995 Session Laws, 1996 Regular Session, is repealed.
 - (i) Effective July 1, 1999, G.S. 115C-238.29I reads as rewritten:
- "§ 115C-238.29I. Notice of the charter school process; review of charter schools; Charter School Advisory Committee.
- (a) The State Board of Education shall distribute information announcing the availability of the charter school process described in this Part to each local school administrative unit and public postsecondary educational institution and, through press releases, to each major newspaper in the State.
- (b) The State Board of Education shall report annually to the Joint Legislative Education Oversight Committee and the Joint-Legislative Commission on Governmental Operations the following information:
 - The current and projected impact of charter schools on the $\frac{(1)}{(1)}$ delivery of services by the public schools;
 - Student academic progress in the charter schools as measured, $\frac{(2)}{}$ where available, against the academic year immediately preceding the first academic year of the charter schools' operation; and
 - Best practices resulting from charter school operations.

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

(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 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

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

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

- 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.
- (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."
 - (l) G.S. 115C-415 is repealed.
 - (m) G.S. 115C-472.5(d) reads as rewritten:
- The Department of Public Instruction shall report to the Information 36 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."
 - EFFECTIVE DATE.
 - Section 17. This act is effective when it becomes law.

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GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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HOUSE BILL 89*

Short Title: Juv. Probation/School Notification. (Public) Representatives Preston, Grady, Black, McMahan, Owens, Rogers, Sponsors: 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 3 ADJUDICATED DELINQUENT AND IS ORDERED TO ATTEND SCHOOL 4 5 AS A CONDITION OF PROBATION, AND TO PROVIDE FOR THE MAINTENANCE OF THE NOTIFICATIONS. The General Assembly of North Carolina enacts: 8 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 10 11 of the following: 12 (1) Suspend imposition of a more severe, statutorily permissible 13 disposition with the provision that the juvenile meet certain conditions agreed to by him the juvenile and specified in the 14 dispositional order. The conditions shall not exceed the maximum 15 criminal sanction permissible for the offense; offense. 16 17 (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 18 19 the offense committed by the juvenile. The judge may determine the amount, terms, and conditions of the restitution. If the juvenile 20 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	(0)	iuvenile 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	(0)	vocational education or to a professional residential or
21		nonresidential treatment program. Participation in the programs
22		shall not exceed 12 months; months.
	(7)	
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	(0)	disposition.
29 30	(8)	Place the juvenile on probation under the supervision of a court
		counselor. In any case where a juvenile is placed on probation, the
31 32		court counselor shall have the authority to visit the juvenile where he the juvenile resides. The judge shall specify conditions of
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		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; <u>laws.</u>
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
1 0		attendance is a condition of probation, the judge shall order
\$1 \$2		the juvenile court counselor to notify the principal of the
12 12		juvenile's school within five days or before the juvenile
13 14		begins to attend school, whichever occurs first. This
1/1	-	notification chall be in suriting and chall decaribe the neture

1		of the offense and the probation requirements related to
2		school attendance. The principal shall handle the
3		notification from the court in accordance with G.S. 115C-
4		<u>404.</u>
5		b1. That the juvenile maintain passing grades in up to four
6		courses during each grading period and meet with the court
7		counselor and a representative of the school to make a plan
8		for how to maintain those passing grades; grades.
9		c. That the juvenile not associate with specified persons or be
10		in specified places; places.
11		d. That the juvenile report to a court counselor as often as
12		required by a court eounselor; counselor.
13		e. That the juvenile make specified financial restitution or pay
14		a fine in accordance with subdivisions (2) and (3); (3) of this
15		section.
16		f. That the juvenile be employed regularly if not attending
17		school.
18		An order of probation shall remain in force for a period not to
19		exceed one year from the date entered. Prior to expiration of an
20		order of probation, the judge may extend it for an additional
21		period of one year after a hearing if he finds that the extension is
22		necessary to protect the community or to safeguard the welfare of
23		the juvenile; juvenile.
24	(9)	Order that the juvenile shall not be licensed to operate a motor
25		vehicle in the State of North Carolina for as long as the court
26		retains jurisdiction over the juvenile or for any shorter period of
27		time; time.
28	(10)	Commit the juvenile to the Division of Youth Services in
29		accordance with G.S. 7A-652."
30	Section	on 2. Article 29 of Chapter 115C of the General Statutes is
31	amended by addi-	ng a new section to read:
32	"§ 115C-404. Use	e of juvenile court information.
33	The written no	otification of a student's probation received from a juvenile court
34	counselor in acco	ordance with G.S. 7A-649(8) is a confidential record, is not a public
35		d under G.S. 132-1, and shall not be made part of the student's
36		nder G.S. 115C-402. Immediately upon receipt, the principal shall
37		tification in a safe, locked record storage that is separate from the
38	student's other so	chool records. The principal shall maintain this notification for the

Upon receipt of this notification, the principal shall share the notification with 43 appropriate staff members in a conference at which the staff members shall indicate 44 in writing that they have read the notification and that they agree to maintain its

39 period of the student's probation, after which the principal shall shred or burn the 40 notification to protect the confidentiality of this information. In no case shall the

House Bill 89

42

41 principal make a copy of the notification.

- 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.
- If the student withdraws from school, is suspended for 10 or more days, is expelled, or transfers to another school, the principal shall return the notification to the 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."
- Section 3. This act is effective when it becomes law.



North Carolina General Assembly Legislative Services Office

George R. Hall, Legislative Services Officer (919) 733-7044

Ela. W. Robinson, Director Administrative Division Room 5, Legislative Building 16 W. Jones Street Raleigh, NC 27603-5925 (919) 733-7500 Gerry F. Cohen, Director Bill Drafting Division Suite 401, LOB 300 N. Salisbury St. Raleigh, NC 27603-5925 (919) 733-6660 Thomas L. Covington, Director Fiscal Research Division Suite 619, LOB 300 N. Salisbury St. Raleigh, NC 27603-5925 (919) 733-4910 Donald W. Fulford, Director Information Systems Division Suite 400, LOB 300 N. Salisbury St. Raleigh, NC 27603-5925 (919) 733-6834 Terrence D. Sullivan, Director Research Division Suite 545, LOB 300 N. Salisbury St. Raleigh, NC 27603-5925 (919) 733-2578

TO:

Representative Russell and Representative Shubert, Cochairs, House Education

FROM:

Robin S. Johnson, Staff Attorney

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

House of Representatives	3-11-97
-Standing Committee on EDUCATION Name of Committee	Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK.

NAME	FIRM OR AGENCY AND ADDRESS
Alicia Hare	Public School Forum
Jo Ann Norris	h u h
Jan Alewat	AFT/AK
aun Berlam	5P2E
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3-11-97 Date

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NAME	FIRM OR AGENCY AND ADDRESS		
Marian Dodd	League & Women baters NC		
Ballwhon	NCAE		
Lew Shormson	DPI		
Shenon Canford	NCASA-		
Kellen Sandens	Lea. Intern		
Dony Hund	NCCC 5		
Harriet Diel	NCAE		
Scott Markin	Rep Jene H. Mosley		
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House of Representatives Standing Committee on EDUCAT Name of Committee	3-11-97
Name of Committee	Date
VISITORS: PLEASE SIGN BELOW	AND RETURN TO COMMITTEE CLERK.
NAME	FIRM OR AGENCY AND ADDRESS
Lasti Bevorgen	NCCBF
Phil Wik	NCCOT
Learne Winner	SGHOS
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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 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 ☐ X 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 (#), \(\square\) 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 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) rereferred 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
	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,
	The bill/resolution (, as amended,) passes its third reading (by the following vote,
	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

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HOUSE BILL 256

Short Title: Sch. Budget Accountability.

(Public)

Sponsors:

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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

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 3 THE STATE BOARD TO SUSPEND LOCAL BUDGET FLEXIBILITY IF A 4 LOCAL BOARD FAILS OR REFUSES TO COMPLY WITH LAWS AND 5 6 RULES CONCERNING THE BUDGETING, MANAGEMENT, AND 7 EXPENDITURE OF PUBLIC SCHOOL FUNDS: TO PROHIBIT LOCAL BOARDS FROM USING STATE AND LOCAL FUNDS TO BUY OUT 8 SUPERINTENDENTS' CONTRACTS; AND TO MAKE AN APPROPRIATION.

10 The General Assembly of North Carolina enacts:

The State Board of Education shall modify the Uniform Section 1. 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 students, and other purposes. The revised Uniform Education Reporting System shall 18 be implemented beginning with the 1998-99 school year.

Section 2. G.S. 115C-451 reads as rewritten:

Reports to State Board of Education; failure to comply with School 20 "§ 115C-451. 21 Budget Act.

- (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.
- (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 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.
- 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."

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

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

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.

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

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

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

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

- (a) It is the policy of the State that each local board of education has the sole discretion to elect a superintendent of schools. However, the State Board shall adopt rules that establish the qualifications for election. At a minimum, each 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 board elects a superintendent who is not qualified or who cannot qualify under this section, then the election and contract are null and void and the board shall elect a 16 person who is qualified.
- (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 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 year shall be governed and limited by G.S. 115C-275. Each local board shall file a copy of the contract with the Superintendent of Public Instruction before the 24 individual is eligible for this office.
- (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 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 members have been sworn in.
- (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."
- 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.
- 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.

House Bill 256 Page 3

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

(39)

House of Representatives
-Standing Committee on EDUCATION
Name of Committee

March 18, 1997

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK.

NAME

FIRM OR AGENCY AND ADDRESS

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Laux Stewart	AFTIK
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House of Representatives
Standing Committee on EDUCATION
Name of Committee

Mach 18, 1997

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK.

NAME	FIRM OR AGENCY AND ADDRESS			
REGINALD R. HOLLEY	DOA - YAIO			
Martha Livengood	Youth Advocacy & Involvement Office			
Toulou Edysa	MAKO	` .		
Harriet Diel	NCA E			
They Malho	NCED Project	•		
Gray Sullivan & boys	nche		;	
Howard+Potricia Wright and 3 children	NCHE			
Loya Paters	EEB		· !	
Jobie Moore, Debbie Brumle Kem Harold + children	Home of Promise School			
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North Carolina General Assembly Legislative Services Office

3/18/06

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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 Prin. pal) 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

7/8/97

GENERAL ASSEMBLY OF NORTH CAROLINA **SESSION 1997**

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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

A BILL TO BE ENTITLED AN ACT TO REQUIRE LOCAL BOARDS OF EDUCATION TO SUSPEND FOR 3 THREE HUNDRED SIXTY-FIVE DAYS OR TO TO AN REMOVE 4 **ALTERNATIVE EDUCATIONAL SETTING** Α **STUDENT** WHO 5 PHYSICALLY ASSAULTS AND SERIOUSLY INJURES A TEACHER OR 6 PERSON: TO REQUIRE PARENT'S **AFFIRMATION** 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 WHO HAS BEEN SUSPENDED OR EXPELLED FROM ANOTHER SCHOOL: 10 11 TO REQUIRE NOTICE OF SUSPENSION AND EXPULSION TO BE MADE PART OF STUDENT'S OFFICIAL RECORD; TO REQUIRE NOTIFICATION 12 1370 (OF) STUDENT'S SCHOOL WHEN STUDENT IS CHARGED WITH A FELONY OR WHEN STUDENT IS ALLEGED OR FOUND TO BE 14 DELINQUENT FOR AN OFFENSE THAT WOULD BE A FELONY IF 15 COMMITTED BY AN ADULT; TO PROVIDE FOR THE SCHOOL'S USE OF 16 JUVENILE COURT RECORDS; TO MAKE PRINCIPAL'S FAILURE TO 17 18 REPORT CERTAIN ACTS TO LAW ENFORCEMENT A CLASS 3 MISDEMEANOR, TO ENCOURAGE PRINCIPALS TO CONVENE MEETINGS 19 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 DIRECT THE BOARD OF GOVERNORS IN CONSULTATION WITH OTHER 2 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.

The General Assembly of North Carolina enacts:

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

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

- (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 punishment. The policies that shall be adopted for the administration of corporal punishment shall include at a minimum the following conditions:
 - Corporal punishment shall not be administered in a classroom with (1) other children present;
 - (2) The student body shall be informed beforehand what general types of misconduct could result in corporal punishment:
 - (3) Only a teacher, substitute teacher, principal, or assistant principal may administer corporal punishment and may do so only in the presence of a principal, assistant principal, teacher, substitute teacher, teacher assistant, or student teacher, who shall be informed beforehand and in the student's presence of the reason for the punishment; and
 - (4) An appropriate school official shall provide the child's parent or guardian with notification that corporal punishment has been administered, and upon request, the official who administered the corporal punishment shall provide the child's parent or guardian a written explanation of the reasons and the name of the second school official who was present.

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

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

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- (b) The principal of a school, or his delegate shall have authority to suspend for a 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 pursuant to this subsection shall be provided an opportunity to take any quarterly, semester or grading period examinations missed during the suspension period.
- (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 exceeding the time remaining in the school year, any pupil who willfully violates the policies of conduct established by the local board of education. The pupil or his parents may appeal the decision of the principal to the local board of education.
- 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 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 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 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 duty to continue to provide a child with special needs, expelled pursuant to this subsection, with any special education or related services during the period of expulsion.
- (d1) A local board of education shall suspend for 365 days any student who brings a weapon, as defined in G.S. 14-269.2(b) and (g), G.S. 14-269.2(g), onto school 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 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.
- (d2) A local board of education shall suspend for 365 days or shall remove to an 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 school property. If the other individual is a student, then this subsection shall not apply when the board finds that the student who is subject to suspension or removal

House Bill 512 Page 3 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 be returned to that teacher's classroom unless the teacher consents.

- (e) A decision of a local board under subsection (c), (d), or (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.
- (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.
- (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."

Section 2. G.S. 115C-366 is amended by adding the following new 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 whether the student is, at the time, under suspension or expulsion from attendance at 29 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)."

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

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

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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.

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.

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."

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.

- (a) Notwithstanding G.S. 7A-675, the juvenile court counselor shall deliver written notification of the following actions to the principal of the school that the juvenile attends:
 - A petition is filed under G.S. 7A-560 that alleges delinquency for (1) an offense that would be a felony if committed by an adult;
 - The judge transfers jurisdiction over a juvenile to superior court (2) under G.S. 7A-608;
 - The judge dismisses the petition that alleges delinquency for an <u>(3)</u> offense that would be a felony if committed by an adult and releases the juvenile under G.S. 7A-637;
 - The judge issues a dispositional order under Article 52 of Chapter <u>(4)</u> 7A of the General Statutes concerning a juvenile alleged or found delinquent for an offense that would be a felony if committed by an adult; or
 - <u>(5)</u> The judge modifies or vacates any order or disposition under G.S. 7A-664 concerning a juvenile alleged or found delinquent for an offense that would be a felony if committed by an adult.

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 describe the judge's action and any applicable disposition requirements. As used in

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- 1 this subsection, the term 'offense' shall not include any offense under Chapter 20 of 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 certified mail.
- 9 (c) Principals shall handle any notification delivered under this section in 10 accordance with G.S. 115C-404.
- (d) For the purpose of this section, 'school' means any public or private school in 11 12 the State that is authorized under Chapter 115C of the General Statutes."
- Article 29 of Chapter 115C of the General Statutes is 13 Section 5. 14 amended by adding a new section to read:

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

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- 16 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.
- (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.
- (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 shall return the documents to the juvenile court counselor and, if applicable, shall 37 38 provide the counselor with the name and address of the school to which the student 39 is transferring."

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

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

(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

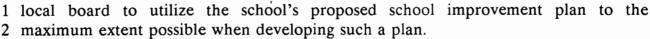
Page 6 House Bill 512

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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."

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.

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.

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.

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

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- 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.
 - The notification provided for by subsection (a) of this section shall not be required if:
 - The minor is emancipated; (1)
 - (2) The minor is not taken into custody and has been charged with a motor vehicle moving violation for which three or fewer points are assessed under G.S. 20-16(c), except an offense involving impaired driving, as defined in G.S. 20-4.01(24a); or
 - The minor has been charged with a motor vehicle offense that is (3) not a moving violation.
- (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."

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

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

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

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

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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.

Support among affected staff members is essential to successful implementation of 23 a school improvement plan to address improved student performance at that school. 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.

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 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

Page 8 House Bill 512

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 discussed 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 11.56 a. m.

Representative Férn 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**.

	By Representative(s) Shubert and Russen 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 REQUIR 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	
X	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 Approriations.	
	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
	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,
	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

A BILL TO BE ENTITLED 1 AN ACT TO REOUIRE LOCAL BOARDS OF EDUCATION TO SUSPEND FOR THREE HUNDRED SIXTY-FIVE DAYS OR TO REMOVE TO 3 STUDENT 4 **ALTERNATIVE EDUCATIONAL** SETTING Α WHO PHYSICALLY ASSAULTS AND INJURES A TEACHER OR OTHER 5 PERSON; TO REQUIRE PARENT'S AFFIRMATION THAT STUDENT IS 6 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 SUSPENDED OR EXPELLED FROM ANOTHER SCHOOL: TO REOUIRE 10 NOTICE OF SUSPENSION AND EXPULSION TO BE MADE PART OF 11 STUDENT'S OFFICIAL RECORD; TO REQUIRE NOTIFICATION TO 12 STUDENT'S SCHOOL WHEN STUDENT IS CHARGED WITH A FELONY 13 OR WHEN STUDENT IS ALLEGED OR FOUND TO BE DELINQUENT FOR 14 AN OFFENSE THAT WOULD BE A FELONY IF COMMITTED BY AN 15 ADULT; TO PROVIDE FOR THE SCHOOL'S USE OF JUVENILE COURT 16 RECORDS; TO MAKE PRINCIPAL'S FAILURE TO REPORT CERTAIN 17 ACTS TO LAW ENFORCEMENT A CLASS 3 MISDEMEANOR; TO 18 19 ENCOURAGE PRINCIPALS TO CONVENE MEETINGS TO IDENTIFY 20 SCHOOL SAFETY AND DISCIPLINE CONCERNS; TO REQUIRE SCHOOL IMPROVEMENT PLANS TO INCLUDE STRATEGIES TO ADDRESS 21 SCHOOL SAFETY AND DISCIPLINE CONCERNS: TO DIRECT THE BOARD 22 OF GOVERNORS IN CONSULTATION WITH OTHER AGENCIES TO 23

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

The General Assembly of North Carolina enacts:

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

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

- 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 punishment. The policies that shall be adopted for the administration of corporal punishment shall include at a minimum the following conditions:
 - (1) Corporal punishment shall not be administered in a classroom with other children present;
 - The student body shall be informed beforehand what general types (2) of misconduct could result in corporal punishment;
 - Only a teacher, substitute teacher, principal, or assistant principal (3) may administer corporal punishment and may do so only in the presence of a principal, assistant principal, teacher, substitute teacher, teacher assistant, or student teacher, who shall be informed beforehand and in the student's presence of the reason for the punishment; and
 - **(4)** An appropriate school official shall provide the child's parent or guardian with notification that corporal punishment has been administered, and upon request, the official who administered the corporal punishment shall provide the child's parent or guardian a written explanation of the reasons and the name of the second school official who was present.

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

- (1) To quell a disturbance threatening injury to others;
- (2) To obtain possession of weapons or other dangerous objects on the person, or within the control, of a student;
- (3)For self-defense; or
- 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

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- 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.
- (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 exceeding the time remaining in the school year, any pupil who willfully violates the policies of conduct established by the local board of education. The pupil or his parents may appeal the decision of the principal to the local board of education.
- 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.
- (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.
- (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 physically assaults and injures a teacher or other individual on school property or 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 educational setting and the conduct leading to the suspension occurred on or before

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- 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 current school year and for the entire subsequent school year. If a teacher is assaulted and injured and as a result a student is suspended or removed to an alternative educational setting under this subsection, then the student shall not be returned to that teacher's classroom unless the teacher consents.
- (e) A decision of a local board under subsection (c), (d), or (d1) (d1), or (d2) of this section is final and, except as provided in this subsection, is subject to judicial 11 12 review in accordance with Article 4 of Chapter 150B of the General Statutes. A person seeking judicial review shall file a petition in the superior court of the county where the local board made its decision.
- (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 by the 1993 General Assembly. In particular, boards shall ensure they have clear policies governing the conduct of students, which students. At a minimum, these 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 functions. The State Board shall develop guidelines to assist local boards in this process.
 - (g) Notwithstanding the provisions of this section, the policies and procedures for the discipline of students with disabilities shall be consistent with federal laws and regulations."
 - G.S. 115C-366 is amended by adding the following new Section 2. subsection to read:
- "(a3) Before the admission of a student to any public school in North Carolina, the local board shall require the student's parent, guardian, or custodian to provide a statement made under oath or affirmation before a qualified official indicating 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 suspension from a school within the local school administrative unit where the student is seeking admission until the period of suspension has expired. Also, a local 38 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

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44 in accordance with G.S. 115C-391(d)."

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42 43 Section 3. G.S. 115C-402 reads as rewritten:

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

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 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 designated by the local board for that purpose.

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.

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."

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.

- (a) Notwithstanding G.S. 7A-675, the juvenile court counselor shall deliver written notification of the following actions to the principal of the school that the juvenile attends:
 - <u>(1)</u> A petition is filed under G.S. 7A-560 that alleges delinquency for an offense that would be a felony if committed by an adult;
 - **(2)** The judge transfers jurisdiction over a juvenile to superior court under G.S. 7A-608;
 - The judge dismisses the petition that alleges delinquency for an <u>(3)</u> offense that would be a felony if committed by an adult and releases the juvenile under G.S. 7A-637;
 - The judge issues a dispositional order under Article 52 of Chapter <u>(4)</u> 7A of the General Statutes concerning a juvenile alleged or found delinquent for an offense that would be a felony if committed by an adult; or
 - <u>(5)</u> The judge modifies or vacates any order or disposition under G.S. 7A-664 concerning a juvenile alleged or found delinquent for an offense that would be a felony if committed by an adult.

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

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- 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 required by G.S. 115C-404, and if the juvenile court counselor learns that the juvenile is transferring to another school, the juvenile court counselor shall deliver the 7 notification to the principal of the school to which the juvenile is transferring. Delivery shall be made as soon as practicable and shall be made in person or by 9 certified mail. 10
- 11 Principals shall handle any notification delivered under this section in 12 accordance with G.S. 115C-404.
- (d) For the purpose of this section, 'school' means any public or private school in the State that is authorized under Chapter 115C of the General Statutes." 14
- 15 Section 5. Article 29 of Chapter 115C of the General Statutes is amended by adding a new section to read: 16

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

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- Written notifications received in accordance with G.S. 7A-675.1 are confidential records, are not public records 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 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 documents to protect the confidentiality of this information. In no case shall the principal make a copy of these documents.
- (b) Upon receipt of each document, the principal shall share the document with 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 shall return the documents to the juvenile court counselor and, if applicable, shall 39 40 provide the counselor with the name and address of the school to which the student 41 is transferring."
 - Section 6. G.S. 15A-505 reads as rewritten:
- 43 "§ 15A-505. Notification of minor's parent. parent and school.

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- (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 the minor cannot be found, then the officer or the officer's immediate superior shall notify the minor's next-of-kin of the minor's arrest as soon as practicable.
- The notification provided for by subsection (a) of this section shall not be 9 required if:
 - The minor is emancipated; **(1)**

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- (2) The minor is not taken into custody and has been charged with a motor vehicle moving violation for which three or fewer points are assessed under G.S. 20-16(c), except an offense involving impaired driving, as defined in G.S. 20-4.01(24a); or
- (3) The minor has been charged with a motor vehicle offense that is not a moving violation.
- (c) A law enforcement officer who charges a person with a criminal offense that is a felony, except for a criminal offense under Chapter 20 of the General Statutes, shall 18 notify the principal of any school the person attends of the charge as soon as 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 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 private school in the State that is authorized under Chapter 115C of the General Statutes."

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

- "(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 assault resulting in serious personal injury, sexual assault, sexual offense, rape, kidnapping, indecent liberties with a minor, assault involving the use of a weapon, 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 school campus, grounds, recreational area, or athletic field, in the charge of the principal. It is the intent of the General Assembly that the principal notify the superintendent and the superintendent notify the local board of any report made to law enforcement under this subsection."
 - Section 8. G.S. 115C-288 is amended by adding the following new subsection:
 - To Identify School Safety and Discipline Concerns. -- The principal is encouraged to convene meetings on a periodic basis with parents, school personnel,

House Bill 512 Page 7

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

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

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

In order to improve student performance, each school shall develop a school 5 6 improvement plan that takes into consideration the annual performance goal for that school that is set by the State Board under G.S. 115C-105.35. The principal of each school, representatives of the assistant principals, instructional personnel, instructional support personnel, and teacher assistants assigned to the school building, and parents 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. To this end, school improvement team meetings shall be held at a convenient time to 17 assure substantial parent participation. The strategies for improving student 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 improvement plan. plan and shall include a plan to address school safety and 21 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.

Support among affected staff members is essential to successful implementation of a school improvement plan to address improved student performance at that school. 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.

The local board of education shall accept or reject the school improvement plan. 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 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, 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

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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.

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."

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

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

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.

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.

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.

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

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House of Representatives
-Standing Committee on EDUCATION
Name of Committee

March 20, 1997

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK.

NAME	FIRM OR AGENCY AND ADDRESS	
· Cun Berlam	SBE.	
Comy Can Coshum	PENC	
Laral Alewart	AFT/IC	
Dusan Harrison	WCPSS	
Tulloure	ncAICU	
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Critts	WERSA	
Dan Bry It	NCASA	
EMMETT Floyo	EAST CAROLINA UNIVERSITY	
Weaver Rogen	8182	

House of Representatives Standing Committee on EDUCATION
Name of Committee VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK. FIRM OR AGENCY AND ADDRESS NAME m. Eches

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House of Representatives

Standing Committee on EDUCATION

Name of Committee

Date

Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK.

NAME	FIRM OR AGENCY AND ADDRESS
Dol Balom	NCSBA
Ytarrit Diel	NCAE
Bawle	NCAE
Laver Gare	Gor's Office
J	NCCSA
Joe HAAS Ed Brailsett	Asheville Citizen-Times
Benny Learlin	WSPFA
Gary Walker	ALLTEL
martha Livengood	YAIO/ DOA
BILL SCOGE IN	Ne Bor 1550e.
Dlymin Duclem	Department of State Treasurer
Jack Pruitt	() ()

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

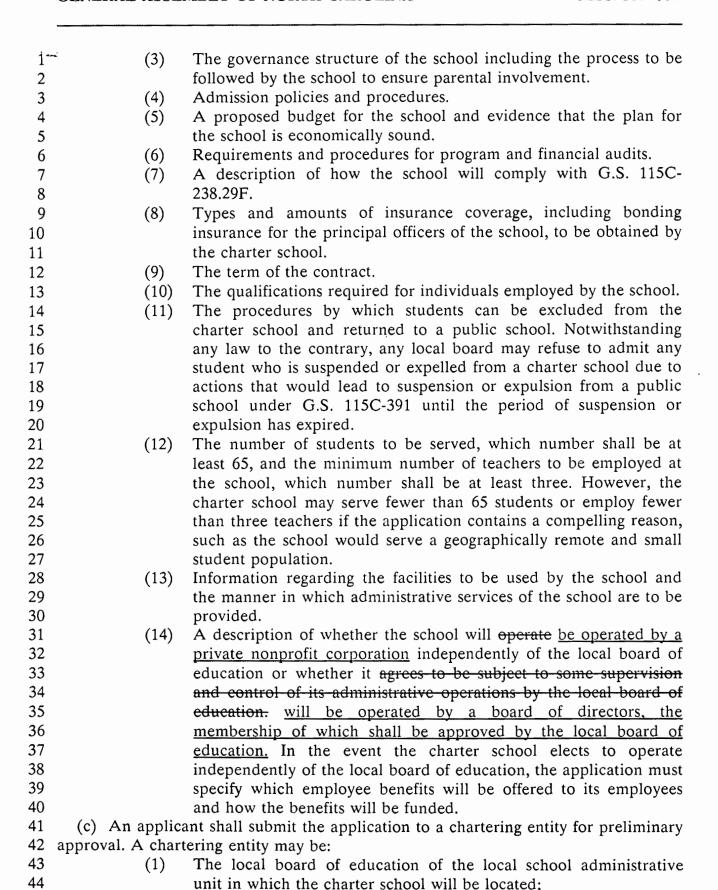
GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 1997

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HOUSE BILL 458

Short Title: Charter School Amendments/AB. (Pul	blic)
Sponsors: Representative Barbee.	
Referred to: Education.	
March 10, 1997	
A BILL TO BE ENTITLED AN ACT TO AMEND THE CHARTER SCHOOL ACT OF 1996 TO ELIMINATER REQUIREMENT THAT CHARTER SCHOOLS BE OPERATED PRIVATE NONPROFIT CORPORATIONS AND TO MAKE SUR 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 applications for approval. (a) Any person, group of persons, or nonprofit corporation seeking to establic charter school within a local school administrative unit may apply to establic charter school on behalf of a private nonprofit corporation. School. If the applicatement signed by a majority of the teachers and instructional support person currently employed at the school indicating that they favor the conversion evidence that a significant number of parents of children enrolled in the school factor conversion. (b) The application shall contain at least the following information: (1) A description of a program that implements one or more of purposes in G.S. 115C-238.29A. (2) A description of student achievement goals for the school educational program and the method of demonstrating students have attained the skills and knowledge specified for the student achievement goals.	BY JCH sh a sh a cant de a nnel and avor the



Page 2 House Bill 458

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
10	performance standards adopted by the State Board of Education
11	and the student performance standards contained in the contract
12	with the local board of education.
13	(3) A charter school shall conduct the student assessments required for
14	charter schools by the State Board of Education.

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- The school shall comply with policies adopted by the State Board (4) of Education for charter schools relating to the education of children with special needs.
- The school is subject to and shall comply with Article 27 of (5) 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 Troldahl 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 superindentents. 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. Russel

Dawn Ellis, Committee Clerk

House of Representatives Standing Committee on EDUCATION Name of Committee Date		
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NAME	FIRM OR AGENCY AND ADDRESS	
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Peul Bank	NCAE	
Harriet Dial	NCAE	
Bill Wilson	NCAE	
Dova Pino	NCCOSA / NC BAR ASSIR.	
BN Berlen	Wecks	
Joe HARS	NCCSA	
Marian Dodd	State Board-League of Women:	
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Charles Heatherly	Treasurer's Office	
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House of Representatives .	 March 25, 97
Standing Committee on EDUCATION	Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK.

NAME	FIRM OR AGENCY AND ADDRESS
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Emy Van Ostum	PENC
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Hal Miller	DICACCT
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Jan Crath	iVersa
Alicia Hare	Public School Former.
Dan Flores	11 11 (/
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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
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GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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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

A BILL TO BE ENTITLED

AN ACT TO ALLOW LOCAL BOARDS OF EDUCATION TO ISSUE LOCAL TEACHING PERMITS. 3

The General Assembly of North Carolina enacts:

Section 1. Article 20 of Chapter 115C of the General Statutes is amended by 5 adding the following new section to read:

"§ 115C-296.1. Local teaching permit.

- (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 10 certificate issued by the State Board. To be eligible for a local teaching permit under 11 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 13 teach only in the local school administrative unit under the supervision and control 14 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 15 16 at the discretion of the local board.
- (b) Local boards of education may enter into reciprocal agreements whereby 17 they may employ a teacher holding a valid local teaching permit issued by one of 18 19 those boards.
- (c) Teachers who hold a valid local teaching permit and are employed under 20 21 this section shall be placed on the teacher salary schedule as if they were certified by 22 the State Board.
- (d) For the purposes of G.S. 115C-325, teachers who hold a valid local teaching 24 permit and are employed under this section shall be considered probationary 25 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 Troldahl 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

V1511 O	K REGISTRATION SHEET
House of Representatives	3/27/97
Standing Committee on EDUCAT Name of Committee	Date/.
VISITORS: PLEASE SIGN BELOW A	AND RETURN TO COMMITTEE CLERK
NAME	FIRM OR AGENCY AND ADDRESS
Susan Harrison	WCP55
Dliver Cours	Publischer Jones
Aliria Hare	Public School Forum
live Belam	5BE/
Berling Thomas	529 I
Reborah Perry	Charlotte-Mecklenburg Schools
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House of Representatives

Standing Committee on EDUCATION

Name of Committee

Date

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House of Representatives

Standing Committee on EDUCATION

Name of Committee

Date

NAME	FIRM OR AGENCY AND ADDRESS
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Susan Black	Bel. mender Moore Co. Schools
Drani B Lawrence	Bd Member Moore Co. Schools
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House of Representatives

Standing Committee on EDUCATION

Name of Committee

March 27, 1997

NAME	FIRM OR AGENCY AND ADDRESS
Bill Wlon	ncat
Dian Washington	NCAE
Joe HAAS	NCC5A
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Janet Putan	05BM
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GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 1997

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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:

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

Eligible applicants; contents of applications; submission of 5 "§ 115C-238.29B. 6 applications for approval.

- (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 eorporation. 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 number of parents of children enrolled in the school favor conversion.
 - (b) The application shall contain at least the following information:
 - A description of a program that implements one or more of the purposes in G.S. 115C-238.29A.
 - A description of student achievement goals for the school's (2) educational program and the method of demonstrating that students have attained the skills and knowledge specified for those student achievement goals.
 - The governance structure of the school including the process to be (3) followed by the school to ensure parental involvement. If the applicant seeks to establish a charter school through creation of a

1		charter school authority, this information shall include the names
2		of the proposed initial members of the authority, the terms of
3		office of those members if less than the proposed duration of the
4		charter school authority's existence as set forth in subdivision (9)
5		of this subsection, and the proposed method for filling vacancies in
6		the membership of the authority.
7	<u>(3a)</u>	The local school administrative unit in which the school will be
8		<u>located.</u>
9	(4)	Admission policies and procedures.
10	(5)	A proposed budget for the school and evidence that the plan for
11		the school is economically sound.
12	(6)	Requirements and procedures for program and financial audits.
13	(7)	A description of how the school will comply with G.S. 115C-
14	` '	238.29F.
15	(8)	Types and amounts of insurance coverage, including bonding
16	` '	insurance for the principal officers of the school, to be obtained by
17		the charter school.
18	(9)	The term of the eontract. contract or, in the case of a charter
19	` '	school operated by a charter school authority, the duration of the
20		charter school authority's existence.
21	(10)	The qualifications required for individuals employed by the school.
22	(11)	The procedures by which students can be excluded from the
23	` /	charter school and returned to a public school. Notwithstanding
24		any law to the contrary, any local board may refuse to admit any
25		student who is suspended or expelled from a charter school due to
26		actions that would lead to suspension or expulsion from a public
27		school under G.S. 115C-391 until the period of suspension or
28		expulsion has expired.
29	(12)	The number of students to be served, which number shall be at
30	, ,	least 65, and the minimum number of teachers to be employed at
31		the school, which number shall be at least three. However, the
32		charter school may serve fewer than 65 students or employ fewer
33		than three teachers if the application contains a compelling reason,
34		such as the school would serve a geographically remote and small
35		student population.
36	(13)	Information regarding the facilities to be used by the school and
37	• •	the manner in which administrative services of the school are to be
38		provided.
39	(14)	A description of whether the school will operate independently of
40	` ,	the local board of education or whether it agrees to be subject to
41		some supervision and control of its administrative operations by
42		the local board of education. In the event the charter school elects
43		to operate independently of the local board of education, A
44		statement of whether the school will be operated by a nonprofit,

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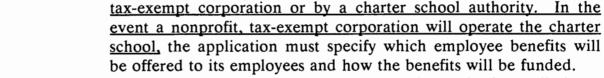
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- (c) An applicant shall submit the application to a chartering entity for preliminary approval. A chartering entity for a charter school to be operated by a nonprofit, taxexempt corporation may be:
 - The local board of education of the local school administrative (1) unit in which the charter school will be located;
 - The board of trustees of a constituent institution of The University **(2)** of North Carolina, so long as the constituent institution is involved in the planning, operation, or evaluation of the charter school; or
 - The State Board of Education. (3)

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

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

(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 which the charter school will be located, the applicant shall submit a copy of its 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 required to obtain or deliver this information to the chartering entity on behalf of the 27 local board."

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

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

(a) As used in this section:

'Criminal history' means a county, state, or federal criminal history (1) of conviction of a crime, whether a misdemeanor or a felony, that indicates an individual (i) poses a threat to the physical safety of students or personnel, or (ii) has demonstrated that he or she does 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

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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:

- Operator of a charter school, <u>a.</u>
- Employee of a charter school, or <u>b.</u>
- Independent contractor or employee of independent <u>c.</u> 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 30 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 32 approval of an application under G.S. 115C-238.29D. The Board shall apply its 33 policy uniformly in requiring school personnel to be checked for a criminal history. 34 The Board may grant conditional approval of an application while the Board is 35 checking a person's criminal history and making a decision based on the results of 36 the check.

The State Board shall not require school personnel to pay for the criminal history 38 check authorized under this section.

(c) The Department of Justice shall provide to the State Board of Education the 40 <u>criminal history from the State and National Repositories of Criminal Histories of any</u> 41 school personnel for which the Board requires a criminal history check. The Board 42 of Education shall require the person to be checked by the Department of Justice to 43 (i) be fingerprinted and to provide any additional information required by the 44 Department of Justice to a person designated by the local board, or to the local

Page 4 House Bill 379

- 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.
- The State Board shall not require school personnel to pay for being fingerprinted 6 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.
- (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.
- (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 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 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."

Section 3. 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 to a charter school authority shall constitute revocation of the resolution creating the authority."
 - Section 4. G.S. 115C-238.29E reads as rewritten:

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

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(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.

House Bill 379 Page 5

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- 1 (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:
 - By a private nonprofit corporation that receives federal tax-exempt **(1)** status no later than 24 months after final approval of the application.
 - **(2)** By a charter school authority created by resolution of the State Board of Education. The resolution creating the charter school authority shall incorporate at a minimum the information provided in the application, as modified during the charter approval process, and any other terms and conditions imposed on the charter school by the State Board. A charter school authority shall have all powers necessary or convenient to carry out and effectuate the purposes and provisions of this Part as well as the obligations and duties imposed on it by the State Board's creating resolution.
- (c) A charter school that is operated by a nonprofit, tax-exempt corporation shall operate under a written contract signed by the local board of education State Board 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.

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

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

Section 5. 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 43 and safety requirements required of a local school administrative unit.

Page 6 House Bill 379

- (b) School Nonsectarian. -- A charter school shall be nonsectarian in its programs,
 admission policies, employment practices, and all other operations and shall not
 charge tuition. A charter school shall not be affiliated with a nonpublic sectarian
 school or a religious institution.
 (c) Civil Liability and Insurance. (1) The board of directors of a charter school operated by a nonprofit,
 - (1) The board of directors of a charter school <u>operated by a nonprofit</u>, <u>tax-exempt corporation or the charter school authority</u> may sue and be sued. The board of directors <u>or charter school authority</u> shall obtain at least the amount of and types of insurance required by the <u>eontract</u>, contract or creating resolution.
 - No civil liability shall attach to any chartering entity, to the State Board of Education, or to any of their members or employees, individually or collectively, for any acts or omissions of the charter school. In the event a charter school has not elected total independence from the local board of education under subsection (c) of this section, In the case of a charter school operated by a charter school authority, the immunity established by this subsection shall be deemed to have been waived to the extent of indemnification by insurance, indemnification under Articles 31A and 31B of Chapter 143 of the General Statutes, and to the extent sovereign immunity is waived under the Tort Claims Act, as set forth in Article 31 of Chapter 143 of the General Statutes.
 - (d) Instructional Program. --

- (1) The school shall provide instruction each year for at least 180 days.
- (2) The school shall design its programs to at least meet the student performance standards adopted by the State Board of Education and the student performance standards contained in the contract with the local board of education. or creating resolution.
- (3) A charter school shall conduct the student assessments required for 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; 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. contract or creating resolution.
- (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 or the charter school authority, as applicable, shall employ and contract with necessary

House Bill 379 Page 7

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 or authority 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 or authority may discharge teachers and noncertificated employees.

- (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. appropriate position is unavailable, the teacher's name shall be placed on a list of available teachers and that teacher shall have priority on all positions for which that teacher is qualified in accordance with G.S. 115C-325(e)(2).
- (4) In the event a charter school, in its application, elects total independence from the local board of education, its employees shall not be deemed to be employees of the local school administrative unit and shall not be entitled to any State-funded employee benefits, including membership in the North Carolina Teachers' and State Employees' Retirement System or the Teachers' and State Employees' Comprehensive Major Medical Plan. In the event a charter school, in its application, agrees to be subject to some supervision and control of its administrative operations by the local board of education, the employees of the charter school will be deemed employees of the local school administrative 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 1 2 Employees' Comprehensive Major Medical Plan. The Board of 3 Trustees of the Teachers' and State Employees' Retirement 4 System, in consultation with the State Board of Education, shall determine the degree of supervision and control necessary to 5 6 qualify the employees of the applicant for membership in the 7 Retirement System. In no event shall anything contained in this 8 Part require the North Carolina Teachers' and State Employees' 9 Retirement System to accept employees of a private employer as members or participants of the System. 10 Employees of a charter school operated by a charter school 11 (5)12 authority created by resolution of the State Board are public employees and are 'teachers' within the meaning of G.S. 135-5(25) 13 14 to the same extent as if they were employees of a local school 15 administrative unit. The charter school shall remit all retirement contributions required by G.S. 135-8 with the retirement 16 contributions of the local school administrative unit in which the 17 school is located, and the employees of the school shall be 18 reported for purposes of the Teachers' and State Employees' 19 Retirement System of North Carolina only, as employees of that 20 local school administrative unit. Employees of a charter school 21 operated by a nonprofit, tax-exempt corporation are not public 22 employees and are not 'teachers' within the meaning of G.S. 135-23 24 5(25). (f) Accountability. --25 26 **(1)** The school is subject to the financial audits, the audit procedures, 27 and the audit requirements adopted by the State Board of Education for charter schools. 28 29 (2) The school shall comply with the reporting requirements 30 established by the State Board of Education in the Uniform 31 Education Reporting System. 32 (3) The school shall report at least annually to the chartering entity 33 and the State Board of Education the information required by the 34 chartering entity or the State Board. (g) Admission Requirements. --35 36 (1) Any child who is qualified under the laws of this State for 37 admission to a public school is qualified for admission to a charter 38 school. 39 (2) No local board of education shall require any student enrolled in 40 the local school administrative unit to attend a charter school. Admission to a charter school shall not be determined according to 41 (3) 42 the school attendance area in which a student resides, except that 43 any local school administrative unit in which a public school 44 converts to a charter school shall give admission preference to

House Bill 379 Page 9

- 1 students who reside within the former attendance area of that 2 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.
 - A charter school shall not discriminate against any student on the (5) 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 eontract; contract or creating resolution, 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. 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.
 - Notwithstanding any law to the contrary, a charter school may **(7)** 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.
- (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 sehool 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.

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(i) Assets. -- Upon dissolution of the charter school or upon the nonrenewal of the 2 charter, all assets of the charter school shall be deemed the property of the local 3 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 7 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 eontract; contract or creating resolution;
- Failure to meet generally accepted standards of fiscal management; (2)
- Violations of law; (3)
- Material violation of any of the conditions, standards, or **(4)** procedures set forth in the contract; contract or creating resolution;
- Two-thirds of the faculty and instructional support personnel at the (5) school request that the contract be terminated or not renewed or that the creating resolution be revoked or not renewed; or
- Other good cause identified. (6)

The State Board of Education shall develop and implement a process to address 21 contractual and other grievances between a charter school and its chartering entity 22 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 26 amount equal to the average per pupil allocation for average daily membership from 27 the local school administrative unit allotments in which the charter school is located 28 for each child attending the charter school except for the allocation for children with 29 special needs and (ii) an additional amount for each child attending the charter 30 school who is a child with special needs.

Funds allocated by the State Board of Education shall not be used to purchase 32 land or buildings, may be used to enter into operational leases for real property or 33 mobile classroom units for use as school facilities for charter schools. However, funds 34 allocated by the State Board of Education shall not be used to obtain any other 35 interest in real property or mobile classroom units. As used in this subsection, the 36 term 'operational leases' is defined according to generally accepted accounting 37 principles. The school may own land and buildings it obtained obtains through non-38 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 41 Committee to assist with the implementation of this Part. The Charter School 42 Advisory Committee may (i) provide technical assistance to chartering entities or to 43 potential applicants, (ii) review applications for preliminary approval, (iii) make 44 recommendations as to whether the State Board should approve applications for

House Bill 379 Page 11 1 charter schools, (iv) make recommendations as to whether the State Board should 2 terminate or not renew a 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."

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

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Page 12

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

House of Representatives
Standing Committee on EDUCATION
Name of Committee

April 1 1997
Date

NAME	FIRM OR AGENCY AND ADDRESS
John ell 18m	NCAE
Bicc Brooks	NCFPC
· Megan Carney	Student - Meredith College
Laren Harr	Ger's Office.
John Rushi	NCFPC
Asaac V. Mauly Me). Self
William B. Westington	Ge It
Pam Ohli	Rep. Capps
· audrun Ophnon	Rep Davis
Charles Keeling	INVESTAR, Raleigh NC
Cawania Leeling	Wake Co. School teacher
Gordon Physille	HS. Biblom Tearles - Alamania Co.

House of Representatives

Standing Committee on EDUCATION

Name of Committee

Date

Date

NAME	FIRM OR AGENCY AND ADDRESS
· Robert Day	Natronal Center for Science Education
Barbara key uprth	privale business-clinicial soc-word
Tentates I Johnson	Private Citizen
Abriet Li	NAC.
Bill Welson	NAE
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. Jie Mile	NCATL
J. Gurhan	Ctique action
Jones Houster	ASU
Nuole Somoneaux	ASU- Dept. of Crim. Justice

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

Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK.

NAME

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Tullmourel	ncAku
· Comy Van Oostrum	PENC
· Donn Hunt	NCCCS
Halmiller	neacct
gennie Thurlow	Rep. Jane mosley's office
Henry Johnson	DPI
Lanu Elliniel	EbcHJS
. Ever Malhort	NCJCBC
· Aun Berlam	SBE

House of Representatives Standing Committee on EDUCATION Name of Committee VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK. NAME FIRM OR AGENCY AND ADDRESS Gene Caushi F. EBC NCASA Chll, Charlotte-Macklenburg Schools

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Covenant with 16's Children

NC School of Science + Math

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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HOUSE BILL 511

Short Title: Evolution Not Taught as Fact.

(Public)

Sponsors:

1

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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

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.

Whereas, the students in North Carolina public schools should be taught 6 the truth; and

Whereas, understanding science is essential for the survival of a free, 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

Whereas, modern scientific methods have shown that life is exceedingly complex and there is no present satisfactory scientific explanation for the origin of life from nonlife; and

Whereas, scientific literacy implies that students receive substantial knowledge of concepts and process skills which enable the individual to continue to learn and think logically; and

Whereas, science depends upon the use of proven facts and testable hypotheses; and

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."

Section 2. This act becomes effective July 1, 1997.

Page 2

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NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT House Bill 511

	AMENDMENT NO.	_
	(to be filled in by	
	Principal Clerk)	
	Page 1 of	
	_	
Date	,1997	
_		

H511-ARJ-001

Comm. Sub. [YES] (H511-PCSLE-01)
Amends Title [YES]

Representative Moore

	moves to amend the bill on page 1, line 2, by rewriting that line to read:
3	"AN ACT TO REVISE THE STANDARD COURSE OF STUDY TO ENSURE THAT
4 5	EVOLUTION"; and
7	and on page 1, lines 5 through 11, by rewriting those lines to read: "Section 1. The State Board of Education shall revise the
	Standard Course of Study in the science curriculum to reflect that
	evolution shall be taught as a scientific theory, not as a proven
	fact. The Board shall make the necessary changes to the Standard
	Course of Study by July 15, 1997.
2	Section 2. This act becomes effective July 1, 1997, and shall apply beginning with the 1997-98 school year.".
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	SIGNED MONTH MONTH
	Amendment Sponsor
	SIGNED
	Committee Chair if Senate Committee Amendment
	ADOPTED FAILED TABLED

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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D

HOUSE BILL 511 Proposed Committee Substitute H511-PCSLE-01

	Short Title: Evolution Not Taught as Fact. (F	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 EVO	LUTION
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 Statu	tes is
6	amended by adding a new section to read:	
7	"§ 115C-81.3. Students shall not be taught evolution as fa	ict.
8	The State Board of Education and local boards of edu	cation
9	shall ensure that students in North Carolina public schoo	ls are
10	not taught evolution as proven fact."	
11	Section 2. This act becomes effective July 1, 199	7.

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

Dawn Ellis, Committee Clerk



NORTH CAROLINA GENERAL ASSEMBLY **AMENDMENT** House Bill 511

	H511-ARJ-001	(to	AMENDMENT NO. (to be filled in by Principal Clerk) Page 1 of	
	Comm. Sub. [YES] (H	Date	,1997	
	Amends Title [YES]	311 10000 017	•	
	Representative Moore			
1 moves to amend the bill on page 1, line 2, by rewriting read: 3 "AN ACT TO REVISE THE STANDARD COURSE OF STUDY TO ENSIBLE EVOLUTION"; and 5 6 on page 1, lines 5 through 11, by rewriting those line 7 "Section 1. The State Board of Education shall 8 Standard Course of Study in the science curriculum to 9 evolution shall be taught as a scientific theory, not 10 fact. The Board shall make the necessary changes to 11 Course of Study by July 15, 1997. 12 Section 2. This act becomes effective July 13 shall apply beginning with the 1997-98 school year.".		those lines to read: cation shall revise the iculum to reflect that eory, not as a proven anges to the Standard ive July 1, 1997, and		
	SIGNED Amendment Sponsor			
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	ADOPTED	FATLED	TARLED.	

House of Representatives
Standing Committee on EDUCATION
Name of Committee

april 3, 1997

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK.

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FIRM OR AGENCY AND ADDRESS

UNC
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House of Representatives

Standing Committee on EDUCATION

Name of Committee

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House of Representatives

Standing Committee on EDUCATION

Name of Committee

april 3, 1997

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· John Rushin	NCFAC
Joan V. Meauly	Self
Ann France	N.C. Conservatives Unite L
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Marian Doud	League 4 Women Noters NC
agree Dinne	NCBA
Suan Markeng Jan	NCAE
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Danyelle o'Hana	Self-Help; Durham NC
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Leanda Digha	NCATZ

House of Representatives

Standing Committee on EDUCATION

Name of Committee

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NAME	FIRM OR AGENCY AND ADDRESS
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JULIE MURPHY	Nesu
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Cawanna Leeling	Wake G. School Teacher
Charle Keeling	INVESTAR, Raleigh NC
Megan Carney	BSW Stwent - Meredith College
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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 746and 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

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HOUSE BILL 628 Proposed Committee Substitute H628-PCS1243

Short Title: Military Job Interviews. (Public)
Sponsors:
Deferred to
Referred to:
1
March 26, 1997
A BILL TO BE ENTITLED
AN ACT TO REQUIRE THAT ALL INSTITUTIONS OF HIGHER EDUCATION
THAT RECEIVE STATE FUNDS AND THEIR LAW SCHOOLS ALLOW
MILITARY RECRUITING ON CAMPUS.
The General Assembly of North Carolina enacts:
Section 1. Article 1 of Chapter 116 of the General Statutes is amended
by adding the following section to read:
"§ 116-19.1. Military recruiting in institutions of higher public education and law
schools.
All constituent institutions of The University of North Carolina and all institutions
of higher education that receive State funds under this Chapter shall allow reasonable
access of their facilities to official recruiting representatives of branches of the armed
forces and military forces of the United States to inform students of the educational
and occupational options in military service.
If any of these institutions have law schools associated with the institution, then the
law school shall also provide law school students with reasonable access to official
recruiting representatives of branches of the armed forces and military forces of the
United States and shall inform interested students of the educational and
occupational options in military service."
Section 2. This act is effective when it becomes law.



NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT House Bill 628

AMENDMENT NO.

W629 ADG 001		illed in by oal Clerk)
H628-ARC-001 Rep. Jusko	!	Page 1 of
	Date	,1997
Comm. Sub. [] Amends Title []		
Representative 1 moves to amend the bill of 2 as follows: 3 "law school shall also property access to official recruit armed forces and military inform interested student options in military services SIGNED SIGNED Amendment Sponsor SIGNED Committee Chair if Senate ADOPTED	rovide law school studenting representatives of forces of the United State of the educational and the state."	ts with reasonable branches of the tates and shall

- passed -

House of Representatives
-Standing Committee on FDUCATION
Name of Committee

april 8 97

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK.

NAME	FIRM OR AGENCY AND ADDRESS
Gene Causty	E- EBC
	Public Short Jan of NC
Alicia Hare	Public School Form
DEMINATIN	UNC
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Dot Below	Vesal.
BUNNE	neae
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GARY E. MOGER	FAITH CHRISTIAN SCHOOL NCACS
Joe HAAS	NCCSA
BARREN NOSIES	Wilmington Christian AGAD/NEGGA.
MIKE MESHAN	WILM. CHRIST. PRECSA

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
Hal Miller	nefect
Comy Van Joshun	PENC
Ann Belam	SBE
Buc brooks	NCFPC
John Hustin	11
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tim beares	NCALCU
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Reborah Perry	CMS
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House of Representatives

Standing Committee on EDUCATION

Name of Committee

Date

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NAME	FIRM OR AGENCY AND ADDRESS
Roland & Salaman	Wilson Christian Cleaching Ro. Box 3808 Wilson, NE 2780
Roland & Sternan Dwight Ausley	Raleigh Christian Academy 2110 Franick Rd. Rol 276 as
charles Bright	Raleigh Christian Academy 2110 Franick Ad. Rol 376 AV Neusco Baptish Christian 60. Stoo Capiad Blul Raleigh 0761
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House of Representatives	Date Opril 8, 97
Standing Committee on EDUCAT Name of Committee	Date
VISITORS: PLEASE SIGN BELOW A	AND RETURN TO COMMITTEE CLERK.
NAME	FIRM OR AGENCY AND ADDRESS
Down Hunt,	NCCCS
SUSAN HARRISON	WCPSS
India Wegner	WC School of law
Troy D. Page.	unc School of Law
Terry Milner	unc School of Caw (Student)
1QBAL SINGN	UNC Lane School
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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.

Répresentative Fern H. Shubert

Representative Carolyn B. Russell

Dawn Ellis, Committee Clerk

House of Representatives

Standing Committee on EDUCATION

Name of Committee

Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

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Bothy Ethnila.	Ceng.
Gene Causty	F. EBC
Jonal Peters	
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Atopha J. Emms	NCEDLAW
Leon adelman	N School of Science Mitale
Row Ayrock	County Com. Assec
: Omy Van Ostrum	PENC
ANN McColl	NESBA
Jom Minimum	Final Remark
Zindalyn Kakadelis	Board Member Charlotte Meckenburg Schools
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House of Representatives -Standing Committee on EDUCAT	CION - Coril 10 97
Name of Committee	Date .
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VISITORS: PLEASE SIGN BELOW A	AND RETURN TO COMMITTEE CLERK.
NAME	FIRM OR AGENCY AND ADDRESS
Laven Gair	Sovia Office
Deborah Perry	Charlotte-Micklenburg Schools
Uning Bain	Smith anderson
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Apslie Bevacqua	NCCBI
Ed Regan	N-C.A.C.C.
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Alicia Hone	Public School Forum
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House of Representatives
-Standing Committee on FDUCATION
Name of Committee

april 1097

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NAME	FIRM OR AGENCY AND ADDRESS
Ziken Hennessy	Grantus Chain of Commerce
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Maise King	05BM
Harriett Southerland	VA10 -20A
David Brown	OSBM
Kun Bys	
Janet Putter	, (
: Vany Porie	ating
Sue adams	05BM
Jon Abell	Son Office
Frank hearn	Gov. Office.

House of Representatives

-Standing Committee on FDUCATION
Name of Committee

Date .

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FTRM OR AGENCY AND ADDRESS
Cust Williams	Office of Hoverno
Hal Miller	MCACCT
Bol Delon	NCSBA
Carenthaller	NC State
Pahlo	Capps
Shahoh	Onsbon G. School
Sir Kelen	Onlow Co. Solvale
Mankel	MAE
Don Carrington	Lucke Fundation

House of Representatives

Standing Committee on EDUCATION

Name of Committee

Date

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NAME	FIRM OR AGENCY AND ADDRESS
Sarah Stewart	AFT/VC
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Ellen Russell	The Arc NC
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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



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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

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1 moves to amend the bill on page 5, line 3,
 2 by deleting the words "Student Performance" and substituting
 3 "Educational Progress";
 5 and on page 8, line 12, by deleting the number "3" and substituting
 6 the number "4(a)";
 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:
                      'Case manager' means a person selected under G.S.
21
            "(1d)
22
                      115C-325(h)(7).";
24 and on page 14, line 33, by inserting after the word "supervisor,"
25 the word "or";
27 and on page 15, line 27, by deleting the phrase "he the teacher" and
28 substituting "the teacher";
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NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT House Bill 351

AMENDMENT NO.

(to be filled in by
Principal Clerk)
Page 2 of ___

H351-ARC-004

1 2 3	and on page 29, by rewriting lines 1-2 to read: "(2) If the career employee requested a hearing by a case manager, the";
4	and an area 22 line 42 by deleting the physics UC C 1150 225
	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
	"6";
10	• ,
	and on page 35, line 31, by deleting the number "7" and substituting
	the number "8";
l 3	
l 4	and on page 35, line 43, by deleting the phrase "FEWER STEPS IN
l 5	SALARY SCHEDULE";
l 6	·
17	and on page 39, line 12, by deleting the number "\$38,340", and
ΙO	substituting the number "\$39,390".







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 🛸 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". SIGNED Amendment Sponsor Committee Chair if Senate Committee Amendment ADOPTED ____ FAILED

H Shulest asked for perfecting admendments

and delete 14 - wars y page 2

26 passes

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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

2 word "student" the word "academic"; 4 and on page 5, line 1, by inserting before the word "performance" 5 the word "academic"; 7 and on page 5, line 2, by inserting after the word "student" the 8 word "academic"; 10 and on page 5, line 4, by inserting after the word "student" the 11 word "academic"; 13 and on page 5, by inserting after line 5 the following: "(c) G.S. 115C-12 is amended by adding a new subsection to 14 15 read as follows: '(26) Duty Regarding Student Surveys. -- The State Board 16 17 shall ensure that no student shall be required, as part of any applicable program, to submit to a 18 survey, questionnaire, analysis, or evaluation, that 19 20 reveals information concerning: (i) political affiliations; (ii) mental and psychological problems 21 22 potentially embarrassing to the student or the student's family; (iii) sex behavior and attitudes; 23 (iv) illegal, anti-social, self incriminating and 24 25 demeaning behavior; (v) critical appraisals of other individuals with whom respondents have close family 26 27 relationships; (vi) legally recognized privileged or analogous relationships, such as those of lawyers, 28

1 moves to amend the bill on page 4, line 43, by inserting after the



NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT House Bill 351

H351-ARC-010

AMENDMENT NO.

(to be filled in by
Principal Clerk)
Page 2 of ___

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14	and on page 5,	line 6 by	deleting t	he letter "(c)" and sul	bstituting
	the letter "(d)			·	•	_
16			$\sim L$			
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	Amendment Spons	sor				
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	SIGNED					
	Committee Chair	r if Senate	Committee	Amendment		
	ADOPTED		FAILED		TABLE	D

House of Representative -Standing Committee on EDUCA	
Name of Committee	Date
VISITORS: PLEASE SIGN BELOW	AND RETURN TO COMMITTEE CLERK.
NAME	FTRM OR AGENCY AND ADDRESS
Gene Causby Q-C- Dawson	E-EBC
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engulaters,	2-23-e
Duran Harrison	WCP5S
Mariet Southerland	DOA-VA10
Boul Suth	I&m.
Don Warten	Winston-Schmof Forsythe Co. Bol & Fel.
Can Croth	NCASA
. Attou Maleelf	ADO GA
· DOUNY HUNTED	NCCCS
Hal Miller	ncaceT.
	

VISITOR REGISTRATION SHEET		
House of Representatives	4-15-97	
Standing Committee on EDUCAT Name of Committee	Date .	
VISITORS: PLEASE SIGN BELOW A	AND RETURN TO COMMITTEE CLERK.	
NAME	FIRM OR AGENCY AND ADDRESS	
Marelyn Dixon	Wake ACT 703 Johnson St. Ral 27609	
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Joyce Elliott	MC4 E	
Chiel Banks	NCAE	
Bill Witson	ncat.	
Karen Gari	Ophine of the Gavernor	
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House of Representatives

Standing Committee on EDUCATION

Name of Committee

Date

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House of Representatives

Standing Committee on EDUCATION

Name of Committee

Date

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NAME	FIRM OR AGENCY AND ADDRESS
Phil Kich	NCCBI
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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.

Representative Fern H. Shubert

There being no further business the meeting was adjourned.

Representative Carolyn B. Russell

Dawn Ellis/Committee Clerk



afternoon 4/ Carries passes

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT House Bill 351

H351-ARC-001.1	(to be filled in by Principal Clerk) Page 1 of
Comm. Sub. [YES] H351-PCS224 Amends Title []	Date
Representative Wilson	
follows: "certification area. The State plan to require all certified so and on page 5, line 12 by adding following: "By September 1, 1999, the State plan requiring all certified state demonstrate their competency in SIGNED Comme Walson. Amendment Sponsor	ng after the word "section." the te Board shall adopt and implement a taff members in low performing schools
SIGNED Committee Chair if Senate Commi	ttee Amendment
ADOPTEDFAILE	D TABLED
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#4- passes



NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT House Bill 351 AMENDMENT NO. (to be filled in by Principal Clerk) H351-ALE-07 Page 1 of Date ,1997 Comm. Sub. [] Amends Title [] Proposed Committee Substitute H351-PCS2241 Representative Illusale 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." Amendment Sponsor SIGNED Committee Chair if Senate Committee Amendment FAILED _____ ADOPTED TABLED





	NORTH CAROLINA GEN		LY	
	House Bill		•	
		AMENDME	NT NO.	
		(to be	filled in by	
		Princi	pal Clerk)	
H351-ALE-11			Page 1 of	
	I	Date	,1997	
Comm. Sub. []				
Amends Title				
Proposed Comm	ittee Substitute H3!	51-PCS2241		
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moves to amend t	he bill on page 40,	lines 39-40	,	
by rewriting the				
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NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

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House of Representatives Standing Committee on EDUCATION
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VISITOR REGISTRATION SHEET House of Representatives Standing Committee on FDUCATION Name of Committee TORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK. NAME FIRM OR AGENCY AND ADDRESS NEAE

House of Representatives

Standing Committee on EDUCATION

Name of Committee

Date

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	following report(s) from standing committee(s) is/are presented:
-	By Representative(s) Russell and Shubert for the Committee on EDUCATION.
H.B	Committee Substitute for 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

House of Representatives

Standing Committee on EDUCATION

Name of Committee

ani 17, 1997



SITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK.

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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.

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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 instate 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 role 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

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 ☐ X 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 (#), \(\square\) 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. 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,
	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

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HOUSE BILL 989* Proposed Committee Substitute H989-PCS6229

Short Title: Sch	. Administrator's Exam Fee Upped.	(Public)	
Sponsors:	Sponsors:		
Referred to:			
	April 17, 1997		
EXAM. The General Ass	A BILL TO BE ENTITLED NCRÉASE THE FEE FOR THE SCHOOL ADM sembly of North Carolina enacts: ion 1. G.S. 115C-290.5(a) reads as rewritten:	INISTRATOR'S	
"(a) The Star Standards Board	ndards Board shall administer this Article. In fulfillingshalls	ing this duty, the	
(1)	In accordance with subsection (c) of this section implement a North Carolina Public School Adm based on the professional standards established be Board.	inistrator Exam,	
(2)	Establish and collect an application fee not to excess (\$50.00). (\$50.00), and an exam fee not to excessifity dollars (\$150.00). Fees collected under this credited to the General Fund as nontax revenue.	ed one hundred	
(3)	Review the educational achievements of an application of the educational achievements of an application of the educational achievements of the education achievement of the education achievements of the education achievements of the education achievement of		
(4)	requirements set by G.S. 115C-290.7. Notify the State Board of Education of the names the persons who passed the exam and are thereby be certified as public school administrators by the Education	recommended to	

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

1	(5)	Maintain accounts and records in accordance with the Executive
1	(5)	
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	Secti	on 2. This act becomes effective July 1, 1997.

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 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 ☐ X With a favorable report as to committee substitute bill, unfavorable as to original bill. With a favorable report as to House committee substitute bill (#), \(\square\) 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

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HOUSE BILL 1026 Proposed Committee Substitute H1026-PCSA354

Short Title: Extra Days of Employment for Teachers. (Public)	
Sponsors:	
Referred to:	
April 21, 1997	
A BILL TO BE ENTITLED	
AN ACT TO PROVIDE FOR ELEVEN MONTHS OF EMPLOYMENT FOR TEACHERS.	
The General Assembly of North Carolina enacts:	
Section 1. The General Assembly finds that adding additional workdays	
for public school teachers would have the benefits of increasing teacher salary,	
making it unnecessary for teachers to seek summer employment, giving local boards of education additional days on which to schedule teacher development, planning,	
and extra teacher workdays, allowing the State the capability of extending the school	
year, and allowing the State the capability of converting to year-round schools;	
therefore, it is the intent of the General Assembly to consider adding days to the	
school calendar as one way of increasing teacher pay.	
Section 2. 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. Section 3. This act becomes effective July 1, 1997.	
doction 3. I mis act occomes chocket July 1, 1777.	

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. X 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 House committee substitute, unfavorable as to Senate bill. With a favorable report as to House committee substitute bill (#), \(\square\) 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 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

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	The (committee substitute) bill/resolution (, as amended,) is (ordered engrossed and) re- referred to the Committee on
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	On motion of (Rep,) (the Chair,) the (committee substitute) bill/resolution is (ordered engrossed and) re-referred to the Committee on
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	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).
Name of the latest states and the latest sta	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,
	On motion of Rep, the House concurs in the (material) Senate (by the following vote, RC) (, by EV,) and the hill is ordered enrolled

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.
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 \square Appropriations \square Finance \square
	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 hill is ordered enrolled

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.

	THE NORTH CHROLINATIVE CONTROLLING.
X	With a favorable report.
	With a favorable report and recommendation that the bill be re-referred to the Committee of 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 (#), \square 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.
\Box	With recommendation that it be adopted (HOUSE RESOLUTION ONLY)

House of Representatives

Standing Committee on EDUCATION

Name of Committee

April 22, 1997

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK.

NAME	FIRM OR AGENCY AND ADDRESS
: Alicia Hare	Public School Forum
Jo Ann Norris	Public School Form
Ann Berlam	SHE
Mike Acrows	Incusone le Constan Chambre & Comme
ROMALD K. LINGER	CUASTAL CAROLINA CC
Anne Shaw	CORTAL CAROUNA COMM COLLEGE, Greater gray Onslow Change Jan
Sudy Barbar	NC Nurses Association
Pight Won	
DV. Rajwa Wijesinha	Toisitor from Sie Lauka who is Condinator of General English Language Teaching Program in Sie Lanka— ananged by Rep. Russell Capps
1. P. NORMANDEAU	Jackson relle Ouslow Phinter of Commune (Cros Ster; Cons.
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House of Representatives
-Standing Committee on EDUCATION
Name of Committee

April 22, 1997

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK.

NAME

FIRM OR AGENCY AND ADDRESS

Lakesha By-d	Coastal Carolina Community Colle
Cleo Croom	Onslow County School System
O,CC Orock	Onslow County Schools
Ron Singletary	Jacksonville, N.C.
Pete Andrews	Jackson Me, Ne.
y' ••	Jacksonille Monslow Country. Chamber of Commence
eorge Blalock	champer of Commission.
Vii Mensos Catalon	Retird educator Pro Box 576 Dimocratio Party Obsion Jack supplie We
Susanne Saitelle	Hadsonike Charles of Commercia
Sheila Pieice	Jackson ville Chamber of Commerce
Oon Henry	Ondow County Solos
JOHN WATERS	MARINE CORPS BASE - DIA, ED. PROGRAMS CAMPLEJENNE, WC 28546
Paula Redick	Marksonille Chamber of Communer
Paula Redicks Anne Zvonar	Onslow Co Schools Jacksonville

House of Representatives

Standing Committee on FDUCATION

Name of Committee

aprilaa, 1997

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS			
Eddie Finch	Revenue			
Greg Ralfore	Revenue Revenue			

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

EDITION No.					
H. B. No	026		DATE		· · · · · · · · · · · · · · · · · · ·
S. B. No			Amendmer	nt No	
COMMITTEES	SUBSTITUTE				filled in by oal Clerk)
Rep.	Dickso	~~			
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1 moves to ame	end the bill on page	ì	of	ter line	•
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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/Carolyn B. Russell

Representative Fern H. Shubert

Dawn Ellis, Committee Clerk

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

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

	Taken Assertion
НВ	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.
x	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.
Ö	With an indefinite postponement report, with a Minority Report attached.
П	With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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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	(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	ζ/	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	(12)	least 65, and the minimum number of teachers to be employed at
24 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.
80	(13)	Information regarding the facilities to be used by the school and
31	(13)	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	(14)	
35		private nonprofit corporation independently of the local board of
36		education or whether it agrees to be subject to some supervision and control of its administrative operations by the local board of
50 57		1
57 58		education. will be operated by a board of directors, the
		membership of which shall be approved by the chartering entity. In
9		the event the charter school elects to operate independently of the
0		local board of education, the application must specify which
1		employee benefits will be offered to its employees and how the
2		benefits will be funded.

(c) An applicant shall submit the application to a chartering entity for preliminary 44 approval. A chartering entity may be:

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

Regardless of which chartering entity receives the application for preliminary 7 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 12 five years and may renew the charter upon the request of the chartering entity for 13 subsequent periods not to exceed five years each. A material revision of the 14 provisions of a charter application shall be made only upon the approval of the State 15 Board of Education. Nonrenewal of a charter operated by a board of directors whose 16 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:
 - By a private, nonprofit corporation that receives federal tax-exempt (1) status no later than 24 months after final approval of the application; or
 - By a board of directors whose members are approved by the <u>(2)</u> 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:

39 "§ 115C-238.29F. General requirements.

- (a) Health and Safety Standards. -- A charter school shall meet the same health 41 and safety requirements required of a local school administrative unit.
- 42 (b) School Nonsectarian. -- A charter school shall be nonsectarian in its programs, 43 admission policies, employment practices, and all other operations and shall not

House Bill 458 Page 3 1 charge tuition. A charter school shall not be affiliated with a nonpublic sectarian 2 school or a religious institution.

(c) Civil Liability and Insurance. --

- (1) The board of directors of a charter school may sue and be sued. The board of directors shall obtain at least the amount of and types of insurance required by the contract.
- (2) No civil liability shall attach to any chartering entity, to the State Board of Education, or to any of their members or employees, individually or collectively, for any acts or omissions of the charter school. In the event a charter school has not elected total independence from the local board of education under subsection (e) of this section, is operated by a board of directors approved by the chartering entity, the immunity established by this subsection shall be deemed to have been waived to the extent of indemnification by insurance, indemnification under Articles 31A and 31B of Chapter 143 of the General Statutes, and to the extent sovereign immunity is waived under the Tort Claims Act, as set forth in Article 31 of Chapter 143 of the General Statutes.
- (d) Instructional Program. --
 - (1) The school shall provide instruction each year for at least 180 days.
 - (2) The school shall design its programs to at least meet the student performance standards adopted by the State Board of Education and the student performance standards contained in the contract with the local board of education.
 - (3) A charter school shall conduct the student assessments required for 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 chartering entity, all employment decisions, including hiring and firing of employees of the charter school, shall be approved by the chartering entity 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.
- If a teacher employed by a local school administrative unit makes a (3) 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 appropriate position is unavailable, the teacher's name shall be placed on a list of available teachers and that teacher shall have priority on all positions for which that teacher is qualified in accordance with G.S. 115C-325(e)(2).
- (4) In the event a charter sehool, in its application, elects total independence from the local board of education, school is operated by a private nonprofit corporation, its employees shall not be deemed to be employees of the local school administrative unit and shall not be entitled to any State-funded employee benefits, including membership in the North Carolina Teachers' and State Employees' Retirement System or the Teachers' and State Employees' Comprehensive Major Medical Plan. In the event a charter school, in its application, agrees to be subject to some supervision and control of its administrative operations by the local board of education; school is operated by a board of directors approved by the chartering entity, the employees of the charter school will be deemed employees of the local school administrative unit for purposes of providing certain State-funded employee

House Bill 458 Page 5

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.

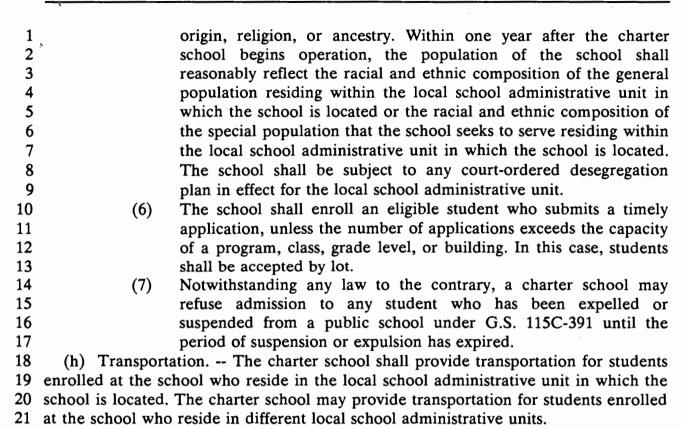
(g) Admission Requirements. --

- (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

GENERAL ASSEMBLY OF NORTH CAROLINA

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(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."

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

House Bill 458 Page 7

The following report(s) from standing committee(s) is/are presented: for the Committee on By Representative(s) 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 (#), \(\square\) 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

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HOUSE BILL 483 Proposed Committee Substitute H483-PCS1330

Short Title: School Board "Quick Take". (Publ	lic)
Sponsors:	
Referred to:	
March 10, 1997	
A BILL TO BE ENTITLED AN ACT TO PROVIDE "QUICK TAKE" PROCEDURES IN EMINENT DOMA PROCEEDINGS BY SCHOOL BOARDS. The General Assembly of North Carolina enacts: Section 1. G.S. 40A-42(a) reads as rewritten: "(a) When a local public condemnor is acquiring property by condemnation for purpose set out in G.S. 40A-3(b)(1), (4) or (7), or when a city is acquiring property for a purpose set out in G.S. 160A-311(1), (2), (3), (4), (6), or (7), or when a cour is acquiring property for a purpose set out in G.S. 153A-274(1), (2) or (3), or when local board of education is acquiring property for any purpose set forth in G.S. 1155 17. or when a condemnor is acquiring property by condemnation as authorized G.S. 40A-3(c)(8), (9), (10) or (12), title to the property and the right to immedia possession shall vest pursuant to this subsection. Unless an action for injunctive rehas been initiated, title to the property specified in the complaint, together with right to immediate possession thereof, shall vest in the condemnor upon the filing the complaint and the making of the deposit in accordance with G.S. 40A-41." Section 2. G.S. 115C-517 reads as rewritten: "§ 115C-517. Acquisition of sites.	or a erty nty n a 5C-by late lief the
Local boards of education may acquire suitable sites for schoolhouses or ot	her

school facilities either within or without the local school administrative unit; but no school may be operated by a local school administrative unit outside its own boundaries, although other school facilities such as repair shops, may be operated outside the boundaries of the local school administrative unit. Whenever any such

board is unable to acquire or enlarge a suitable site or right-of-way for a school, school building, school bus garage or for a parking area or access road suitable for school buses or for other school facilities by gift or purchase, condemnation proceedings to acquire same may be instituted by such board under the provisions of Chapter 40A of the General Statutes, including the rights and procedures pursuant to G.S. 40A-42(a), et seq., and the determination of the local board of education of the land necessary for such purposes shall be conclusive. A local board shall not initiate a proceeding under G.S. 40A-42(a) unless the action is approved by a resolution adopted by the board of county commissioners."

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

Page 2

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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.

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.

	By Representative(b) Residence in a second transfer of the Committee of a policy in the committee of a
	Committee Substitute for 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
X	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.
\Box	With recommendation that it be adopted (HOUSE RESOLUTION ONLY)

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H'

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D

HOUSE BILL 1089 Proposed Committee Substitute H1089-PCSA358

Short Title: UNC Military Tuition.	(Public	
Sponsors:		
Referred to:		

April 21, 1997

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:

Section 1. G.S. 116-143.3(b) reads as rewritten:

"(b) Any member of the armed services qualifying for admission to an institution of higher education as defined in G.S. 116-143.1(a)(3) but not qualifying as a resident for tuition purposes under G.S. 116-143.1 shall be charged the out-of-State tuition rate; provided, that the out-of-State tuition shall be forgiven to the extent that the out-of-State tuition rate exceeds any amounts payable to the institution or the service member by the service member's employer by reason of enrollment pursuant to such admission while the member is abiding in this State incident to active military duty, plus the amount that represents the percentage of the out-of-State tuition rate paid to the institution or the service member by the service member's employer multiplied by the in-State tuition rate and then subtracted from the in-State tuition rate. Any member of the armed services who does not qualify for any tuition payment by the member's employer shall be classified as a resident for tuition purposes and shall pay the full amount of the in-State tuition rate."

Section 2. This act becomes effective July 1, 1997.

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NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT House Bill 1136

H1136-ARC-001		(to be filled in by Principal Clerk) Page 1 of		
			Date	,1997
	Comm. Sub. [] Amends Title []			
	Representative			
	moves to amend the bill of and substituting the phra SIGNED My Amendment Sponsor SIGNED Committee Chair if Senate	se "law.	Section 2".	
	ADOPTED	FAILED		TABLED

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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D

HOUSE BILL 379* Proposed Committee Substitute H379-PCS6224

Short Title: Amend Charter Sch. Laws. (Pub	olic)
Sponsors:	
Referred to:	
March 3, 1997	
A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS GOVERNING CHARTER SCHOOLS. The General Assembly of North Carolina enacts: Section 1. G.S. 115C-238.29B is amended by adding the following resubsection to read: "(c1) Unless an applicant submits its application under subsection (c) of section to the local board of education of the local school administrative unit which the charter school will be located, the applicant shall submit a copy of application to that local board by November 10. The local board may offer information or comment concerning the application it considers appropriate to chartering entity. The local board shall deliver this information to the charter entity no later than January 1 of the next calendar year. The applicant shall not required to obtain or deliver this information to the chartering entity on behalf of local board."	this in its any the ing be
Section 2. Part 6A of Article 16 of Chapter 115C of the General Status is amended by adding the following new section to read: "§ 115C-238.29C1. Criminal history checks. (a) As used in this section: (1) 'Criminal history' means a county, state, or federal criminal history of conviction of a crime, whether a misdemeanor or a felony, to indicates an individual (i) poses a threat to the physical safety students or personnel, or (ii) has demonstrated that he or she do not have the integrity or honesty to fulfill his or her duties as	ory hat oes

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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:

- Member of the board of directors of a charter school. <u>a.</u>
- <u>b.</u> Employee of a charter school, or
- Independent contractor or employee of independent <u>c.</u> 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 38 after an application for a charter school has received preliminary approval under 40 G.S. 115C-238.29C. The Board shall apply its policy uniformly in requiring school 41 personnel to be checked for a criminal history. The Board may grant conditional 42 approval of an application while the Board is checking a person's criminal history 43 and making a decision based on the results of the check.

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The State Board shall not require school personnel to pay for the criminal history 1 check authorized under this section.

3 (c) 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 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 convenient for the person, and (ii) sign a form consenting to the check of the criminal record and to the use of fingerprints and other identifying information required by the repositories. The State Board shall consider refusal to consent when deciding whether to grant final approval of an application under G.S. 115C-238.29D 10 and when making an employment recommendation. The fingerprints of the individual shall be forwarded to the State Bureau of Investigation for a search of the State criminal history record file, and the State Bureau of Investigation shall forward a set of fingerprints to the Federal Bureau of Investigation for a national criminal record check. 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 17 18 check.

19 The State Board shall not require school personnel to pay for being fingerprinted 20 as authorized under this section.

(d) The State Board shall review the criminal history it receives on an individual. The State Board shall determine whether the results of the review indicate that the individual (i) poses a threat to the physical safety of students or personnel, or (ii) has demonstrated that he or she does not have the integrity or honesty to fulfill his or her duties as school personnel and shall use the information when deciding whether to grant final approval of an application for a charter school under G.S. 115C-238.29D and for making an employment recommendation to the operator of a charter school. The State Board shall make written findings with regard to how it used the information when deciding whether to grant final approval under G.S. 115C-238,29D and when making an employment recommendation.

(e) The State Board shall notify in writing the school's board of directors of the determination by the State Board as to whether the school personnel is qualified to be employed by a charter school based on the criminal history it receives on any person who is or who is applying for employment as an employee or independent contractor of the charter school. At the same time, the State Board shall provide to the board of directors the written findings the Board makes in subsection (d) of this section and its employment recommendation. If the State Board recommends dismissal or nonemployment of any person, the operator of the charter school shall 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 member of its board of directors. The State Board also shall notify the school

House Bill 379 Page 3 1 personnel of the procedure for completing or challenging the accuracy of the criminal history and personnel's right to contest the Board's determination in court.

- (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 Education may destroy the information after it is used for the purposes authorized by this section after one calendar year.
- (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 sovereign immunity is waived under the Tort Claims Act, as set forth in Article 31 of 18 Chapter 143 of the General Statutes."

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

"(d) The State Board of Education may grant a the initial charter for a period not to exceed five 10 years and may renew the charter upon the request of the chartering entity for subsequent periods not to exceed five years each. If the State Board grants the initial charter for a period greater than five years, the Board shall review the status of the charter school five years after it grants the initial charter. A material revision of the provisions of a charter application shall be made only upon the approval of the State Board of Education. The State Board shall establish a policy to 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 be considered a material revision of a charter application and would not require the Board's approval."

Section 4. G.S. 115C-238.29E(a) reads as rewritten:

"(a) A charter school that is approved by the State shall be a public school within the local school administrative unit in which it is located. It shall be accountable to the local board of education its chartering entity, or to the State Board if the chartering entity denied preliminary approval, for purposes of ensuring compliance with applicable laws and the provisions of its charter."

Section 5. G.S. 115C-238.29E(c) reads as rewritten:

"(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 denied preliminary approval, and the applicant. The contract shall incorporate at a minimum the information provided in the application, as modified during the charter 41 approval process, and any terms and conditions imposed on the charter school by the 42 43 State Board of Education.

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

Section 6. G.S. 115C-238.29E(e) reads as rewritten:

"(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 classroom space to meet its enrollment needs."

Section 7. G.S. 115C-238.29F(g) reads as rewritten:

"(g) Admission Requirements. --

- Any child who is qualified under the laws of this State for (1) admission to a public school is qualified for admission to a charter school.
- No local board of education shall require any student enrolled in (2) the local school administrative unit to attend a charter school.
- Admission to a charter school shall not be determined according to (3) 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 sehool, school, and any private school that becomes a charter school may give admission preference to former students of that school during the first year of the charter school's operation so long as admission is not limited to only those students.
- Admission to a charter school shall not be determined according to (4) the local school administrative unit in which a student resides; except that resides; however, 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. resides. except that no tuition shall be charged.
- A charter school shall not discriminate against any student on the (5) basis of ethnicity, national origin, gender, or disability. Except as otherwise provided by law or the mission of the school as set out

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House Bill 379 Page 5

in the contract, the school shall not limit admission to students on 1 2 the basis of intellectual ability, measures of achievement or aptitude, athletic ability, disability, race, creed, gender, national 3 origin, religion, or ancestry. However, so long as admission is not 4 5 limited to only these children, the school may give enrollment priority to the siblings of a pupil currently enrolled in the charter 6 school, the children of the employees of the charter school, the 7 children of the members of the school's board of directors, and the 8 9 children of the applicants for the charter school. Within one year 10 after the charter school begins operation, the population of the school shall reasonably reflect the racial and ethnic composition of 11 general population residing within the local 12 administrative unit in which the school is located or the racial and 13 ethnic composition of the special population that the school seeks 14 to serve residing within the local school administrative unit in 15 which the school is located. The school shall be subject to any 16 court-ordered desegregation plan in effect for the local school 17 18 administrative unit. 19

- The school shall enroll an eligible student who submits a timely (6) 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.
- Notwithstanding any law to the contrary, a charter school may **(7)** 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 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 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:

Page 6

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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.

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.

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."

Section 11. G.S. 105-278.4(a) reads as rewritten:

- 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:
 - (1) Owned by an educational institution (including a university, college, school, charter school, seminary, academy, industrial school, public library, museum, and similar institution);
 - (2) The owner is not organized or operated for profit and no officer, shareholder, member, or employee of the owner or any other person is entitled to receive pecuniary profit from the owner's operations except reasonable compensation for services;
 - (3) Of a kind commonly employed in the performance of those activities naturally and properly incident to the operation of an educational institution such as the owner; and
 - Wholly and exclusively used for educational purposes by the owner (4) or occupied gratuitously by another nonprofit educational institution (as defined herein) and wholly and exclusively used by the occupant for nonprofit educational purposes."

Section 12. G.S. 105-278.4(e) reads as rewritten:

"(e) Personal property owned by a church, a religious body, or an educational 44 institution (including a university, college, school, charter school, seminary, academy,

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	•	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	n 13. This act is effective when it becomes law.

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT (Please type or use ballpoint pen)

merdment Carries EDITION No. PCS 6224 H. B. No. 379 DATE S. B. No. ____ Amendment No. (to be filled in by COMMITTEE SUBSTITUTE Principal Clerk) 1 moves to amend the bill on page _ 2 () WHICH CHANGES THE TITLE i by rewiting the lines to read? the provincions of G.S. HSC 36 share and tuberta a of a charles school in a country s____s . 13 ____ . 17 _____ 18 _____ FAILED_____ _TABLED_ ADOPTED _____

PRINCIPAL CLERK'S OFFICE (FOR ENGROSSMENT)

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

EDITION No.					
H. B. No	579		DATE		
S. B. No		4	Amendment	No	
COMMITTEE S	UBSTITUTE 62	24		(to be filled in Principal Cle	
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Sen.)	1			
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	nd the bill on page HANGES THE TITLE	4 page	8, line 1-	<u> </u>	- 1
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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 101501

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1 moves to amend the bill on page 3, lines 7-8, by inserting the 2 following new section: "Section 2. G.S. 115C-238.29D(d) reads as rewritten: 3 '(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; 16 and on page 3, lines 9-12, by rewriting the lines to read: "'(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: By a private, nonprofit corporation that receives 21 federal tax-exempt status no later than 24 months 22 after final approval of the application; or 23 24 (2)By a board of directors whose members are approved by the local board of education. The board of directors



NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT House Bill 458

	H458-ARH-002	(to	ENDMENT NO. be filled in by rincipal Clerk) Page 2	
13	initially than the Board. S terms no more than of direct vacancies	er school receives find by March 31, 1997, by for the school to be are approved by the	mall serve terms or granted by the d members shall s ars. No member m opointments to the e necessary to fi ded by the curren the local board inal approval from the State Board be operated by a e local board.'".	no longer State erve ay serve e board ll t board of m the shall

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NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

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	COMMITTEE SUBSTITUTE			(to be filled in by Principal Clerk)	
	Rep.)				
	Sen.) moves to amend the bill on page	2, lines 36-3° u lines 23-24	7,°P.3, len	12°, 00013,	lino:
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NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT House Bill 1089

AMENDMENT NO.____

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Representative moves to amend the bill on	page 1, line	. 7,	
SIGNED Amendment Sponsor	6-4.3(b)" and	substituting	"116-143.3(b)".
SIGNED Committee Chair if Senate	Committee Ame	ndment	
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NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

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NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT House Bill 483

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	ollows:	-			
3 "]	local board of education is";				
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	nd on page 2, line 6 by deleting			40A-42, et seq.	••"
aı	nd substituting the phrase "G.S.	40A-42((a),".		
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NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

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VISITOR REGISTRATION SHEET

House of Representatives

Standing Committee on FDUCATION

Name of Committee

april 23, 1997

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
FILL SCOGON	NCER
Ann Berlam	5BE
Joann Amis	Pathe School Jam of No
Aliera Hare	n n
Sarah Stewart	AFT/NC
Bob Berlon	NCSRA
Joyce Peters	NEECB
Balan Harri	05BM
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Gene Caushy	E-EBC
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Lorraine Micholson	NE PTA
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VISITOR REGISTRATION SHEET

House of Representatives

Standing Committee on FDUCATION

Name of Committee

4/23/97 Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FTRM OR AGENCY AND ADDRESS
Harriet Dial	NOAE
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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. X 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
	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,
	The bill/resolution (, as amended,) passes its third reading (by the following vote,
	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

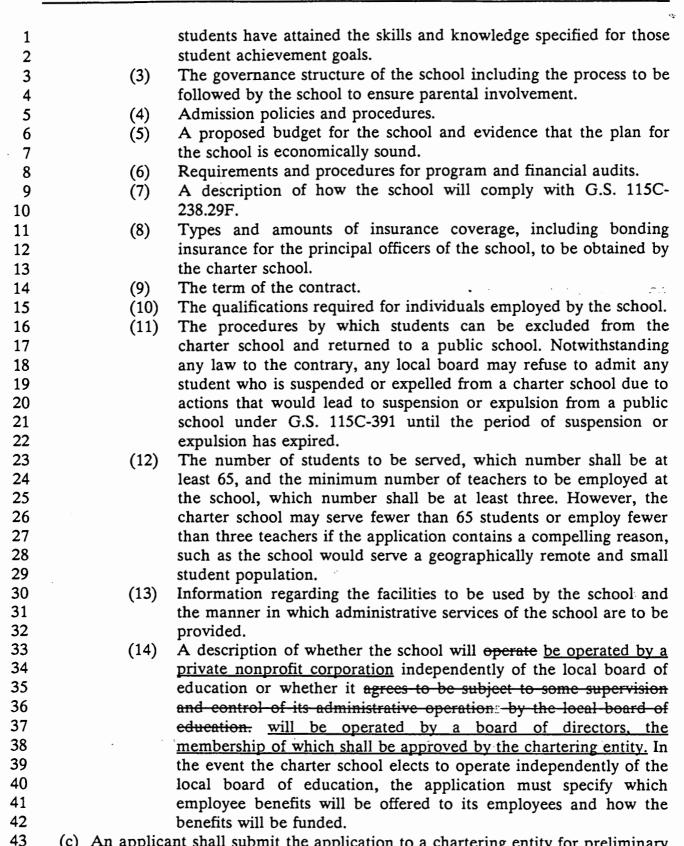
SESSION 1997

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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



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

7 Regardless of which chartering entity receives the application for preliminary 8 approval, the State Board of Education shall have final approval of the charter 9 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 12 five years and may renew the charter upon the request of the chartering entity for 13 subsequent periods not to exceed five years each. A material revision of the 14 provisions of a charter application shall be made only upon the approval of the State 15 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 17 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 20 shall have received federal tax-exempt status no later than 24 months following final approval of the application: in one of the following ways:
 - By a private, nonprofit corporation that receives federal tax-exempt (1) status no later than 24 months after final approval of the application; or
 - <u>(2)</u> 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 35 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 41 and safety requirements required of a local school administrative unit.
- (b) School Nonsectarian. -- A charter school shall be nonsectarian in its programs, 43 admission policies, employment practices, and all other operations and shall not

House Bill 458 Page 3

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1 charge tuition. A charter school shall not be affiliated with a nonpublic sectarian 2 school or a religious institution.

(c) Civil Liability and Insurance. --

- (1) The board of directors of a charter school may sue and be sued. The board of directors shall obtain at least the amount of and types of insurance required by the contract.
- (2) No civil liability shall attach to any chartering entity, to the State Board of Education, or to any of their members or employees, individually or collectively, for any acts or omissions of the charter school. In the event a charter school has not elected total independence from the local board of education under subsection (e) of this section, is operated by a board of directors approved by the chartering entity, the immunity established by this subsection shall be deemed to have been waived to the extent of indemnification by insurance, indemnification under Articles 31A and 31B of Chapter 143 of the General Statutes, and to the extent sovereign immunity is waived under the Tort Claims Act, as set forth in Article 31 of Chapter 143 of the General Statutes.
- (d) Instructional Program. --
 - (1) The school shall provide instruction each year for at least 180 days.
 - (2) The school shall design its programs to at least meet the student performance standards adopted by the State Board of Education and the student performance standards contained in the contract with the local board of education.
 - (3) A charter school shall conduct the student assessments required for 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 chartering entity, all employment decisions, including hiring and firing of employees of the charter school, shall be approved by the chartering entity 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.
- If a teacher employed by a local school administrative unit makes a (3) 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 appropriate position is unavailable, the teacher's name shall be placed on a list of available teachers and that teacher shall have priority on all positions for which that teacher is qualified in accordance with G.S. 115C-325(e)(2).
- (4) In the event a charter school, in its application, cleets total independence from the local board of education, school is operated by a private nonprofit corporation, its employees shall not be deemed to be employees of the local school administrative unit and shall not be entitled to any State-funded employee benefits, including membership in the North Carolina Teachers' and State Employees' Retirement System or the Teachers' and State Employees' Comprehensive Major Medical Plan. In the event a charter school, in its application, agrees to be subject to some supervision and control of its administrative operations by the local board of education, school is operated by a board of directors approved by the chartering entity, the employees of the charter school will be deemed employees of the local school administrative unit for purposes of providing certain State-funded employee

House Bill 458 Page 5

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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. --
 - The school is subject to the financial audits, the audit procedures, (1) and the audit requirements adopted by the State Board of Education for charter schools.
 - The school shall comply with the reporting requirements (2) established by the State Board of Education in the Uniform Education Reporting System.
 - The school shall report at least annually to the chartering entity (3) and the State Board of Education the information required by the chartering entity or the State Board.
- (g) Admission Requirements. --
 - Any child who is qualified under the laws of this State for (1) admission to a public school is qualified for admission to a charter school.
 - No local board of education shall require any student enrolled in (2) the local school administrative unit to attend a charter school.
 - Admission to a charter school shall not be determined according to (3) 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.
 - A charter school shall not discriminate against any student on the (5) 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

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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.

- Notwithstanding any law to the contrary, a charter school may **(7)** 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.
- (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.
- (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."

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

House Bill 458 Page 7

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 (#), \(\square\) 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

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HOUSE BILL 379* Proposed Committee Substitute H379-PCS6233

Short Title: Amend Charter Sch. Laws.	(Public)	
Sponsors:		
Referred to:		
March 3, 1997		
A BILL TO BE ENTITLED		
AN ACT TO AMEND THE LAWS GOVERNING CHARTER SCHOOLS.	•	
The General Assembly of North Carolina enacts:		
Section 1. G.S. 115C-238.29B is amended by adding the follow	wing new	
subsection to read:	_	
"(c1) Unless an applicant submits its application under subsection (c	c) of this	
section to the local board of education of the local school administrative		
which the charter school will be located, the applicant shall submit a copy of its		
application to that local board by November 10. The local board may		
information or comment concerning the application it considers appropria		
chartering entity. The local board shall deliver this information to the chartering		
entity no later than January 1 of the next calendar year. The applicant shall not be		
required to obtain or deliver this information to the chartering entity on beh	alt of the	
local board."	1 C4-4-4	
Section 2. Part 6A of Article 16 of Chapter 115C of the Genera	1 Statutes	
is amended by adding the following new section to read: "§ 115C-238.29C1. Criminal history checks.		
(a) As used in this section:		
(1) 'Criminal history' means a county, state, or federal crimin	al history	
of conviction of a crime, whether a misdemeanor or a fel		
indicates an individual (i) poses a threat to the physical		
students or personnel, or (ii) has demonstrated that he or		
not have the integrity or honesty to fulfill his or her duti		

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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.

'School personnel' means any: <u>(2)</u>

- Member of the board of directors of a charter school, <u>a.</u>
- Employee of a charter school, or <u>b.</u>
- Independent contractor or employee of independent <u>c.</u> 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 38 <u>circumstances school personnel shall be required to be checked for a criminal history</u> 39 after an application for a charter school has received preliminary approval under 40 G.S. 115C-238.29C. The Board shall apply its policy uniformly in requiring school 41 personnel to be checked for a criminal history. The Board may grant conditional 42 approval of an application while the Board is checking a person's criminal history 43 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 1 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 criminal record and to the use of fingerprints and other identifying information 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 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 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.
- The State Board shall not require school personnel to pay for being fingerprinted 19 20 as authorized under this section.
- (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 and for making an employment recommendation to the operator of a charter school. 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.
- (e) The State Board shall notify in writing the school's board of directors of the 31 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 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

House Bill 379 Page 3

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.

- (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.
- (g) There shall be no liability for negligence on the part of the State Board of 9 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."

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

"(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."

Section 4. G.S. 115C-238.29E(a) reads as rewritten:

"(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."

Section 5. G.S. 115C-238.29E(c) reads as rewritten:

"(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.

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If the local board of education does not sign the contract, the State Board may sign 2 on behalf of the local board. "

Section 6. G.S. 115C-238.29E(e) reads as rewritten:

"(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 classroom space to meet its enrollment needs."

Section 7. G.S. 115C-238.29F(g) reads as rewritten:

"(g) Admission Requirements. --

- Any child who is qualified under the laws of this State for (1) 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.
- Admission to a charter school shall not be determined according to (3) 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, school, and any private school that becomes a charter school may give admission preference to former students of that school during the first year of the charter school's operation so long as admission is not limited to only those students.
- Admission to a charter school shall not be determined according to (4) 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.
- A charter school shall not discriminate against any student on the (5) 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

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> Page 5 House Bill 379

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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 general population residing within the local 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.

- The school shall enroll an eligible student who submits a timely (6) 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.
- Notwithstanding any law to the contrary, a charter school may (7) 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 28 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 30 at the school who reside in different local school administrative units. school. The 31 charter school shall develop a transportation plan so that transportation is not a 32 barrier to any student who resides in the local school administrative unit in which the 33 school is located. The charter school is not required to provide transportation to any 34 student who lives within one and one-half miles of the school. The local board of the 35 local school administrative unit in which the charter school is located is encouraged 36 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 40 the charter, all <u>net</u> assets of the charter school <u>purchased with public funds</u> shall be 41 deemed the property of the local school administrative unit in which the charter 42 school is located."

Section 10. G.S. 115C-238.29H(a) reads as rewritten:

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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. <u>In accordance with its policy adopted under</u> 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 subsequent to the initial year of operation.

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."

Section 11. This act is effective when it becomes law.

House Bill 379 Page 7

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 (#), \(\square\) 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

I	Pursuant to Rule 36(a), the bill is placed on the Calendar of
	The (committee substitute) bill/resolution (, as amended,) is (ordered engrossed and) 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
s	On motion of (Rep,) (the Chair,) the (committee ubstitute) bill/resolution is (ordered engrossed and) re-referred to the Committee on
p	Pursuant to Rule 36(a), the (House)committee substitute bill (No)/resolution is blaced 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.)
a	On motion of Rep, Committee Amendment No.(s) is/are dopted (by EV).
a	On motion of Rep, Committee Amendment No.(s) is/are dopted (by EV).
F	Rep offers Amendment No which (is adopted.) (fails of doption.) (by EV) () This amendment changes the title.
_	The bill/resolution (, as amended,) passes its second reading (by following vote,
_	The bill/resolution (, as amended,) passes its third reading (by the following vote,
_	without engrossment by Special message. sent to the Senate for concurrence in House amendment (s).
_	House committee substituteenrolled.
C	On motion of Rep, the House concurs in the (material) Senate (by the following vote, RC) (, by EV,) and
+1	ne hill is ordered enrolled

SESSION 1997

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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
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4	MEMBERS OF THE LOCAL BOARDS OF TRUSTEES FOR C	OMMUNITY
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of term shall be filled by appointment of the Governor; the member so appointed shall meet the same residential qualification, if any, as the member whom he succeeds and shall serve for the remainder of the unexpired term of that member.

- (4) The General Assembly shall elect eight members of the State Board from the State at large in the following manner:
 - a. In 1980, the Senate shall elect three members, one of whom shall serve a term expiring June 30, 1981, one of whom shall serve a term expiring June 30, 1983, and one of whom shall serve a term expiring June 30, 1985. In 1985, the Senate shall elect two members to serve terms expiring June 30, 1991. Each subsequent regular election by the Senate shall be for a term of six years and until a successor is elected and qualifies.
 - b. In 1980, the House of Representatives shall elect four members, one of whom shall serve a term expiring June 30, 1981, one of whom shall serve a term expiring June 30, 1983, and two of whom shall serve a term expiring June 30, 1985. In 1985, the House of Representatives shall elect two members, to serve terms expiring June 30, 1991. Each subsequent regular election by the House of Representatives shall be for a term of six years and until a successor is elected and qualifies.
 - c. Repealed by Session Laws 1985, c. 227, s. 5.
 - d. The initial elections by the two houses of the General Assembly shall be held on or before July 1, 1980.
 - e. Any vacancy occurring among the members elected by the two houses of the General Assembly before the expiration of term shall be filled when the General Assembly next convenes. The member then elected shall be elected by the same house that elected the member whom he succeeds, and shall serve for the remainder of the unexpired term of that member.
 - f. At each session of the General Assembly held in an oddnumbered year, the Speaker of the House of Representatives
 and the President Pro Tempore of the Senate shall assign to
 either a standing or a special committee of that house the
 duty of receiving from the members of that house
 nominations of persons to be considered by that house for
 election to the State Board. The chairmen of the two
 committees shall jointly determine a common final date for
 receiving nominations from members of that house, and a
 common date for reporting to their respective houses their
 nominations for the State Board. Each committee shall

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screen the proposed candidates for nomination as to their qualifications, background, lack of statutory disabilities, and willingness and ability to serve if elected. Each Senator and each Representative may nominate only one candidate. When the nominating process is closed, each committee shall list all candidates and shall separately vote "aye" or "no" on each candidate to determine whether that person shall be listed as a nominee of the committee. The verbal vote of a majority of those members of the committee present and voting shall constitute one nominee of the committee. An individual cannot be a candidate for nomination to more than one place. If a sufficient number of candidates is submitted to each committee, then each committee shall nominate at least two persons for each place to be filled by that chamber, otherwise each committee shall nominate at least one person for each place to be filled by each of the House of Representatives and the Senate. No person may simultaneously be a candidate for election by both houses, and if one is nominated in both houses, he shall determine by which house he shall be nominated and so advise the chairman of both committees. The two houses shall, by joint resolution, fix a common date and time for the election of members of the State Board. At the election session in each house, the committee shall report its list of nominees with the term of office indicated for each nominee. The ballot in the House of Representatives shall also include the names of all other persons nominated by a member of that house who are determined by the committee to be qualified for the offices, with the committee's list of nominees being clearly set out on the ballot. No additional nominations shall be received from the floor. Each house shall then proceed to an election of the State Board. In order to be chosen, a nominee shall receive the votes of a majority of all members present and voting.

When each house has chosen one person for each place to be filled on the State Board, the chairman of the committee shall make a motion for the simultaneous election of those persons by that house to the indicated positions and for the indicated terms. The vote shall then be called electronically. If a majority of those voting shall vote 'aye,' persons named in the motion shall be declared to have been elected. Each house may adopt rules consistent with this section with respect to the election by that house of members of the State Board."

House Bill 1136

Section 2. G.S. 115D-12(b1) reads as rewritten:

"(b1) No person who has been employed full time by the any local community college within the prior 5 years and no spouse spouse, parent, or child of a person currently employed full time by the community college shall serve on the board of trustees of that college."

Section 3. This act is effective when it becomes law. Section 2 applies 7 to terms beginning on or after that date.

Page 4

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

Representative Fern H. Shubert

at 11;50 a.m.

Representative Cárolyn B. Russell

Dawn Ellis, Committee Clerk

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 A BILL TO BE ENTITLED AN ACT TO REQUIRE THE STATE BOARD OF H.B. 1019 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. X 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 (#), \(\square\) 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 (#), \(\square\) 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)

SESSION 1997

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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
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 conten
19	standards. The content standards developed in the core academi
20	areas shall (i) reflect high expectations for students and quality; (ii
21	be clearly grounded in the content of each academic area; (iii) b

VISITOR REGISTRATION SHEET

House of Representatives
Standing Committee on FDUCATION
Name of Committee

4/24/97 Date

SITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK.

NAME	FIRM OR AGENCY AND ADDRESS
Katie Jefferson Exec. Pincobr	Gaston Literacy Council, Inc. 130 South Oakland St., Gastonia NC 28052
Harriet Dial	NA6
B:11 Wilson	NCAE
Debarah los	ACLU
Hal Miller	ncacet
-BN Gulen	NESTA
-OSEPH F. MCCANN	ROWAN-SALISBURAL SCHOOLS SALISBURY, N.C. 28145
(Authorita	MESSA
PAPicia Hare	Public School Forum
Jan Morris	4 11 11
Ann Belam	5BE
Mardie Meany	DPI .

VISITOR REGISTRATION SHEET

4-24-97

Date

House of Representatives

Standing Committee on FDUCATION

Name of Committee

VISITORS: PLEASE SIGN BELOW A	AND RETURN TO COMMITTEE CLERK
NAME	FIRM OR AGENCY AND ADDRESS
Lavell Harris	DPI
Clave Hilda 6	Aumoria office
Rochel Laurence.	NC PTA
dim Polk	NC PTA.
allouell,	NcAlcu
Sugar Harren	WR55
Father Mullon	
Father Mullon Gene Caushy	E-EAC
Jarae Stewart	AFT/NC

•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 (#), \(\square\) 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)

SESSION 1997

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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	, and the second
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

the parents and to resolve disputes.

1	(2)	<u>Definitions As used in this subsection, the following terms have</u>
2		the following meanings:
3		a. 'Dispute' means a disagreement between the parties that is
4		subject to review under subsection (c) of this section.
5		b. 'Mediation' means an informal process conducted by a
6		mediator with the objective of helping parties voluntarily
7		settle their dispute.
8		c. 'Mediator' means a neutral person who acts to encourage
9		and facilitate a resolution of a dispute.
10		d, 'Parents' means parents, guardians, surrogate parents,
11		custodians, and eligible students.
12		e. 'Parties' means the local educational agency and the parents.
13	<u>(3)</u>	Nonadversarial, The mediation shall be informal and
14	******	nonadversarial as provided in G.S. 150B-22.
15	<u>(4)</u>	Rules of procedure, The mediator is encouraged to follow
16	***	applicable procedures provided in G.S. 7A-38.1, G.S. 7A-38.2, and
17		applicable rules adopted by the Supreme Court under G.S. 7A-
18		38.1. The mediator may establish other procedures to facilitate an
19		informal resolution of the dispute. The mediator shall not render a
20		decision or judgment as to the merits of the dispute.
21	<u>(5)</u>	Request for mediation Before a request for formal
22	4	administrative review is filed, mediation shall commence upon the
23		request of either party, so long as the other party consents.
24	<u>(6)</u>	Selection of mediator The parties shall agree to the selection of
25	701	the mediator. The Exceptional Children Division of the
26		Department of Public Instruction shall maintain a list of mediators
27		who are certified or trained in resolving disputes under this
28		subsection.
29	(7)	Notice of right to mediation The local educational agency shall
30		notify parents of their right to request mediation under this
31		subsection.
32	<u>(8)</u>	Time periods tolled Notwithstanding G.S. 150B-23, time periods
33	غبتبه	related to the filing of a formal administrative review or the taking
34		of any other action with respect to the dispute, including any
35		applicable statutes of limitations, are tolled upon the filing of a
36		request for mediation under this subsection until the mediation is
37	· *	completed or the mediator declares an impasse.
38	<u>(9)</u>	Good cause for continuance A good faith effort by both parties
39	424	to mediate the dispute is presumed to constitute good cause for a
40		continuance so long as the administrative law judge does not find
41		that the time delay for mediation would likely result in irreparable
42		harm to one of the parties or to the child.
43	(10)	Inadmissibility of negotiations Evidence of statements made and
44	* 	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	<u>(13)</u>	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."
22	Contin	This pat is offertive when it becomes low

House Bill 1098 Page 3

The following report(s) from standing committee(s) is/are presented: By Representative(s) RUSSELL AND SHUBERT for the Committee on EDUCATION.		
H.B. 1099 TO AI	ttee Substitute for A BILL TO BE ENTITLED AN ACT TO AUTHORIZE SCHOOL PRINCIPALS OMIT CERTAIN GIFTED STUDENTS TO KINDERGARTEN REGARDLESS OF BIRTH DATES.	
☐ With a	favorable report.	
_	favorable report and recommendation that the bill be re-referred to the Committee on propriations Finance	
☐ With a	favorable report, as amended.	
_	favorable report, as amended, and recommendation that the bill be re-referred to the littee on Appropriations Finance	
⊠ With a	favorable report as to committee substitute bill, unfavorable as to original bill.	
_	favorable report as to House committee substitute bill (#), _ which changes e, unfavorable as to Senate committee substitute bill.	
☐ And ha	aving received a unanimous vote in committee, is placed on the Consent Calendar.	
☐ With a	n unfavorable report.	
☐ With r	ecommendation that the House concur.	
☐ With r	ecommendation that the House do not concur.	
☐ With r	ecommendation that the House do not concur; request conferees.	
☐ With r	ecommendation that the House concur; committee believes bill to be material.	
☐ With a	n unfavorable report, with a Minority Report attached.	
☐ Withou	ut prejudice.	
☐ With a	n indefinite postponement report.	
☐ With a	n indefinite postponement report, with a Minority Report attached.	
□ With r	ecommendation that it be adopted. (HOUSE RESOLUTION ONLY)	

SESSION 1997

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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
	which the child is presented for enrollment, and must be presented for enrollment
	during the first month of the school year.
12 13	A child who has passed the fourth anniversary of the child's birth on or before 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	
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
	level: Provided, that if a particular child has already been attending school in another
	state in accordance with the laws or regulations of the school authorities of such that
	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."

Section 2. G.S. 115C-81(f) reads as rewritten:

- "(f) Establishment and Maintenance of Kindergartens. --
 - (1) Local boards of education shall provide for their respective local school administrative unit kindergartens as a part of the public school system for all children living in the local school administrative unit who are eligible for admission pursuant to subdivision (2) of this subsection provided that funds are available from State, local, federal or other sources to operate a kindergarten program as provided in this subsection.

All kindergarten programs so established shall be subject to the supervision of the Department of Public Instruction and shall be operated in accordance with the standards adopted by the State Board of Education, upon recommendation of the Superintendent of Public Instruction.

Among the standards to be adopted by the State Board of Education shall be a provision that the Board will allocate funds for the purpose of operating and administering kindergartens to each school administrative unit in the State based on the average daily membership for the best continuous three out of the first four school months of pupils in the kindergarten program during the last school year in that respective school administrative unit. Such allocations are to be made from funds appropriated to the State Board of Education for the kindergarten program.

- (2) Any child who has passed the fifth anniversary of his the child's birth on or before October 16 of the year in which he enrolls or who otherwise meets the requirements of G.S. 115C-364 shall be eligible for enrollment in kindergarten. Any child who is enrolled in kindergarten and not withdrawn by his the child's parent or guardian shall attend kindergarten.
- (3) Notwithstanding any other provision of law to the contrary, subject to the approval of the State Board of Education, any local board of education may elect not to establish and maintain a kindergarten program. Any funds allocated to a local board of education which does not operate a kindergarten program may be reallocated by the State Board of Education, within the discretion of the Board, to a

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SESSION 1997

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.

House Bill 1099 Page 3

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.

	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 of 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)		

SESSION 1997

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HOUSE BILL 977

Short Title: Parents on School Improvement Teams.

(Public)

Sponsors:

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Representatives Jeffus; Adams, Boyd-McIntyre, Hiatt, Jarrell, Moore,

Mosley, Wainwright, and Watson.

Referred to: Education.

April 17, 1997

A BILL TO BE ENTITLED

2 AN ACT TO ALLOW PARENTS TO ELECT THE PARENTS WHO SERVE ON 3 SCHOOL IMPROVEMENT TEAMS.

The General Assembly of North Carolina enacts:

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

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

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.

1

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

Th	e following report(s) from standing committee(s) is/are presented: By Representative(s) RUSSELL AND SHUBERT for the Committee on EDUCATION.			
_	Committee Substitute for 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)			

SESSION 1997

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HOUSE BILL 1072 Proposed Committee Substitute H1072-PCS2317

Short Title: LRC Study Student Discipline. (Public					
Sponsors:					
Referred to:					
	April 21, 1997				
	•				
	A BILL TO BE ENTITLED O AUTHORIZE THE LEGISLATIVE RESEARCH COMMISSION TO STUDENT DISCIPLINE AND METHODS TO INCREASE PARENTAL EMENT.				
The General	Assembly of North Carolina enacts:				
addressing s	Section 1. The Legislative Research Commission may study options for student discipline and increasing parental involvement in the public study, if authorized, shall examine:				
(Effective mechanisms for identifying students in need of guidanc or counseling to prevent violent and disruptive behavior; 				
	2) Effective mechanisms for assisting parents in becoming mor involved in the education and the discipline of their children wh				
	are enrolled in the public schools; and Appropriate penalties for parents who, consistently and after				
,	Appropriate penalties for parents who, consistently and after receiving reasonable assistance, refuse to fulfill their parents responsibilities for the education and discipline of their children.				
	Section 2. The Legislative Research Commission, if it undertakes this				
study, may r	eport its findings and recommendations to the 1999 General Assembly.				
9	Section 3. This act becomes effective July 1, 1997.				

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 and recommendation that the bill be re-referred to the Committee on ☐ Appropriations ☐ Finance ☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on ☐ Appropriations ☐ Finance ☐ X 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 (#), \(\square\) 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 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)

SESSION 1997

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HOUSE BILL 1142 Proposed Committee Substitute H1142-PCS2316

Short Title: Tuition Waivers/Emergency Workers.							
Sponsors:							
	Referred to:						
		April 21, 1997					
1		A BILL TO BE ENTITLED					
2	AN ACT TO W	VAIVE TUITION FOR CHILDREN OR SPOUSES OF CERTAIN					
3	EMERGENC	Y WORKERS KILLED OR DISABLED IN THE LINE OF DUTY.					
4	The General Ass	embly of North Carolina enacts:					
5	Secti	on 1. The title of Chapter 115B reads as rewritten:					
6		"Tuition Waiver for Senior Citizens. Waivers."					
7	Secti	on 2. G.S. 115B-1 reads as rewritten:					
8	"§ 115B-1. Defin	ition. <u>Definitions.</u>					
9	As used in the	s 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	<u>(2)</u>	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 has remarried. 3

> Tuition. -- The amount charged for registering for a credit hour of (3) instruction and shall not be construed to mean any other fees or charges or costs of textbooks."

Section 3. G.S. 115B-2 reads as rewritten:

"§ 115B-2. Tuition waiver authorized.

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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 ceredit 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 spaces-available basis: basis:

- Legal residents of North Carolina who have attained the age of 65. (1)
- Any person who is the survivor of a police officer, firefighter, or **(2)** volunteer firefighter killed in the line of duty.
- The spouse of a police officer, firefighter, or volunteer firefighter <u>(3)</u> who is permanently and totally disabled in the line of duty.
- Any child, if the child is at least 17 years old but not yet 23 years **(4)** old, whose parent is a police officer, firefighter, or volunteer firefighter who is permanently and totally disabled in the line of duty. However, a child's eligibility for a waiver of tuition under this Chapter shall not exceed: (i) 48 months, if the child is seeking a baccalaureate degree, or (ii) if the child is not seeking a baccalaureate degree, the number of months required to complete the educational program to which the child is applying."

Section 4. G.S. 115B-5 reads as rewritten:

"§ 115B-5. Proof of eligibility.

- (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.
 - (b) The officials of such institutions charged with administration of this Chapter shall require the following proof to insure that a person applying to the institution and who requests a tuition waiver under G.S. 115B-2(2),(3), or (4) is eligible for the benefits provided by this Chapter.
 - The parent-child relationship shall be verified by a birth certificate, (1) legal adoption papers, or other documentary evidence deemed 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	<u>(3)</u>	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	<u>(4)</u>	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	on 5. Chapter 115B is amended by adding a new section to read:

Section 5. Chapter 115B is amended by adding a new section to read:

"§ 115B-5A. Student to be credited for scholarship value.

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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 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 any balance, if the terms of the scholarship permit, shall be returned to the student."

Section 6. This act becomes effective July 1, 1997, and applies to deaths 23 or disabilities occurring on or after that date.

House Bill 1142 Page 3

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 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 (#), \(\square\) 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. 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

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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
	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	
15	Section 3. This act becomes effective July 1, 1997, and shall apply
TO	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 or 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 \square Appropriations \square Finance \square	
⊠	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 (#), \square 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

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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	
7	related to pupil assignment within the public schools, including community-based
8	,
9	
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.

- Section 2. The Legislative Research Commission, if it authorizes a committee to conduct this study, shall appoint at least four public members to that 3 committee.
- Section 3. The Legislative Research Commission, if it undertakes this study, may report its findings and recommendations to the 1999 General Assembly.
- 6 Section 4. This act becomes effective July 1, 1997.

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GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

HOUSE BILL 707*

Short Title: Community-Based School Assignments.

(Public)

Sponsors:

16

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

2 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 5 new section to read:

"§ 115C-364.1. School attendance districts or zones should promote community-based 7 schools.

(a) The General Assembly finds that community-based schools can enhance the educational program of the public schools by (i) improving community commitment 10 to schools, (ii) making schools more responsive to community needs, (iii) facilitating 11 parental participation and involvement in conferences, events, and other school 12 activities, (iv) providing services to families of children attending the schools, (v) 13 providing after-school services to children such as tutoring, mentoring, and special programming, (vi) improving communication and maintaining close relationships with 15 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 17 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 20 parental satisfaction with schools within each community. Local boards of education

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House of Representatives
Standing Committee on EDUCATION
Name of Committee

4/29/91 Date

NAME	FIRM OR AGENCY AND ADDRESS
tull lowered	NCAICH
Charles Barnin	Evolutionist
Henry Johnson	DPI
Ann Berlam	5BE
Dema Dussay	Cary NC
Charles Keeling	INVESTAR
Rosly Swit	Lollyist
Sarah Stewart	AFT/W
Amy Van Joshum	PENC
Lanne Winner	E6445
Bu Bunles	NCPPC
- Den Crittes	NCASA

House of Representatives

Standing Committee on EDUCATION

Name of Committee

Date

Date / 29 97

NAME	FIRM OR AGENCY AND ADDRESS
Bill With	neas
Debrah Ros	ACIU
Karen Garr	Inv.'s Office
Brivan	Ani opla.
Pam Seamans	united way of NC/Covenant W/ N.C's Children
Paula Wolf.	Ovenant with NC's Children
Harriett Jortherla	1 VA10-DOA
Donna Remeldo	wife of Rep. Dennis Remaldes.
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Paul + Olive Taylor	
Stank Monns	- NOSCOO
- Jase V. Much	725 Lakestone Dr.

House of Representatives
Standing Committee on EDUCATION
Name of Committee

1/29/97 Date/

NAME	FIRM OR AGENCY AND ADDRESS
JUSEPH JUIMSON	WILKES Go Schools
CliptuB Noteen	URC GA
Gene Causby	F-EBC
Joya Polas	E E BC
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Susan Harrison	WCPSS
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House of Representatives Standing Committee on EDUCATION
Name of Committee

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John Rustic	NCFAC
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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

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.

	By Representative(s) SHUBERT AND RUSSELL for the Committee on EDUCATION.
	Committee Substitute for 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
X	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)

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
	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).
<u> </u>	The bill/resolution (, as amended,) passes its third reading (by the following vote,
	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

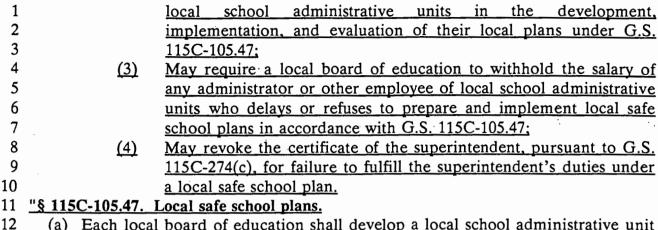
SESSION 1997

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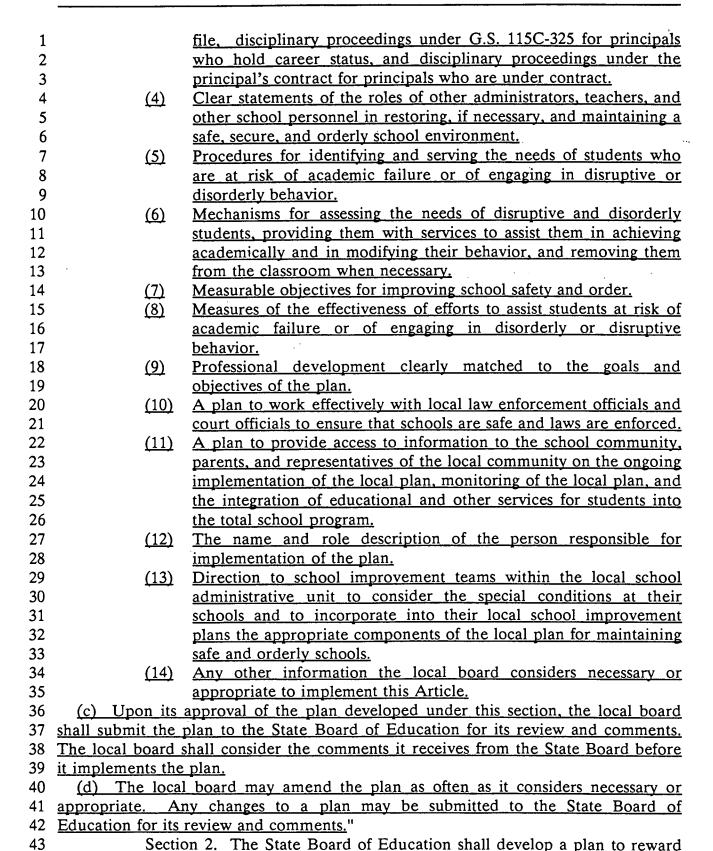
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HOUSE BILL 1154 Proposed Committee Substitute H1154-PCS8228

	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 11	"§ 115C-105.45. Legislative findings. 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	<u>105.47;</u>
22	(2) Shall provide, in cooperation with the Board of Governors of The
23	University of North Carolina, ongoing technical assistance to the



- (a) Each local board of education shall develop a local school administrative unit safe school plan designed to ensure that every school in the local school administrative unit is safe, secure, and orderly, that there is a climate of respect in every school, and that appropriate personal conduct is a priority for all students and all public school personnel. The board shall include parents, the school community, representatives of the community, and others in the development of this plan. The plan may be developed by or in conjunction with other committees.
 - (b) Each plan shall include each of the following components:
 - (1) Clear statements of the standard of behavior expected of students at different grade levels and of school personnel and clear statements of the consequences that will result from one or more violations of those standards.
 - A clear statement of the responsibility of the superintendent for coordinating the adoption and the implementation of the plan, evaluating principals' performance regarding school safety, monitoring and evaluating the implementation of safety plans at the school-level, and coordinating with local law enforcement and court officials appropriate aspects of implementation of the plan. The statement of responsibility shall provide appropriate disciplinary consequences that may occur if the superintendent fails to carry out these responsibilities, including a reprimand in the superintendent's personnel file and withholding of the superintendent's salary.
 - A clear statement of the responsibility of the school principal for restoring, if necessary, and maintaining a safe, secure, and orderly school environment and of the consequences that may occur if the principal fails to meet that responsibility. The principal's duties shall include exhibiting appropriate leadership for school personnel and students, providing for alternative placements for students who are seriously disruptive, reporting all criminal acts pursuant to G.S. 115C-288(g), and providing appropriate disciplinary consequences for disruptive students. The consequences to the principal that may occur shall include a reprimand in the principal's personnel



House Bill 1154 Page 3

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.

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

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HOUSE BILL 1154

Short Title: Safe School Plans/Accountability.

(Public)

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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

A DILL TO DE ENTITLED

T	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	" <u>ARTICLE 8C.</u>
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 ☐ X 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 (#), \(\square\) 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

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 The (committee substitute) bill/resolution (, as amended,) is placed on the Consent Calendar of The original bill/resolution is placed on the Unfavorable Calendar.
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 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,
 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

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HOUSE BILL 979 Proposed Committee Substitute H979-PCS1373

Short little: Sub	stitute Teacher Pay Raise.	(Public)
Sponsors:		
Referred to:		
	April 17, 1997	
RAISES FOR The General Ass	sembly of North Carolina enacts: on 1. G.S. 115C-12(8) reads as rewritten:	and for Substitute we with pay for all provisions of this ions providing for and other teacher by the Board. A all be paid at the rience who is paid at Board shall fix cher, the salary of same as the daily icate. ool administrative ost of instructional

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
5	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.
3	Section 3. This act becomes effective July 1, 1997.

Page 2

GENERAL ASSEMBLY OF NORTH CAROLINA **SESSION 1997**

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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 A BILL TO BE ENTITLED 2 AN ACT TO LINK PAY RAISES FOR SUBSTITUTE TEACHERS TO PAY RAISES FOR TEACHERS. The General Assembly of North Carolina enacts: Section 1. G.S. 115C-12(8) reads as rewritten: "(8) Power to Make Provisions for Sick Leave and for Substitute Teachers. -- 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.

The pay for a substitute shall be fixed by the Board. A substitute teacher shall be paid at the daily pay rate of a teacher with no years of experience who is paid on the 'A' certificate salary schedule.

If a teacher assistant acts as a substitute teacher, the salary of the teacher assistant for the day shall be the same as the daily salary of an entry-level teacher with an 'A' certificate.

The Board may provide to each local school administrative unit not exceeding one percent (1%) of the cost of instructional services for the purpose of providing substitute teachers for those

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NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

EDITION No.			
н. в. No. <u>979</u>		DATE	
S. B. No		Amendment No.	
COMMITTEE SUBSTITUTE	<u></u>	(to be filled in by Principal Clerk)	
Rep.) 5ex	etan		
Sen.)			
1 moves to amend the bill on p	page/	, line/3	
2 () WHICH CHANGES THE	ETITLE before	A (1) (1) (1) (1)	
3 by inserting	The lacking	word "shall" the for	//owi
4 with	certific	cate",	
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6 and on	sage 1, 1,	ine 15, by insertin	<u>q</u>
7 after the	word "so	chedule." The follows	Jo.
8 "The Sta	te Board s	hall lix the daily	\mathcal{J}
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House of Representatives

Standing Committee on FDUCATION

Name of Committee

May 13 97
Date (4)

NAME	FIRM OR AGENCY AND ADDRESS
Brian Washington	NCAE
Hamiet Dial	NCAE
B.LL W.LSM	NAE
Sara Law	Lovernol & Office
Douglas Blum	United Way of North Carolina
Marian Doul	League of Women Vaters XC
LARRY DIX	ADC/ Juvenile Survices P.D. Box 2448.
Janet Hall	Wife of Rep. Hall
D.L. Culdy	self, 1027 St. Mary's, Raleigh
MANON POMERANZ	DOR
But Bulon	NSISA
Hal Miller	neacct

House of Representatives
Standing Committee on FDUCATION
Name of Committee

May 13 97

NAME	FIRM OR AGENCY AND ADDRESS
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Gene Causby	E-EBC
ann Berlam	5BE .
Jan Marris	Public School Form
Dan Crotts	12015H
Chili Candoll	MCASA
Harah Stewart	AFT/NC
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Chris Fitzsimon	Commin Sense Foundation
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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 Insturciton 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 (#), \(\square\) 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)

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
	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,
	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 hill is ordered enrolled

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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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:

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.

(a) If the board of education determines that the amount of money appropriated to the local current expense fund, or the capital outlay fund, or both, by the board of county commissioners is not sufficient to support a system of free public schools, the chairman of the board of education and the chairman of the board of county commissioners shall arrange a joint meeting of the two boards to be held within seven days after the day of the county commissioners' decision on the school appropriations.

appropriations.
 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.

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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 3 differences that have arisen between them.

(b) If no agreement is reached at the joint meeting of the two boards, either board 5 may notify the elerk of superior court who shall request the appointment of a 6 mediator by superior court under G.S. 7A-38.1. The mediator shall be appointed 7 within five days of the notification to the elerk. The mediator shall present 8 recommendations for resolution of the matters in dispute within 15 days of the 9 notification to the clerk. the mediator shall, at the request of either board, commence 10 a mediation immediately or within a reasonable period of time. The mediation shall 11 be held in accordance with rules and standards of conduct adopted under Chapter 12 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 15 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;
- The superintendent of the local school administrative unit and the (2)county manager or either's designee:
- The finance officer of each board; and (3)
- The attorney for each board.

22 Members of both boards, their chairs, and representatives shall cooperate with and 23 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 30 their dispute, the mediation shall end no later than August 1. The mediator shall 31 have the authority to determine that an impasse exists and to discontinue the The mediation may continue beyond August 1 provided both boards mediation. agree. If both boards agree to continue the mediation beyond August 1, the board of 34 county commissioners shall appropriate to the local school administrative unit for 35 deposit in the local current expense fund a sum of money sufficient to equal the local 36 contribution to this fund for the previous year.

If the working groups reach a proposed agreement, the terms and conditions must 38 be approved by each board. If no agreement is reached, the mediator shall announce 39 that fact to the chairs of both boards, the Senior Resident Superior Court Judge, and 40 the public. The mediator shall not disclose any other information about the 41 mediation. The mediator shall not make any recommendations or public statement of findings or conclusions. 42

The local board of education and the board of county commissioners shall share 44 equally the mediator's compensation and expenses. The mediator's compensation

Page 2 Senate Bill 366 3

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1 shall be determined according to rules adopted under Chapter 7A of the General Statutes.

(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.

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.

- (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.
- (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 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.

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

Senate Bill 366 Page 3 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 (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."

Section 2. G.S. 143-318.11(a)(3) reads as rewritten:

- "(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 permitted in this section. A public body may hold a closed session and exclude the public only when a closed session is required:
 - (1) To prevent the disclosure of information that is privileged or confidential pursuant to the law of this State or of the United States, or not considered a public record within the meaning of Chapter 132 of the General Statutes.
 - (2) To prevent the premature disclosure of an honorary degree, scholarship, prize, or similar award.
 - To consult with an attorney employed or retained by the public (3) body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged. General policy matters may not be discussed in a closed session and nothing herein shall be construed to permit a public body to close a meeting that otherwise would be open merely because an attorney employed or retained by the public body is a participant. The public body may consider and give instructions to an attorney concerning the handling or settlement of a claim, judicial action, mediation, arbitration, or administrative procedure. If the public body has approved or considered a settlement, other than a malpractice settlement by or on behalf of a hospital, in closed session, the terms of that settlement shall be reported to the public body and entered into its minutes as soon as possible within a reasonable time after the settlement is concluded.
 - To discuss matters relating to the location or expansion of (4) industries or other businesses in the area served by the public body.
 - (5) To establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating (i) the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease; or (ii) the amount of compensation and other material terms of an employment contract or proposed employment contract.

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- the qualifications, competence, performance. (6) consider 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 competence, performance, character, 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.
- To plan, conduct, or hear reports concerning investigations of **(7)** 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 19 buildings shall be under the control and direction of, and by contract with, the board 20 of education for which the building and repairing is done. If a board of education is 21 considering building a new school building to replace an existing school building, the 22 board shall not invest any construction money in the new building unless it submits 23 to the State Superintendent and the State Superintendent submits to the North 24 Carolina Historical Commission an analysis that compares the costs and feasibility of 25 building the new building and of renovating the existing building and that clearly 26 indicates the desirability of building the new building. No board of education shall 27 invest any money in any new building until it has (i) developed plans based upon a 28 consideration of the State Board's facilities guidelines, (ii) submitted these plans to 29 the State Board for its review and comments, and (iii) reviewed the plans based upon 30 a consideration of the comments it receives from the State Board. No local board of 31 education shall contract for more money than is made available for the erection of a 32 new building. However, this subsection shall not be construed so as to prevent boards 33 of education from investing any money in buildings that are being constructed 34 pursuant to a continuing contract of construction as provided for in G.S. 115C-441(c). 35 All contracts for buildings shall be in writing and all buildings shall be inspected, 36 received, and approved by the local superintendent and the architect before full 37 payment is made therefor. Nothing in this subsection shall prohibit boards of 38 education from repairing and altering buildings with the help of janitors and other 39 regular employees of the board.

In the design and construction of new school buildings and in the renovation of 41 existing school buildings that are required to be designed by an architect or engineer 42 under G.S. 133-1.1, the local board of education shall participate in the planning and 43 review process of the Energy Guidelines for School Design and Construction that are 44 developed and maintained by the Department of Public Instruction and shall adopt

Page 5 Senate Bill 366

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.

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 amount not to exceed fifteen percent (15%) of the loan or grant, until the completed 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 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) 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) reviewed the plans based upon a consideration of the comments it receives from the 19 20 State Board."

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

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1997 COMMITTEE REPORT HOUSE OF REPRESENTATIVES

The	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 3. 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 \square Appropriations \square Finance \square .			
	With a favorable report, as amended.			
	With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on \square Appropriations \square Finance \square			
X	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 (#), \square 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.			
П	With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)			

FOR JOURNAL USE ONLY

F	Pursuant to Rule 36(a), the bill is placed on the Calendar of
	The (committee substitute) bill/resolution (, as amended,) is (ordered engrossed and) 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.
. 1	The bill/resolution is re-referred to the Committee on
s	On motion of (Rep
p	Pursuant to Rule 36(a), the (House)committee substitute bill (No)/resolution is blaced 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) nd the bill/resolution is placed on today's calendar. (for immediate consideration.)
a	On motion of Rep, Committee Amendment No.(s) is/are dopted (by EV).
a	On motion of Rep, Committee Amendment No.(s) is/are dopted (by EV).
R a	Rep offers Amendment No which (is adopted.) (fails of doption.) (by EV) () This amendment changes the title.
_	The bill/resolution (, as amended,) passes its second reading (by following vote,
_	The bill/resolution (, as amended,) passes its third reading (by the following vote,
_	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 ne bill is ordered enrolled.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H \mathbf{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 17	high school but attend classes for less than one-half of the instructional day when 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.

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."

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.

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House of Representatives

Standing Committee on EDUCATION

Name of Committee

May 20 97

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK.

NAME	FIRM OR AGENCY AND ADDRESS
Gene Cauchy,	E-EBC
JUSAN /- MREISON	WCPSS
Ann Berlam	SBE
Sicher Mong	SOP 5
Cany Van Coshum	PENC
Sarah Stewart	AFT/IC
Mercdith Miller	UNC General Administration
Dah Phun	- NC JCDC
· Jan Crutts	NCASA
Laura Crumples	AG/SBE
lifter B Judent	10 DO
Tomy Tarasco	Citizan

House of Representatives	
Standing Committee on FNUCATION	
-Standing Committee on EDUCATION Name of Committee	

May 20 97
Date 1

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FTRM OR AGENCY AND ADDRESS
Heather Hunter	UNC student
ROXANE PREMONT	NC EDUCATION REPORM FOUNDATION
Phillip Frach	Rep Don Davis
Larer Garr	Lovernor & Office
Nrau Barada	NCAE
Barwhon	NCAE
HamitDuil	NONE
Dian Van Jon	MAE
Cler Jimenez	NC Family Folicy Council
Buc Brooks	NEFPE
D. L. Cuddy	Seff, Raleigh
of a Dawson	M. C Red Sel Dersonnel

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 N.C. Betined School Pensone

House of Representatives	TION - 1/1/a, 20 97
Standing Committee on EDUCAT Name of Committee	Date . ()
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VISITORS: PLEASE SIGN BELOW	AND RETURN TO COMMITTEE CLERK.
NAME	FIRM OR AGENCY AND ADDRESS
Joya eters	F-EBC
Tullaceel	MCAICU
EMMETT FloyD	EAST CAROLINA UNIV-
Doun Huster	NCCCS
Hal Miller	MCACCT
Baboraffacia	OSBM
Jo Com Jonis	Publi Sahal Tan
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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



/ Lamend.

Page 1 of 1

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT Senate Bill 297

S297-ARH-002

AMENDMENT NO.

(to be filled in by Principal Clerk)

	Date 5/32,1997 Comm. Sub. [X] Amends Title [] S297-PCSRH-012
2 3 4 5 6	moves to amend S297-PCSRH-012 on page 11, line 38, by deleting the word "The" and by substituting the following: "The For the initial year of a charter school's operation, the local school administrative unit may require that the request for a leave or extension of leave be made up to 45 days before the teacher would otherwise have to report for duty. For subsequent years, the". SIGNED Mayne Serious Amendment Sponsor
	SIGNED Committee Chair if Senate Committee Amendment ADOPTED FAILED TABLED





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	Date	,1997
Comm. Sub. [] Amends Title [] Third Edition		
Representative Moore		
moves to amend the bill between lines 34 and 35 "Section 4. I feasibility of requiring history as a condition o	to read as follows: The State Board of Edg g two high school cou	lucation shall study the
SIGNED Amendment Sponsor	remaining section acc	cordingly.
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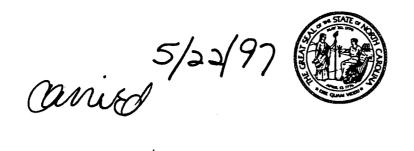
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Representative 11050		
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between lines 34 a "Section" feasibility of red	e bill on page 2, by inse and 35 to read as follows 4. The State Board of quiring two high school c ition of graduation.";	: Education shall study the
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2	Representative Preston: moves to amend the bill "student;" and by substi	on page 1, line ituting the follo	21, by deleting the owing:	word
3 4 5 6 7	"student, e. The loss or uni result of a natural disa	inhabitability of aster;".	f the student's home	as the
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NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT Senate Bill 765

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and on page 1, by rewr	iting lines 16	10 to road ag	follows
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programs pursuant to t			
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programs only to serve	the needs of	these students.	."•
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NORTH	CAROLINA GEI	NERAL ASSEMBLY AMENDMENT
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Sen.)		
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House of Representatives	MAY	2291	
-Standing Committee on EDUCATION	Date .	7	

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK.

NAME	FIRM OR AGENCY AND ADDRESS
Frank Theonway	Warren County School Board Manber
Mike SALANIK	Roundke Regids Gradel School Bound member
Stoppy of Berry	NC JCDC
John John John John John John John John	THP/AP.
Susan Harrison	WCPSS
James James	
JO'Buck' Canter	Scotland County School Board
Meredith Miller	UNC General Administration
Said Hewart	AFT/NC
au Prutt	NCASI
Lynda M Gallock	Lov's Office
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VISITOR REGISTRATION SHEET		
House of Representatives Standing Committee on EDUCATION - MAY 22 97		
-Standing Committee on EDUCAT Name of Committee	Date	
VISITORS: PLEASE SIGN BELOW	AND RETURN TO COMMITTEE CLERK.	
NAME	FIRM OR AGENCY AND ADDRESS	
Cleal Cohe	unc GA.	
Jayer Peters	E-FRC	
Kirle Elgaton	Johnston Co. Bd. of Ed.	
Dennis Ducker	Dept. Dy State Treasures	
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au Mca	MCSBA	
BOBANDREWS	CABARRUS CO. SCHOOL BOARD - V. CHAIR	
Rickey Wilson	Cander Cauty.	
Carole C. Smith	Camden County	
Kay F. Wright	Chowan County	
Lafayette Majette	Horthampton Country School Board Members	
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VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK.

NAME	FIRM OR AGENCY AND ADDRESS
John Sellson	ncae
Bill Wilm	neat
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Hari Barada	· NCXE
Brian Washington	NCAE
Diane Wente	-
Leonie Thorp	
Pet Lellogs	
Framo M. Cuesaman	·
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Danda Langulach	RWC.
- Laren Lence	(U) (- ADDADATA

VISITOR REGISTRATION SHEET		
House of Representatives Standing Committee on EDUCAT Name of Committee	may 22 97 Date	
	AND RETURN TO COMMITTEE CLERK.	
VISITORS: PLEASE SIGN BELOW A	AND RETURN TO COMMITTEE CLERK.	
NAME	FIRM OR AGENCY AND ADDRESS	
D.L. Cuddy	self, Raleigh	
Bartara Harri	OSB M	
Danit Retter	OSBM	
Alyson Grine	ACLU	
Neal Engley	ncsba-	
La Duwk	N(SBA - Henderson Co. S.B.	
Douglas Blum	United Way of North Carolina	
Tachi Aringby	Henderson Country Board of F.d	
Phuep Frank	Tuten	
Michael Diron	NCSBA- Pit County School Board	

VISITO	R REGISTRATION SHEET
House of Representatives	Date
Name of Committee	Date. O
VISITORS: PLEASE SIGN BELOW	AND RETURN TO COMMITTEE CLERK.
NAME	FTRM OR AGENCY AND ADDRESS
John Kennedy	Chairm Elki City Boord of Ed.
Senda Rohnson	Kannapolis Aly Shools Board of Col.
Day Wright Youman	Rowan- Salesbury School Board Salesbury MC.
Robbers	NAGR-RM BOED,
Bruce Thomason	E Rep. Richard MOORE
Mellie Hall	Konn City School Bd - NCSBA-BOD
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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 A BILL TO BE ENTITLED AN ACT TO LIMIT APPEALS TO LOCAL S.B. 616 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 ☐), \(\square\) which changes the title, With a favorable report as to committee substitute bill (# unfavorable as to original bill (Committee Substitute Bill #), (and recommendation) be re-referred to the Committee on that the committee substitute bill # 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

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
	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,
	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, the House concurs in the (material) Senate, and
	the hill is ordered enrolled

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S

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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					
1	A BILL TO BE ENTITLED					
2	AN ACT TO LIMIT APPEALS TO LOCAL BOARDS OF EDUCATION.					
3	The General Assembly of North Carolina enacts:					
4	Section 1. G.S. 115C-45(c) reads as rewritten:					
5	"(c) Appeals to Board of Education and to Superior Court An appeal shall lie					
6	from the decision A person may appeal any one or more of the following decisions of					
7	all school personnel to the appropriate local board of education. education:					
8	(1) The discipline of a student taken under G.S. 115C-391(c), (d), and					
9	(d1).					
10	(2) An action, inaction, or decision that is claimed to violate federal					
11	law.					
12	(3) An action, inaction, or decision that is claimed to substantially					
13	interfere with a student's ability to receive an education.					
14 15	 (4) A decision that may be appealed under G.S. 115C-305. (5) Any other decision which by statute specifically provides for a 					
16	(5) Any other decision which by statute specifically provides for a right of appeal to the local board of education.					
17	In addition, a local board of education may, in its discretion, grant a hearing					
18	regarding any decision of school personnel within a local school administrative unit.					
19	In all such appeals to the board it shall be is the duty of the board of education to					
20	see that a proper notice is given to all parties concerned and that a record of the					
21						

The board of education may designate hearing panels composed of not less than two members of the board to hear and act upon such appeals to the board in the name and on behalf of the board of education.

An appeal shall lie from the decision of a local board of education to the superior court of the State in any action of a local board of education affecting one's character or right to teach.

This subsection shall not affect the rights of appeal under G.S. 115C-305."

Section 2. G.S. 115C-305 reads as rewritten:

9 "§ 115C-305. Appeals to board of education and to superior court.

Appeals to the local board of education or to the superior court shall lie from School officials and school employees have a right to appeal the decisions of all school personnel, including decisions affecting character or the right to teach, as provided in G.S. 115C-45(e). 115C-45(c), to the local board of education or to superior court."

Section 3. This act is effective when it becomes law and applies to decisions of school personnel made on or after August 1, 1997.

Page 2

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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 A BILL TO BE ENTITLED AN ACT TO ALLOW STUDENTS WHO RESIDE S.B. 958 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)

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S

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SENATE BILL 958 Education/Higher Education Committee Substitute Adopted 4/28/97 Proposed Committee Substitute S958-PCS1819

	Short Title: Students E	ligible to Attend School. (Public)	
	Sponsors:		
	Referred to:		
		April 17, 1997	
1		A BILL TO BE ENTITLED	
2	AN ACT TO ALLOW	STUDENTS WHO RESIDE WITH DOMICILIARIES OF A	
3	LOCAL SCHOOL	ADMINISTRATIVE UNIT TO ATTEND THE PUBLIC	
4	SCHOOLS OF THA	T UNIT WITHOUT THE PAYMENT OF TUITION.	
5	The General Assembly	of North Carolina enacts:	
6	Section 1. G.S. 115C-366 is amended by adding the following new		
7	subsection to read:	,	
8		is not a domiciliary of a local school administrative unit may	
9		nent of tuition, the public schools of that unit if:	
10		student resides with an adult, who is a domiciliary of that unit,	
11	<u>as a r</u>	result of:	
12	<u>a.</u>	The death, serious illness, or incarceration of a parent or	
13		legal guardian,	
-14	, <u>b.</u>	The abandonment by a parent or legal guardian of the	
15		complete control of the student as evidenced by the failure	
16		to provide substantial financial support and parental	
17		guidance.	
18	<u>c.</u>	Abuse or neglect by the parent or legal guardian,	
19	<u>d.</u>	The physical or mental condition of the parent or legal	
20	·	guardian is such that he or she cannot provide adequate	
21		care and supervision of the student, or	

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- The loss or uninhabitability of the student's home as the 1 <u>e.</u> result of a natural disaster; 2 The student is not currently under a term of suspension or (2)3 expulsion from a school for conduct that could have led to a 4 suspension or an expulsion from the local school administrative 5 6 unit; and 7
 - The adult with whom the student resides and the student's parent, <u>(3)</u> guardian, or legal custodian have each completed and signed separate affidavits that:
 - Confirm the qualifications set out in this subsection a. establishing the student's residency,
 - Attest that the student's claim of residency in the unit is not <u>b.</u> primarily related to attendance at a particular school within the unit, and
 - Attest that the adult with whom the student is residing has <u>c.</u> been given and accepts responsibility for educational decisions for the child, including receiving notices of discipline under G.S. 115C-391, attending conferences with school personnel, granting permission for school-related activities, and taking appropriate action in connection with student records.

For purposes of subdivision (1)c. of this subsection, a student shall be deemed to be abused or neglected if there has been an adjudication of that issue. The State Board may adopt an additional definition of abuse and neglect and that definition shall also apply to this subsection.

If the student's parent, guardian, or legal custodian is unable, refuses, or is otherwise unavailable to sign the affidavit, then the adult with whom the student is living shall attest to that fact in the affidavit.

Upon receipt of both affidavits or an affidavit from the adult with whom the student is living that includes an attestation that the student's parent, guardian, or 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 appropriate school, as determined under the local board's school assignment policy, pending the results of any further procedures for verifying eligibility for attendance and assignment within the local school administrative unit.

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 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

Page 2

- 1 amount equal to the cost of educating the student during the period of enrollment.
 2 Repayment shall not include State funds.
 - 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."
 - Section 2. This act is effective when it becomes law.

Senate Bill 958 Page 3

1997 COMMITTEE REPORT HOUSE OF REPRESENTATIVES

The	e following report(s) from standing committee(s) is/are presented: By Representative(s) RUSSELL AND SHUBERT for the Committee on EDUCATION.
	Committee Substitute for 3. 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 \square Appropriations \square Finance \square
র্ভ	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 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)

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:	
A BILL TO BE ENTITLED AN ACT TO REQUIRE LOCAL BOARDS OF EDUCATION TO DEDICATE ADEQUATE FUNDING TO STUDENTS IN ALTERNATIVE SCHOOLS. The General Assembly of North Carolina enacts: Section 1. 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 also adopt guidelines to require that local school administrative units shall use (i) the teachers allocated for students assigned to alternative learning programs pursuant to the regular teacher allotment and (ii) the teachers allocated for students assigned to alternative learning programs only to serve the needs of these students.	
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 1 2 programs. 3 The State Board shall evaluate the effectiveness of alternative learning programs and, in its discretion, of any other 4 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 report annually to the Joint Legislative Education Oversight 11 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.

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

	By Representative(s) RUSSELL AND SHUBERT for the Committee on EDUCATION.
	Committee Substitute for 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 \square Appropriations \square Finance \square
	With a favorable report as to committee substitute bill (#), \square 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)

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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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. (Pi		
	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		
0	ehild is presented for enrollment, and must be presented for enrollment during the		
1	first month of the school year. (a) A child who is presented for enrollment at any		
2	time during the first 120 days of a school year is entitled to initial entry into the		
3	public schools if:		
4	(1) The child reaches or reached the age of 5 on or before October 16		
5	of that 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		
0	Carolina.		

- (b) A local board may allow a child who is presented for enrollment at any time 1 2 after the first 120 days of a school year to be eligible for initial entry into the public 3 schools if:
 - The child reached the age of 5 on or before October 16 of that (1) school year; or
 - (2) The child did not reach the age of 5 on or before October 16 of that school year, but has been attending school during that school vear in another state in accordance with the laws or rules of that state before the child moved to and became a resident of North Carolina.
- (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 <u>level</u>. 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. 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 <u>certificate</u>, 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."

Section 2. G.S. 115C-81(f) reads as rewritten:

- "(f) Establishment and Maintenance of Kindergartens. --
 - Local boards of education shall provide for their respective local (1) school administrative unit kindergartens as a part of the public school system for all children living in the local school administrative unit who are eligible for admission pursuant to subdivision (2) of this subsection provided that funds are available from State, local, federal or other sources to operate a kindergarten program as provided in this subsection.

All kindergarten programs so established shall be subject to the supervision of the Department of Public Instruction and shall be operated in accordance with the standards adopted by the State Board of Education, upon recommendation of the Superintendent of Public Instruction.

Among the standards to be adopted by the State Board of Education shall be a provision that the Board will allocate funds for the purpose of operating and administering kindergartens to each school administrative unit in the State based on the average

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daily membership for the best continuous three out of the first four school months of pupils in the kindergarten program during the last school year in that respective school administrative unit. Such allocations are to be made from funds appropriated to the State Board of Education for the kindergarten program.

- (2) Any child who has passed the fifth anniversary of his birth on or before October 16 of the year in which he enrolls meets the requirements of G.S. 115C-364 shall be eligible for enrollment in kindergarten. Any child who is enrolled in kindergarten and not withdrawn by his the child's parent or guardian shall attend kindergarten.
- (3) Notwithstanding any other provision of law to the contrary, subject to the approval of the State Board of Education, any local board of education may elect not to establish and maintain a kindergarten program. Any funds allocated to a local board of education which does not operate a kindergarten program may be reallocated by the State Board of Education, within the discretion of the Board, to a county or city board of education which will operate such a program."

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

Senate Bill 1011 Page 3

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S

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		
	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			
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	ehild 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	<u>Carolina.</u>		
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

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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 Hermandez 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.

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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 then 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) S297-ALE-03 Page 1 of
	Date
	Comm. Sub. [YES] Amends Title [] S297-PCSRH-012
	Representative Moore
2	moves to amend the bill on page 9, line 26, by deleting the language "tuition." and substituting "tuition." tuition and fees." SIGNED World Amendment Sponsor
	SIGNED

ADOPTED _____ FAILED ____

TABLED ____

passed 4/3/47



NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

SENATE CILL 297

AMENDMENT NO. (to be filled in by Principal Clerk) Page 1 of __ Date June 4, 1997 2/2 0

S297-ALE-04

Comm. Sub. [YES] Amends Title [] S297-PCSRH-012

	Representative Pushle
	moves to amend the bill on page 13, lines 31-35, by rewriting the lines to read "attendance area of that school.";
5 6	and on page 14, lines 7-14, by rewriting the lines to read "origin, religion, or ancestry." SIGNED Amendment Sponsor/ SIGNED Committee Chair if Senate Committee Amendment
	ADOPTED FAILED TABLED TABLED

NORTH CAROLINA GENERAL ASSEMBLY AMENDMEN

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NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

VISITOR REGISTRATION SHEET

House of Representatives

-- tanding Committee on EDUCATION

Name of Committee

Date 30 97

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ISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK.

NAME	FIRM OR AGENCY AND ADDRESS
Melissa Ray	Office of the Governor administration Bldg.
Apristina Larpenter	SBE
Starriet C Diel	NCAE
BillWilso	NCAE
Garen Garn	Gov's Office
Julian Office	En Josh Jandston
Boh High	Part of State Treas
Heather Hunter	unc student
Will Cherry	By Intern Rep. Neely
amy go Bain	Smith anderson
El Porel	Mehin & Board
Bill Mark	JOUT MM

House of Representatives Standing Committee on EDUCATION Name of Committee ITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK. NAME FIRM OR AGENCY AND ADDRESS

VISITOR REGISTRATION SHEET UNC

VISITOR REGISTRATION SHEET June 30

House of Representatives Standing Committee on FDUCATION Name of Committee SITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK. NAME FIRM OR AGENCY AND ADDRESS NCHSA MCAICU SBE SBF

VISITOR REGISTRATION SHEET June 30

. House of Representatives
Standing Committee on EDUCATION
Name of Committee

ISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK.

NAME	FIRM OR AGENCY AND ADDRESS
PATRICE MITCHELL	UNC-G STROENT
Hal Miller	NCACET
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John Kustin	ACFAC
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MINUTES HOUSE STANDING COMMITTEE ON EDUCATION JUNE 10, 1997

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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.

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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		
Daym Ellis Committee Clerk			

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VISITOR REGISTRATION SHEET JUNE 10 10 State 10 Page 10 Date 10

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK.

NAME	FTRM OR AGENCY AND ADDRESS
Bot Below	NCSA
Harriet Dial	NAE
Biel Wilson	NCAE
Doug Hugner	Adutage Schools
Martin Echs	Self. Help.
John ewilon	M(AE)
Tom Doulih	Sor Office
Dean Market	NCAE
Donny Huste	NCCCS
Babon Hauis	OSBM
Anda Musch	Intern-Speaker's Office
D. L. Culdy	Self

VISITOR REGISTRATION SHELL JUNE \$

House of Representatives
Standing Committee on EDUCATION
Name of Committee

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK.

NAME	FTRM OR AGENCY AND ADDRESS
John Cyrus Tull Sovell	N.C. State; Grange MCAICU
Gene Causby	E-EBC
Jana Maris	Public School Seen
Hed Mrow	THE /AD
Stylin of Burns	NCJCDC
Weaver Tour	2882
Comy Van Coshum	PENC
Janet Pullar	05BM
Umy Jo Bain	Smith anderson
Learne & Winer	
doyer Deters	EEBC

VISITOR REGISTRATION SHEET

House of Representatives

Standing Committee on EDUCATION

Name of Committee

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
John Kushin	N.C.A.C.C.
El Regon	N.C.A.C.C.
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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 A BILL TO BE ENTITLED AN ACT TO ENSURE THAT PUBLIC SCHOOL S.B. 442 STUDENTS RECEIVE ACCURATE INSTRUCTION ON OUR AMERICAN HISTORY. With a favorable report and recommendation that the bill be re-referred to the Committee on ☐ Appropriations ☐ Finance ☐ 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 (#), \(\square\) 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

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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: Am	erican History Act. (Public)
Sponsors:	•
Referred to:	
	March 20, 1997
	A BILL TO BE ENTITLED
ACCURATE The General Ass Secti	ENSURE THAT PUBLIC SCHOOL STUDENTS RECEIVE INSTRUCTION ON OUR AMERICAN HISTORY. embly of North Carolina enacts: on 1. G.S. 115C-81(g) reads as rewritten:
"(g) Civic Lit (1)	Local boards of education shall require during the high school years the teaching of the nation's founding and related documents, which shall include at least the major principles in the Declaration of Independence, the United States Constitution and its amendments, and the most important of the Federalist Papers.
(2)	Local boards of education shall require that high school students demonstrate knowledge and understanding of the nation's founding and related documents in order to receive a certificate or diploma of graduation from high school.
(3)	Local boards of education shall include among the requirements for graduation from high school a passing grade in all courses that include primary instruction in the Declaration of Independence, the United States Constitution and its amendments, and the most important of the Federalist Papers.

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- (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 races during the period in which our nation was founded. races."

The State Board of Education shall adopt a policy by Section 2. September 30, 1997, to ensure that the textbooks it adopts have no content-based 32 censorship of American history based on religious references.

Section 3. The State Board of Education shall provide a copy of this act 35 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 38 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 The State Board shall report the results of this study to the Joint 41 Legislative Education Oversight Committee prior to September 15, 1998.

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

Passed -



NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT Senate Bill 297

S297-ARC-001	AMENDMENT NO(to be filled in by Principal Clerk) Page 1 of		
	Date,1997		
Comm. Sub. [YES] Amends Title [] S297-PCSRH-013			
Representative Eddins			
moves to amend the bill on page 9, line 25, by adding the following sentence after the period: "Notwithstanding any other law, a local board of education may provide a school facility to a charter school free of charge; however, the charter school shall be responsible for the maintenance.			
of and insurance for the school fa	acility."		
SIGNED Committee Chair if Senate Committee	ee Amendment		
ADOPTED FAILED _	TABLED		

6/10/97 •
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NORTH CAROLINA GENERAL ASSEMBLY **AMENDMENT** Senate Bill 442

AMENDMENT NO.

S442-ARC-001		pe filled in by acipal Clerk) Page 1 of
	4	
	Date	,1997
Comm. Sub. [] Amends Title [Third Edition		
Representative Mo	ore	
between lines 34 "Section feasibility of re history and two h Political Systems Board shall repor	he bill on page 2, by inserticand 35 to read as follows: 4. The State Board of Education graph school courses in Economics in Action as a condition of the results of this study ation Oversight Committee principle.	cation shall study the ses in United States ic, Legal, and graduation. The State to the Joint
and by renumberin SIGNED Description Signature Sponsor	g the remaining section acco	ordingly.
SIGNED Committee Chair i	f Senate Committee Amendment	
Δ ΝΟΡΨΕΝ	FAILED	TARLED

6	1/0/97 NORTH CAR	ROLINA GENERAL ASSEMBLY AMENDMENT
7		(Please type or use ballpoint pen)
(Carried	
	EDITION No3	1/10/05
	H. B. No	DATE 6/10/97
	S. B. No. 442	Amendment No
	COMMITTEE SUBSTITUTE	(to be filled in by Principal Clerk)
	Rep.)	odlam
	Sen.)	•
1	moves to amend the bill on page	2 , lineS 27-28
2	() WHICH CHANGES THE TITLE	ing a la mad'
3	, , , , , , ,	MUX 40 MUUL.
4	made by as	mericans of all racio during
5	the placed	m which and madelly wars
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	2000	SIGNEDTABLED
	ADOPTED ADOPTED	FAILEDTABLED
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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 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.		
\boxtimes	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 (#), \square 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)		

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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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, Kinnaird, 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 (#), \(\square\) 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)

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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SENATE BILL 1066

Short Title: Identify & Remediate At-Risk Students. (Public) Senator Martin of Guilford. Sponsors: Referred to: Education/Higher Education. April 21, 1997 A BILL TO BE ENTITLED 2 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 STUDENTS. 7 The General Assembly of North Carolina enacts: 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. 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. Section 2. This act is effective when it becomes law.

1

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

6/12/97 passed 3446/2

ROLL CALL VOTE

24	12	=_ 36 (TOTAL)
YES	NO	

YES	NO				SB# _ S _
HOUSE STANDING COMMITTEE ON EDUCATION Wines					
House Subcommittee on Asquested 4 Eddins -					
			/ _	P	
YES	NO	MEMBER (last name)	YES	NO	MEMBER (last name)
r		RUSSELL, CAROLYN	<u></u>		INSKO
V		SHUBERT ,F.	1		WARNER,
		CRAWFORD,	<u></u>		MOORE,
<u></u>		CAPPS, J.	•		MOSLEY,
<u>~</u>		ARNOLD, G.		<u></u>	NYE,
		CANSLER, L.	<u></u>		RAYFIELD,
	<u></u>	DAVIS, D.	<u> </u>		DOCKHAM,
<u></u>		DECKER, M.		•	GRADY,
	<u>~</u>	GULKEY, J.	· <u>س</u>		SEXTON,
	=	HALL, B.			FOX,
<u>~</u>	<u></u>	HIATT, W.	<u></u>		OWENS,
~		MORRIS, M.	<u></u>		TOLSON,
L		PRESTON, J.	<u></u>		DICKSON,
r		SHERRILL, W.	~		IVES,
_		WILSON, C.			McMAHAN
	1	KINNEY,T.	· 		NICHOLS,
		BEALL, C.	`		OLDHAM,
		BLACK, J.	<u></u>		SMITH,
1		COLE, N.			WILKINS,
	<u> </u>	HENSLEY, B.		Y	BOYD-McINTYRE
			Ex off	icio Mei	mbers
		WOOD,S.			Speaker Pro Tem
1		DAUGHERTY, L.			Majority Leader
		HOWARD I			Majority Whin

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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SENATE BILL 5

Short Title: Education Governance Changes.

(Public)

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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

A BILL TO BE ENTITLED

2 AN **ACT** TO AMEND THE CONSTITUTION TO CHANGE THE COMPOSITION OF THE STATE BOARD OF EDUCATION AND MAKE THE 3 SUPERINTENDENT OF PUBLIC INSTRUCTION AN APPOINTEE OF THE STATE BOARD OF EDUCATION, AND TO MAKE CORRESPONDING 5

STATUTORY CHANGES.

The General Assembly of North Carolina enacts:

Section 1. Section 4(1) of Article IX of the Constitution reads as 9 rewritten:

10 "(1) 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.

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."

- Section 4(2) of Article IX of the Constitution reads as Section 2. 4 rewritten:
- The Superintendent of Public 5 "(2) Superintendent of Public Instruction. 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 and shall serve at the pleasure of the State Board of Education."
- Section 7(1) of Article III of the Constitution reads as 9 Section 3. 10 rewritten:
- "(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 election and continue until their successors are elected and qualified."

Section 4. G.S. 115C-10 reads as rewritten:

"§ 115C-10. Appointment of Board.

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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 <u>nine appointments, one shall be appointed</u> 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 elasses. 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.

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The remainder of the initial appointive members shall serve for terms ending July 1,

2003. All subsequent terms shall be for four years. 3

No member shall serve more than two full four-year terms in succession. Resignation from a term of office does not constitute a break in service for the purpose of this subsection. Members appointed for a term to begin July 1, 1999, and to end February 28, 2001, may be reappointed for two additional successive terms.

(c) Appointments to fill vacancies in positions filled by the Governor shall be 7 made by the Governor for the unexpired terms. Appointments by the General 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.

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, 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 Representatives shall meet in joint session for consideration of an action upon such 16 appointments."

Section 5. G.S. 115C-11(a) reads as rewritten:

"(a) Presiding Officer. -- The chair shall be appointed by the Governor from the 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 Board shall be provided by the General Assembly. The chairman of the Board shall preside at all meetings of the Board. In the absence of the chairman, the vice-chairman shall preside; in the absence of both the chairman and the vice-chairman, the Board shall name one of its own members as chairman pro 26 tempore."

Section 6. G.S. 115C-18 reads as rewritten:

"§ 115C-18. Election Appointment of Superintendent of Public Instruction. Instruction; salary.

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 and shall commence on the first day of January next after election and continue until 34 his successor is elected and qualified.

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

Senate Bill 5 Page 3

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1 causes stated herein, the Governor may appoint an interim officer to perform the
2 duties of that office until a person is appointed or elected pursuant to Article III, Sec.
3 7 of the Constitution of North Carolina to fill the vacancy and is qualified.
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The time of the election of the Superintendent of Public Instruction shall be in 5 accordance with the provisions of Article 1 of Subchapter I of Chapter 163 of the 6 General Statutes.

The election, term and induction into office of the Superintendent of Public 7 8 Instruction shall be in accordance with the provisions of G.S. 147-4. appointed by the 9 State Board of Education and shall serve at the pleasure of the State Board of 10 Education. The salary of the Superintendent shall be set by the State Board of 11 Education."

Section 7. G.S. 115C-19 reads as rewritten:

13 "\\$ 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 15 Superintendent of Public Instruction shall be the secretary and chief administrative 16 officer of the State Board of Education. As secretary and chief administrative officer 17 of the State Board of Education, the Superintendent manages on a day-to-day basis 18 the administration of the free public school system, subject to the direction, control, 19 and approval of the State Board. Subject to the direction, control, and approval of 20 the State Board of Education, the Superintendent of Public Instruction shall carry out 21 the duties prescribed under G.S. 115C-21. The Board shall define the specific duties 22 of the Superintendent as secretary and chief administrative officer of the Board. The 23 Superintendent of Public Instruction shall perform these duties and any other duties 24 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

"(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;
- An Auditor: (5)
- 37 A Treasurer: (6)
 - **(7)** An Attorney General;
- 39 (8) A Superintendent of Public Instruction:
- 40 The members of the Governor's Council; (9)
 - (10)A Commissioner of Agriculture;
 - A Commissioner of Labor; (11)
- 43 (12)A Commissioner of Insurance."
- 44 Section 12. G.S. 147-4 reads as rewritten:

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28 read:

"§ 147-4. Executive officers -- election; term; induction into office.

The executive department shall consist of a Governor, a Lieutenant Governor, a Secretary of State, an Auditor, a Treasurer, a Superintendent of Public Instruction, an Attorney General, a Commissioner of Agriculture, a Commissioner of Insurance, and a Commissioner of Labor, who shall be elected for a term of four years, by the qualified electors of the State, at the same time and places, and in the same manner, as members of the General Assembly are elected. Their term of office shall commence on the first day of January next after their election and continue until their successors are elected and qualified. The persons having the highest number of votes, respectively, shall be declared duly elected, but if two or more be equal and highest in votes for the same office, then one of them shall be chosen by joint ballot of both houses of the General Assembly. Contested elections shall be determined by a joint ballot of both houses of the General Assembly in such manner as shall be prescribed by law."

Both the first the

Section 13. G.S. 147-11.1 reads as rewritten:

16 "§ 147-11.1. Succession to office of Governor; Acting Governor.

- (a) Lieutenant Governor. --
 - (1) The Lieutenant Governor-elect shall become Governor upon the failure of the Governor-elect to qualify. The Lieutenant Governor shall become Governor upon the death, resignation, or removal from office of the Governor. The further order of succession to the office of Governor shall be prescribed by law. A successor shall serve for the remainder of the term of the Governor whom he succeeds and until a new Governor is elected and qualified.
 - (2) During the absence of the Governor from the State, or during the physical or mental incapacity of the Governor to perform the duties of his office, the Lieutenant Governor shall be Acting Governor. The further order of succession as Acting Governor shall be prescribed by law.
- (b) President of Senate, Speaker of the House and Other Officers. --
 - (1) If, by reason of failure to qualify, death, resignation, or removal from office, there is neither a Governor nor a Lieutenant Governor to discharge the powers and duties of the office of Governor, then the President of the Senate shall, upon his resignation as President of the Senate and as Senator, become Governor.
 - (2) If, at the time when under subdivision (1) of this subsection the President of the Senate is to become Governor, there is no President of the Senate, or the President of the Senate fails to qualify as Governor, then the Speaker of the House of Representatives shall, upon his resignation as Speaker and as Representative, become Governor.
 - (3) If, at the time when under subdivision (2) of this subsection the Speaker of the House of Representatives is to become Governor, there is no Speaker of the House of Representatives, or the

Senate Bill 5 Page 5

Speaker of the House of Representatives fails to qualify as Governor, then that officer of the State of North Carolina who is highest on the following list, and who is not under disability to serve as Governor, shall, upon his resignation of the office which places him in the order of succession, become Governor: Secretary of State, Auditor, Treasurer, Superintendent of Public Instruction, Attorney General, Commissioner of Agriculture, Commissioner of Labor, and Commissioner of Insurance.

(c) Acting Governor Generally. --

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- If, by reason of absence from the State or physical or mental (1) incapacity, there is neither a Governor nor a Lieutenant Governor qualified to discharge the powers and duties of the office of Governor, then the President of the Senate shall become Acting Governor.
- If, at the time when under subdivision (1) of this subsection the (2) President of the Senate is to become Acting Governor, there is no President of the Senate, or the President of the Senate fails to qualify as Acting Governor, then the Speaker of the House of Representatives shall become Acting Governor.
- If, at the time when under subdivision (2) of this subsection the (3) Speaker of the House of Representatives is to become Acting Governor, there is no Speaker of the House of Representatives, or the Speaker of the House of Representatives fails to qualify as Acting Governor, then that officer of the State of North Carolina who is highest on the following list, and who is not under disability to serve as Acting Governor, shall become Acting Governor: Secretary of State, Auditor, Treasurer, Superintendent of Public Instruction, Attorney General, Commissioner of Agriculture, Commissioner of Labor, and Commissioner of Insurance.
- (d) Governor Serving under Subsection (c). -- An individual serving as Acting Governor under subsection (c) of this section shall continue to act for the remainder of the term of the Governor whom he succeeds and until a new Governor is elected and qualified, except that:
 - (1) If his tenure as Acting Governor is founded in whole or in part upon the absence of both the Governor and Lieutenant Governor from the State, then he shall act only until the Governor or Lieutenant Governor returns to the State; and
 - If his tenure as Acting Governor is founded in whole or in part (2) upon the physical or mental incapacity of the Governor or Lieutenant Governor, then he shall act only until the removal of the incapacity of the Governor or Lieutenant Governor.
- (e) Officers to Which Subsections (b), (c) and (d) Applicable. -- Subsections (b), (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

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1 not under impeachment by the House of Representatives at the time they are to become Governor or Acting Governor.

(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."

Section 14. G.S. 163-1 is amended by deleting the entries in the table for "Superintendent of Public Instruction".

Section 15. G.S. 163-8 reads as rewritten:

"§ 163-8. Filling vacancies in State executive offices.

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.

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."

Section 16. G.S. 163-278.27(b) reads as rewritten:

- "(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 accompanying details, to the following prosecuting authorities:
 - In the case of a candidate for nomination or election to the State Senate or State House of Representatives: report to the district attorney of the prosecutorial district in which the candidate for nomination or election resides;
 - (2)In the case of a candidate for nomination or election to the office of Governor, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, State Superintendent of Public Instruction, State Attorney General, State Commissioner of Agriculture, State Commissioner of Labor, State Commissioner of Insurance, and all other State elective offices, Justice of the Supreme Court, Judge of the Court of Appeals, judge of a superior court, judge of a district court, and district attorney of the superior

Senate Bill 5 Page 7

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
0	or members of the person or group reside."
1	Section 17. The amendments set out in Sections 1, 2, and 3 of this act
2	shall be submitted to the qualified voters of the State at a statewide general election
3	on November 3, 1998, which election shall be conducted under the laws then
4	
5	accordance with Chapter 163 of the General Statutes. The question to be used in the
6	voting systems and ballots shall be:
7	"[] FOR [] AGAINST
8	Constitutional amendments to make the Superintendent of Public
9	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
	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
9	all members of the State Board of Education who were appointed
0	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.
2	(2) The amendments set out in Sections 2 and 3 of this act shall
3	become effective the later of January 1, 2001, and the date that
4	those sections are precleared under section 5 of the Voting Rights
55	Act of 1965.
6	Section 19. Sections 4 through 16 of this act become effective only if the
7	constitutional amendments set out in Sections 1, 2, and 3 of this act are approved by
8	the voters. If the constitutional amendments are approved by the voters:
9	(1) Sections 4, 5, and 10 of this act shall become effective July 1, 1999:
0	Provided, however, the General Assembly and the Governor may
-1	appoint members to the State Board of Education in accordance

with Section 4 of this act, prior to July 1, 1999, for terms of office

beginning July 1, 1999.

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1 (2) Sections 6, 7, 8, 9, and 11 through 16 of this act shall become effective on the later of January 1, 2001, and the date that those sections are precleared under section 5 of the Voting Rights Act of 1965.

Section 20. This act is effective when it becomes law.

Senate Bill 5 Page 9

· House of	Representatives	
-Standing Comm Name of Comm	nittee on EDUCATION	

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VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK.

NAME	FIRM OR AGENCY AND ADDRESS
John Wilson	MCAE
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Leone Wines	Elytes
Julie Hathcock	ECHS
John Rish	NCFA
VLM-Bride	MOTH
Eny Van Costrum	PENC
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House of Representatives
Standing Committee on FDUCATION
Name of Committee

Date 12,97

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Butch Gurnells	NC SODA
Whowell	ncalcu
Jani Shugnis	NCARD
Ann Berla-	SBC=
Adriena Hier	SBE .
Jolean Mone	Rifle School Jan
Reste Beracan	NCCBI
Sarah Stewart	APT/IC.
Master	NC HSA
Aim Cand	NeASA
Jaken Goraen	ne can
Dowid Anders	Iffuc.
Gere Causty	E-EBC

House of Representatives	CION - Car 12,97
Standing Committee on EDUCAT Name of Committee	Dave
VISITORS: PLEASE SIGN BELOW	AND RETURN TO COMMITTEE CLERK
NAME	FIRM OR AGENCY AND ADDRESS
Manay Bradley	ncces
Mistre Carpenter	SBE
Ed Regon	N.C.A. C.C.
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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 A BILL TO BE ENTITLED AN ACT TO AMEND THE CONSTITUTION TO S.B. 5 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 (#), \(\square\) 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 (#), \(\square\) 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 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
—	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,
	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

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

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	
Rhane Wilms	NCHBA	
J. Michael Companie	NCHEA	
Harry Jones	Altoury Raleigh	
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HAROLD WOBER	Many, Falton & Skruce P.M.	
John Mchillan		
Alan Moles	BPMUL	
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Robert Redford	Holly work CA	

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
	for Rep. Gerry Dockhar
Marie Barrell	Zele alley P.A.
Ron Akins	CNANC
Ed Scott	PENC
Jamy Carter	ne Bd. of Registration
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Laura Hartell	mala
Brenda Dougher	Spin
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David Simmons	ZOZOPA 19
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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 yesterdays 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 rereferred 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

1/2:A0 p.m.

Representative Carolyn B. Russell

Representative Fern H. Shubert

Dawn Ellis/Committee Clerk



NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT Senate Bill 19

	S19-ARC-001	(to be filled in by Principal Clerk) Page 1 of
	Comm. Sub. [] Amends Title [] Second Edition	,1997
	Representative	
2	moves to amend the bill on page 2, line by deleting the phrase "these students" who do not successfully meet the performance four and eight". SIGNED Amendment Sponsor SIGNED Committee Chair if Senate Committee Amendment	and substituting " <u>students</u> mance benchmarks at grades
	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 3. 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 \square Appropriations \square Finance \square
	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 _
\boxtimes	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 rereferred 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.
П	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.

	By Representative(s) RUSSELL AND SHUBERT for the Committee on EDUCATION.
_	Committee Substitute for 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
\boxtimes	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 rereferred 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)

GENERAL ASSEMBLY OF NORTH CAROLINA

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SESSION 1997

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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
	students are high enough to provide them with the skills and knowledge they need to
	be successful as citizens and in the workplace; and
13	Whereas, it is imperative that the promotion standards we set for our
	students are high enough to ensure that a high school diploma means that a student
	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
	students who are lagging behind these high standards and help them meet these
	standards along with their age-level peers; Now, therefore,
	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.

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(a) Assessment Instruments for First Kindergarten, First, and Second Grades. --2 The State Board of Education shall adopt and provide to the local school appropriate individualized units developmentally 3 administrative 4 instruments in reading, writing, and mathematics consistent with the Basic Education 5 Program for the kindergarten and first and second grades, rather than standardized 6 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 9 provided to them by the State Board for kindergarten and first and second grade 10 students, and shall not use standardized tests.

(a1) Student Performance Benchmarks for Grades Four and Eight.

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.

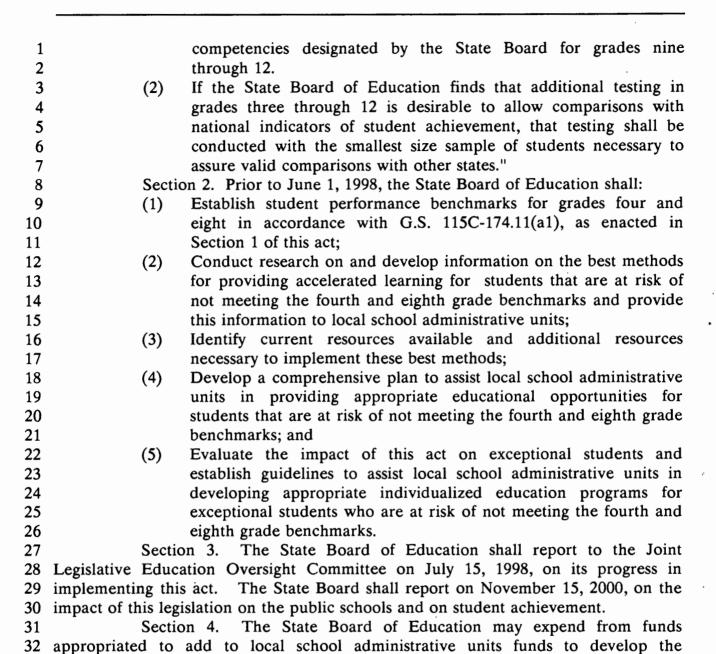
The State Board of Education shall also establish grade-level standards for students in kindergarten through third grade and in fifth grade through seventh grade that can be used to identify students who may not meet the benchmarks.

- The State Board of Education shall adopt rules and guidelines to <u>(2)</u> 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.
- The State Board of Education shall also develop rules and **(3)** guidelines for providing technical assistance to local school administrative units to ensure compliance with this subsection. These rules and guidelines shall:
 - Identify for local boards of education the existing State and a. federal funds they can use to identify students who may not

Page 2

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) Competer	ncy 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 T	esting 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

Senate Bill 19 Page 3



Page 4 Senate Bill 19

Section 5. This act is effective when it becomes law. Section 1 of this act

33 assessment instruments for kindergarten, first, and second grades.

35 applies to all school years beginning with the 1999-2000 school year.

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House of Representatives Standing Committee on FDUCAT Name of Committee	Taly 10, 97
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I Aun Belam	SBE
Evan Riguet	NUTCOC
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Alsohn & Ranz	NETCOL
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Name of Committee	Date' /
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Box 14

- 1. 1998 House Education
- 2. 1997 House Education Community Colleges
- 3. 1997 House Education Preschool, Elementary & Secondary
- 4. 1998 House Education Preschool, Elementary & Secondary
- 5. 1997 House Education Universities
- 6. 1997 House Election Laws & Campaign Reform
- 7. 1998 House Election Laws & Campaign Reform
- 8. 1997 House Environment
- 9. 1998 House Environment
- 10. 1997 House Ethics
- 11. 1997 House Finance (cont'd. to Box 15)