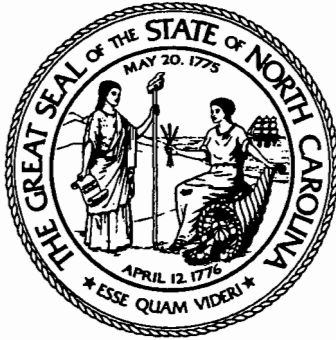


1998

**HOUSE
EDUCATION**

MINUTES



1997-1998

HOUSE STANDING COMMITTEE ON EDUCATION

Representatives Carolyn B. Russell and Fern H. Shubert, Chairmen

Staff Council:
Robin Johnson
Kory Goldsmith
Sara Kamprath
Shirley Iorio

Committee Clerk:
Dawn Amber Ellis

HOUSE



Carolyn B. Russell

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

Carolyn and Douglas

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

★
CHAIRMAN

HOUSE

Fern H. Shubert

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

Fern and Jerry

Legislative Bldg. Room No. 2119
Legislative Bldg. Office Phone No. 35771
Raleigh Residence Phone No. _____
Other Nos. _____



★
CHAIRMAN

★
James W. Crawford, Jr.



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

Jim and Harriet

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

★
Ranking Minority Member

Committee Members

HOUSE

J. Russell Capps

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

Russell and Gayle

Legislative Bldg. Room No. 4198
Legislative Bldg. Office Phone No. 53005
Raleigh Residence Phone No. _____
Other Nos. _____



HOUSE

John M. Rayfield

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

John and Jacqueline

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



HOUSE

Gene Arnold

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

Gene and Lynne

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



HOUSE

Jim Gulley

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

Jim and Suzanne

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

**Lanier M. Cansler**

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

Lanier and Barbara

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



24

Bobby Ray Hall

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

Bobby and Janet

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

**Donald Spencer Davis**

Residence: P.O. Box 363, Erwin, NC 28339. (910) 77-5542. Business Address: P.O. Box 1113, Dunn, NC 28335. (910) 892-1841. District 19

Don and Kellon

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



27

William S. Hiatt

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

Bill and Rita

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



HOUSE

Michael P. Decker, Sr.

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

Mike and Marlene

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

**Mia Morris**

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

Mia and Bill

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





Jean R. Preston

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

Jean

Legislative Bldg. Room No.

Legislative Bldg. Office Phone No.

Raleigh Residence Phone No.

Other Nos.

403

53026



HOUSE

Charles M. Beall

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

Charles and Jewell

Legislative Bldg. Room No.

Legislative Bldg. Office Phone No.

Raleigh Residence Phone No.

Other Nos.

510

3-5868



Wilma M. Sherrill

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

Wilma and Jerry

Legislative Bldg. Room No.

Legislative Bldg. Office Phone No.

Raleigh Residence Phone No.

Other Nos.

2215

35601



James B. Black

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

Jim and Betty

Legislative Bldg. Room No.

Legislative Bldg. Office Phone No.

Raleigh Residence Phone No.

Other Nos.

1229

5-4946

44



Constance K. Wilson

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

Connie and Tom

Legislative Bldg. Room No.

Legislative Bldg. Office Phone No.

Raleigh Residence Phone No.

Other Nos.

529

37663



HOUSE

Nelson Cole

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

Nelson and Libby

Legislative Bldg. Room No.

Legislative Bldg. Office Phone No.

Raleigh Residence Phone No.

Other Nos.

1218

3-5779



Ted Kinney

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

Ted and Thelma

Legislative Bldg. Room No.

Legislative Bldg. Office Phone No.

Raleigh Residence Phone No.

Other Nos.

507 A

3-5867

Bob Hensley

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

Bob and Patricia

Legislative Bldg. Room No.

Legislative Bldg. Office Phone No.

Raleigh Residence Phone No.

Other Nos.

509

3-5936



36



Stan Fox

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

Stan and JoAnn

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

William (Bill) Ives

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

Bill and Sue

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



35



Bill Owens

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

Bill and Cynthia

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



W. Edwin McMahan

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

Ed and Evangeline

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



Norris Tolson

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

Norris and Betsy

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

John M. Nichols

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

John and Judy

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



W. W. (Dub) Dickson

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

Dub and Ruth Day

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



HOUSE

Warren Pete Oldham

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

Pete and Gladys

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

Verla C. Insko

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

Verla and Chet

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



Edd Nye

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

Edd and Peggy

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



41

HOUSE

Alex Warner

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

Alex and Jackie

Legislative Bldg. Room No. 1420
Legislative Bldg. Office Phone No. 3-5806
Raleigh Residence Phone No. _____
Other Nos. _____



Jerry C. Dockham

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

Jerry and Louise

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



28

HOUSE

Richard L. Moore

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

Richard

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



Robert Grady

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

Robert and Neta

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



Jane H. Mosley

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

Jane and Jerry

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



P. Wayne Sexton, Sr.

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

Wayne and Janice

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



40

Ronald L. Smith

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



Ronnie and Betty

Legislative Bldg. Room No. 1221
Legislative Bldg. Office Phone No. 3-5827
Raleigh Residence Phone No. _____
Other Nos. _____

HOUSE

Michael S. Wilkins



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

Mike and Jackie



Legislative Bldg. Room No. 1220
Legislative Bldg. Office Phone No. 3-5746
Raleigh Residence Phone No. _____
Other Nos. _____

Flossie Boyd-McIntyre



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

Flossie and Charles

Legislative Bldg. Room No. 507
Legislative Bldg. Office Phone No. 3-5905
Raleigh Residence Phone No. _____
Other Nos. _____



ATTENDANCE

HOUSE EDUCATION COMMITTEE 1998

(Name of Committee)

DATES	6/2	6/9	6/16	6/23	6/30	7/7	7/14	7/21	7/28	8/4	8/11	8/18	8/25	9/1	9/22
~~REP. BARNES, GORDON~~ REP. ARNOLD, GENE	✓	✓		✓	✓	✓	✓	✓	✓			✓	✓	✓	
REP. BEALL, CHARLES	✓	✓	✓	✓	✓	✓	✓	✓	✓			✓	✓	✓	
REP. BLACK, JAMES		✓	✓	✓	✓	✓	✓	✓	✓			✓	✓	✓	
REP. BOYD-MCINTYRE, FLOS.	✓	✓	✓		✓	✓	✓	✓	✓						
REP. CANSLER, LANIER	✓	✓	✓	✓	✓				✓			✓	✓		✓
REP. CAPPS, J. RUSSELL	✓	✓	✓	✓	✓	✓	✓	✓	✓			✓	✓	✓	✓
REP. COLE, E. NELSON	✓	✓		✓		✓	✓	✓	✓			✓	✓	✓	
REP. CRAWFORD, JAMES			✓	✓	✓	✓	✓	✓	✓				✓		
REP. DAVIS, DON	✓	✓	✓	✓	✓	✓	✓	✓	✓			✓	✓	✓	✓
REP. DECKER, MICHAEL	✓		✓	✓	✓	✓	✓	✓	✓			✓	✓		✓
REP. DICKSON, WALTER	✓	✓	✓	✓	✓	✓	✓	✓	✓			✓	✓	✓	
REP. DOCKHAM, JERRY			✓		✓	✓	✓	✓	✓			✓			
REP. EDDINS, RICK	✓	✓	✓	✓	✓	✓	✓	✓	✓			✓	✓	✓	
REP. FOX, STANLEY	E/A	✓	✓	E/A		✓	✓	✓	✓			✓	✓	✓	
REP. GRADY, W. ROBERT	✓	✓	✓	✓	✓	✓	✓	✓	✓			✓			
REP. GULLEY, JIM	✓	✓	✓	✓	✓	✓	✓	✓	✓			✓	✓	✓	
REP. HALL, BOBBY	✓	✓	✓	✓	✓	✓	✓	✓	✓			✓	✓	✓	
HENSLEY, ROBERT J.	✓	✓	✓	✓		✓	✓	✓	✓			✓	✓	✓	
REP. HIATT, WILLIAM	✓	✓	✓	✓	✓	✓	✓	✓	✓			✓	✓	✓	✓
REP. INSKO, VERLA	✓		✓	✓	✓	✓	✓	✓	✓			✓	✓	✓	
REP. IVES, WILLIAM	✓	✓	✓	✓	✓		✓							✓	
REP. KINNEY, THEODORE		✓			✓	✓	✓	✓	✓				✓	✓	
REP. MOORE, RICHARD	✓		✓	✓	✓	✓	✓	✓	✓			✓	✓	✓	
REP. MORRIS, MIA	✓	✓	✓	✓	✓		✓	✓	✓			✓		✓	
REP. MOSLEY, JANE	✓	✓	✓	✓	✓		E/A	E/A	E/A			✓	✓	E/A	
REP. MCMAHAN, W. EDWIN	✓		✓	✓		✓		✓	✓				✓		

ATTENDANCE

HOUSE EDUCATION COMMITTEE 1998

[illegible]

6d 23/98

ROLL CALL VOTE

14 22 = 36 (TOTAL)
YES NO

HB# 1739
SB#

HOUSE STANDING COMMITTEE ON
EDUCATION

House Subcommittee on

YES	NO	MEMBER (last name)	YES	NO	MEMBER (last name)
	✓	ARNOLD, GENE			KINNEY, THEODORE
✓		BEALL, CHARLES			MOORE, RICHARD
✓		BLACK, JAMES	✓		MORRIS, MIA
		BOYD-MCINTYRE, FLOSS.			MOSLEY, JANE
	✓	CANSLER, LANIER		✓	MCMAHAN, W. EDWIN
	✓	CAPPS, J. RUSSELL	✓		NICHOLS, JOHN
✓		COLE, E. NELSON	✓		NYE, EDD
	✓	CRAWFORD, JAMES	✓		OLDHAM, WARREN
	✓	DAVIS, DON	✓		OWENS, WILLIAM
		DECKER, MICHAEL		✓	PRESTON, JEAN
	✓	DICKSON, WALTER		✓	RAYFIELD, JOHN
		DOCKHAM, JERRY		✓	SEXTON, P. WAYNE
	✓	EDDINS, RICK		✓	SHERRILL, WILMA
		FOX, STANLEY	✓		SMITH, RONALD
✓		GRADY, W. ROBERT	✓		TOLSON, JOE P.
	✓	GULLEY, JIM	✓		WARNER, ALEX
	✓	HALL, BOBBY		✓	WILSON, CONNIE
✓		HENSLEY, ROBERT J.		✓	RUSSELL, CAROLYN
	✓	HIATT, WILLIAM		✓	SHUBERT, FERN
✓		INSKO, VERLA			
	✓	IVES, WILLIAM			
	✓	Allen, Gordon			
		WOOD, STEPHEN W.			Ex officio Members
	✓	DAUGHERTY, LEO			Speaker Pro Tem
					Majority Leader

no

✓

HOWARD, JULIA

Majority Whip

ROLL CALL VOTE

YES _____ NO _____ = _____ (TOTAL)

HB# 1739
SB# _____

HOUSE STANDING COMMITTEE ON EDUCATION

House Subcommittee on EDUCATION

YES	NO	MEMBER (last name)	YES	NO	MEMBER (last name)
☒	☒	ARNOLD, GENE	☐	☐	KINNEY, THEODORE
☒	☐	BEALL, CHARLES	☐	☐	MOORE, RICHARD
☒	☐	BLACK, JAMES	☒	☐	MORRIS, MIA
☐	☐	BOYD-MCINTYRE, FLOSS.	☐	☐	MOSLEY, JANE
☐	☒	CANSLER, LANIER	☐	☒	MCMAHAN, W. EDWIN
☒	☒	CAPPS, J. RUSSELL	☒	☐	NICHOLS, JOHN
☐	☐	COLE, E. NELSON	☒	☐	NYE, EDD
☐	☒	CRAWFORD, JAMES	☒	☐	OLDHAM, WARREN
☐	☒	DAVIS, DON	☒	☐	OWENS, WILLIAM
☐	☐	DECKER, MICHAEL	☐	☒	PRESTON, JEAN
☐	☒	DICKSON, WALTER	☐	☒	RAYFIELD, JOHN
☐	☐	DOCKHAM, JERRY	☐	☒	SEXTON, P. WAYNE
☐	☒	EDDINS, RICK	☐	☒	SHERRILL, WILMA
☐	☐	FOX, STANLEY	☒	☐	SMITH, RONALD
☒	☐	GRADY, W. ROBERT	☒	☐	TOLSON, JOE P.
☐	☒	GULLEY, JIM	☒	☐	WARNER, ALEX
☐	☒	HALL, BOBBY	☐	☒	WILSON, CONNIE
☒	☐	HENSLEY, ROBERT J.	☐	☒	RUSSELL, CAROLYN
☐	☒	HIATT, WILLIAM	☐	☒	SHUBERT, FERN
☒	☐	INSKO, VERLA	☐	☐	
☐	☒	IVES, WILLIAM	☐	☐	
☐	☐		☐	☐	
☐	☐		☐	☐	
☐	☐	WOOD, STEPHEN W.	☐	☐	Speaker Pro Tem
☒	☐	DAUGHERTY, LEO	☐	☐	Majority Leader

102 YES 110 NO

____ ✓ HOWARD, JULIA

____ ____ Majority Whip

MINUTES
HOUSE STANDING COMMITTEE ON EDUCATION
Tuesday, June 2, 1998

The House Committee on **EDUCATION** met in Room 544 of the Legislative Office Building on Tuesday, June 2, at 11:00 a.m. Representative Carolyn B. Russell Co-Chairperson presided at the meeting and the following members were present: Representatives Allen, Arnold, Beall, Boyd McIntyre, Cansler, Capps, Cole, Davis, Decker, Dickson, Eddins, Fox, Grady, Gulley, Hall, Hensley, Hiatt, Insko, Ives, McMahan, Moore, Morris, Mosley, Nichols, Nye, Oldham, Preston, Rayfield, Sexton, Shubert, Sherrill, Smith, Tolson, Warner, and Wilson. Representative Stanley Fox had an excused absence. Legislative Staff Robin Johnson, Kory Goldsmith, Sara Kamprath and Shirley Iorio were present to assist the Committee. The visitor registration sheet is attached and made part of the minutes.

Representative Russell, presiding Chair, called the meeting to order and introduced pages Amanda Dawn Musgrow from Granville County and Kellen Christopher Mollhan from Onslow County.

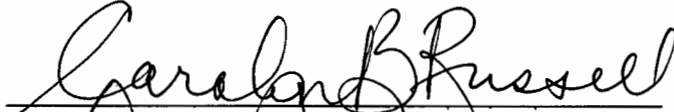
The Chair advised the Committee the first item for discussion would be **Senate Bill 1126 An Act To Implement The Recommendation of the Joint Legislative Education Oversight Committee To Revise The Teacher Competency Testing**. A proposed committee substitute was presented and Representative Capps moved the House Committee Substitute be adopted for discussion. The motion was voted on and carried. Senator Lee stated that a House Committee Substitute was being offered that all parties supported and gave a brief summary of the bill. After Senator Lee's comments Representative Arnold made additional comments. Representative Arnold presented an amendment that was adopted after staff member Kory Goldsmith explained the amendment. Following discussion the Chair recognized Representative Shubert for a motion. Representative Shubert moved the amendment be incorporated into a new House Committee Substitute, favorable to the House Committee Substitute, unfavorable to original Senate Committee Substitute. The Chair called for the vote and the motion passed.

The next order of business was **House Bill 1319 An Act To Extend For One Year The Deadline For Matching Community College Bond Funds**. Representative Thompson, bill sponsor, explained the bill. Representative Beall moved for a favorable report and the bill be re-referred to the Appropriations Committee. There being no discussion the Chair called for the vote and the motion passed.

House Bill 1368 An Act To Provide Community Colleges With Additional Purchasing Flexibility. Bill sponsor, Representative Rayfield, explained the bill. Representative Beall motioned for a favorable report to House Bill 1368. The Chair called for a vote on the motion and motion carried.

Next on the agenda was **House Bill 1369 An Act To Clarify Community Colleges' Authority To enter Into Lease Purchase And Installment Purchase Contracts For Equipment**. Representative Rayfield, bill sponsor, brought forth a technical amendment. Kory Goldsmith explained the amendment. The Chair called on Representative Rayfield for a motion to adopt the amendment and the motion carried. Discussion continued with Representative Ives having questions about the bill. The Chair called on Kenneth Briggs, Vice President of Business and Finance, for the North Carolina Community College System. He explained this bill was debated in the Legislative Research Commission and the concerns Representative Ives had were addressed in the LRC. He continued his explanation of the bill and said he supported the bill. Representative Shubert and Representative Sexton said they supported the bill. A motion was made by Representative Sexton that the technical amendment be rolled into a House Committee Substitute, with a favorable report to the Committee Substitute, unfavorable to the original bill and be re-referred to the Finance Committee. The Chair called for the vote on House Bill 1369 and the motion carried.

With no further business, Chairperson Russell adjourned the meeting.



Representative Carolyn B. Russell
Presiding Chair



Dawn Amber Ellis
Committee Clerk

VISITOR REGISTRATION SHEET

HOUSE EDUCATION COMMITTEE

TUESDAY, JUNE 2, 1998

Name of Committee

Date _____

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME _____

FIRM OR AGENCY AND ADDRESS

Bill Alexander
ph 2/1/80

NC AEOP

Harriet Quil

7CAE

Bill Wals

Ed. Smith

NCDA Pte

Phil Albano

DCC

* Kuru Bayi

11

(SPEAK)

Cliff B. Butler

WAGA

Helen Darby

NCA CCT

John Miller

NGACCT

Garra Garra

Gov. & Office

19/10 X. Oxidation

UNC-Askville

Eric T Garben

h

Tiffany Drummond

UNC Asheville

Doug Town

UNCA

Maxime /hix

OSBAN

Robert H. Keane

Corn. College

Leather cord

OSIA

Annette Ehring

Office of the Governor

I Parnassus

NCATX

Butch Gunnells

NCSDA

VISITOR REGISTRATION SHEET

HOUSE EDUCATION COMMITTEE

TUESDAY, JUNE 2, 1998

Name of Committee

Date _____

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME _____

FIRM OR AGENCY AND ADDRESS[illegible]

6/2/98

**1998 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

HB 1319 A BILL TO BE ENTITLED AN ACT TO EXTEND FOR ONE YEAR THE
DEADLINE FOR MATCHING COMMUNITY COLLEGE BOND FUNDS.

☐ With a favorable report.

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

☒ Appropriations ☐ Finance ☐

☐ With a favorable report, as amended.

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

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

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

☐ And having received a unanimous vote in committee, is placed on the Consent Calendar.
(PUBLIC BILLS ONLY)

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

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

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

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

☐ Without prejudice.

☐ With an indefinite postponement report.

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

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

4/24/97

FOR JOURNAL USE ONLY

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 1319

Short Title: Extend Bond Match Deadline.

(Public)

Sponsors: Representatives Thompson, Buchanan, Carpenter; Hightower, R. Hunter, and Shubert.

Referred to: Education, if favorable, Appropriations.

May 19, 1998

1 A BILL TO BE ENTITLED
2 AN ACT TO EXTEND FOR ONE YEAR THE DEADLINE FOR MATCHING
3 COMMUNITY COLLEGE BOND FUNDS.
4 The General Assembly of North Carolina enacts:
5 Section 1. Section 6(b)IV of Chapter 542 of the 1993 Session Laws, as
6 added by Section 4 of Chapter 515 of the 1995 Session Laws, reads as rewritten:
7 "IV. If the State Board of Community Colleges determines that a community
8 college has not met the matching requirements of G.S. 115D-31(a)(1) by July 1, ~~1998~~,
9 1999, with respect to a capital improvement project for which bond proceeds are
10 allocated in subdivision I or pursuant to subdivision II of this subsection, the Board
11 shall certify that fact to the State Treasurer by October 1, ~~1998~~, 1999. All of these
12 bond proceeds with respect to which the Board certifies that the matching
13 requirement has not been met by July 1, ~~1998~~, 1999, shall be placed by the State
14 Treasurer in a special account within the Community Colleges Bond Fund and shall
15 be used for making grants to community colleges. Bond proceeds in the special
16 account shall be allocated among the community colleges in accordance with the
17 following conditions:
18 (1) The State Board of Community Colleges shall generate, by
19 October 1, ~~1998~~, 1999, a priority ranking of legitimate community
20 college capital improvement needs using a formula based on
21 objective meaningful factors relevant to capital needs, including
22 space to population ratio, population served ratio, capacity

1 enrollment ratio, local to State and vocational education ratios,
2 type of project, and readiness to implement.

3 (2) The State Board of Community Colleges shall provide the State
4 Treasurer a projected allocation of the proceeds in the special
5 account in accordance with this priority ranking, except that:

6 a. No projected allocation shall be made for a community
7 college that the Board certified in accordance with this
8 subdivision IV had failed to meet a matching requirement.

9 b. No more than four million dollars (\$4,000,000) shall be
10 allocated to a single community college.

11 c. Funds shall not be allocated for more than one project per
12 community college.

13 (3) The proceeds of grants made from bond proceeds in the special
14 account shall be allocated and expended for paying the cost of
15 community college capital improvements in accordance with this
16 allocation by the State Board of Community Colleges, to the extent
17 and as provided in this act. The Director of the Budget is
18 empowered, when the Director of the Budget determines it is in
19 the best interest of the State and the North Carolina Community
20 College System to do so, and if the cost of a particular project is
21 less than the projected allocation, to use the excess funds to
22 increase the size of that project or increase the size of any other
23 project itemized in this section, or to increase the amount allocated
24 to a particular community college within the aggregate amount of
25 funds available under this section. The Director of the Budget
26 shall consult with the Advisory Budget Commission and the Joint
27 Legislative Commission on Governmental Operations before
28 making these changes."

29 Section 2. This act becomes effective June 30, 1998.

**1998 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

HB 1368 A BILL TO BE ENTITLED AN ACT TO PROVIDE COMMUNITY COLLEGES
WITH ADDITIONAL PURCHASING FLEXIBILITY.

☒ With a favorable report.

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

☐ With a favorable report, as amended.

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

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

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

☐ And having received a unanimous vote in committee, is placed on the Consent Calendar.
(PUBLIC BILLS ONLY)

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

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

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

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

☐ Without prejudice.

☐ With an indefinite postponement report.

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

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

4/24/97

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 1368*

Short Title: Comm. Coll. Purchasing Flexibility.

(Public)

Sponsors: Representatives Rayfield, Bonner, Carpenter, Moore, Sexton, Shubert, Womble; Baddour, Hurley, Mosley, Preston, Tolson, and Warner.

Referred to: Education.

May 21, 1998

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE COMMUNITY COLLEGES WITH ADDITIONAL
3 PURCHASING FLEXIBILITY.

4 The General Assembly of North Carolina enacts:

5 Section 1. G.S. 115D-58.5(b) reads as rewritten:

6 "(b) Each institution shall be governed in its purchasing of all supplies, equipment,
7 and materials by contracts made by or with the approval of the Purchase and
8 Contract Division of the Department of ~~Administration~~. Administration except as
9 provided in G.S. 115D-58.14. No contract shall be made by any board of trustees for
10 purchases unless provision has been made in the budget of the institution to provide
11 payment thereof. In order to protect the State purchase contracts, it is the duty of the
12 board of trustees and administrative officers of each institution to pay for such
13 purchases promptly in accordance with the contract of purchase. Equipment shall be
14 titled to the State Board of Community Colleges if derived from State or federal
15 funds."

16 Section 2. Article 4A of Chapter 115D is amended by adding a new
17 section to read:

18 "§ 115D-58.14. Purchasing flexibility.

19 (a) Community colleges and the Center for Applied Textile Technology may
20 purchase the same supplies, equipment, and materials from noncertified sources as
21 are available under State term contracts, subject to the following conditions:

22 (1) The purchase price, including the cost of delivery, is less than the
23 cost under the State term contract; and

1 (2) The cost of the purchase shall not exceed the bid value benchmark
2 established under G.S. 143-53.1.

3 (b) The State Board of Community Colleges and the Department of
4 Administration shall adopt policies and procedures for monitoring the
5 implementation of this section."

6 Section 3. This act is effective when it becomes law and applies to
7 purchases made on or after that date.

**1998 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. 1369 A BILL TO BE ENTITLED AN ACT TO CLARIFY COMMUNITY
COLLEGES' AUTHORITY TO ENTER INTO LEASE PURCHASE AND INSTALLMENT
PURCHASE CONTRACTS FOR EQUIPMENT.

☐ 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
FINANCE.

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

☐ And having received a unanimous vote in committee, is placed on the Consent Calendar.
(PUBLIC BILLS ONLY)

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

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

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

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

☐ Without prejudice.

☐ With an indefinite postponement report.

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

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

4/24/97

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

D

HOUSE BILL 1369*
Proposed Committee Substitute H1369-PCS8348

Short Title: Comm. Colleges' Lease Purchase Authority.

(Public)

Sponsors:

Referred to:

May 21, 1998

1 A BILL TO BE ENTITLED
2 AN ACT TO CLARIFY COMMUNITY COLLEGES' AUTHORITY TO ENTER
3 INTO LEASE PURCHASE AND INSTALLMENT PURCHASE CONTRACTS
4 FOR EQUIPMENT.

5 The General Assembly of North Carolina enacts:

6 Section 1. G.S. 115D-20 is amended by adding a new subdivision to
7 read:

8 "(11) To enter into lease purchase and installment purchase contracts for
9 equipment under G.S. 115D-58.14."

10 Section 2. Article 4A of Chapter 115D of the General Statutes is
11 amended by adding a new section to read:

12 "§ 115D-58.14. Lease purchase and installment purchase contracts for equipment.

13 (a) Authority. -- The board of trustees of a community college may use lease
14 purchase or installment purchase contracts to purchase or finance the purchase of
15 equipment as provided in this section.

16 (b) Contract Approval. -- Contracts for more than one hundred thousand dollars
17 (\$100,000) or for a term of more than three years shall be subject to review and
18 approval by the State Board of Community Colleges if the obligation will be paid
19 from State funds or by the tax-levying authority of the institution if the obligation will
20 be paid from local funds. If a contract is approved by a tax-levying authority under
21 this subsection, in each year the tax-levying authority shall appropriate sufficient
22 funds to meet the amounts to be paid during the fiscal year under the contract.

(c) Local Government Commission. -- A contract that is subject to approval by the tax-levying authority also shall be subject to approval by the Local Government Commission as provided in Article 8 of Chapter 159 of the General Statutes if the contract:

- (1) Extends for five or more years from the date of the contract;
- (2) Obligates the board of trustees to pay sums of money to another, regardless of whether the payee is a party to the contract; and
- (3) Obligates the board of trustees to pay five hundred thousand dollars (\$500,000) or more over the full term of the contract.

(d) Application of Section. -- When determining whether a contract is subject to approval under this section the total cost of exercising an option to upgrade property shall be taken into consideration. The term of a contract shall include periods that may be added to the original term through the exercise of an option to renew or extend.

(e) Nonsubstitution Clause. -- No contract entered into under this section may contain a nonsubstitution clause that restricts the right of a board of trustees to:

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

(f) Nonappropriations Clause. -- No deficiency judgment may be rendered against any board of trustees, any tax-levying authority, the State Board of Community Colleges, or the State of North Carolina in any action for breach of a contractual obligation authorized by this section. The taxing power of a tax-levying authority and the State is not and may not be pledged directly or indirectly to secure any moneys due under a contract authorized by this section."

Section 3. G.S. 115D-5 is amended by adding a new subsection to read:

"(l) The State Board shall review and approve lease purchase and installment purchase contracts as provided under G.S. 115D-58.14(b). The State Board shall adopt policies and procedures governing the review and approval process."

Section 4. This act is effective when it becomes law and applies to contracts entered into on or after that date.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 1369*

Short Title: Comm. Colleges' Lease Purchase Authority.

(Public)

Sponsors: Representatives Rayfield, Bonner, Carpenter, Moore, Sexton, Shubert, Womble; Baddour, Hurley, Morris, Mosley, Preston, Sutton, Tolson, and Warner.

Referred to: Education, if favorable, Finance.

May 21, 1998

1 A BILL TO BE ENTITLED
2 AN ACT TO CLARIFY COMMUNITY COLLEGES' AUTHORITY TO ENTER
3 INTO LEASE PURCHASE AND INSTALLMENT PURCHASE CONTRACTS
4 FOR EQUIPMENT.
5 The General Assembly of North Carolina enacts:
6 Section 1. G.S. 115D-20 is amended by adding a new subdivision to
7 read:
8 "(11) To enter into lease purchase and installment purchase contracts for
9 equipment under G.S. 115D-58.14."
10 Section 2. Article 4A of Chapter 115D of the General Statutes is
11 amended by adding a new section to read:
12 "§ 115D-58.14. Lease purchase and installment purchase contracts for equipment.
13 (a) Authority. -- The board of trustees of a community college may use lease
14 purchase or installment purchase contracts to purchase or finance the purchase of
15 equipment as provided in this section.
16 (b) Contract Approval. -- Contracts for more than one hundred thousand dollars
17 (\$100,000) or for a term of more than three years shall be subject to review and
18 approval as follows:
19 (1) By the State Board of Community Colleges if the obligation will be
20 paid from State funds; or
21 (2) By the tax-levying authority of the institution if the obligation will
22 be paid from local funds.

1 If a contract is approved by a tax-levying authority under this subsection, in each year
2 the tax-levying authority shall appropriate sufficient funds to meet the amounts to be
3 paid during the fiscal year under the contract.

4 (c) Local Government Commission. -- A contract that is subject to approval by
5 the tax-levying authority also shall be subject to approval by the Local Government
6 Commission as provided in Article 8 of Chapter 159 of the General Statutes if the
7 contract:

8 (1) Extends for five or more years from the date of the contract;

9 (2) Obligates the board of trustees to pay sums of money to another,
10 regardless of whether the payee is a party to the contract; and

11 (3) Obligates the board of trustees to pay five hundred thousand
12 dollars (\$500,000) or more over the full term of the contract.

13 (d) Application of Section. -- When determining whether a contract is subject to
14 approval under this section the total cost of exercising an option to upgrade property
15 shall be taken into consideration. The term of a contract shall include periods that
16 may be added to the original term through the exercise of an option to renew or
17 extend.

18 (e) Nonsubstitution Clause. -- No contract entered into under this section may
19 contain a nonsubstitution clause that restricts the right of a board of trustees to:

20 (1) Continue to provide a service or activity; or

21 (2) Replace or provide a substitute for any property financed or
22 purchased by the contract.

23 (f) Nonappropriations Clause. -- No deficiency judgment may be rendered against
24 any board of trustees, any tax-levying authority, the State Board of Community
25 Colleges, or the State of North Carolina in any action for breach of a contractual
26 obligation authorized by this section. The taxing power of a tax-levying authority and
27 the State is not and may not be pledged directly or indirectly to secure any moneys
28 due under a contract authorized by this section."

29 Section 3. G.S. 115D-5 is amended by adding a new subsection to read:

30 "(i) The State Board shall review and approve lease purchase and installment
31 purchase contracts as provided in G.S. 115D-58.14(b). The State Board shall adopt
32 policies and procedures governing the review and approval process."

33 Section 4. This act is effective when it becomes law and applies to
34 contracts entered into on or after that date.



6/2/98

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 1369

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)
Page 1 of ____

H1369-ARC-001

Date _____, 1998

Comm. Sub. [☐
Amends Title [☐

- 1 moves to amend the bill on page 1, by rewriting lines 18-22 to read:
2 "approval by the State Board of Community Colleges if the obligation
3 will be paid from State funds or by the tax-levying authority of the
4 institution if the obligation will be paid from local funds.";
5
6 and on page 2, line 30, by deleting the letter "(i)" and
7 substituting "(1)";
8
9 and on page 2, line 31, by deleting the word "in" and substituting
10 "under".
11

SIGNED John R. Hester
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

1998 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. 1126 A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE
RECOMMENDATION OF THE JOINT LEGISLATIVE EDUCATION OVERSIGHT
COMMITTEE TO REVISE THE TEACHER COMPETENCY TESTING PROVISIONS OF
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 (#), ☐ 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~~ which changes
the title, unfavorable as to Senate committee substitute bill.

☐ And having received a unanimous vote in committee, is placed on the Consent Calendar.
(PUBLIC BILLS ONLY)

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

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

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

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

☐ Without prejudice.

☐ With an indefinite postponement report.

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

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

4/24/97

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S

D

SENATE BILL 1126*
Education/Higher Education Committee Substitute Adopted 5/20/98
Third Edition Engrossed 5/21/98
Proposed House Committee Substitute S1126-PCS1989

Short Title: Revise Teacher Comp. Testing.

(Public)

Sponsors:

Referred to:

May 14, 1998

1 A BILL TO BE ENTITLED
2 AN ACT TO AMEND THE TEACHER COMPETENCY TESTING PROVISIONS
3 OF THE EXCELLENT SCHOOLS ACT, TO PROVIDE FOR ANNUAL
4 EVALUATIONS OF CERTIFIED PUBLIC SCHOOL EMPLOYEES IN ALL
5 LOW-PERFORMING SCHOOLS, AND TO CREATE ASSESSMENT TEAMS.

6 The General Assembly of North Carolina enacts:

7 Section 1. G.S. 115C-105.38A reads as rewritten:

8 "§ 115C-105.38A. Teacher competency assurance.

9 (a) General Knowledge Test. --

10 (1) Each assistance team assigned to a low-performing school during
11 the 1997-98 school year shall review the team's evaluations of
12 certified staff members to determine which staff members have
13 been designated by the team as Category 3 teachers. The
14 assistance team shall then determine whether lack of general
15 knowledge contributed to the Category 3 designation. If the
16 assistance team determines that a certified staff member's lack of
17 general knowledge contributed to that staff member being
18 designated as a Category 3 teacher, the assistance team shall submit
19 the staff member's name to the State Board. Upon receipt of the
20 notification, The the State Board of Education shall require all that
21 the certified staff members working in schools at the time the

~~schools are identified as low performing under this Article and to which the State Board has assigned an assistance team to~~ identified by the assistance teams demonstrate their general knowledge by acquiring a passing score on a test designated by the State Board. The ~~first general knowledge test shall be administered~~ State Board shall administer the general knowledge test required under this subdivision at the end of the 1997-98 school year. ~~In subsequent years, the State Board shall determine when to administer the test for certified staff members in schools that are identified that year as low performing and assigned an assistance team.~~

(2) During the 1998-99 school year and thereafter, either the principal assigned to a low-performing school or the assistance team assigned to a low-performing school may recommend to the State Board that a certified staff member take a general knowledge test. A principal or an assistance team may make this recommendation if the principal or the assistance team determines that the certified staff member's performance is impaired by the staff member's lack of general knowledge. After receipt of the notification, but prior to the end of the fiscal year, the State Board shall require that all certified staff members identified under this subdivision demonstrate their general knowledge by acquiring a passing score on a test designated by the State Board.

~~(b) Exemptions. The following certified staff members shall be exempt from taking the general knowledge test required under subsection (a) of this section:~~

~~(1) Certified staff members who have:~~

- ~~a. Taken and passed the PRAXIS I exam as a condition of entry into a school of education; and~~
- ~~b. Taken and passed the PRAXIS II exam after July 1, 1996.~~

~~(2) Certified staff members who have previously taken and passed the general knowledge test.~~

~~The exemptions under this subsection shall expire July 1, 2000, unless the State Board adopts a policy to continue them.~~

(c) Remediation. -- Certified staff members who do not acquire a passing score on the general knowledge test required under subsection (a) of this section shall engage in a remediation plan based upon the deficiencies identified by the ~~test, test, or an assistance team, or a principal.~~ The remediation plan for deficiencies of individual certified staff members shall consist of up to a semester of university or community college training or coursework ~~or both, or other similar activity to correct the deficiency.~~ The remediation shall be developed by the State Board of Education in consultation with the Board of Governors of The University of North Carolina. The State Board shall reimburse the institution providing the remediation any tuition and fees incurred under this section. If the remediation plan requires that the staff member engage in a full-time course of study or training, the staff member shall be considered on leave with pay.

1 (d) ~~Retesting.~~ Retesting; Dismissal. -- Upon completion of the first remediation
2 ~~plan, plan required under subsection (c) of this section,~~ the certified staff member
3 shall take the general knowledge test a second time. If the certified staff member fails
4 to acquire a passing score on the second test, the State Board shall ~~provide a program~~
5 ~~of further remediation under subsection (e) of this section.~~ begin a dismissal
6 proceeding under G.S. 115C-325(q)(2a).

7 ~~(e) Dismissal. -- Upon completion of the second remediation plan, the certified~~
8 ~~staff member shall take the general knowledge test a third time. If the certified staff~~
9 ~~member fails to acquire a passing score on the third test, the State Board shall begin~~
10 ~~dismissal proceedings under G.S. 115C-325(q)(2a).~~

11 (f) Other Actions Not Precluded. -- Nothing in this section shall be construed to
12 restrict or postpone the following actions:

- 13 (1) The dismissal of a principal under G.S. 115C-325(q)(1);
- 14 (2) The dismissal of a teacher, assistant principal, director, or
- 15 supervisor under G.S. 115C-325(q)(2);
- 16 (3) The dismissal or demotion of a career employee for any of the
- 17 grounds listed under G.S. 115C-325(e);
- 18 (4) The nonrenewal of a school administrator's or probationary
- 19 teacher's contract of employment; or
- 20 (5) The decision to grant career status.

21 ~~(g) Future Testing. -- The State Board shall develop a plan for testing and shall~~
22 ~~test all certified staff members in low performing schools identified at the end of the~~
23 ~~1999-2000 school year. When developing the plan, the State Board shall consider~~
24 ~~administering tests in the area of an individual's certification as well as the general~~
25 ~~knowledge test. The State Board shall report this plan to the Joint Legislative~~
26 ~~Education Oversight Committee prior to November 15, 1998."~~

27 Section 2. G.S. 115C-325(q)(2a) reads as rewritten:

28 "(2a) Notwithstanding any other provision of this section or any other
29 law, this subdivision shall govern the State Board's dismissal of
30 certified staff members who have engaged in a remediation plan
31 under G.S. ~~115C-105.38A(a)~~ 115C-105.38A(c) but who, after ~~two~~
32 ~~retests,~~ one retest, fail to meet the general knowledge standard set
33 by the State Board. The failure to meet the general knowledge
34 standard after ~~two retests~~ one retest shall be substantial evidence of
35 the inadequate performance of the certified staff member.

36 A certified staff member may request a hearing before a panel of
37 three members of the State Board within 30 days of any dismissal
38 under this subdivision. The State Board shall adopt procedures to
39 ensure that due process rights are afforded to certified staff
40 members recommended for dismissal under this subdivision.
41 Decisions of the panel may be appealed on the record to the State
42 Board, with further right of judicial review under Chapter 150B of
43 the General Statutes."

44 Section 3. G.S. 115C-326 is repealed.

Section 4. Article 22 of Chapter 115C of the General Statutes is amended by adding a new Part to read:

"Part 7. Personnel Evaluations.

"§ 115C-333. Evaluation of certified employees; action plans; State board notification upon dismissal of employees.

(a) Annual Evaluations; Low-Performing Schools. -- Local school administrative units shall evaluate at least once each year all certified employees assigned to a school that has been identified as low-performing, but has not received an assistance team. The evaluation shall occur early enough during the school year to provide adequate time for the development and implementation of an action plan if one is recommended under subsection (b) of this section. If the employee is a teacher as defined under G.S. 115C-325(a)(6), either the principal, the assistant principal who supervises the teacher, or an assessment team assigned under G.S. 115C-334 shall conduct the evaluation. If the employee is a school administrator as defined under G.S. 115C-287.1(a)(3), either the superintendent or the superintendent's designee shall conduct the evaluation.

Notwithstanding this subsection or any other law, all teachers who have not attained career status shall be observed at least three times annually by the principal or the principal's designee and at least once annually by a teacher and shall be evaluated at least once annually by a principal. All other employees defined as teachers under G.S. 115C-325(a)(6) who are assigned to schools that are not designated as low-performing shall be evaluated annually unless a local board adopts rules that allow specified categories of teachers with career status to be evaluated more or less frequently. Local boards also may adopt rules requiring the annual evaluation of noncertified employees. This section shall not be construed to limit the duties and authority of an assistance team assigned to a low-performing school under G.S. 115C-105.38.

A local board shall use the performance standards and criteria adopted by the State Board unless the board develops an alternative evaluation that is properly validated and that includes standards and criteria similar to those adopted by the State Board. All other provisions of this section shall apply if a local board uses an evaluation other than one adopted by the State Board.

(b) Action Plans. -- If a certified employee receives an unsatisfactory or below standard rating on any function of the evaluation that is related to the employee's instructional duties, the individual or team that conducted the evaluation shall recommend to the superintendent that: (i) the employee receive an action plan designed to improve the employee's performance; or (ii) the superintendent recommend to the local board that the employee be dismissed or demoted. The superintendent shall determine whether to develop an action plan or to recommend a dismissal proceeding. Action plans shall be developed by the person who evaluated the employee or the employee's supervisor unless the evaluation was conducted by an assistance team or an assessment team. If the evaluation was conducted by an assistance team or an assessment team, that team shall develop the action plan in collaboration with the employee's supervisor. Action plans shall be designed to be

1 completed within 90 instructional days or before the beginning of the next school
2 year. The State Board shall develop guidelines that include strategies to assist local
3 boards in evaluating certified employees and developing effective action plans within
4 the time allotted under this section. Local boards may adopt policies for the
5 development and implementation of action plans or professional development plans
6 for employees who do not require action plans under this section.

7 (c) Reevaluation. -- Upon completion of an action plan under subsection (b) of
8 this section, the superintendent, the superintendent's designee, or the assessment team
9 shall evaluate the employee a second time. If on the second evaluation the employee
10 receives one unsatisfactory or more than one below standard rating on any function
11 that is related to the employee's instructional duties, the superintendent shall
12 recommend that the employee be dismissed or demoted under G.S. 115C-325. The
13 results of the second evaluation shall constitute substantial evidence of the employee's
14 inadequate performance.

15 (d) State Board Notification. -- If a local board dismisses an employee for any
16 reason except a reduction in force under G.S. 115C-325(e)(1)l. it shall notify the State
17 Board of the action, and the State Board annually shall provide to all local boards the
18 names of those individuals. If a local board hires one of these individuals, within 60
19 days the superintendent or the superintendent's designee shall observe the employee,
20 develop an action plan to assist the employee, and submit the plan to the State
21 Board. The State Board shall review the action plan and may provide comments and
22 suggestions to the superintendent. If on the next evaluation the employee receives an
23 unsatisfactory or below standard rating on any function that is related to the
24 employee's instructional duties, the local board shall notify the State Board and the
25 State Board shall revoke the employee's certificate under G.S. 115C-296(d). If on the
26 next evaluation the employee receives at least a satisfactory rating on all the functions
27 related to the employee's instructional duties, the local board shall notify the State
28 Board that the employee is in good standing and the State Board shall not continue
29 to provide the individual's name to local boards under this subsection unless the
30 employee is subsequently dismissed under G.S. 115C-325 except for a reduction in
31 force.

32 (e) Civil Immunity. -- There shall be no liability for negligence on the part of the
33 State Board of Education or a local board of education, or their employees, arising
34 from any action taken or omission by any of them in carrying out the provisions of
35 this section. The immunity established by this subsection shall not extend to gross
36 negligence, wanton conduct, or intentional wrongdoing that would otherwise be
37 actionable. The immunity established by this subsection shall be deemed to have
38 been waived to the extent of indemnification by insurance, indemnification under
39 Articles 31A and 31B of Chapter 143 of the General Statutes, and to the extent
40 sovereign immunity is waived under the Tort Claims Act, as set forth in Article 31 of
41 Chapter 143 of the General Statutes.

42 **"§ 115C-334. Assessment teams.**

43 The State Board shall develop guidelines for local boards to use to create
44 assessment teams. A local board shall assign an assessment team to every low-

1 performing school in the local school administrative unit that has not received an
2 assistance team. Local boards shall ensure that assessment team members are trained
3 in the proper administration of the employee evaluation used by the local school
4 administrative unit. If service on an assessment team is an additional duty for an
5 employee of a local board, the board may pay the employee for that additional work.

6 Assessment teams shall have the following duties:

7 (1) Conduct evaluations of certified employees in low-performing
8 schools;

9 (2) Provide technical assistance and training to principals, assistant
10 principals, superintendents, and superintendents' designees who
11 conduct evaluations of certified employees;

12 (3) Develop action plans for certified employees; and

13 (4) Assist principals, assistant principals, superintendents, and
14 superintendents' designees in the development and
15 implementation of action plans.

16 "§ 115C-335. Development of performance standards and criteria for certified
17 employees; training and remediation programs.

18 (a) Development of Performance Standards. -- The State Board, in consultation
19 with local boards of education, shall revise and develop uniform performance
20 standards and criteria to be used in evaluating certified public school employees,
21 including school administrators. These standards and criteria shall include improving
22 student achievement, employee skills, and employee knowledge. The standards and
23 criteria for school administrators also shall include building-level gains in student
24 learning and effectiveness in providing for school safety and enforcing student
25 discipline. The State Board shall develop rules regarding the use of these standards
26 and criteria. The State Board also shall develop guidelines for evaluating
27 superintendents. The guidelines shall include criteria for evaluating a
28 superintendent's effectiveness in providing safe schools and enforcing student
29 discipline.

30 (b) Training. -- The State Board, in collaboration with the Board of Governors of
31 The University of North Carolina, shall develop programs designed to train principals
32 and superintendents in the proper administration of the employee evaluations
33 developed by the State Board. The Board of Governors shall use the professional
34 development programs for public school employees that are under its authority to
35 make this training available to all principals and superintendents at locations that are
36 geographically convenient to local school administrative units. The programs shall
37 include methods to determine whether an employee's performance has improved
38 student learning, the development and implementation of appropriate action plans,
39 the process for contract nonrenewal, and the dismissal process under G.S. 115C-325.
40 The Board of Governors shall ensure that the subject matter of the training programs
41 is incorporated into the masters in school administration programs offered by the
42 constituent institutions. The State Board, in collaboration with the Board of
43 Governors, also shall develop in-service programs for certified public school
44 employees that may be included in an action plan created under G.S. 115C-333(b).

1 The Board of Governors shall use the professional development programs for public
2 school employees that are under its authority to make this training available at
3 locations that are geographically convenient to local school administrative units."

4 Section 5. G.S. 115C-296(d) reads as rewritten:

5 "(d) The State Board shall adopt rules to establish the reasons and procedures for
6 the suspension and revocation of certificates. The State Board shall revoke the
7 certificate of a teacher or school administrator if the State Board receives notification
8 from a local board that a teacher or school administrator has received an
9 unsatisfactory or below standard rating under G.S. 115C-333(d). In addition, the
10 State Board may revoke or refuse to renew a teacher's certificate when:

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

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

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

20 Section 6. G.S. 115C-276 is amended by adding a new subsection to
21 read:

22 "(s) To Provide for Annual Evaluations and Action Plans. -- The superintendent
23 shall provide for the annual evaluation of all certified employees assigned to low-
24 performing schools that did not receive an assistance team. The superintendent shall
25 determine whether all principals and assistant principals who evaluate certified
26 employees are trained in the proper administration of the employee evaluations and
27 the development of appropriate action plans. The superintendent also shall arrange
28 for principals and assistant principals who evaluate certified employees to receive the
29 appropriate training."

30 Section 7. G.S. 115C-288 is amended by adding a new subsection to
31 read:

32 "(i) To Evaluate Certified Employees and Develop Action Plans. -- Each school
33 year, the principal assigned to a low-performing school that has not received an
34 assistance team shall provide for the evaluation of all certified employees assigned to
35 the school. The principal also shall develop action plans as provided under G.S.
36 115C-333(b) and shall monitor an employee's progress under an action plan."

37 Section 8. The State Board of Education may expend funds appropriated
38 to State Aid to Local School Administrative Units, or to the Department of Public
39 Instruction, or both, to develop certified employee evaluations. The Board of
40 Governors of The University of North Carolina shall direct resources allocated to
41 entities affiliated with the Leadership Academy to accomplish the requirements of
42 G.S. 115C-335(b) created under this act. Prior to December 15, 1998, the State
43 Board shall provide to the Joint Legislative Education Oversight Committee a

1 progress report on the development of the certified employee evaluations and the
2 guidelines for assessment teams.

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S

3

SENATE BILL 1126*

Education/Higher Education Committee Substitute Adopted 5/20/98
Third Edition Engrossed 5/21/98

Short Title: Revise Teacher Comp. Testing.

(Public)

Sponsors:

Referred to:

May 14, 1998

1 A BILL TO BE ENTITLED
2 AN ACT TO IMPLEMENT THE RECOMMENDATION OF THE JOINT
3 LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE TO REVISE THE
4 TEACHER COMPETENCY TESTING PROVISIONS OF THE EXCELLENT
5 SCHOOLS ACT.

6 The General Assembly of North Carolina enacts:

7 Section 1. G.S. 115C-105.38A reads as rewritten:

8 "§ 115C-105.38A. Teacher competency assurance.

9 (a) General Knowledge Test. --

10 (1) Each assistance team assigned to a low-performing school during
11 the 1997-98 school year shall review the team's evaluations of
12 certified staff members to determine which staff members have
13 been designated by the team as Category 3 teachers. The
14 assistance team shall then determine whether lack of general
15 knowledge contributed to the Category 3 designation. If the
16 assistance team determines that a certified staff member's lack of
17 general knowledge contributed to that staff member being
18 designated as a Category 3 teacher, the assistance team shall submit
19 the staff member's name to the State Board prior to June 5, 1998.
20 Upon receipt of the notification, The the State Board of Education
21 shall require all that the certified staff members working in schools
22 at the time the schools are identified as low-performing under this

~~Article and to which the State Board has assigned an assistance team to identified by the assistance teams demonstrate their general knowledge by acquiring a passing score on a test designated by the State Board. The first general knowledge test shall be administered State Board shall administer the general knowledge test required under this subdivision at the end of the 1997-98 school year. In subsequent years, the State Board shall determine when to administer the test for certified staff members in schools that are identified that year as low-performing and assigned an assistance team.~~

(2) During the 1998-99 school year and thereafter, either the principal assigned to a low-performing school or the assistance team assigned to a low-performing school may recommend to the State Board that a certified staff member take a general knowledge test. A principal or an assistance team shall not make this recommendation unless the principal or the assistance team determines that the certified staff member's performance is impaired by the staff member's lack of general knowledge. After receipt of the notification, but prior to the end of the fiscal year, the State Board shall require that all certified staff members identified under this subdivision demonstrate their general knowledge by acquiring a passing score on a test designated by the State Board.

~~(b) Exemptions. — The following certified staff members shall be exempt from taking the general knowledge test required under subsection (a) of this section:~~

~~(1) Certified staff members who have:~~

~~a. Taken and passed the PRAXIS I exam as a condition of entry into a school of education; and~~

~~b. Taken and passed the PRAXIS II exam after July 1, 1996.~~

~~(2) Certified staff members who have previously taken and passed the general knowledge test.~~

~~The exemptions under this subsection shall expire July 1, 2000, unless the State Board adopts a policy to continue them.~~

(c) Remediation. -- Certified staff members who do not acquire a passing score on the general knowledge test required under subsection (a) of this section shall engage in a remediation plan based upon the deficiencies identified by the test. The remediation plan for deficiencies of individual certified staff members shall consist of up to a semester of university or community college training or coursework or both. The remediation shall be developed by the State Board of Education in consultation with the Board of Governors of The University of North Carolina. The State Board shall reimburse the institution providing the remediation any tuition and fees incurred under this section. If the remediation plan requires that the staff member engage in a full-time course of study or training, the staff member shall be considered on leave with pay.

1 ~~(d) Retesting.~~ Retesting; Dismissal. -- Upon completion of the ~~first~~ remediation
2 ~~plan, plan required under subsection (c) of this section,~~ the certified staff member
3 shall take the general knowledge test a second time. If the certified staff member fails
4 to acquire a passing score on the second test, the State Board shall ~~provide a program~~
5 ~~of further remediation under subsection (e) of this section.~~ begin dismissal
6 proceedings under G.S. 115C-325(q)(2a).

7 ~~(e) Dismissal.~~ -- ~~Upon completion of the second remediation plan, the certified~~
8 ~~staff member shall take the general knowledge test a third time. If the certified staff~~
9 ~~member fails to acquire a passing score on the third test, the State Board shall begin~~
10 ~~dismissal proceedings under G.S. 115C-325(q)(2a).~~

11 (f) Other Actions Not Precluded. -- Nothing in this section shall be construed to
12 restrict or postpone the following actions:

- 13 (1) The dismissal of a principal under G.S. 115C-325(q)(1);
- 14 (2) The dismissal of a teacher, assistant principal, director, or
15 supervisor under G.S. 115C-325(q)(2);
- 16 (3) The dismissal or demotion of a career employee for any of the
17 grounds listed under G.S. 115C-325(e);
- 18 (4) The nonrenewal of a school administrator's or probationary
19 teacher's contract of employment; or
- 20 (5) The decision to grant career status.

21 (g) ~~Future Testing.~~ Performance Assessment. -- The State Board shall develop a
22 ~~plan for testing and shall test all certified staff members in low-performing schools~~
23 ~~identified at the end of the 1999-2000 school year. When developing the plan, the~~
24 ~~State Board shall consider administering tests in the area of an individual's~~
25 ~~certification as well as the general knowledge test.~~ performance assessment for both
26 teaching presentation skills and subject matter knowledge. Beginning with the 1999-
27 2000 school year, either the principal assigned to a low-performing school or the
28 assistance team assigned to a low-performing school may recommend to the State
29 Board that a certified staff member receive an evaluation using the performance
30 assessment developed under this subsection. A principal or an assistance team shall
31 not make this recommendation unless the certified staff member has received a below
32 standard or unsatisfactory rating on at least one of the functions of the Teacher
33 Performance Assessment Instrument or any other performance standard or criteria
34 adopted by the State Board and that function is related to either presentation skills,
35 subject matter knowledge, or both. Upon receiving a recommendation from a
36 principal or an assistance team, the State Board shall provide for a performance
37 assessment of the certified staff member. If the staff member receives a below
38 standard rating on the performance assessment, the staff member shall receive a
39 remediation plan addressing the deficiencies identified by the performance
40 assessment. The remediation may consist of coursework or training under subsection
41 (c) of this section, or any other services the State Board determines are appropriate.
42 Upon completion of the remediation plan, the staff member shall receive another
43 performance assessment. If the staff member receives a second below standard rating
44 on the performance assessment, the local board of education shall begin a dismissal

1 proceeding under G.S. 115C-325. The second below standard evaluation shall be
2 used as evidence of the teacher's inadequate performance. The State Board shall
3 report this plan to the Joint Legislative Education Oversight Committee prior to
4 November 15, 1998."

5 Section 2. G.S. 115C-325(q)(2a) reads as rewritten:

6 "(2a) Notwithstanding any other provision of this section or any other
7 law, this subdivision shall govern the State Board's dismissal of
8 certified staff members who have engaged in a remediation plan
9 under G.S. ~~115C-105.38A(a)~~ 115C-105.38A(c) but who, after ~~two~~
10 ~~retests~~, one retest, fail to meet the general knowledge standard set
11 by the State Board. The failure to meet the general knowledge
12 standard after ~~two retests~~ one retest shall be substantial evidence of
13 the inadequate performance of the certified staff member.

14 A certified staff member may request a hearing before a panel of
15 three members of the State Board within 30 days of any dismissal
16 under this subdivision. The State Board shall adopt procedures to
17 ensure that due process rights are afforded to certified staff
18 members recommended for dismissal under this subdivision.
19 Decisions of the panel may be appealed on the record to the State
20 Board, with further right of judicial review under Chapter 150B of
21 the General Statutes."

22 Section 3. The State Board of Education may expend funds appropriated
23 to State Aid to Local School Administrative Units, or to the Department of Public
24 Instruction, or both, to develop the performance assessment required by this act. The
25 State Board shall provide a progress report on the development of the performance
26 assessment to the Joint Legislative Education Oversight Committee prior to
27 December 15, 1998. The State Board also shall study the feasibility, including cost, of
28 making the performance assessment available to all schools, and shall report its
29 findings to the Joint Legislative Education Oversight Committee prior to December
30 15, 2000.

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



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 1126

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)
Page 1 of ____

S1126-ARC-002

Date 6/2, 1998

Comm. Sub. [YES] S1126-CSRC-002.2
Amends Title []

1 moves to amend the bill on page 6, by rewriting lines 38-43 to read:
2 "(e) Civil Immunity. -- There shall be no liability for
3 negligence on the part of the State Board of Education or a local
4 board of education, or their employees, arising from any action
5 taken or omission by any of them in carrying out the provisions of
6 this section. The immunity established by this subsection shall not
7 extend to gross negligence, wanton conduct, or intentional
8 wrongdoing that would otherwise be actionable. The immunity
9 established by this subsection shall be deemed to have been waived
10 to the extent of indemnification by insurance, indemnification under
11 Articles 31A and 31B of Chapter 143 of the General Statutes, and to
12 the extent sovereign immunity is waived under the Tort Claims Act,
13 as set forth in Article 31 of Chapter 143 of the General Statutes."
14

SIGNED *Gene Arnold*
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

adopted

MINUTES
HOUSE STANDING COMMITTEE ON EDUCATION
Tuesday, June 9, 1998

The House Committee on **EDUCATION** met in Room 544 of the Legislative Office Building on Tuesday, June 9, at 11:00 a.m. Representative Fern H. Shubert, Co-Chairperson, presided at the meeting and the following members were present: Representatives Allen, Arnold, Beall, Boyd McIntyre, Cansler, Capps, Cole, Davis, Dickson, Eddins, Fox, Grady, Gulley, Hall, Hensley, Hiatt, Ives, Kinney, Morris, Mosley, Nichols, Nye, Oldham, Owens, Preston, Rayfield, Sexton, Russell, Sherrill, Smith, Tolson, and Warner. Legislative Staff Robin Johnson, Kory Goldsmith, Sara Kamprath and Shirley Iorio were present to assist the Committee. The visitor registration sheet is attached and made part of the minutes.

Representative Shubert, presiding Chair, called the meeting to order and introduced pages Emily Mae Plemmons from Buncombe County and Daniel Edwin Price from Duplin County.

The Chair advised the Committee the first item for discussion would be **House Bill 1371, Public School Purchasing Flexibility**. The bill sponsor, Representative Yongue, was called on by the Chair to explain the bill. Representative Yongue stated this bill was a recommendation of the Joint Legislative Education Oversight Committee. Representative Capps moved for adoption of the bill for public discussion. Representative Capps also moved for a favorable report on HB 1371 and that it be re-referred to the Appropriations Committee. There was no further discussion and the Chair called for the vote and the motion passed.

The next order of business was **House Bill 1395, Incentives for Principals/ Low Perf. Schs.** Representative Grady, bill sponsor, explained this bill came out of the Education Oversight Committee. He said this was a simple bill that was designed to get good principals to go to low performing schools. After discussion the Chair recognized Representative Davis who moved for a favorable report on House Bill 1395 with it being re-referred to the Appropriations Committee. The vote was taken and the motion passed.

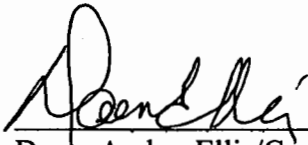
The last item on the agenda for discussion was **House Bill 1414, School Utility Costs Shared by State**. The Chair called on the bill sponsor, Representative Warner, for explanation of the bill. He explained this bill was designed to give back to the County Commissioners of the individual counties up to one half of the utility costs of the public schools. Representative Nichols asked how much would this cost? Representative Warner stated the total funding for the utilities was some where close to \$160 million as it

currently is now. About \$80 million would be the county portion. Representative Nichol's follow up question was what assurances did they have that the counties would cut taxes? Representative Warner said he would love to see some type of assurances. Representative Owens moved for a favorable report. The Chair called for the vote and the bill passed.

There being no further business the Chair adjourned the meeting.



Representative Fern H. Shubert/Presiding Chair



Dawn Amber Ellis/Committee Clerk

**1998 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. 1371 AN ACT TO IMPLEMENT THE RECOMMENDATION OF THE JOINT
LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE TO INCREASE
PURCHASING FLEXIBILITY FOR ALL PUBLIC SCHOOLS.

☒ With a favorable report.

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

☐ Appropriations ☐ Finance ☐.

☐ With a favorable report, as amended.

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

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

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

☐ And having received a unanimous vote in committee, is placed on the Consent Calendar.
(PUBLIC BILLS ONLY)

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

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

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

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

☐ Without prejudice.

☐ With an indefinite postponement report.

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

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

4/24/97

PUBLIC BILL

1371

H.B. _____

SESSION LAW _____

A BILL TO BE ENTITLED

AN ACT TO IMPLEMENT THE RECOMMENDATION OF THE JOINT LEGISLATIVE EDUCATION
OVERSIGHT COMMITTEE TO INCREASE PURCHASING FLEXIBILITY FOR ALL PUBLIC
SCHOOLS.

Introduced by Representative(s)

Yongue

Preston

Culp

Dunlop

Henson

Wagner

Goodwin

Shubert

Marsley

Sexton

Bachman

Principal Clerk's Use Only

PASSED 1ST READING

MAY 21 1998

AND REFERRED TO COMMITTEE

Education

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 1371*

Short Title: Pub. Sch. Purchasing Flexibility.

(Public)

Sponsors: Representatives Yongue, Preston; Baddour, Bonner, Culp, Goodwin, Hurley, Mosley, Sexton, Shubert, Sutton, and Warner.

Referred to: Education.

May 21, 1998

1 A BILL TO BE ENTITLED
2 AN ACT TO IMPLEMENT THE RECOMMENDATION OF THE JOINT
3 LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE TO INCREASE
4 PURCHASING FLEXIBILITY FOR ALL PUBLIC SCHOOLS.
5 The General Assembly of North Carolina enacts:
6 Section 1. G.S. 115C-522.1 reads as rewritten:
7 "§ 115C-522.1. Pilot program for provision of equipment from other sources.
8 Purchasing flexibility.
9 (a) ~~The State Board of Education shall develop and implement a pilot program~~
10 ~~allowing selected local school administrative units to purchase supplies, equipment,~~
11 ~~and materials from noncertified sources. In developing the program, the State Board~~
12 ~~shall collaborate with the Department of Administration on establishing standards,~~
13 ~~specifications, and any other measures necessary to implement and evaluate the pilot~~
14 ~~program. The State Board shall initially select twelve (12) local school administrative~~
15 ~~units that are diverse in geography and size to participate in the pilot program. If the~~
16 ~~State Board thereafter determines that the pilot program is effective, efficient, and in~~
17 ~~the best interest of the public schools, the State Board shall have the authority to~~
18 ~~expand the pilot program to additional local school administrative units.~~
19 (b) ~~Local school administrative units participating in the pilot program shall have~~
20 the authority to purchase the same supplies, equipment, and materials from
21 noncertified sources as are available under State term contracts, subject to the
22 following conditions:

- (1) The purchase price, including the cost of delivery, is less than the cost under the State term contract;
- (2) The cost of the purchase shall not exceed the bid value benchmark established under ~~G.S. 143-53.1~~; G.S. 143-53.1; and
- (3) The local school administrative unit ~~documents in writing~~ maintains written documentation of the cost savings; and savings.
- (4) ~~The local school administrative unit shall provide annually by August 15 an itemized report of the cost savings to the State Board of Education.~~

(c) The requirements listed in subsection (b) of this section shall not apply to purchases from noncertified sources that fall below the economic ordering quantity of a State term contract.

(d) ~~The State Board of Education shall provide to the~~ Upon the request of the Department of ~~Administration~~ Administration, ~~copies of the itemized annual reports produced by the local school administrative units participating in the pilot program. The State Board shall evaluate the information provided by the participating units and shall report its findings and recommendations to the Joint Legislative Education Oversight Committee by October 1, 1997, and annually thereafter. a local school administrative unit shall provide the written documentation of cost savings required under subdivision (3) of subsection (b) of this section."~~

Section 2. G.S. 115C-522(a) reads are rewritten:

"§ 115C-522. Provision of equipment for buildings.

(a) ~~It~~ Except as provided in G.S. 115C-522.1, it shall be the duty of local boards of education to purchase or exchange all supplies, equipment and materials in accordance with contracts made by or with the approval of the Department of Administration. Title to instructional supplies, office supplies, fuel and janitorial supplies, enumerated in the current expense fund budget and purchased out of State funds, shall be taken in the name of the local board of education which shall be responsible for the custody and replacement: Provided, that no contracts shall be made by any local school administrative unit for purchases unless provision has been made in the budget of the unit to pay for the purchases, unless surplus funds are on hand to pay for the purchases, or unless the contracts are made pursuant to G.S. 115C-47(28) and G.S. 115C-528 and adequate funds are available to pay in the current fiscal year the sums obligated for the current fiscal year, and in order to protect the State purchase contractor, it is made the duty of the governing authorities of the local units to pay for these purchases promptly and in accordance with the terms of the contract of purchase."

Section 3. G.S. 115C-47(23) reads as rewritten:

"(23) To Purchase Equipment and Supplies. -- Local boards shall contract for equipment and supplies ~~pursuant to the provisions of under G.S. 115C-522(a)~~ 115C-522(a), 115C-522.1, and 115C-528."

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

1998 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. 1395 A BILL TO BE ENTITLED AN ACT TO PROVIDE INCENTIVES TO PRINCIPALS WHO GO TO LOW-PERFORMING SCHOOLS AND TO PRINCIPALS WHOSE LOW-PERFORMING SCHOOLS MAKE IMPROVEMENT.

☐ With a favorable report.

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

☐ With a favorable report, as amended.

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

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

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

☐ And having received a unanimous vote in committee, is placed on the Consent Calendar.
(PUBLIC BILLS ONLY)

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

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

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

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

☐ Without prejudice.

☐ With an indefinite postponement report.

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

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

4/24/97

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 1395*

Short Title: Incentives for Principals/Low-Perf. Schs.

(Public)

Sponsors: Representatives Grady, Preston; Goodwin, Hurley, Smith, Sutton,
Warner, and Warwick.

Referred to: Education, if favorable, Appropriations.

May 21, 1998

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE INCENTIVES TO PRINCIPALS WHO GO TO LOW-
3 PERFORMING SCHOOLS AND TO PRINCIPALS WHOSE LOW-
4 PERFORMING SCHOOLS MAKE IMPROVEMENT.

5 The General Assembly of North Carolina enacts:

6 Section 1. There is appropriated from the General Fund a sum sufficient
7 to provide financial incentives to individuals who accept employment as principals of
8 schools after the schools are identified as low-performing. These funds also may be
9 used to provide a financial incentive to any principal who is assigned to a school after
10 it is identified as low-performing when the school meets its goals within two years
11 after the principal is assigned to that school. These incentives may be in the form of a
12 one-time bonus or as an enhancement to their retirement benefits.

13 Section 2. This act becomes effective July 1, 1998.

**1998 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. 1414 AN ACT TO RETURN THE PRE-1991-92 PRACTICE OF SHARING SCHOOL UTILITY COSTS WITH THE COUNTIES.

☐ With a favorable report.

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

☐ With a favorable report, as amended.

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

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

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

☐ And having received a unanimous vote in committee, is placed on the Consent Calendar.
(PUBLIC BILLS ONLY)

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

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

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

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

☐ Without prejudice.

☐ With an indefinite postponement report.

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

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

4/24/97

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 1414*

Short Title: School Utility Costs Shared by State.

(Public)

Sponsors: Representatives Warner; Allred, Beall, Black, Bonner, Gardner, Hall, Hightower, H. Hunter, Hurley, Jeffus, Luebke, McAllister, Morris, Mosley, Nesbitt, Redwine, Shubert, Sutton, Watson, Womble, and Yongue.

Referred to: Education, if favorable, Appropriations.

May 21, 1998

1 A BILL TO BE ENTITLED
2 AN ACT TO RETURN TO THE PRE-1991-92 PRACTICE OF SHARING
3 SCHOOL UTILITY COSTS WITH THE COUNTIES.
4 The General Assembly of North Carolina enacts:
5 Section 1. G.S. 115C-408(b) reads as rewritten:
6 "(b) To insure a quality education for every child in North Carolina, and to assure
7 that the necessary resources are provided, it is the policy of the State of North
8 Carolina to provide from State revenue sources the instructional expenses for current
9 operations of the public school system as defined in the standard course of study. It
10 is further the policy of the State of North Carolina to share school utility costs with
11 county governments.
12 It is the policy of the State of North Carolina that the facilities requirements for a
13 public education system will be met by county governments.
14 It is the intent of the 1983 General Assembly to further clarify and delineate the
15 specific financial responsibilities for the public schools to be borne by State and local
16 governments."
17 Section 2. The General Assembly finds that during the 1991-92 fiscal
18 year, the State began to phase out the State's contribution for public school utility
19 costs and that this phaseout put an unfunded mandate on local governments;
20 therefore, there is appropriated from the General Fund to State Aid to Local School
21 Administrative Units the sum of eighty million dollars (\$80,000,000) for the 1998-99

- 1 fiscal year. The State Board of Education shall use these funds to reimburse counties
2 for up to one-half of the school utility costs paid by local governments.
3 Section 3. This act becomes effective July 1, 1998.

VISITOR REGISTRATION SHEET

HOUSE EDUCATION

JUNE 9, 1998

Name of Committee

Date _____

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS[illegible]

JUNE 9, 1998

Date _____

[illegible]**FIRM OR AGENCY AND ADDRESS**

NCVE

NCAE

PK

Intern, Gov.'s Office

Gov. s Office

MINUTES
HOUSE STANDING COMMITTEE ON EDUCATION
Tuesday, June 16, 1998

The House Committee on **EDUCATION** met in Room 544 of the Legislative Office Building on Tuesday, June 16, at 11:00 a.m. Representative Carolyn Russell, Co-Chairperson, presided at the meeting and the following members were present: Representatives Allen, Beall, Black, Boyd McIntyre, Cansler, Capps, Crawford, Davis, Decker, Dickson, Dockham, Eddins, Fox, Grady, Gulley, Hall, Hensley, Hiatt, Insko, Ives, Moore, Morris, Mosley, McMahan, Nye, Oldham, Owens, Preston, Rayfield, Sexton, Smith, Tolson, and Wilson. Representative Shubert had an excused absence. Legislative Staff Robin Johnson, Kory Goldsmith, Sara Kamprath and Shirley Iorio were present to assist the Committee. The visitor registration sheet is attached and made part of the minutes.

Representative Russell, presiding Chair, called the meeting to order and introduced pages Kimberly McKoy from Pender County and Ajaree Whaley from Rowan County.

The Chair advised the Committee the first item for discussion would be **House Bill 1327, School Construction Bidding**. The bill sponsor Representative Owens was called on by the Chair to explain the bill. He stated the bill came to them from the Education Oversight Committee. He stated this could help some small contractors but hurt others. Representative Owens said the bill enjoyed the active support of the N.C. School Boards Association, The Carolina Council of Urban Boards of Education, and The North Carolina Parent Teachers Association, and the North Carolina Association of School Administrators.

Representative Russell asked if anyone from the School Board Association wanted to speak on this issue. Leanne Winner, The Director of Governmental Relations of the North Carolina School Boards Association, said they very strongly support this bill and the concept.

Next to speak was Henry Jones, representing the North Carolina Association of Plumbing, Heating and Cooling Contractors, and the Carolina Association of Electrical Contractors. He stated these groups very strongly oppose this bill.

The Chair called on Representative Owens for his rebuttal comments. He stated he preferred being able to have flexibility to allow the school boards to choose either way to bid the jobs.

Representative McMahan said he served as the facilitator in 1995 to the interested groups on this issue. He said people feel very strongly on both sides of this issue. As Mr. Jones pointed out, he said, there was a compromise at that time. The compromise said projects

under \$500,000.00 could have the choice of either way to bid the contracts. The real problem in this process is that you do not have one source of responsibility in a multi prime system. You have all these different people doing their own jobs and not one single person who is responsible for the entire project. No one really controls the pay check to these people, and that is how you usually get people to perform, by controlling the resources. He continued saying he tried to come up with language regarding a project expediter and they left it to be worked out at a later date by the State Building Commission. The system he said simply was not working and that is why the Oversight Committee came forward with this bill.

Representative Fox was next to speak. He said he had spoken to many contractors in his area and they were all opposed to this bill. He said he also spoke to three School Board Superintendents and they told him they were all opposed to this bill. He liked the flexibility of being able to do it both ways.

Representative Beall asked Representative Owens if this was a state wide problem, because he had not heard a word from anyone in his district about this. He also said the only correspondence he had received was against the bill.

Representative Cansler said he agreed with Representative Beall. He asked for specific examples besides the one county in Representative Owen's area. Representative Owens asked Mike Burriss to comment on this at a later time during the Committee meeting.

Representative Capps said he was for being able to get good schools built as quickly and as inexpensively as they could be built. Wake County presented figures to say they built schools in Wake County exactly as cheaply as they did in Johnston County on their three model schools. However, he said what Wake County did not say was what the construction management costs were. As he understood it there were 26 construction management people on the payroll in addition to a construction management team.

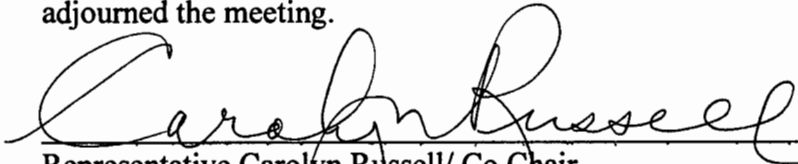
The Chair called on Representative Creech to speak about the Johnston County model schools. He said he felt compelled to explain that his area had a three school pilot and the plan was a tremendous success. He said Franklin County was desperate for the pilot program and Nash County could use it. He asked the Committee to keep in mind the local school boards does not have to use single-prime, only that it was an option. He asked the Committee to please consider this bill. He said Johnston County went from a \$98.00 a square foot cost to \$68.00 a square foot cost, and the jobs were finished early.

The Chair called on Mike Burriss, Program Manger, for the Wake County School Building Program and speaking for the Wake County Public Schools. He said single prime allows the listing of the subcontractors that are potentially to be used. But there is no listing of the fees associated with, or the cost, or the bid those contractors are submitting to the general contractors. He felt that by adding that portion of the language

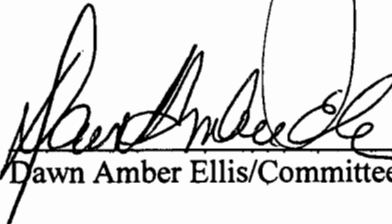
to the single contracting bill it reserves the rights of the multi-prime contractors to be assured the prices they are submitting are the low numbers. That the public owner is aware that those are the same numbers the multi-prime submitted to the general contractors in the bidding process.

Representative Capps asked Mr. Burriss what the construction management costs were in Wake County? Mr. Burriss said they currently have five individuals working for Wake County providing scheduling and budgeting assistance. The project managers are Wake County employees and they oversee six projects each during the construction phase. On the \$400 million building program that is currently ongoing in Wake County the fees for program management services are less than 1%.

The Chair interrupted to say the Committee was out of time to discuss this bill for the day and explained there were several time critical bills that had to be heard. She then advised the Committee the Co Chairs would pick sub committee members to handle this bill and adjourned the meeting.



Representative Carolyn Russell/ Co Chair



Dawn Amber Ellis/Committee Clerk

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 1327*

Short Title: School Construction Bidding.

(Public)

Sponsors: Representatives Owens, Preston; and Gardner.

Referred to: Education, if favorable, Finance.

May 19, 1998

1 A BILL TO BE ENTITLED
2 AN ACT TO IMPLEMENT THE RECOMMENDATION OF THE JOINT
3 LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE TO ALLOW
4 LOCAL SCHOOL ADMINISTRATIVE UNITS TO USE SINGLE-PRIME
5 BIDDING, MULTI-PRIME BIDDING, OR BOTH, FOR CONSTRUCTION
6 PROJECTS OVER FIVE HUNDRED THOUSAND DOLLARS.

7 The General Assembly of North Carolina enacts:

8 Section 1. G.S. 143-128 is amended by adding a new subsection to read:

9 "(d1) Local school administrative units; building projects over five hundred
10 thousand dollars (\$500,000). -- Notwithstanding subsection (d) of this section or any
11 other provision of law, when the entire cost of the building project is more than five
12 hundred thousand dollars (\$500,000), local school administrative units may accept
13 bids under the single-prime contract system, the separate-prime contract system, or
14 both. All other provisions of G.S. 143-128 which are not inconsistent with this
15 subsection shall apply to local school administrative units."

16 Section 2. This act is effective when it becomes law and applies to bids
17 solicited on or after that date.

SEPARATE PRIME BIDDING SAVED

N.C. TAXPAYERS:

\$ 41,476,855 *6/16/98 xbrly Jones*

**COMPILATION OF PUBLIC FUNDED JOBS BID SEPARATE PRIME
AND SINGLE PRIME UNDER THE GUIDELINES OF SB-308
AUGUST, 1989 - AUGUST, 1993**

SUB-GOVERNMENTS - (County & City)

Separate Prime Bid Totals: \$ 380,439,273
Single Prime Bid Totals: \$ 399,445,251

SEPARATE PRIME LOW BY: \$ 19,005,978 \$ 19,005,978

**STATE CONSTRUCTION - (N.C. Projects,
Universities, Community Colleges)**

Separate Prime Bid Totals: \$ 118,582,920
Single Prime Bid Totals: \$ 125,396,102

SEPARATE PRIME LOW BY: \$ 6,813,182 \$ 6,813,182

HOSPITALS - NURSING HOMES - PUBLIC HEALTH

Separate Prime Bid Totals: \$ 52,121,344
Single Prime Bid Totals: \$ 53,497,438

SEPARATE PRIME LOW BY: \$ 1,376,094 \$ 1,376,094

PUBLIC SCHOOLS

Separate Prime Bid Totals: \$ 252,386,610
Single Prime Bid Totals: \$ 266,668,211

SEPARATE PRIME LOW BY: \$ 14,281,601 \$ 14,281,601

TOTAL SEPARATE PRIME SAVINGS: \$ 41,476,855

**SEPARATE PRIME BIDDING =
SAVINGS TO N.C. TAXPAYERS: \$ 41,476,855**

6/16/98
Henry Jones

Excerpts from the Report to the General Assembly on Single and Multi Prime Contracting in North Carolina Public Construction: 1989-1994

"1. Time to Completion: In considering all projects surveyed, there appears to be no statistically significant difference between the single and multi-prime contracting forms in time of completion..."

"2. Bid Prices: Overall, more than three-quarters of the projects were won by multi-prime contractors. Of those projects that were bid both ways, the same three-quarters proportion holds, with the lowest responsible bid coming from a set of multi-primers 76% of the time..."

"3. Contract Cost Per Square Foot: There is no evidence of any difference between the two contract types in contract cost (that is, excluding administrative, legal, and other post-contractual costs) per square foot, either overall or in comparing new structures of similar type."

"4. Administrative Costs: ...no statistically reliable conclusions on administrative costs can be drawn from the survey data that has been collected."

"5. Change Orders: There are no substantive differences in the pattern of change orders in single and multi-prime projects, except for the differences definitionally associated with the form of contracting..."

VISITOR REGISTRATION SHEET

EDUCATION

June 16, 1998

Name of Committee

Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Dave Simpson	Carolinas A/C
Karen Gahr	Gov's Office
NIRALI PATEL	Intern, Gov's Office
COBE LEMURMAN	Bolton Corp. RALEIGH
Sumner Williams	NCCCS
* Mike Dupree	Wake Cty Schools - HODGKINS Int'l.
Susan Harrison	WCPSS
Bill Wilson	NCAE
Hernit Dial	NCAE
Derrick W. Ford	NLPTA
Bob Campbell	Biemann & Rowell Co.
James B Taylor	Biemann & Rowell Co
Roy Jackson	Statewide A/C
Martha Glass	DOA-
Alene Sharpe	State Construction
Spencer Hays	State Const Office
Thad Daise	NCAE
Dandia King	SEANC AREA 14
Charlie Holloway	SEANC AREA 14
Valerie Breuninger	SEANC AREA #14
Willie Walker	SEANC AREA #14
Dunno Nwagwu	Research
Chris Fitzsimon	Common Sense Foundation

* = Vis. spoke

VISITOR REGISTRATION SHEET

EDUCATION

June 16, 1998

Name of Committee

Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Stephanie Summerson	NCJCDC
Sarah Stewart	AFT/NC
Janis Ramsdell	Contractors
P. Nieters	SBE
Ann Belam	SBE
* Leanne Kinner	NCSBA
Jim Blackburn	NC Assoc. County Commr's
Ed Regan	" " "
ERIC TRULOVE	NCAPHCC MECHANICAL CONTR
JOHN W. Boyd	CECA-ABC Electrical Contrs.
EDDIE TRULOVE	CONTRACTOR - NCAPHCC
Richard C. Day	Contractor - Electrical
John Jordan	Electrical Contractors Assn.
Tim Gent	American Inst. of Architects
LESTER W. FRANKLIN	ELECTRICAL CONTRACTOR
Bobby Ann Baker	MECHANICAL CONTRACTOR
Wayne Thrower	TAP/AP
GEORGE DAIL	Southern Piping Company
CHRIS WILLIAMS	SOUTHERN PIPING CO.
Mig ALLRED	Chapel Hill, N.C.
Marius Allred	Raleigh, N.C.
Joseph Peters	SPASOC/EEBC
* Harry Jones	NCAPHCC CECA

MINUTES
HOUSE STANDING COMMITTEE ON EDUCATION
Tuesday, June 23, 1998

The House Committee on **EDUCATION** met in Room 544 of the Legislative Office Building on Tuesday, June 23, at 11:00 a.m. Representative Fern H. Shubert, Co-Chairperson, presided at the meeting and the following members were present: Representatives Allen, Arnold, Beall, Black, Cansler, Capps, Cole, Crawford, Daugherty, Davis, Decker, Dickson, Eddins, Grady, Gulley, Hall, Hensley, Hiatt, Insko, Ives, Morris, McMahan, Nye, Oldham, Owens, Preston, Rayfield, Russell, Sexton, Sherrill, Smith, Tolson, Warner, and Wilson. Representative's Fox and Moore had excused absences. Legislative Staff Robin Johnson, Kory Goldsmith, Sara Kamprath and Shirley Iorio were present to assist the Committee. The visitor registration sheet is attached and made part of the minutes.

Representative Shubert, presiding Chair, called the meeting to order and introduced the pages: Anne Simmons Tucker from Mecklenburg County and Melissa Brady Warren from Wake County.

Representative Shubert called on Representative Russell for a minor piece of Committee business. Representative Russell stated House Bill 1319 was unanimously approved at a previous meeting. The bill was reported out and re-referred per instructions from the Principal Clerks office, to the Appropriations Committee. Without objection she asked the Committee to reconsider HB 1319 and the bill be given a favorable report and reported in. As there was no discussion a vote was taken and the motion carried.

The Chair advised the Committee the first item for discussion would be **House Bill 1739, RETIREMENT/ CHARTER SCHOOLS**. Representative Daughtry, bill sponsor, explained there was a proposed committee substitute. Representative Sherrill moved adoption of the proposed committee substitute for discussion.

Representative Daughtry stated Charter Schools started in North Carolina in 1997. He said this bill was to keep Charter Schools on a healthy course in this state. As the bill was complex Representative Daughtry called on Robin Johnson to explain each part of the bill. Mrs. Johnson stated this bill was similar to the original bill. There were many technical changes and changed the original section one. She explained each section of the bill. Representative Grady asked about the buy back provision for employees of Charter Schools. Mr. Johnson answered his questions. Upon completion of Mrs. Johnson's explanation the Chair turned the gavel over to Representative Russell to continue to chair the meeting. Representative Shubert did this as she had an amendment to run on the bill.

Representative Daughtry brought to the attention of the Committee Mr. Doug Hanes who is the founder of the Rocky Mount Charter School, the states largest Charter School.

After he introduced Mr. Hanes he asked him to speak to the Committee. Mr. Hanes said North Carolina had an opportunity to be a leader in education innovation. This would be done by protecting and accelerating the growth of Charter Schools in the state. Charter Schools should be viewed as a significant structural change in the way they deliver public education. Numerous schools have positive progress in just one year, he said. Charter Schools will take two to three years before they can be evaluated fairly. These schools have founders who are courageous entrepreneurs, who risk their personal wealth and reputation for this noble cause. He asked the Committee to support the bill.

Representative Daughtry introduced the next speaker, Mr. Roger Gerber, co-founder of the Village Charter and the Orange Charter School in Chapel Hill, North Carolina. Mr. Gerber asked the Committee for their support of the bill. He said from the perspective of the parents, they were excited about Charter Schools. He said the empowering of the students and parents is what is making the Charters work. He asked the Committee grant them some flexibility to survive.

Representative Russell, presiding, recognized Representative Rayfield, who made a motion for a favorable report to the Committee Substitute for HB 1739, unfavorable to the original bill and the bill be re-referred to the Committee on Pensions and Retirement. Representative Shubert presented her amendment. The Chair recognized Ms. Judy Hoffman to speak on the amendment. Ms. Hoffman explained she serves on the Wake County Board of Education, serving 9 years total. She said she was pleased Representative Shubert brought forth the amendment. She supported the amendment and hoped they could all work together for the betterment of Charter Schools.

Representative Shubert explained to Representative Owens that if a local school board elected to go through the procedure like a Charter School then they get the benefits of a Charter. She stated she felt this would help ease some of the animosity that sometimes exists because of the perceived unfairness of the situation.

Representative Arnold asked the amendment sponsor if the school was granted a Charter under the amendment which testing procedures would they follow? Representative Shubert stated this amendment would not change any current rule. The Chair recognized Representative Shubert for a motion to adopt the amendment. The vote was taken and the amendment carried.

Representative Shubert took over the position as presiding Chair. She recognized Representative Grady for an amendment. He explained his amendment and as there were no comments or questions from the Committee the vote was taken and the amendment carried.

The Chair called on Representative Nichols for an amendment. He said currently the state schools did not have to pay gasoline tax but Charter Schools do. The amendment was to

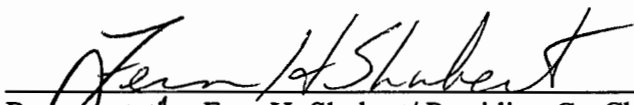
allow the local boards of education to obtain refunds of sales and use tax. Representative Shubert explained this amendment was not plowing new ground. This amendment was in two other pieces of pending legislation the Senate refused to take up. Representative Daughtry spoke against the amendment. Representative Nichols requested the yeas and nos on the amendment. Representative Dickson asked what the fiscal impact of the amendment would be? Representative Nichols answered for ½ year it was \$11.4 million and for a full year it was \$26.4 million and to the local it is a loss of \$13.2 for a full year and \$5.7 in a partial year. Representative Hensley said he agreed with Representative Nichols, this strategy was brilliant for outwitting the Senate. He said it was hard not to vote for a bill that gives a tax break to schools.

Representative Daughtry said if this amendment was attached to the bill it would surely hold up the bill's passage. The Charter Schools needed the loose ends tied up and they were doing an outstanding job. He asked everyone to vote against the amendment.

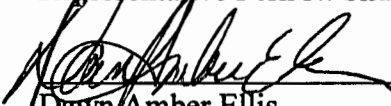
Representative Nichols told Representative Daughtry that he supported every piece of legislation concerning Charter Schools. He was asked by two school superintendents who have complained about the sales tax laws and have asked him to fix it and so he presented this amendment.

There were no additional comments so the roll call vote was taken. The vote was 22 against, 14 for. The amendment failed.

Representative Hensley requested to be recognized to send up three amendments. Representative Shubert stated that he had the entire previous hour to do so and as the Committee was out of meeting time the motion from Representative Rayfield was in order. Representative Rayfield called the question and it was sustained. The vote on Representative Rayfield's motion was taken and carried.



Representative Fern H. Shubert/ Presiding Co-Chair



Dawn Amber Ellis

lead out 6/25/98

**1998 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. 1319 A BILL TO BE ENTITLED AN ACT TO EXTEND FOR ONE YEAR THE
DEADLINE FOR MATCHING COMMUNITY COLLEGE BOND FUNDS.

- ☒ With a favorable report.
- ☐ With a favorable report and recommendation that the bill be re-referred to the Committee on
☐ Appropriations ☐ Finance ☐
- ☐ With a favorable report, as amended.
- ☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on ☐ Appropriations ☐ Finance ☐
- ☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title,
unfavorable as to original bill (Committee Substitute Bill #), (and recommendation
that the committee substitute bill #) be re-referred to the Committee on .)
- ☐ With a favorable report as to House committee substitute bill (#), ☐ which changes
the title, unfavorable as to Senate committee substitute bill.
- ☐ And having received a unanimous vote in committee, is placed on the Consent Calendar.
(PUBLIC BILLS ONLY)
- ☐ With an unfavorable report.
- ☐ With recommendation that the House concur.
- ☐ With recommendation that the House do not concur.
- ☐ With recommendation that the House do not concur; request conferees.
- ☐ With recommendation that the House concur; committee believes bill to be material.
- ☐ With an unfavorable report, with a Minority Report attached.
- ☐ Without prejudice.
- ☐ With an indefinite postponement report.
- ☐ With an indefinite postponement report, with a Minority Report attached.
- ☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

4/24/97

A BILL TO BE ENTITLED

AN ACT TO EXTEND FOR ONE YEAR THE DEADLINE FOR MATCHING COMMUNITY COLLEGE BOND FUNDS.

Introduced by Representative(s)

Thompson

Buchanan

Carpenter

*Hightower**R. Hightower**Shubert*

Principal Clerk's Use Only

PASSED 1st READING
MAY 19 1998
AND REFERRED TO COMMITTEE
ON *Education*

Favorable, Appropriations
Committee on *Education*
of which a report has been considered
and it is recommended that it be passed.
Rep Russell & Shubert
For the Committee
~~recommended that the bill~~
be re-referred to the Committee on
Appropriations.

REPORTED FAVORABLY JUN 02 1998
re-referred to Appropriations

ON MOTION OF
REP. *Helmer*
WITHDRAWN FROM
Appropriations
JUN 11 1998
RECOMMITTED TO
Education

**1998 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. 1739 A BILL TO BE ENTITLED AN ACT TO ALLOW CHARTER SCHOOLS TO ELECT TO PARTICIPATE IN THE NORTH CAROLINA TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM, IN THE NORTH CAROLINA TEACHERS' AND STATE EMPLOYEES' COMPREHENSIVE MAJOR MEDICAL PLAN, OR BOTH, TO GIVE CHARTER SCHOOLS THE SAME MOTOR FUEL TAX EXEMPTION AS PUBLIC SCHOOLS, TO ALLOW CHARTER SCHOOLS TO OBTAIN THE SAME PERMANENT LICENSE PLATES AS PUBLIC SCHOOLS, TO MAKE CHANGES IN THE CHARTER SCHOOL LAW, AND TO REQUIRE RULES GOVERNING CHARTER SCHOOLS TO BE SUBJECT TO REVIEW.

- ☐ With a favorable report.
- ☐ With a favorable report and recommendation that the bill be re-referred to the Committee on
☐ Appropriations ☐ Finance ☐
- ☐ With a favorable report, as amended.
- ☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on ☐ Appropriations ☐ Finance ☐
- ☒ With a favorable report as to committee substitute bill which changes the title, unfavorable as to original bill, and recommendation that the committee substitute bill be re-referred to the Committee on Pensions and Retirement.
- ☐ 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.

FOR JOURNAL USE ONLY

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

D

HOUSE BILL 1739*

Proposed Committee Substitute H1739-PCS6453-RH003

Short Title: Retirement/Charter Schs.

(Public)

Sponsors:

Referred to:

June 1, 1998

- 1 A BILL TO BE ENTITLED
2 AN ACT TO ALLOW CHARTER SCHOOLS TO ELECT TO PARTICIPATE IN
3 THE NORTH CAROLINA TEACHERS' AND STATE EMPLOYEES'
4 RETIREMENT SYSTEM, IN THE NORTH CAROLINA TEACHERS' AND
5 STATE EMPLOYEES' COMPREHENSIVE MAJOR MEDICAL PLAN, OR
6 BOTH, TO GIVE CHARTER SCHOOLS THE SAME MOTOR FUEL TAX
7 EXEMPTION AS PUBLIC SCHOOLS, TO ALLOW CHARTER SCHOOLS TO
8 OBTAIN THE SAME PERMANENT LICENSE PLATES AS PUBLIC
9 SCHOOLS, TO MAKE CHANGES IN THE CHARTER SCHOOL LAW, TO
10 PERMIT A LOCAL BOARD OF EDUCATION TO APPLY FOR CHARTER
11 STATUS FOR ONE OR MORE OF ITS PUBLIC SCHOOLS, AND TO
12 REQUIRE RULES GOVERNING CHARTER SCHOOLS TO BE SUBJECT TO
13 REVIEW.
14 The General Assembly of North Carolina enacts:
15 Section 1. G.S. 115C-238.29F(e) reads as rewritten:
16 "(e) Employees. --
17 (1) An employee of a charter school operated by a private nonprofit
18 corporation is not an employee of the local school administrative
19 unit in which the charter school is located. An employee of a
20 charter school operated by a local school administrative unit is an
21 employee of the local school administrative unit in which the
22 charter school is located. The charter school's board of directors
23 shall employ and contract with necessary teachers to perform the

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

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

13 (3) If a teacher employed by a local school administrative unit makes a
14 written request for an extended leave of absence to teach at a
15 charter school, school operated by a private nonprofit corporation,
16 the local school administrative unit shall grant the leave. The local
17 school administrative unit shall grant a leave for any number of
18 years requested by the teacher, shall extend the leave for any
19 number of years requested by the teacher, and shall extend the
20 leave at the teacher's request. For the initial year of a charter
21 school's operation, the local school administrative unit may require
22 that the request for a leave or extension of leave be made up to 45
23 days before the teacher would otherwise have to report for duty.
24 For subsequent years, the local school administrative unit may
25 require that the request for a leave or extension of leave be made
26 up to 90 days before the teacher would otherwise have to report
27 for duty. A teacher who has career status under G.S. 115C-325
28 prior to receiving an extended leave of absence to teach at a
29 charter school may return to a public school in the local school
30 administrative unit with career status at the end of the leave of
31 absence or upon the end of employment at the charter school if an
32 appropriate position is available. If an appropriate position is
33 unavailable, the teacher's name shall be placed on a list of
34 available teachers and that teacher shall have priority on all
35 positions for which that teacher is qualified in accordance with
36 G.S. 115C-325(e)(2).

37 (4) The employees of the charter school operated by a private
38 nonprofit corporation shall be deemed employees of the local
39 school administrative unit for purposes of providing certain State-
40 funded employee benefits, including membership in the Teachers'
41 and State Employees' Retirement System and the Teachers' and
42 State Employees' Comprehensive Major Medical Plan. The State
43 Board of Education provides funds to charter schools, schools
44 operated by private nonprofit corporations, approves the original

members of the boards of directors of the charter schools, has the authority to grant, supervise, and revoke charters, and demands full accountability from charter schools for school finances and student performance. Accordingly, it is the determination of the General Assembly that charter schools operated by private nonprofit corporations are public schools and that the employees of these charter schools are public school employees ~~and are "teachers" for purposes of membership in the North Carolina Teachers' and State Employees' Retirement System and State Employees' Comprehensive Major Medical Plan.~~ employees. Employees of a charter school operated by a private nonprofit corporation whose board of directors elects to join under G.S. 138-5.3 are 'teachers' for the purpose of membership in the North Carolina Teachers' and State Employees' Retirement System. Employees of a charter school operated by a private nonprofit corporation whose board of directors elects to join under G.S. 135-40.3A are 'teachers' for the purpose of membership in the North Carolina Teachers' and State Employees' Comprehensive Major Medical Plan. 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."

Section 2. Article 1 of Chapter 135 of the General Statutes is amended by adding the following new section:

"§ 135-5.3. Optional participation for charter schools operated by private nonprofit corporations.

(a) The board of directors of each charter school operated by a private nonprofit corporation shall elect to join the Retirement System in accordance with the laws applicable to that System. This election shall be in writing, shall be made no later than September 1, 1998, and shall be filed with the Retirement System and with the State Board of Education. This election is effective as of the date the board makes the election for each charter school employee who is employed on or before the date the board makes the election. The election is effective as of the date of entry into eligible service for each charter school employee who is employed after the date the board makes the election. This subsection applies only to charter schools that received State Board of Education approval under G.S. 115C-238.29D in 1997 or 1998.

(b) No later than 30 days after both parties have signed the written charter under G.S. 115C-238.29E, the board of directors of a charter school shall elect to join the Retirement System in accordance with the laws applicable to that System. This election shall be in writing and filed with the Retirement System and with the State Board of Education and is effective for each charter school employee as of the date of entry into eligible service. This subsection applies to charter schools that receive State Board of Education approval under G.S. 115C-238.29D after 1998.

1 (c) A board's election to join the Retirement System under this section is
2 irrevocable and shall require all employees of the charter school to participate.

3 (d) No retirement benefit, death benefit, or other benefit under the Retirement
4 System shall be paid by the State of North Carolina or the Board of Trustees of the
5 Teachers' and State Employees' Retirement System with respect to any employee of a
6 charter school whose board of directors does not elect to join the Retirement System
7 under this section or with respect to any beneficiary of that employee.

8 (e) The board of directors of each charter school shall notify each of its employees
9 as to whether the board elected to join the Retirement System under this section.
10 This notification shall be in writing and shall be provided within 30 days of the
11 board's election or at the time an initial offer for employment is made, whichever
12 occurs last. If the board did not elect to join the Retirement System, the notice shall
13 include a statement that the employee shall have no legal recourse against the board
14 or the State for any possible credit or reimbursement under the Retirement System.
15 The employee shall provide written acknowledgment of the employee's receipt of the
16 notification under this subsection."

17 Section 3. G.S. 135-4 is amended by adding the following new subsection
18 to read:

19 "(bb) Credit for Employment in Charter School Operated by a Private Nonprofit
20 Corporation. -- Any member may purchase creditable service for any employment as
21 an employee of a charter school operated by a private nonprofit corporation whose
22 board of directors did not elect to participate in the Retirement System under G.S.
23 135-5.3 upon completion of five years of membership service after that charter school
24 employment by making a lump-sum payment into the Annuity Savings Fund. The
25 payment by the member shall be equal to the full liability of the service credits
26 calculated on the basis of the assumptions used for purposes of the actuarial valuation
27 of the Retirement System's liabilities, taking into account the additional retirement
28 allowance arising on account of the additional service credits commencing at the
29 earliest age at which the member could retire with an unreduced retirement
30 allowance, as determined by the Board of Trustees upon the advice of the actuary
31 plus an administrative expense fee to be determined by the Board of Trustees.
32 Notwithstanding the foregoing provisions of this subsection that provide for the
33 purchase of service credits, the terms 'full cost', 'full liability', and 'full actuarial cost'
34 include assumed annual postretirement allowance increases, as determined by the
35 Board of Trustees, from the earliest age at which a member could retire on an
36 unreduced service allowance."

37 Section 4. G.S. 135-40.1(6) reads as rewritten:

38 "(6) Employing Unit. -- A North Carolina School System; Community
39 College; State Department, Agency or Institution; Administrative
40 Office of the Courts; or Association or Examining Board whose
41 employees are eligible for membership in a State-Supported
42 Retirement System. An employing unit also shall mean a charter
43 school operated by a private nonprofit corporation in accordance
44 with Part 6A of Chapter 115C of the General Statutes whose

1 ~~employees are deemed to be public employees and members of a~~
2 ~~State-Supported Retirement System, whose board of directors~~
3 ~~elects to join the Plan under G.S. 135-40.3A."~~

4 Section 5. Part 3 of Article 3 of Chapter 135 is amended by adding the
5 following new section:

6 "§ 135-40.3A. Optional participation for charter schools operated by private
7 nonprofit corporations.

8 (a) The board of directors of each charter school operated by a private nonprofit
9 corporation shall elect to join the Plan in accordance with the laws applicable to that
10 Plan. This election shall be in writing, shall be made no later than September 1, 1998,
11 and shall be filed with the Executive Administrator and Board of Trustees and with
12 the State Board of Education. This election is effective as of the date the board
13 makes the election for each charter school employee who is employed on or before
14 the date the board makes the election. The election is effective as of the date of
15 entry into eligible service for each charter school employee who is employed after the
16 date the board makes the election. This subsection applies only to charter schools
17 that received State Board of Education approval under G.S. 115C-238.29D in 1997 or
18 1998.

19 (b) No later than 30 days after both parties have signed the written charter under
20 G.S. 115C-238.29E, the board of directors of a charter school shall elect to join the
21 Plan in accordance with the laws applicable to that Plan. This election shall be in
22 writing and filed with the Executive Administrator and Board of Trustees and with
23 the State Board of Education and is effective for each charter school employee as of
24 the date of entry into eligible service. This subsection applies to charter schools that
25 receive State Board of Education approval under G.S. 115C-238.29D after 1998.

26 (c) A board's election to join the Plan under this section is irrevocable and shall
27 require all employees of the charter school to participate.

28 (d) If a charter school's board of directors does not elect to join the Plan under
29 this section, that school's employees and the dependents of those employees are not
30 eligible for any benefits under the Plan.

31 (e) The board of directors of each charter school shall notify each of its employees
32 as to whether the board elected to join the Plan under this section. This notification
33 shall be in writing and shall be provided within 30 days of the board's election or at
34 the time an initial offer for employment is made, whichever occurs last. If the board
35 did not elect to join the Plan, the notice shall include a statement that the employee
36 shall have no legal recourse against the board or the State for any possible benefit
37 under the Plan. The employee shall provide written acknowledgment of the
38 employee's receipt of the notification under this subsection."

39 Section 6. G.S. 105-228.90(b) reads as rewritten:

40 "(b) Definitions. -- The following definitions apply in this Article:

41 (1) Reserved.

42 (2) Charter school board. -- A nonprofit corporation that has a charter
43 under G.S. 115D-238.29D to operate a charter school.

~~(1)~~(3) City. -- A city as defined by G.S. 160A-1(2). The term also includes an urban service district defined by the governing board of a consolidated city-county, as defined by G.S. 160B-2(1).

~~(1a)~~(4) Code. -- The Internal Revenue Code as enacted as of January 1, 1997, including any provisions enacted as of that date which become effective either before or after that date.

~~(1b)~~(5) County. -- Any one of the counties listed in G.S. 153A-10. The term also includes a consolidated city-county as defined by G.S. 160B-2(1).

~~(2)~~(6) Reserved.

~~(3)~~(7) Electronic Funds Transfer. -- A transfer of funds initiated by using an electronic terminal, a telephone, a computer, or magnetic tape to instruct or authorize a financial institution or its agent to credit or debit an account.

~~(4)~~(8) Reserved.

~~(5)~~(9) Person. -- An individual, a fiduciary, a firm, an association, a partnership, a limited liability company, a corporation, a unit of government, or another group acting as a unit. The term includes an officer or employee of a corporation, a member, a manager, or an employee of a limited liability company, and a member or employee of a partnership who, as officer, employee, member, or manager, is under a duty to perform an act in meeting the requirements of Subchapter I, V, or VIII of this Chapter or of Article 3 of Chapter 119 of the General Statutes.

~~(6)~~(10) Secretary. -- The Secretary of Revenue.

~~(7)~~(11) Tax. -- A tax levied under Subchapter I, V, or VIII of this Chapter or an inspection tax levied under Article 3 of Chapter 119 of the General Statutes. Unless the context clearly requires otherwise, the terms "tax" and "additional tax" include penalties and interest as well as the principal amount.

~~(8)~~(12) Taxpayer. -- A person subject to the tax or reporting requirements of Subchapter I, V, or VIII of this Chapter or of Article 3 of Chapter 119 of the General Statutes."

Section 7. G.S. 105-449.88 reads as rewritten:

"§ 105-449.88. Exemptions from the excise tax.

The excise tax on motor fuel does not apply to the following:

- (1) Motor fuel removed, by transport truck or another means of transfer outside the terminal transfer system, from a terminal for export, if the supplier of the motor fuel collects tax on it at the rate of the motor fuel's destination state.
- (2) Motor fuel sold to the federal government.
- (3) Motor fuel sold to the State for its use.
- (4) Motor fuel sold to a local board of education for use in the public school system.

1 (5) Motor fuel sold to a charter school board for use for charter school
2 purposes."

3 Section 8. G.S. 20-84 reads as rewritten:

4 **"§ 20-84. Vehicles owned by State, municipalities or orphanages, etc.; certain vehicles**
5 **operated by the local chapters of American National Red Cross.**

6 The Division upon proper proof being filed with it that any motor vehicle for
7 which registration is herein required is owned by the State or any department
8 thereof, or by any county, township, city or town, or by any board of education, or by
9 any nonprofit corporation that has a charter under G.S. 115C-238.29D to operate a
10 charter school, or by any orphanage or civil air patrol, or incorporated emergency
11 rescue squad, or incorporated REACT ("Radio Emergency Association of Citizen
12 Teams") Team, or for any motor vehicle involved exclusively in the support of a
13 disaster relief effort, shall collect six dollars (\$6.00) for the registration of such motor
14 vehicles, but shall not collect any fee for application for certificate of title in the
15 name of the State or any department thereof, or by any county, township, city or
16 town, or by any board of education or orphanage: Provided, that the term "owned"
17 shall be construed to mean that such motor vehicle is the actual property of the State
18 or some department thereof or of the county, township, city or town, or of the board
19 of education, and no motor vehicle which is the property of any officer or employee
20 of any department named herein shall be construed as being "owned" by such
21 department. Provided, that the above exemptions from registration fees shall also
22 apply to any church-owned bus used exclusively for transporting children and parents
23 to Sunday school and church services and for no other purpose.

24 In lieu of the annual six dollars (\$6.00) registration provided for in this section, the
25 Division may for the license year 1950 and thereafter provide for a permanent
26 registration of the vehicles described in this section and issue permanent registration
27 plates for such vehicles. The permanent registration plates issued pursuant to this
28 paragraph shall be of a distinctive color and shall bear thereon the word
29 "permanent." Such plates may be transferred as provided in G.S. 20-78 to a
30 replacement vehicle of the same classification. For the permanent registration and
31 issuance of permanent registration plates provided for in this paragraph, the Division
32 shall collect a fee of six dollars (\$6.00) for each vehicle so registered and licensed.

33 The provisions of this section are hereby made applicable to vehicles owned by a
34 rural fire department, agency or association.

35 The Division of Motor Vehicles shall issue to the North Carolina Tuberculosis
36 Association, Incorporated, or any local chapter or association of said corporation, for
37 a fee of six dollars (\$6.00) for each plate a permanent registration plate which need
38 not be thereafter renewed for each motor vehicle in the form of a mobile X-ray unit
39 which is owned by said North Carolina Tuberculosis Association, Incorporated, or
40 any local chapter or local association thereof and operated exclusively in this State
41 for the purpose of diagnosis, treatment and discovery of tuberculosis. The initial six
42 dollars (\$6.00) fee required by this section and for this purpose shall be in full
43 payment of the permanent registration plates issued for such vehicle operated as a
44 mobile X-ray unit, and such plates need not thereafter be renewed, and such plates

1 may be transferred as provided in G.S. 20-78 to replacement vehicles to be used for
2 the purposes above described and for which the plates were originally issued.

3 The Division of Motor Vehicles shall issue to the American National Red Cross,
4 upon application of any local chapter thereof and payment of a fee of six dollars
5 (\$6.00) for each plate, a permanent registration plate, which need not be thereafter
6 renewed, for all disaster vans, bloodmobiles, handivans, and such sedans and station
7 wagons as are used for emergency or disaster work, and operated by a local chapter
8 in this State in the business of the American National Red Cross. Such plates may be
9 transferred as provided in G.S. 20-78 to a replacement vehicle to be used for the
10 purposes above described and for which the plates were originally issued. In the
11 event of transfer of ownership to any other person, firm or corporation, or transfer or
12 reassignment of any vehicle bearing such registration plate to any chapter or
13 association of the American National Red Cross in any other state, territory or
14 country, the registration plate assigned to such vehicle shall be surrendered to the
15 Division of Motor Vehicles.

16 In lieu of all other registration requirements, the Commissioner shall each year
17 assign to the State Highway Patrol, upon payment of six dollars (\$6.00) per
18 registration plate, a sufficient number of regular registration plates of the same letter
19 prefix and in numerical sequence beginning with number 100 to meet the
20 requirements of the State Highway Patrol for use on Division vehicles assigned to the
21 State Highway Patrol. The commander of the Patrol shall, when such plates are
22 assigned, issue to each member of the State Highway Patrol a registration plate for
23 use upon the Division vehicle assigned to him pursuant to G.S. 20-190 and assign a
24 registration plate to each Division service vehicle operated by the Patrol. An index of
25 such assignments of registration plates shall be kept at each State Highway Patrol
26 radio station and a copy thereof shall be furnished to the registration division of the
27 Division. Information as to the individual assignments of such registration plates shall
28 be made available to the public upon request to the same extent and in the same
29 manner as regular registration information. The commander, when necessary, may
30 reassign registration plates provided that such reassignment shall be made to appear
31 upon the index required herein within 20 days after such reassignment.

32 The Division of Motor Vehicles shall, upon appropriate certification of financial
33 responsibility, issue to sheltered workshops recognized or approved by the Division of
34 Vocational Rehabilitation Services and to public and nonprofit agencies or
35 organizations which provide transportation for or operate programs subject to and
36 approved in accordance with standards adopted by the Commission for Mental
37 Health, Developmental Disabilities, and Substance Abuse Services of the Department
38 of Health and Human Services upon application and payment of a fee of six dollars
39 (\$6.00) for each plate, a permanent registration plate for vehicles registered to and
40 operated by such agencies. The initial six dollars (\$6.00) fee required by this section
41 and for this purpose shall be in full payment of the permanent registration plate
42 issued for such vehicle operated by a sheltered workshop and such plates need not
43 thereafter be renewed, and such plates may be transferred as provided in G.S. 20-78

1 to a replacement vehicle to be used by the sheltered workshop designated on the
2 registration card.

3 On and after January 1, 1972, permanent registration plates used on all vehicles
4 owned by the State of North Carolina or a department thereof shall be of a
5 distinctive color and design which shall be readily distinguishable from all other
6 permanent registration plates issued pursuant to this section or G.S. 20-84.1. For the
7 purpose of carrying out the intent of this paragraph, all vehicles owned by the State
8 of North Carolina or a department thereof in operation as of October 1, 1971, and
9 bearing a permanent registration shall be reregistered during the months of October,
10 November and December, 1971, and upon reregistration, registration plates issued for
11 such vehicles shall be of a distinctive color and design as provided for hereinabove."

12 Section 9. G.S. 115C-238.29B(a) reads as rewritten:

13 "(a) Any person, group of persons, ~~or nonprofit corporation~~ corporation, or local
14 board of education seeking to establish a charter school may apply to establish a
15 charter school. If ~~the an~~ applicant other than a local board of education seeks to
16 convert a public school to a charter school, the application shall include a statement
17 signed by a majority of the teachers and instructional support personnel currently
18 employed at the school indicating that they favor the conversion and evidence that a
19 significant number of parents of children enrolled in the school favor conversion. If a
20 local board of education seeks a charter for a school, the application shall include a
21 statement that the local board understands that no employee shall be required to
22 work at the charter school and no student shall be assigned to the school except at
23 the request of the student's parent or guardian."

24 Section 10. G.S. 115C-238.29B(b)(3) reads as rewritten:

25 "(3) The governance structure of the ~~school~~ school, if the applicant is
26 not a local board of education, including the names of the
27 proposed initial members of the board of directors of the
28 nonprofit, tax-exempt corporation and the process to be followed
29 by the school to ensure parental involvement."

30 Section 11. G.S. 115C-238.29B(b)(11) reads as rewritten:

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

38 Section 12. G.S. 115C-238.29B(c) reads as rewritten:

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

41 (1) The local board of education of the local school administrative
42 unit in which the charter school will be ~~located~~; located, unless the
43 applicant is a local board of education;

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

(3) The State Board of Education.

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

Notwithstanding the provisions of this subsection, if the State Board of Education finds that an applicant (i) submitted an application to a local board of education and received final approval from the State Board of Education, but (ii) is unable to find a suitable location within that local school administrative unit to operate, the State Board of Education may authorize the charter school to operate within an adjacent local school administrative unit for one year only. The charter school cannot operate for more than one year unless it reapplies, in accordance with subdivision (1), (2), or (3) of this subsection, and receives final approval from the State Board of Education."

Section 13. G.S. 115C-238.29B(d) is repealed.

Section 14. G.S. 115C-238.29D(b) is repealed.

Section 15. G.S. 115C-238.29E reads as rewritten:

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

(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 if the applicant for the charter is the local board of education or if it applied for and received preliminary approval from that local board for purposes of ensuring compliance with applicable laws and the provisions of its charter. All other charter schools shall be accountable to the State Board for ensuring compliance with applicable laws and the provisions of their charters, except that any of these charter schools may agree to be accountable to the local board of the school administrative unit in which the charter school is located rather than to the State Board.

(b) A charter school other than a charter school for which the applicant is a local board of education 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. A charter school for which the applicant is a local board of education shall be operated by the local board of education.

~~(c) A charter school shall operate under the written charter signed by the entity to which it is accountable under subsection (a) of this section and the applicant. A charter school is not required to enter into any other contract. The charter shall incorporate the information provided in the application, as modified during the charter approval process, and any terms and conditions imposed on the charter school by the State Board of Education. No other terms may be imposed on the charter school as a condition for receipt of local funds. The State Board shall issue the written charter no later than 30 days after the date on which the State Board grants final approval for the charter. The written charter shall incorporate the information provided in the application, as modified during the charter approval~~

1 process, and any terms and conditions applicable to all charter schools under the
2 rules of the State Board. The charter school is not required to agree to any
3 additional terms, whether requested by the State Board, the local board where the
4 charter school is located, or the entity to which the charter school is accountable. No
5 additional terms may be imposed on the charter school as a condition for receipt of
6 local funds. The charter school shall operate under the written charter signed by the
7 entity to which it is accountable and the applicant.

8 (d) The board of directors of the charter school operated by a private nonprofit
9 corporation shall decide matters related to the operation of the school, including
10 budgeting, curriculum, and operating procedures. The local board of education shall
11 decide these matters for a charter school operated by a local board.

12 (e) ~~A charter school's specific location~~ The specific location of a charter school
13 operated by a private nonprofit corporation shall not be prescribed or limited by a
14 local board or other authority except a zoning authority. The school may lease space
15 from a local board of education or as is otherwise lawful in the local school
16 administrative unit in which the charter school is located. If a charter school leases
17 space from a sectarian organization, the charter school classes and students shall be
18 physically separated from any parochial students, and there shall be no religious
19 artifacts, symbols, iconography, or materials on display in the charter school's
20 entrance, classrooms, or hallways. Furthermore, if a charter school leases space from
21 a sectarian organization, the charter school shall not use the name of that
22 organization in the name of the charter school.

23 At the request of the charter school, the local board of education of the local
24 school administrative unit in which the charter school will be located shall lease any
25 available building or land to the charter school unless the board demonstrates that
26 the lease is not economically or practically feasible or that the local board does not
27 have adequate classroom space to meet its enrollment needs. Notwithstanding any
28 other law, a local board of education may provide a school facility to a charter school
29 free of charge; however, the charter school is responsible for the maintenance of and
30 insurance for the school facility.

31 (f) Except as provided in this Part and pursuant to the provisions of its charter, a
32 charter school is exempt from statutes and rules applicable to a local board of
33 education or local school administrative unit. The State Board shall not adopt any
34 rules, policies, procedures, requirements, standards, terms, conditions, or regulations
35 governing charter schools unless they are authorized specifically under this Part; they
36 are applicable uniformly to all charter schools; and the Board proceeds under
37 Chapter 150B of the General Statutes. Only those rules, policies, procedures,
38 requirements, standards, terms, conditions, and regulations that are adopted by the
39 Board shall apply to charter schools and may be included in the written charter and
40 amendments to that charter. The Board may adopt guidelines to assist charter
41 schools. These guidelines are not binding on charter schools and shall not be
42 included in any written charter unless the charter school agrees to the inclusion."

43 Section 16. G.S. 115C-238.29F(b) reads as rewritten:

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

6 Section 17. G.S. 115C-238.29F(c) is amended by adding the following
7 new subdivision:

8 "(3) The civil liability for a charter school operated by a local school
9 administrative unit shall be the same as for any other school
10 operated by the unit."

11 Section 18. G.S. 115C-238.29F(d)(5) reads as rewritten:

12 "(5) The school is subject to and shall comply with Article 27 of
13 Chapter 115C of the General Statutes, except that a charter school
14 operated by a private nonprofit corporation or a charter school
15 operated by a local school administrative unit may also exclude a
16 student from the charter school and return that student to another
17 school in the local school administrative unit in accordance with
18 the terms of its charter."

19 Section 19. G.S. 115C-238.29F(h) reads as rewritten:

20 "(h) Transportation. -- The charter school may provide transportation for students
21 enrolled at the school. The charter school shall develop a transportation plan so that
22 transportation is not a barrier to any student who resides in the local school
23 administrative unit in which the school is located. The charter school is not required
24 to provide transportation to any student who lives within one and one-half miles of
25 the school. At the request of the charter school and if the local board of the local
26 school administrative unit in which the charter school is located operates a school bus
27 system, then that local board may contract with the charter school to provide
28 transportation in accordance with the charter school's transportation plan to students
29 who reside in the local school administrative unit and who reside at least one and
30 one-half miles of the charter school. A local board may charge the charter school a
31 reasonable charge that is sufficient to cover the cost of providing this transportation.
32 Furthermore, a local board may refuse to provide transportation under this subsection
33 if it demonstrates there is no available space on buses it intends to operate during the
34 term of the contract or it would not be practically feasible to provide this
35 transportation.

36 A student who attends a charter school operated by a local board of education and
37 who resides within the local school administrative unit in which the school is located
38 has the same right to school transportation as students assigned to other public
39 schools in the local school administrative unit."

40 Section 20. G.S. 115C-238.29F(d) reads as rewritten:

41 "(d) Instructional Program. --

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

- 1 (2) The school shall design its programs to at least meet the student
2 performance standards adopted by the State Board of Education
3 and the student performance standards contained in the charter.
4 (3) A charter school shall ~~conduct the student assessments required for~~
5 ~~charter schools by the State Board of Education.~~ administer the
6 tests adopted by the State Board of Education under G.S. 115C-
7 174.11 and that are used to implement the School-Based
8 Management and Accountability Program in other public schools.
9 (4) The school shall comply with policies adopted by the State Board
10 of Education for charter schools relating to the education of
11 children with special needs.
12 (5) The school is subject to and shall comply with Article 27 of
13 Chapter 115C of the General Statutes, except that a charter school
14 may also exclude a student from the charter school and return that
15 student to another school in the local school administrative unit in
16 accordance with the terms of its charter."

17 Section 21. G.S. 115C-238.29G(c) reads as rewritten:

18 "(c) The State Board and the charter school are encouraged to make a good-faith
19 attempt to resolve the differences that may arise between them. ~~They Furthermore,~~
20 the local board of the local school administrative unit in which the charter school is
21 located and the charter school are encouraged to make a good-faith attempt to
22 resolve any differences that may arise between them. The parties in dispute may
23 agree to jointly select a mediator. The mediator shall act as a neutral facilitator of
24 disclosures of factual information, statements of positions and contentions, and efforts
25 to negotiate an agreement settling the differences. The mediator shall, at the request
26 of either ~~the State Board or a charter school,~~ party, commence a mediation
27 immediately or within a reasonable period of time. The mediation shall be held in
28 accordance with rules and standards of conduct adopted under Chapter 7A of the
29 General Statutes governing mediated settlement conferences but modified as
30 appropriate and suitable to the resolution of the particular issues in disagreement.

31 Notwithstanding Article 33C of Chapter 143 of the General Statutes, the mediation
32 proceedings shall be conducted in private. Evidence of statements made and conduct
33 occurring in a mediation are not subject to discovery and are inadmissible in any
34 court action. However, no evidence otherwise discoverable is inadmissible merely
35 because it is presented or discussed in a mediation. The mediator shall not be
36 compelled to testify or produce evidence concerning statements made and conduct
37 occurring in a mediation in any civil proceeding for any purpose, except disciplinary
38 hearings before the State Bar or any agency established to enforce standards of
39 conduct for mediators. The mediator may determine that an impasse exists and
40 discontinue the mediation at any time. The mediator shall not make any
41 recommendations or public statement of findings or conclusions. ~~The State Board and~~
42 ~~the charter school~~ parties in dispute shall share equally the mediator's compensation
43 and expenses. The mediator's compensation shall be determined according to rules
44 adopted under Chapter 7A of the General Statutes."

Section 22. G.S. 115C-238.29H reads as rewritten:

"§ 115C-238.29H. State and local funds for a charter school.

(a) The State Board of Education shall allocate to each charter school (i) an amount equal to the average per pupil allocation for average daily membership from the local school administrative unit allotments in which the charter school is located for each child attending the charter school except for the allocation for children with special needs and (ii) an additional amount for each child attending the charter school who is a child with special needs. In accordance with G.S. 115C-238.29D(d), the State Board shall allow for annual adjustments to the 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 public school during the first 60 school days in the school year, the charter school shall return a pro rata amount of funds allocated for that child to the State Board, and the State Board shall reallocate those funds to the local school administrative unit in which the public school is located. In the event a child with special needs enrolls in a charter school during the first 60 school days in the school year, the State Board shall allocate to the charter school the pro rata amount of additional funds for children with special needs.

(a1) Funds allocated by the State Board of Education may be used to enter into operational and financing leases for real property or mobile classroom units for use as school facilities for charter schools and may be used for payments on loans made to charter schools for facilities or equipment. However, State funds shall not be used to obtain any other interest in real property or mobile classroom units. No indebtedness of any kind incurred or created by the charter school shall constitute an indebtedness of the State or its political subdivisions, and no indebtedness of the charter school shall involve or be secured by the faith, credit, or taxing power of the State or its political subdivisions. subdivisions, unless the charter school is operated by a local board of education. Every contract or lease into which a charter school enters except for contracts or leases entered into by a local board of education shall include the previous sentence. The school also may own land and buildings it obtains through non-State sources.

(b) If a student attends a charter school, the local school administrative unit in which the child resides shall transfer to the charter school an amount equal to the per pupil local current expense appropriation to the local school administrative unit for the fiscal year. The per pupil local current expense appropriation shall be calculated by dividing the total county appropriation to the local school administrative unit's local current expense fund, including appropriations funded by supplemental taxes, by the unit's average daily membership for the budget year as determined by and certified to the unit and the board of county commissioners by the State Board. In order to establish the number of children for whom these funds are to be transferred, the local administrative unit may require the charter school to provide electronically an invoice that identifies each child for whom these funds are to be remitted, that child's address, and that child's Student Information Management System

1 identification number. The local school administrative unit shall not require any
2 other information from the charter school as a condition of the unit's remission of
3 these funds. If the local school administrative unit requires this invoice, the unit shall
4 provide to the charter school the local current expense appropriation based on the
5 number of children in the most recent invoice. If no invoice is required, the local
6 current expense appropriation shall be based on the number of children as mutually
7 agreed upon by the local school administrative unit and the charter school. The local
8 school administrative unit shall remit these funds to the charter school at times that
9 are mutually agreed upon by the unit and the charter school, but if no agreement is
10 reached, then the unit shall remit these funds to the charter school no later than one
11 week after the unit receives the funds from the board of county commissioners as
12 established under G.S. 115C-437 and upon receipt of an invoice, if required. The
13 State Board may withhold money used for payment of salaries for the superintendent
14 and school finance officer of any local school administrative unit if the Board finds
15 that the unit is not using its best efforts to remit these funds on a timely basis.

16 (c) The board of county commissioners of the county in which the charter school
17 is located may allocate to the charter school funds that may be used for capital outlay
18 purposes."

19 Section 23. G.S. 115C-452 reads as rewritten:

20 "**§ 115C-452. Fines and forfeitures.**

21 The clear proceeds of all penalties and forfeitures and of all fines collected in the
22 General Court of Justice in each county shall be remitted by the clerk of the superior
23 court to the county finance officer, who shall forthwith determine what portion of the
24 total is due to each local school administrative unit and to each charter school in the
25 county and remit the appropriate portion of the amount to the finance officer of each
26 local school administrative ~~unit.~~ unit and each charter school. Fines The first twenty-
27 five percent (25%) of fines and forfeitures shall be apportioned according to the
28 projected average daily membership of each local school administrative unit as
29 determined by and certified to the local school administrative units and the board of
30 county commissioners by the State Board of Education pursuant to G.S. 115C-430.
31 The remainder of the fines and forfeitures shall be apportioned according to the
32 projected average daily membership of each local school administrative unit and each
33 charter school as determined by and certified to the local school administrative units,
34 the charter schools, and the board of county commissioners by the State Board of
35 Education pursuant to G.S. 115C-430 or G.S. 115C-238.29H(b)."

36 Section 24. G.S. 115C-457.3 reads as rewritten:

37 "**§ 115C-457.3. Transfer of funds to the State School Technology Fund.**

38 The Office of State Budget and Management shall transfer funds accruing to the
39 Civil Penalty and Forfeiture Fund to the State School Technology Fund. ~~These~~ The
40 first twenty-five percent (25%) of these funds shall be allocated to local school
41 administrative units on the basis of average daily membership. The remaining funds
42 shall be allocated to local school administrative units and charter schools on the basis
43 of average daily membership. Notwithstanding any other law, the funds allocated to
44 charter schools under this section shall be used for school technology; however, in

1 accordance with G.S. 115C-238.29E(f), the charter school is not required to develop
2 or submit a school technology plan under Part 3A of Article 8 of this Chapter."

3 Section 25. (a) G.S. 150B-2(8a) reads as rewritten:

4 "(8a) 'Rule' means any agency regulation, standard, or statement of
5 general applicability that implements or interprets an enactment of
6 the General Assembly or Congress or a regulation adopted by a
7 federal agency or that describes the procedure or practice
8 requirements of an agency. The term includes the establishment of
9 a fee and the amendment or repeal of a prior rule. The term also
10 includes any State Board of Education or Department of Public
11 Instruction rule, policy, procedure, requirement, standard, term,
12 condition, or regulation that is authorized specifically under Part
13 6A of Article 16 of Chapter 115C of the General Statutes. The
14 term does not include the following:

- 15 a. Statements concerning only the internal management of an
16 agency or group of agencies within the same principal office
17 or department enumerated in G.S. 143A-11 or 143B-6,
18 including policies and procedures manuals, if the statement
19 does not directly or substantially affect the procedural or
20 substantive rights or duties of a person not employed by the
21 agency or group of agencies.
- 22 b. Budgets and budget policies and procedures issued by the
23 Director of the Budget, by the head of a department, as
24 defined by G.S. 143A-2 or G.S. 143B-3, by an occupational
25 licensing board, as defined by G.S. 93B-1, or by the State
26 Board of Elections.
- 27 c. Nonbinding interpretative statements within the delegated
28 authority of an agency that merely define, interpret, or
29 explain the meaning of a statute or rule.
- 30 d. A form, the contents or substantive requirements of which
31 are prescribed by rule or statute.
- 32 e. Statements of agency policy made in the context of another
33 proceeding, including:
 - 34 1. Declaratory rulings under G.S. 150B-4.
 - 35 2. Orders of establishing or fixing rates or tariffs.
- 36 f. Requirements, communicated to the public by the use of
37 signs or symbols, concerning the use of public roads,
38 bridges, ferries, buildings, or facilities.
- 39 g. Statements that set forth criteria or guidelines to be used by
40 the staff of an agency in performing audits, investigations, or
41 inspections; in settling financial disputes or negotiating
42 financial arrangements; or in the defense, prosecution, or
43 settlement of cases.

- 1 h. Scientific, architectural, or engineering standards, forms, or
2 procedures, including design criteria and construction
3 standards used to construct or maintain highways, bridges,
4 or ferries.
5 i. Job classification standards, job qualifications, and salaries
6 established for positions under the jurisdiction of the State
7 Personnel Commission.
8 j. Establishment of the interest rate that applies to tax
9 assessments under G.S. 105-241.1 and the variable
10 component of the excise tax on motor fuel under G.S. 105-
11 449.80."

12 (b) Article 2A of Chapter 150B of the General Statutes is amended by
13 adding the following new Part:

14 "Part 6. Rules Affecting Charter Schools.

15 "§ 150B-21.30. Procedures applicable to rules affecting charter schools.

16 (a) G.S. 150B-21.2(a)(1) shall not apply to proposed rules adopted by the State
17 Board of Education if the proposed rules are authorized specifically under Part 6A of
18 Article 16 of Chapter 115C of the General Statutes.

19 (b) Notwithstanding G.S. 150B-21.3(b), a permanent rule that is adopted by the
20 State Board of Education, is approved by the Rules Review Commission, and is
21 authorized specifically under Part 6A of Article 16 of Chapter 115C of the General
22 Statutes, becomes effective five business days after the Commission delivers the rule
23 to the Codifier of Rules, unless the rule specifies a later effective date. If the State
24 Board of Education specifies a later effective date, the rule becomes effective upon
25 that date. A permanent rule that is adopted by the State Board of Education to
26 implement Part 6A of Article 16 of Chapter 115C of the General Statutes, but is not
27 approved by the Rules Review Commission, shall not become effective.

28 (c) G.S. 150B-21.4(b1) shall not apply to permanent rules the State Board of
29 Education proposes to adopt if those rules are authorized specifically under Part 6A
30 of Article 16 of Chapter 115C of the General Statutes.

31 (d) The rule proposed by the State Board of Education may create, amend, or
32 repeal a rule. The State Board of Education shall indicate in the notice of proposed
33 text that the rule is authorized specifically under Part 6A of Article 16 of Chapter
34 115C of the General Statutes and that the State Board of Education is proceeding
35 under that authority.

36 "§ 150B-21.31. Procedures applicable to charters.

37 The State Board of Education shall submit to the Commission the standard written
38 charter agreement that the State Board of Education approved and issued under Part
39 6A of Article 16 of Chapter 115C of the General Statutes to charter schools that
40 received State Board approval under G.S. 115C-238.29D in 1997 or 1998. The State
41 Board of Education also shall submit to the Commission any modifications to that
42 written charter agreement that the State Board approves after July 1, 1998, for
43 issuance to charter schools approved in subsequent years. The Commission shall
44 review each portion of the charter and each modification to that charter as if it is a

1 rule and shall follow the procedure established in Part 3 of this Article. The
2 Commission shall determine whether each portion or modification is authorized
3 specifically under Part 6A of Article 16 of Chapter 115C of the General Statutes.
4 The Commission may approve only portions and modifications of the charter that are
5 so authorized. All approved portions and modifications of the charter are binding on
6 the charter school. Each portion or modification of the charter that is not approved
7 is void and shall not apply to any charter school unless the charter school's board of
8 directors agrees to its applicability. The board of directors is not required to agree to
9 any portion or modification of the charter that the Commission does not approve.
10 This section shall not apply to information in a charter school's application, as
11 modified during the approval process, that is incorporated in each charter school's
12 charter agreement."

13 Section 26. (a) The State Board of Education, in collaboration with the
14 Charter School Professional Association, shall evaluate the Uniform Education
15 Reporting System to determine whether this is the best way for charter schools to
16 report information to the State Board or whether there is a mutually functional
17 alternative that could be implemented. The State Board shall report the results of
18 this evaluation and its recommendations, including any proposed legislative changes,
19 to the Joint Legislative Commission on Governmental Operations by December 1,
20 1998.

21 (b) If, at any time, a majority of charter schools present to the State
22 Board of Education an alternative reporting system that is the functional equivalent
23 of the Uniform Education Reporting System and the alternative system has been
24 benchmarked, the State Board shall consider the adoption of that system for charter
25 schools.

26 Section 27. G.S. 105-164.14(c) reads as rewritten:

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

39 This subsection applies only to the following governmental entities:

- 40 (1) A county.
41 (2) A city as defined in G.S. 160A-1.
42 (2a) A consolidated city-county as defined in G.S. 160B-2.
43 (2b) A local school administrative unit for charter schools operated by
44 the local board of education. Notwithstanding any other provisions

of law, a refund payable under this subdivision of the local sales and use taxes to cities levied under Articles 39, 40, and 42 of this Chapter and under the Mecklenburg County Sales and Use Tax Act, Chapter 1096 of the 1967 Session Laws, as amended, shall be drawn from the General Fund and shall not be deducted from the distribution to the cities.

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

- 1 (18) The North Carolina Low-Level Radioactive Waste Management
2 Authority created pursuant to Chapter 104G of the General
3 Statutes.
4 (19) The North Carolina Hazardous Waste Management Commission
5 created pursuant to Chapter 130B of the General Statutes.
6 (20) A constituent institution of The University of North Carolina, but
7 only with respect to sales and use tax paid by it for tangible
8 personal property acquired by it through the expenditure of
9 contract and grant funds.
10 (21) The University of North Carolina Hospitals at Chapel Hill."
11 Section 28. This act becomes effective July 1, 1998. Section 27 of this
12 act applies to taxes paid on or after January 1, 1999.

DRAFT
FOR REVIEW ONLY

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

D

H1739-PCSRH-003

PROPOSED COMMITTEE SUBSTITUTE

HOUSE BILL 1739*

THIS IS A DRAFT 22-JUN-98 15:33:14

ATTENTION: LINE NUMBERS MAY CHANGE AFTER ADOPTION

Short Title: Retirement/Charter Schs.

(Public)

Sponsors:

Referred to: Education, if favorable, Pensions and Retirement.

June 1, 1998

1 A BILL TO BE ENTITLED
2 AN ACT TO ALLOW CHARTER SCHOOLS TO ELECT TO PARTICIPATE IN THE
3 NORTH CAROLINA TEACHERS' AND STATE EMPLOYEES' RETIREMENT
4 SYSTEM, IN THE NORTH CAROLINA TEACHERS' AND STATE EMPLOYEES'
5 COMPREHENSIVE MAJOR MEDICAL PLAN, OR BOTH, TO GIVE CHARTER
6 SCHOOLS THE SAME MOTOR FUEL TAX EXEMPTION AS PUBLIC SCHOOLS, TO
7 ALLOW CHARTER SCHOOLS TO OBTAIN THE SAME PERMANENT LICENSE
8 PLATES AS PUBLIC SCHOOLS, TO MAKE CHANGES IN THE CHARTER SCHOOL
9 LAW, AND TO REQUIRE RULES GOVERNING CHARTER SCHOOLS TO BE
10 SUBJECT TO REVIEW.
11 The General Assembly of North Carolina enacts:
12 Section 1. G.S. 115C-238.29F(e)(4) reads as rewritten:
13 "(4) The employees of the charter school shall be deemed
14 employees of the local school administrative unit
15 for purposes of providing certain State-funded
16 employee benefits, including membership in the
17 Teachers' and State Employees' Retirement System
18 and the Teachers' and State Employees'

Comprehensive Major Medical Plan. The State Board of Education provides funds to charter schools, approves the original members of the boards of directors of the charter schools, has the authority to grant, supervise, and revoke charters, and demands full accountability from charter schools for school finances and student performance. Accordingly, it is the determination of the General Assembly that charter schools are public schools and that the employees of charter schools are public school ~~employees and are 'teachers' for purposes of membership in the North Carolina Teachers' and State Employees' Retirement System and State Employees' Comprehensive Major Medical Plan.~~ employees. Employees of a charter school whose board of directors elects to join under G.S. 138-5.3 are 'teachers' for the purpose of membership in the North Carolina Teachers' and State Employees' Retirement System. Employees of a charter school whose board of directors elects to join under G.S. 135-40.3A are 'teachers' for the purpose of membership in the North Carolina Teachers' and State Employees' Comprehensive Major Medical Plan. 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."

Section 2. Article 1 of Chapter 135 of the General Statutes is amended by adding the following new section:

"§ 135-5.3. Optional participation for charter schools.

(a) The board of directors of each charter school shall elect to join the Retirement System in accordance with the laws applicable to that System. This election shall be in writing, shall be made no later than September 1, 1998, and shall be filed with the Retirement System and with the State Board of Education. This election is effective as of the date the board makes the election for each charter school employee who is employed on or before the date the board makes the election. The election is effective as of the date of entry into eligible service for each

1 charter school employee who is employed after the date the board
2 makes the election. This subsection applies only to charter
3 schools that received State Board of Education approval under
4 G.S. 115C-238.29D in 1997 or 1998.

5 (b) No later than 30 days after both parties have signed the
6 written charter under G.S. 115C-238.29E, the board of directors
7 of a charter school shall elect to join the Retirement System in
8 accordance with the laws applicable to that System. This
9 election shall be in writing and filed with the Retirement System
10 and with the State Board of Education and is effective for each
11 charter school employee as of the date of entry into eligible
12 service. This subsection applies to charter schools that receive
13 State Board of Education approval under G.S. 115C-238.29D after
14 1998.

15 (c) A board's election to join the Retirement System under this
16 section is irrevocable and shall require all employees of the
17 charter school to participate.

18 (d) No retirement benefit, death benefit, or other benefit
19 under the Retirement System shall be paid by the State of North
20 Carolina or the Board of Trustees of the Teachers' and State
21 Employees' Retirement System with respect to any employee of a
22 charter school whose board of directors does not elect to join
23 the Retirement System under this section or with respect to any
24 beneficiary of that employee.

25 (e) The board of directors of each charter school shall notify
26 each of its employees as to whether the board elected to join the
27 Retirement System under this section. This notification shall be
28 in writing and shall be provided within 30 days of the board's
29 election or at the time an initial offer for employment is made,
30 whichever occurs last. If the board did not elect to join the
31 Retirement System, the notice shall include a statement that the
32 employee shall have no legal recourse against the board or the
33 State for any possible credit or reimbursement under the
34 Retirement System. The employee shall provide written
35 acknowledgment of the employee's receipt of the notification
36 under this subsection."

37 Section 3. G.S. 135-4 is amended by adding the
38 following new subsection to read:

39 "(bb) Credit for Employment in Charter School. -- Any member
40 may purchase creditable service for any employment as an employee

1 of a charter school whose board of directors did not elect to
2 participate in the Retirement System under G.S. 135-5.3 upon
3 completion of five years of membership service after that charter
4 school employment by making a lump-sum payment into the Annuity
5 Savings Fund. The payment by the member shall be equal to the
6 full liability of the service credits calculated on the basis of
7 the assumptions used for purposes of the actuarial valuation of
8 the Retirement System's liabilities, taking into account the
9 additional retirement allowance arising on account of the
10 additional service credits commencing at the earliest age at
11 which the member could retire with an unreduced retirement
12 allowance, as determined by the Board of Trustees upon the advice
13 of the actuary plus an administrative expense fee to be
14 determined by the Board of Trustees. Notwithstanding the
15 foregoing provisions of this subsection that provide for the
16 purchase of service credits, the terms 'full cost', 'full
17 liability', and 'full actuarial cost' include assumed annual
18 post-retirement allowance increases, as determined by the Board
19 of Trustees, from the earliest age at which a member could retire
20 on an unreduced service allowance."

21 Section 4. G.S. 135-40.1(6) reads as rewritten:

22 "(6) Employing Unit. -- A North Carolina School System;
23 Community College; State Department, Agency or
24 Institution; Administrative Office of the Courts;
25 or Association or Examining Board whose employees
26 are eligible for membership in a State-Supported
27 Retirement System. An employing unit also shall
28 mean a charter school in accordance with Part 6A of
29 Chapter 115C of the General Statutes ~~whose~~
30 ~~employees are deemed to be public employees and~~
31 ~~members of a State-Supported Retirement System.~~
32 whose board of directors elects to join the Plan
33 under G.S. 135-40.3A."

34 Section 5. Part 3 of Article 3 of Chapter 135 is
35 amended by adding the following new section:

36 "**§ 135-40.3A. Optional participation for charter schools.**

37 (a) The board of directors of each charter school shall elect
38 to join the Plan in accordance with the laws applicable to that
39 Plan. This election shall be in writing, shall be made no later
40 than September 1, 1998, and shall be filed with the Executive

1 Administrator and Board of Trustees and with the State Board of
2 Education. This election is effective as of the date the board
3 makes the election for each charter school employee who is
4 employed on or before the date the board makes the election. The
5 election is effective as of the date of entry into eligible
6 service for each charter school employee who is employed after
7 the date the board makes the election. This subsection applies
8 only to charter schools that received State Board of Education
9 approval under G.S. 115C-238.29D in 1997 or 1998.

10 (b) No later than 30 days after both parties have signed the
11 written charter under G.S. 115C-238.29E, the board of directors
12 of a charter school shall elect to join the Plan in accordance
13 with the laws applicable to that Plan. This election shall be in
14 writing and filed with the Executive Administrator and Board of
15 Trustees and with the State Board of Education and is effective
16 for each charter school employee as of the date of entry into
17 eligible service. This subsection applies to charter schools
18 that receive State Board of Education approval under G.S. 115C-
19 238.29D after 1998.

20 (c) A board's election to join the Plan under this section is
21 irrevocable and shall require all employees of the charter school
22 to participate.

23 (d) If a charter school's board of directors does not elect to
24 join the Plan under this section, that school's employees and the
25 dependents of those employees are not eligible for any benefits
26 under the Plan.

27 (e) The board of directors of each charter school shall notify
28 each of its employees as to whether the board elected to join the
29 Plan under this section. This notification shall be in writing
30 and shall be provided within 30 days of the board's election or
31 at the time an initial offer for employment is made, whichever
32 occurs last. If the board did not elect to join the Plan, the
33 notice shall include a statement that the employee shall have no
34 legal recourse against the board or the State for any possible
35 benefit under the Plan. The employee shall provide written
36 acknowledgment of the employee's receipt of the notification
37 under this subsection."

38 Section 6. G.S. 105-228.90(b) reads as rewritten:

39 "(b) Definitions. -- The following definitions apply in this
40 Article:

- 1 (1) Reserved.
- 2 (2) Charter school board. -- A nonprofit corporation
3 that has a charter under G.S. 115D-238.29D to
4 operate a charter school.
- 5 ~~(1)~~(3) City. -- A city as defined by G.S. 160A-1(2). The
6 term also includes an urban service district
7 defined by the governing board of a consolidated
8 city-county, as defined by G.S. 160B-2(1).
- 9 ~~(1a)~~(4) Code. -- The Internal Revenue Code as enacted as of
10 January 1, 1997, including any provisions enacted
11 as of that date which become effective either
12 before or after that date.
- 13 ~~(1b)~~(5) County. -- Any one of the counties listed in G.S.
14 153A-10. The term also includes a consolidated
15 city-county as defined by G.S. 160B-2(1).
- 16 ~~(2)~~(6) Reserved.
- 17 ~~(3)~~(7) Electronic Funds Transfer. -- A transfer of funds
18 initiated by using an electronic terminal, a
19 telephone, a computer, or magnetic tape to instruct
20 or authorize a financial institution or its agent
21 to credit or debit an account.
- 22 ~~(4)~~(8) Reserved.
- 23 ~~(5)~~(9) Person. -- An individual, a fiduciary, a firm, an
24 association, a partnership, a limited liability
25 company, a corporation, a unit of government, or
26 another group acting as a unit. The term includes
27 an officer or employee of a corporation, a member,
28 a manager, or an employee of a limited liability
29 company, and a member or employee of a partnership
30 who, as officer, employee, member, or manager, is
31 under a duty to perform an act in meeting the
32 requirements of Subchapter I, V, or VIII of this
33 Chapter or of Article 3 of Chapter 119 of the
34 General Statutes.
- 35 ~~(6)~~(10) Secretary. -- The Secretary of Revenue.
- 36 ~~(7)~~(11) Tax. -- A tax levied under Subchapter I, V, or VIII
37 of this Chapter or an inspection tax levied under
38 Article 3 of Chapter 119 of the General Statutes.
39 Unless the context clearly requires otherwise, the

1 terms "tax" and "additional tax" include penalties
2 and interest as well as the principal amount.
3 ~~(8)~~(12) Taxpayer. -- A person subject to the tax or
4 reporting requirements of Subchapter I, V, or VIII
5 of this Chapter or of Article 3 of Chapter 119 of
6 the General Statutes."

7 Section 7. G.S. 105-449.88 reads as rewritten:

8 "§ 105-449.88. Exemptions from the excise tax.

9 The excise tax on motor fuel does not apply to the following:

- 10 (1) Motor fuel removed, by transport truck or another
11 means of transfer outside the terminal transfer
12 system, from a terminal for export, if the supplier
13 of the motor fuel collects tax on it at the rate of
14 the motor fuel's destination state.
- 15 (2) Motor fuel sold to the federal government.
- 16 (3) Motor fuel sold to the State for its use.
- 17 (4) Motor fuel sold to a local board of education for
18 use in the public school system.
- 19 (5) Motor fuel sold to a charter school board for use
20 for charter school purposes."

21 Section 8. G.S. 20-84 reads as rewritten:

22 "§ 20-84. Vehicles owned by State, municipalities or orphanages,
23 etc.; certain vehicles operated by the local chapters of American
24 National Red Cross.

25 The Division upon proper proof being filed with it that any
26 motor vehicle for which registration is herein required is owned
27 by the State or any department thereof, or by any county,
28 township, city or town, or by any board of education, or by any
29 nonprofit corporation that has a charter under G.S. 115C-238.29D
30 to operate a charter school, or by any orphanage or civil air
31 patrol, or incorporated emergency rescue squad, or incorporated
32 REACT ("Radio Emergency Association of Citizen Teams") Team, or
33 for any motor vehicle involved exclusively in the support of a
34 disaster relief effort, shall collect six dollars (\$6.00) for the
35 registration of such motor vehicles, but shall not collect any
36 fee for application for certificate of title in the name of the
37 State or any department thereof, or by any county, township, city
38 or town, or by any board of education or orphanage: Provided,
39 that the term "owned" shall be construed to mean that such motor
40 vehicle is the actual property of the State or some department

1 thereof or of the county, township, city or town, or of the board
2 of education, and no motor vehicle which is the property of any
3 officer or employee of any department named herein shall be
4 construed as being "owned" by such department. Provided, that the
5 above exemptions from registration fees shall also apply to any
6 church-owned bus used exclusively for transporting children and
7 parents to Sunday school and church services and for no other
8 purpose.

9 In lieu of the annual six dollars (\$6.00) registration provided
10 for in this section, the Division may for the license year 1950
11 and thereafter provide for a permanent registration of the
12 vehicles described in this section and issue permanent
13 registration plates for such vehicles. The permanent registration
14 plates issued pursuant to this paragraph shall be of a
15 distinctive color and shall bear thereon the word "permanent."
16 Such plates may be transferred as provided in G.S. 20-78 to a
17 replacement vehicle of the same classification. For the permanent
18 registration and issuance of permanent registration plates
19 provided for in this paragraph, the Division shall collect a fee
20 of six dollars (\$6.00) for each vehicle so registered and
21 licensed.

22 The provisions of this section are hereby made applicable to
23 vehicles owned by a rural fire department, agency or association.
24 The Division of Motor Vehicles shall issue to the North
25 Carolina Tuberculosis Association, Incorporated, or any local
26 chapter or association of said corporation, for a fee of six
27 dollars (\$6.00) for each plate a permanent registration plate
28 which need not be thereafter renewed for each motor vehicle in
29 the form of a mobile X-ray unit which is owned by said North
30 Carolina Tuberculosis Association, Incorporated, or any local
31 chapter or local association thereof and operated exclusively in
32 this State for the purpose of diagnosis, treatment and discovery
33 of tuberculosis. The initial six dollars (\$6.00) fee required by
34 this section and for this purpose shall be in full payment of the
35 permanent registration plates issued for such vehicle operated as
36 a mobile X-ray unit, and such plates need not thereafter be
37 renewed, and such plates may be transferred as provided in G.S.
38 20-78 to replacement vehicles to be used for the purposes above
39 described and for which the plates were originally issued.

1 The Division of Motor Vehicles shall issue to the American
2 National Red Cross, upon application of any local chapter thereof
3 and payment of a fee of six dollars (\$6.00) for each plate, a
4 permanent registration plate, which need not be thereafter
5 renewed, for all disaster vans, bloodmobiles, handivans, and such
6 sedans and station wagons as are used for emergency or disaster
7 work, and operated by a local chapter in this State in the
8 business of the American National Red Cross. Such plates may be
9 transferred as provided in G.S. 20-78 to a replacement vehicle to
10 be used for the purposes above described and for which the plates
11 were originally issued. In the event of transfer of ownership to
12 any other person, firm or corporation, or transfer or
13 reassignment of any vehicle bearing such registration plate to
14 any chapter or association of the American National Red Cross in
15 any other state, territory or country, the registration plate
16 assigned to such vehicle shall be surrendered to the Division of
17 Motor Vehicles.

18 In lieu of all other registration requirements, the
19 Commissioner shall each year assign to the State Highway Patrol,
20 upon payment of six dollars (\$6.00) per registration plate, a
21 sufficient number of regular registration plates of the same
22 letter prefix and in numerical sequence beginning with number 100
23 to meet the requirements of the State Highway Patrol for use on
24 Division vehicles assigned to the State Highway Patrol. The
25 commander of the Patrol shall, when such plates are assigned,
26 issue to each member of the State Highway Patrol a registration
27 plate for use upon the Division vehicle assigned to him pursuant
28 to G.S. 20-190 and assign a registration plate to each Division
29 service vehicle operated by the Patrol. An index of such
30 assignments of registration plates shall be kept at each State
31 Highway Patrol radio station and a copy thereof shall be
32 furnished to the registration division of the Division.
33 Information as to the individual assignments of such registration
34 plates shall be made available to the public upon request to the
35 same extent and in the same manner as regular registration
36 information. The commander, when necessary, may reassign
37 registration plates provided that such reassignment shall be made
38 to appear upon the index required herein within 20 days after
39 such reassignment.

1 The Division of Motor Vehicles shall, upon appropriate
2 certification of financial responsibility, issue to sheltered
3 workshops recognized or approved by the Division of Vocational
4 Rehabilitation Services and to public and nonprofit agencies or
5 organizations which provide transportation for or operate
6 programs subject to and approved in accordance with standards
7 adopted by the Commission for Mental Health, Developmental
8 Disabilities, and Substance Abuse Services of the Department of
9 Health and Human Services upon application and payment of a fee
10 of six dollars (\$6.00) for each plate, a permanent registration
11 plate for vehicles registered to and operated by such agencies.
12 The initial six dollars (\$6.00) fee required by this section and
13 for this purpose shall be in full payment of the permanent
14 registration plate issued for such vehicle operated by a
15 sheltered workshop and such plates need not thereafter be
16 renewed, and such plates may be transferred as provided in G.S.
17 20-78 to a replacement vehicle to be used by the sheltered
18 workshop designated on the registration card.

19 On and after January 1, 1972, permanent registration plates
20 used on all vehicles owned by the State of North Carolina or a
21 department thereof shall be of a distinctive color and design
22 which shall be readily distinguishable from all other permanent
23 registration plates issued pursuant to this section or G.S. 20-
24-84.1. For the purpose of carrying out the intent of this
25 paragraph, all vehicles owned by the State of North Carolina or a
26 department thereof in operation as of October 1, 1971, and
27 bearing a permanent registration shall be reregistered during the
28 months of October, November and December, 1971, and upon
29 reregistration, registration plates issued for such vehicles
30 shall be of a distinctive color and design as provided for
31 hereinabove."

32 Section 9. G.S. 115C-238.29B(d) is repealed.

33 Section 10. G.S. 115C-238.29D(b) is repealed.

34 Section 11. G.S. 115C-238.29F(b) reads as rewritten:

35 "(b) School Nonsectarian. -- A charter school shall be
36 nonsectarian in its programs, admission policies, employment
37 practices, and all other operations and shall not charge ~~tuition~~
38 ~~or tuition, application fees, or admission~~ fees. A charter school
39 shall not be affiliated with a nonpublic sectarian school or a
40 religious institution."

1 Section 12. G.S. 115C-238.29G(c) reads as rewritten:

2 "(c) The State Board and the charter school are encouraged to
3 make a good-faith attempt to resolve the differences that may
4 arise between them. They Furthermore, the local board of the
5 local school administrative unit in which the charter school is
6 located and the charter school are encouraged to make a good-
7 faith attempt to resolve any differences that may arise between
8 them. The parties in dispute may agree to jointly select a
9 mediator. The mediator shall act as a neutral facilitator of
10 disclosures of factual information, statements of positions and
11 contentions, and efforts to negotiate an agreement settling the
12 differences. The mediator shall, at the request of either ~~the~~
13 ~~State Board or a charter school,~~ party, commence a mediation
14 immediately or within a reasonable period of time. The mediation
15 shall be held in accordance with rules and standards of conduct
16 adopted under Chapter 7A of the General Statutes governing
17 mediated settlement conferences but modified as appropriate and
18 suitable to the resolution of the particular issues in
19 disagreement.

20 Notwithstanding Article 33C of Chapter 143 of the General
21 Statutes, the mediation proceedings shall be conducted in
22 private. Evidence of statements made and conduct occurring in a
23 mediation are not subject to discovery and are inadmissible in
24 any court action. However, no evidence otherwise discoverable is
25 inadmissible merely because it is presented or discussed in a
26 mediation. The mediator shall not be compelled to testify or
27 produce evidence concerning statements made and conduct occurring
28 in a mediation in any civil proceeding for any purpose, except
29 disciplinary hearings before the State Bar or any agency
30 established to enforce standards of conduct for mediators. The
31 mediator may determine that an impasse exists and discontinue the
32 mediation at any time. The mediator shall not make any
33 recommendations or public statement of findings or conclusions.
34 ~~The State Board and the charter school parties in dispute shall~~
35 share equally the mediator's compensation and expenses. The
36 mediator's compensation shall be determined according to rules
37 adopted under Chapter 7A of the General Statutes."

38 Section 13. G.S. 115C-238.29H(b) reads as rewritten:

39 "(b) If a student attends a charter school, the local school
40 administrative unit in which the child resides shall transfer to

1 the charter school an amount equal to the per pupil local current
2 expense appropriation to the local school administrative unit for
3 the fiscal year. The per pupil local current expense
4 appropriation shall be calculated by dividing the total county
5 appropriation to the local school administrative unit's local
6 current expense fund, including appropriations funded by
7 supplemental taxes, by the unit's average daily membership for
8 the budget year as determined by and certified to the unit and
9 the board of county commissioners by the State Board. In order
10 to establish the number of children for whom these funds are to
11 be transferred, the local administrative unit may require the
12 charter school to provide electronically an invoice that
13 identifies each child for whom these funds are to be remitted,
14 that child's address, and that child's Student Information
15 Management System identification number. The local school
16 administrative unit shall not require any other information from
17 the charter school as a condition of the unit's remission of
18 these funds. If the local school administrative unit requires
19 this invoice, the unit shall provide to the charter school the
20 local current expense appropriation based on the number of
21 children in the most recent invoice. If no invoice is required,
22 the local current expense appropriation shall be based on the
23 number of children as mutually agreed upon by the local school
24 administrative unit and the charter school. The local school
25 administrative unit shall remit these funds to the charter school
26 at times that are mutually agreed upon by the unit and the
27 charter school, but if no agreement is reached, then the unit
28 shall remit these funds to the charter school no later than one
29 week after the unit receives the funds from the board of county
30 commissioners as established under G.S. 115C-437 and upon receipt
31 of an invoice, if required. The State Board may withhold money
32 used for payment of salaries for the superintendent and school
33 finance officer of any local school administrative unit if the
34 Board finds that the unit is not using its best efforts to remit
35 these funds on a timely basis."

36 Section 14. G.S. 115C-234.29H is amended by adding the
37 following new subsection:

38 "(c) The board of county commissioners of the county in which
39 the charter school is located may allocate to the charter school
40 funds that may be used for capital outlay purposes."

1 Section 15. G.S. 115C-452 reads as rewritten:

2 "§ 115C-452. Fines and forfeitures.

3 The clear proceeds of all penalties and forfeitures and of all
4 fines collected in the General Court of Justice in each county
5 shall be remitted by the clerk of the superior court to the
6 county finance officer, who shall forthwith determine what
7 portion of the total is due to each local school administrative
8 unit and to each charter school in the county and remit the
9 appropriate portion of the amount to the finance officer of each
10 local school administrative unit, unit and each charter school.
11 Fines The first twenty-five percent (25%) of fines and
12 forfeitures shall be apportioned according to the projected
13 average daily membership of each local school administrative unit
14 as determined by and certified to the local school administrative
15 units and the board of county commissioners by the State Board of
16 Education pursuant to G.S. 115C-430. The remainder of the fines
17 and forfeitures shall be apportioned according to the projected
18 average daily membership of each local school administrative unit
19 and each charter school as determined by and certified to the
20 local school administrative units, the charter schools, and the
21 board of county commissioners by the State Board of Education
22 pursuant to G.S. 115C-430 or G.S. 115C-238.29H(b)."

23 Section 16. G.S. 115C-457.3 reads as rewritten:

24 "§ 115C-457.3. Transfer of funds to the State School Technology
25 Fund.

26 The Office of State Budget and Management shall transfer funds
27 accruing to the Civil Penalty and Forfeiture Fund to the State
28 School Technology Fund. These The first twenty-five percent
29 (25%) of these funds shall be allocated to local school
30 administrative units on the basis of average daily membership.
31 The remaining funds shall be allocated to local school
32 administrative units and charter schools on the basis of average
33 daily membership. Notwithstanding any other law, the funds
34 allocated to charter schools under this section shall be used for
35 school technology; however, in accordance with G.S. 115C-
36 238.29E(f), the charter school is not required to develop or
37 submit a school technology plan under Part 3A of Article 8 of
38 this Chapter."

39 Section 17. (a) G.S. 115C-238.29E(c) reads as
40 rewritten:

1 ~~"(c) A charter school shall operate under the written charter~~
2 ~~signed by the entity to which it is accountable under subsection~~
3 ~~(a) of this section and the applicant. A charter school is not~~
4 ~~required to enter into any other contract. The charter shall~~
5 ~~incorporate the information provided in the application, as~~
6 ~~modified during the charter approval process, and any terms and~~
7 ~~conditions imposed on the charter school by the State Board of~~
8 ~~Education. No other terms may be imposed on the charter school as~~
9 ~~a condition for receipt of local funds. The State Board shall~~
10 issue the written charter no later than 30 days after the date on
11 which the State Board grants final approval for the charter. The
12 written charter shall incorporate the information provided in the
13 application, as modified during the charter approval process, and
14 any terms and conditions applicable to all charter schools under
15 the rules of the State Board. The charter school is not required
16 to agree to any additional terms, whether requested by the State
17 Board, the local board where the charter school is located, or
18 the entity to which the charter school is accountable. No
19 additional terms may be imposed on the charter school as a
20 condition for receipt of local funds. The charter school shall
21 operate under the written charter signed by the entity to which
22 it is accountable and the applicant."

23 (b) G.S. 115C-238.29E(f) reads as rewritten:

24 "(f) Except as provided in this Part and pursuant to the
25 provisions of its charter, a charter school is exempt from
26 statutes and rules applicable to a local board of education or
27 local school administrative unit. The State Board shall not
28 adopt any rules, policies, procedures, requirements, standards,
29 terms, conditions, or regulations governing charter schools
30 unless they are authorized specifically under this Part, they are
31 applicable uniformly to all charter schools, and the Board
32 proceeds under Chapter 150B of the General Statutes. Only those
33 rules, policies, procedures, requirements, standards, terms,
34 conditions, and regulations that are adopted by the Board shall
35 apply to charter schools and may be included in the written
36 charter and amendments to that charter. The Board may adopt
37 guidelines to assist charter schools. These guidelines are not
38 binding on charter schools and shall not be included in any
39 written charter unless the charter school agrees to the
40 inclusion."

(c) G.S. 150B-2(8a) reads as rewritten:

"(8a) 'Rule' means any agency regulation, standard, or statement of general applicability that implements or interprets an enactment of the General Assembly or Congress or a regulation adopted by a federal agency or that describes the procedure or practice requirements of an agency. The term includes the establishment of a fee and the amendment or repeal of a prior rule. The term also includes any State Board of Education or Department of Public Instruction rule, policy, procedure, requirement, standard, term, condition, or regulation that is authorized specifically under Part 6A of Article 16 of Chapter 115C of the General Statutes. The term does not include the following:

- a. Statements concerning only the internal management of an agency or group of agencies within the same principal office or department enumerated in G.S. 143A-11 or 143B-6, including policies and procedures manuals, if the statement does not directly or substantially affect the procedural or substantive rights or duties of a person not employed by the agency or group of agencies.
- b. Budgets and budget policies and procedures issued by the Director of the Budget, by the head of a department, as defined by G.S. 143A-2 or G.S. 143B-3, by an occupational licensing board, as defined by G.S. 93B-1, or by the State Board of Elections.
- c. Nonbinding interpretative statements within the delegated authority of an agency that merely define, interpret, or explain the meaning of a statute or rule.
- d. A form, the contents or substantive requirements of which are prescribed by rule or statute.

- 1 e. Statements of agency policy made in the
2 context of another proceeding, including:
3 1. Declaratory rulings under G.S. 150B-4.
4 2. Orders of establishing or fixing rates or
5 tariffs.
6 f. Requirements, communicated to the public by
7 the use of signs or symbols, concerning the
8 use of public roads, bridges, ferries,
9 buildings, or facilities.
10 g. Statements that set forth criteria or
11 guidelines to be used by the staff of an
12 agency in performing audits, investigations,
13 or inspections; in settling financial disputes
14 or negotiating financial arrangements; or in
15 the defense, prosecution, or settlement of
16 cases.
17 h. Scientific, architectural, or engineering
18 standards, forms, or procedures, including
19 design criteria and construction standards
20 used to construct or maintain highways,
21 bridges, or ferries.
22 i. Job classification standards, job
23 qualifications, and salaries established for
24 positions under the jurisdiction of the State
25 Personnel Commission.
26 j. Establishment of the interest rate that
27 applies to tax assessments under G.S. 105-
28 241.1 and the variable component of the excise
29 tax on motor fuel under G.S. 105-449.80."

30 (d) Article 2A of Chapter 150B of the General Statutes
31 is amended by adding the following new Part:

32 "Part 6. Rules Affecting Charter Schools.

33 "§ 150B-21.30. Procedures applicable to rules affecting charter
34 schools.

35 (a) G.S. 150B-21.2(a)(1) shall not apply to proposed rules
36 adopted by the State Board of Education if the proposed rules are
37 authorized specifically under Part 6A of Article 16 of Chapter
38 115C of the General Statutes.

39 (b) Notwithstanding G.S. 150B-21.3(b), a permanent rule that is
40 adopted by the State Board of Education, is approved by the Rules

1 Review Commission, and is authorized specifically under Part 6A
2 of Article 16 of Chapter 115C of the General Statutes, becomes
3 effective five business days after the Commission delivers the
4 rule to the Codifier of Rules, unless the rule specifies a later
5 effective date. If the State Board of Education specifies a
6 later effective date, the rule becomes effective upon that date.
7 A permanent rule that is adopted by the State Board of Education
8 to implement Part 6A of Article 16 of Chapter 115C of the General
9 Statutes, but is not approved by the Rules Review Commission,
10 shall not become effective.

11 (c) G.S. 150B-21.4(b1) shall not apply to permanent rules the
12 State Board of Education proposes to adopt if those rules are
13 authorized specifically under Part 6A of Article 16 of Chapter
14 115C of the General Statutes.

15 (d) The rule proposed by the State Board of Education may
16 create, amend, or repeal a rule. The State Board of Education
17 shall indicate in the notice of proposed text that the rule is
18 authorized specifically under Part 6A of Article 16 of Chapter
19 115C of the General Statutes and that the State Board of
20 Education is proceeding under that authority.

21 "§ 150B-21.31. Procedures applicable to charters.

22 The State Board of Education shall submit to the Commission the
23 standard written charter agreement that the State Board of
24 Education approved and issued under Part 6A of Article 16 of
25 Chapter 115C of the General Statutes to charter schools that
26 received State Board approval under G.S. 115C-238.29D in 1997 or
27 1998. The State Board of Education also shall submit to the
28 Commission any modifications to that written charter agreement
29 that the State Board approves after July 1, 1998, for issuance to
30 charter schools approved in subsequent years. The Commission
31 shall review each portion of the charter and each modification to
32 that charter as if it is a rule and shall follow the procedure
33 established in Part 3 of this Article. The Commission shall
34 determine whether each portion or modification is authorized
35 specifically under Part 6A of Article 16 of Chapter 115C of the
36 General Statutes. The Commission may approve only portions and
37 modifications of the charter that are so authorized. All
38 approved portions and modifications of the charter are binding on
39 the charter school. Each portion or modification of the charter
40 that is not approved is void and shall not apply to any charter

1 school unless the charter school's board of directors agrees to
2 its applicability. The board of directors is not required to
3 agree to any portion or modification of the charter that the
4 Commission does not approve. This section shall not apply to
5 information in a charter school's application, as modified during
6 the approval process, that is incorporated in each charter
7 school's charter agreement."

8 Section 18. (a) The State Board of Education, in
9 collaboration with the Charter School Professional Association,
10 shall evaluate the Uniform Education Reporting System to
11 determine whether this is the best way for charter schools to
12 report information to the State Board or whether there is a
13 mutually functional alternative that could be implemented. The
14 State Board shall report the results of this evaluation and its
15 recommendations, including any proposed legislative changes, to
16 the Joint Legislative Commission on Governmental Operations by
17 December 1, 1998.

18 (b) If, at any time, a majority of charter schools
19 present to the State Board of Education an alternative reporting
20 system that is the functional equivalent of the Uniform Education
21 Reporting System and the alternative system has been benchmarked,
22 the State Board shall consider the adoption of that system for
23 charter schools.

24 Section 19. This act becomes effective July 1, 1998.



#1 *Carried*

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Date 6/23, 1998

Comm. Sub. [X] H1739-PCSRH-003
Amends Title [X]

Representative Shubert

- 1 moves to amend the bill on page 1, line 9,
2 by inserting after the word "LAW," the following phrase:
3 "TO PERMIT A LOCAL BOARD OF EDUCATION TO APPLY FOR CHARTER STATUS
4 FOR ONE OR MORE OF ITS PUBLIC SCHOOLS,";
5
6 and on page 1, line 12, through page 2, line 28, by rewriting the
7 lines to read:
8 "Section 1. G.S. 115C-238.29F(e) reads as rewritten:
9 '(e) Employees. --
10 (1) An employee of a charter school operated by a private
11 nonprofit corporation is not an employee of the local
12 school administrative unit in which the charter school
13 is located. An employee of a charter school operated
14 by a local school administrative unit is an employee
15 of the local school administrative unit in which the
16 charter school is located. The charter school's board
17 of directors shall employ and contract with necessary
18 teachers to perform the particular service for which
19 they are employed in the school; at least seventy-five
20 percent (75%) of these teachers in grades kindergarten
21 through five, at least fifty percent (50%) of these
22 teachers in grades six through eight, and at least
23 fifty percent (50%) of these teachers in grades nine
24 through 12 shall hold teacher certificates. The board
25 also may employ necessary employees who are not
26 required to hold teacher certificates to perform
27 duties other than teaching and may contract for other
28 services. The board may discharge teachers and
29 noncertificated employees.



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- 1 (2) No local board of education shall require any employee
2 of the local school administrative unit to be employed
3 in a charter school.
4 (3) If a teacher employed by a local school administrative
5 unit makes a written request for an extended leave of
6 absence to teach at a charter ~~school~~, school operated
7 by a private nonprofit corporation, the local school
8 administrative unit shall grant the leave. The local
9 school administrative unit shall grant a leave for any
10 number of years requested by the teacher, shall extend
11 the leave for any number of years requested by the
12 teacher, and shall extend the leave at the teacher's
13 request. For the initial year of a charter school's
14 operation, the local school administrative unit may
15 require that the request for a leave or extension of
16 leave be made up to 45 days before the teacher would
17 otherwise have to report for duty. For subsequent
18 years, the local school administrative unit may
19 require that the request for a leave or extension of
20 leave be made up to 90 days before the teacher would
21 otherwise have to report for duty. A teacher who has
22 career status under G.S. 115C-325 prior to receiving
23 an extended leave of absence to teach at a charter
24 school may return to a public school in the local
25 school administrative unit with career status at the
26 end of the leave of absence or upon the end of
27 employment at the charter school if an appropriate
28 position is available. If an appropriate position is
29 unavailable, the teacher's name shall be placed on a
30 list of available teachers and that teacher shall have
31 priority on all positions for which that teacher is
32 qualified in accordance with G.S. 115C-325(e)(2).
33 (4) The employees of the charter school operated by a
34 private nonprofit corporation shall be deemed
35 employees of the local school administrative unit for
36 purposes of providing certain State-funded employee
37 benefits, including membership in the Teachers' and
38 State Employees' Retirement System and the Teachers'
39 and State Employees' Comprehensive Major Medical Plan.
40 The State Board of Education provides funds to charter
41 ~~schools~~, schools operated by private nonprofit



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1 corporations, approves the original members of the
2 boards of directors of the charter schools, has the
3 authority to grant, supervise, and revoke charters,
4 and demands full accountability from charter schools
5 for school finances and student performance.
6 Accordingly, it is the determination of the General
7 Assembly that charter schools operated by private
8 nonprofit corporations are public schools and that the
9 employees of these charter schools are public school
10 ~~employees and are "teachers" for purposes of~~
11 ~~membership in the North Carolina Teachers' and State~~
12 ~~Employees' Retirement System and State Employees'~~
13 ~~Comprehensive Major Medical Plan.~~ employees.
14 Employees of a charter school operated by a private
15 nonprofit corporation whose board of directors elects
16 to join under G.S. 138-5.3 are "teachers" for the
17 purpose of membership in the North Carolina Teachers'
18 and State Employees' Retirement System. Employees of
19 a charter school operated by a private nonprofit
20 corporation whose board of directors elects to join
21 under G.S. 135-40.3A are "teachers" for the purpose of
22 membership in the North Carolina Teachers' and State
23 Employees' Comprehensive Major Medical Plan. In no
24 event shall anything contained in this Part require
25 the North Carolina Teachers' and State Employees'
26 Retirement System to accept employees of a private
27 employer as members or participants of the System.'";
28
29 and on page 2, line 31, by deleting the word "schools." and by
30 substituting the phrase "schools operated by private nonprofit
31 corporations.";
32
33 and on page 2, line 32, by inserting after the word "school" the
34 phrase "operated by a private nonprofit corporation";
35
36 and on page 3, line 39, by deleting the word "School." and by
37 substituting the phrase "School Operated by a Private Nonprofit
38 Corporation.";
39
40 and on page 4, lines 1, and 37, by inserting after the word "school"
41 the phrase "operated by a private nonprofit corporation";



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1 and on page 4, line 28, by inserting after the word "school" the
2 phrase "operated by a private nonprofit corporation";
3
4 and on page 4, line 36, by deleting the word "schools." and by
5 substituting the phrase "schools operated by private nonprofit
6 corporations.";
7
8 and on page 10, lines 31-32, by inserting between the lines the
9 following:
10 "Section 9. G.S. 115C-238.29B(a) reads as rewritten:
11 '(a) Any person, group of persons, ~~or nonprofit corporation~~
12 corporation, or local board of education seeking to establish a
13 charter school may apply to establish a charter school. If ~~the~~ an
14 applicant other than a local board of education seeks to convert a
15 public school to a charter school, the application shall include a
16 statement signed by a majority of the teachers and instructional
17 support personnel currently employed at the school indicating that
18 they favor the conversion and evidence that a significant number of
19 parents of children enrolled in the school favor conversion. If a
20 local board of education seeks a charter for a school, the
21 application shall include a statement that the local board
22 understands that no employee shall be required to work at the
23 charter school and no student shall be assigned to the school except
24 at the request of the student's parent or guardian.'
25 Section 10. G.S. 115C-238.29B(b)(3) reads as rewritten:
26 '(3) The governance structure of the ~~school~~ school, if the
27 applicant is not a local board of education, including the names of
28 the proposed initial members of the board of directors of the
29 nonprofit, tax-exempt corporation and the process to be followed by
30 the school to ensure parental involvement.'
31 Section 11. G.S. 115C-238.29B(b)(11) reads as rewritten:
32 '(11) The procedures by which students can be excluded from the
33 charter school and returned to a public ~~school~~ school other than a
34 charter school. Notwithstanding any law to the contrary, any local
35 board may refuse to admit any student who is suspended or expelled
36 from a charter school due to actions that would lead to suspension
37 or expulsion from a public school under G.S. 115C-391 until the
38 period of suspension or expulsion has expired.'
39 Section 12. G.S. 115C-238.29B(c) reads as rewritten:
40 '(c) An applicant shall submit the application to a chartering
41 entity for preliminary approval. A chartering entity may be:



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- 1 (1) The local board of education of the local school
2 administrative unit in which the charter school will
3 be ~~located~~, located, unless the applicant is a local
4 board of education;
- 5 (2) The board of trustees of a constituent institution of
6 The University of North Carolina, so long as the
7 constituent institution is involved in the planning,
8 operation, or evaluation of the charter school; or
9 (3) The State Board of Education.
- 10 Regardless of which chartering entity receives the application for
11 preliminary approval, the State Board of Education shall have final
12 approval of the charter school.
- 13 Notwithstanding the provisions of this subsection, if the State
14 Board of Education finds that an applicant (i) submitted an
15 application to a local board of education and received final
16 approval from the State Board of Education, but (ii) is unable to
17 find a suitable location within that local school administrative
18 unit to operate, the State Board of Education may authorize the
19 charter school to operate within an adjacent local school
20 administrative unit for one year only. The charter school cannot
21 operate for more than one year unless it reapplies, in accordance
22 with subdivision (1), (2), or (3) of this subsection, and receives
23 final approval from the State Board of Education.'";
- 24
- 25 and on page 10, line 32, by deleting "9." and by substituting "13.";
- 26
- 27 and on page 10, line 33, by deleting "10." and by substituting
28 "14.";
- 29
- 30 and on page 10, lines 33-34, by inserting between the lines the
31 following:
- 32 "Section 15. G.S. 115C-238.29E reads as rewritten:
- 33 '§ 115C-238.29E. Charter school operation.
- 34 (a) A charter school that is approved by the State shall be a
35 public school within the local school administrative unit in which
36 it is located. It shall be accountable to the local board of
37 education if the applicant for the charter is the local board of
38 education or if it applied for and received preliminary approval
39 from that local board for purposes of ensuring compliance with
40 applicable laws and the provisions of its charter. All other charter
41 schools shall be accountable to the State Board for ensuring



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1 compliance with applicable laws and the provisions of their
2 charters, except that any of these charter schools may agree to be
3 accountable to the local board of the school administrative unit in
4 which the charter school is located rather than to the State Board.
5 (b) A charter school other than a charter school for which the
6 applicant is a local board of education shall be operated by a
7 private nonprofit corporation that shall have received federal tax-
8 exempt status no later than 24 months following final approval of
9 the application. A charter school for which the applicant is a
10 local board of education shall be operated by the local board of
11 education.
12 ~~(c) A charter school shall operate under the written charter signed~~
13 ~~by the entity to which it is accountable under subsection (a) of~~
14 ~~this section and the applicant. A charter school is not required to~~
15 ~~enter into any other contract. The charter shall incorporate the~~
16 ~~information provided in the application, as modified during the~~
17 ~~charter approval process, and any terms and conditions imposed on~~
18 ~~the charter school by the State Board of Education. No other terms~~
19 ~~may be imposed on the charter school as a condition for receipt of~~
20 ~~local funds. The State Board shall issue the written charter no~~
21 ~~later than 30 days after the date on which the State Board grants~~
22 ~~final approval for the charter. The written charter shall~~
23 ~~incorporate the information provided in the application, as modified~~
24 ~~during the charter approval process, and any terms and conditions~~
25 ~~applicable to all charter schools under the rules of the State~~
26 ~~Board. The charter school is not required to agree to any~~
27 ~~additional terms, whether requested by the State Board, the local~~
28 ~~board where the charter school is located, or the entity to which~~
29 ~~the charter school is accountable. No additional terms may be~~
30 ~~imposed on the charter school as a condition for receipt of local~~
31 ~~funds. The charter school shall operate under the written charter~~
32 ~~signed by the entity to which it is accountable and the applicant.~~
33 (d) The board of directors of the charter school operated by a
34 private nonprofit corporation shall decide matters related to the
35 operation of the school, including budgeting, curriculum, and
36 operating procedures. The local board of education shall decide
37 these matters for a charter school operated by a local board.
38 (e) ~~A charter school's specific location~~ The specific location of
39 a charter school operated by a private nonprofit corporation shall
40 not be prescribed or limited by a local board or other authority
41 except a zoning authority. The school may lease space from a local



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1 board of education or as is otherwise lawful in the local school
2 administrative unit in which the charter school is located. If a
3 charter school leases space from a sectarian organization, the
4 charter school classes and students shall be physically separated
5 from any parochial students, and there shall be no religious
6 artifacts, symbols, iconography, or materials on display in the
7 charter school's entrance, classrooms, or hallways. Furthermore, if
8 a charter school leases space from a sectarian organization, the
9 charter school shall not use the name of that organization in the
10 name of the charter school.
11 At the request of the charter school, the local board of education
12 of the local school administrative unit in which the charter school
13 will be located shall lease any available building or land to the
14 charter school unless the board demonstrates that the lease is not
15 economically or practically feasible or that the local board does
16 not have adequate classroom space to meet its enrollment needs.
17 Notwithstanding any other law, a local board of education may
18 provide a school facility to a charter school free of charge;
19 however, the charter school is responsible for the maintenance of
20 and insurance for the school facility.
21 (f) Except as provided in this Part and pursuant to the
22 provisions of its charter, a charter school is exempt from statutes
23 and rules applicable to a local board of education or local school
24 administrative unit. The State Board shall not adopt any rules,
25 policies, procedures, requirements, standards, terms, conditions, or
26 regulations governing charter schools unless they are authorized
27 specifically under this Part, they are applicable uniformly to all
28 charter schools, and the Board proceeds under Chapter 150B of the
29 General Statutes. Only those rules, policies, procedures,
30 requirements, standards, terms, conditions, and regulations that are
31 adopted by the Board shall apply to charter schools and may be
32 included in the written charter and amendments to that charter. The
33 Board may adopt guidelines to assist charter schools. These
34 guidelines are not binding on charter schools and shall not be
35 included in any written charter unless the charter school agrees to
36 the inclusion.'";
37
38 and on page 10, line 34, by deleting "11." and by substituting
39 "16.";
40
41 and on page 11, line 1, by inserting before that line the following:



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1 "Section 17. G.S. 115C-238.29F(c) is amended by adding the
2 following new subdivision:
3 '(3) The civil liability for a charter school operated by a
4 local school administrative unit shall be the same as
5 for any other school operated by the unit.'
6 Section 18. G.S. 115C-238.29F(d)(5) reads as rewritten:
7 '(5) The school is subject to and shall comply with Article
8 27 of Chapter 115C of the General Statutes, except
9 that a charter school operated by a private nonprofit
10 corporation or a charter school operated by a local
11 school administrative unit may also exclude a student
12 from the charter school and return that student to
13 another school in the local school administrative unit
14 in accordance with the terms of its charter.'
15 Section 19. G.S. 115C-238.29F(h) reads as rewritten:
16 '(h) Transportation. -- The charter school may provide
17 transportation for students enrolled at the school. The charter
18 school shall develop a transportation plan so that transportation is
19 not a barrier to any student who resides in the local school
20 administrative unit in which the school is located. The charter
21 school is not required to provide transportation to any student who
22 lives within one and one-half miles of the school. At the request of
23 the charter school and if the local board of the local school
24 administrative unit in which the charter school is located operates
25 a school bus system, then that local board may contract with the
26 charter school to provide transportation in accordance with the
27 charter school's transportation plan to students who reside in the
28 local school administrative unit and who reside at least one and
29 one-half miles of the charter school. A local board may charge the
30 charter school a reasonable charge that is sufficient to cover the
31 cost of providing this transportation. Furthermore, a local board
32 may refuse to provide transportation under this subsection if it
33 demonstrates there is no available space on buses it intends to
34 operate during the term of the contract or it would not be
35 practically feasible to provide this transportation.
36 A student who attends a charter school operated by a local board
37 of education and who resides within the local school administrative
38 unit in which the school is located has the same right to school
39 transportation as students assigned to other public schools in the
40 local school administrative unit.'";
41



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1 and on page 11, line 1, by deleting "12." and by substituting "20.";
2
3 and on page 11, line 38, through page 12, line 40, by rewriting the
4 lines to read:
5 "Section 21. G.S. 115C-238.29H reads as rewritten:
6 '§ 115C-238.29H. State and local funds for a charter school.
7 (a) The State Board of Education shall allocate to each charter
8 school (i) an amount equal to the average per pupil allocation for
9 average daily membership from the local school administrative unit
10 allotments in which the charter school is located for each child
11 attending the charter school except for the allocation for children
12 with special needs and (ii) an additional amount for each child
13 attending the charter school who is a child with special needs. In
14 accordance with G.S. 115C-238.29D(d), the State Board shall allow
15 for annual adjustments to the amount allocated to a charter school
16 based on its enrollment growth in school years subsequent to the
17 initial year of operation.
18 In the event a child with special needs leaves the charter school
19 and enrolls in a public school during the first 60 school days in
20 the school year, the charter school shall return a pro rata amount
21 of funds allocated for that child to the State Board, and the State
22 Board shall reallocate those funds to the local school
23 administrative unit in which the public school is located. In the
24 event a child with special needs enrolls in a charter school during
25 the first 60 school days in the school year, the State Board shall
26 allocate to the charter school the pro rata amount of additional
27 funds for children with special needs.
28 (a1) Funds allocated by the State Board of Education may be used
29 to enter into operational and financing leases for real property or
30 mobile classroom units for use as school facilities for charter
31 schools and may be used for payments on loans made to charter
32 schools for facilities or equipment. However, State funds shall not
33 be used to obtain any other interest in real property or mobile
34 classroom units. No indebtedness of any kind incurred or created by
35 the charter school shall constitute an indebtedness of the State or
36 its political subdivisions, and no indebtedness of the charter
37 school shall involve or be secured by the faith, credit, or taxing
38 power of the State or its political subdivisions, subdivisions,
39 unless the charter school is operated by a local board of education.
40 Every contract or lease into which a charter school enters except
41 for contracts or leases entered into by a local board of education



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1 shall include the previous sentence. The school also may own land
2 and buildings it obtains through non-State sources.
3 (b) If a student attends a charter school, the local school
4 administrative unit in which the child resides shall transfer to the
5 charter school an amount equal to the per pupil local current
6 expense appropriation to the local school administrative unit for
7 the fiscal year. The per pupil local current expense appropriation
8 shall be calculated by dividing the total county appropriation to
9 the local school administrative unit's local current expense fund,
10 including appropriations funded by supplemental taxes, by the unit's
11 average daily membership for the budget year as determined by and
12 certified to the unit and the board of county commissioners by the
13 State Board. In order to establish the number of children for whom
14 these funds are to be transferred, the local administrative unit may
15 require the charter school to provide electronically an invoice that
16 identifies each child for whom these funds are to be remitted, that
17 child's address, and that child's Student Information Management
18 System identification number. The local school administrative unit
19 shall not require any other information from the charter school as a
20 condition of the unit's remission of these funds. If the local
21 school administrative unit requires this invoice, the unit shall
22 provide to the charter school the local current expense
23 appropriation based on the number of children in the most recent
24 invoice. If no invoice is required, the local current expense
25 appropriation shall be based on the number of children as mutually
26 agreed upon by the local school administrative unit and the charter
27 school. The local school administrative unit shall remit these
28 funds to the charter school at times that are mutually agreed upon
29 by the unit and the charter school, but if no agreement is reached,
30 then the unit shall remit these funds to the charter school no later
31 than one week after the unit receives the funds from the board of
32 county commissioners as established under G.S. 115C-437 and upon
33 receipt of an invoice, if required. The State Board may withhold
34 money used for payment of salaries for the superintendent and school
35 finance officer of any local school administrative unit if the Board
36 finds that the unit is not using its best efforts to remit these
37 funds on a timely basis.
38 (c) The board of county commissioners of the county in which the
39 charter school is located may allocate to the charter school funds
40 that may be used for capital outlay purposes.'";
41



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1 and on page 13, line 39, through page 14, line 40, by deleting those
2 lines;

3
4 and on page 15, line 1, by deleting "(c)" and by substituting the
5 phrase, "Section 22. (a)";

6
7 and on page 16, line 30, by deleting "(d)" and by substituting
8 "(b)";

9
10 and by renumbering the remaining sections accordingly;

11
12 and on page 18, line 24, by rewriting the line to read:

13 "Section 24. G.S. 105-164.14(c) reads as rewritten:

14 '(c) Certain Governmental Entities. -- A governmental entity
15 listed in this subsection is allowed an annual refund of sales and
16 use ~~tax~~ taxes paid by it under this Article, except under G.S. 105-
17 164.4(a)(4a) and G.S. 105-164.4(a)(4c), on direct purchases of
18 tangible personal property. Sales and use tax liability indirectly
19 incurred by a governmental entity on building materials, supplies,
20 fixtures, and equipment that become a part of or annexed to any
21 building or structure that is owned or leased by the governmental
22 entity and is being erected, altered, or repaired for use by the
23 governmental entity is considered a sales or use tax liability
24 incurred on direct purchases by the governmental entity for the
25 purpose of this subsection. A request for a refund must be in
26 writing and must include any information and documentation required
27 by the Secretary. A request for a refund is due within six months
28 after the end of the governmental entity's fiscal year.

29 This subsection applies only to the following governmental
30 entities:

- 31 (1) A county.
32 (2) A city as defined in G.S. 160A-1.
33 (2a) A consolidated city-county as defined in G.S. 160B-2.
34 (2b) A local school administrative unit for charter schools
35 operated by the local board of education.
36 Notwithstanding any other provisions of law, a refund
37 payable under this subdivision of the local sales and
38 use taxes to cities levied under Articles 39, 40, and
39 42 of this Chapter and under the Mecklenburg County
40 Sales and Use Tax Act, Chapter 1096 of the 1967
41 Session Laws, as amended, shall be drawn from the



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- 1 General Fund and shall not be deducted from the
2 distribution to the cities.
3 (3) A metropolitan sewerage district or a metropolitan
4 water district in this State.
5 (4) A water and sewer authority created under Chapter 162A
6 of the General Statutes.
7 (5) A lake authority created by a board of county
8 commissioners pursuant to an act of the General
9 Assembly.
10 (6) A sanitary district.
11 (7) A regional solid waste management authority created
12 pursuant to G.S. 153A-421.
13 (8) An area mental health, developmental disabilities, and
14 substance abuse authority, other than a single-county
15 area authority, established pursuant to Article 4 of
16 Chapter 122C of the General Statutes.
17 (9) A district health department.
18 (10) A regional council of governments created pursuant to
19 G.S. 160A-470.
20 (11) A regional planning and economic development
21 commission or a regional economic development
22 commission created pursuant to Chapter 158 of the
23 General Statutes.
24 (12) A regional planning commission created pursuant to
25 G.S. 153A-391.
26 (13) A regional sports authority created pursuant to G.S.
27 160A-479.
28 (14) A public transportation authority created pursuant to
29 Article 25 of Chapter 160A of the General Statutes.
30 (14a) A facility authority created pursuant to Part 4
31 of Article 20 of Chapter 160A of the General
32 Statutes.
33 (15) A regional public transportation authority created
34 pursuant to Article 26 of Chapter 160A of the General
35 Statutes.
36 (16) A local airport authority that was created pursuant to
37 a local act of the General Assembly and has at least
38 one of the following characteristics:
39 a. It has all of the rights of a municipality.
40 b. A local act of the General Assembly declares it
41 to be a municipality.



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- 1 c. A local act of the General Assembly specifically
2 authorizes it to receive a refund under this
3 section.
4 (17) A joint agency created by interlocal agreement
5 pursuant to G.S. 160A-462 to operate a public
6 broadcasting television station.
7 (18) The North Carolina Low-Level Radioactive Waste
8 Management Authority created pursuant to Chapter 104G
9 of the General Statutes.
10 (19) The North Carolina Hazardous Waste Management
11 Commission created pursuant to Chapter 130B of the
12 General Statutes.
13 (20) A constituent institution of The University of North
14 Carolina, but only with respect to sales and use tax
15 paid by it for tangible personal property acquired by
16 it through the expenditure of contract and grant
17 funds.
18 (21) The University of North Carolina Hospitals at Chapel
19 Hill.'
20 Section 25. This act becomes effective July 1, 1998.
21 Section 19 of this act applies to taxes paid on or after January 1,
22 1999.".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____

FAILED _____

TABLED _____



2nd Amendment
6
Amended

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 1739

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)
Page 1 of

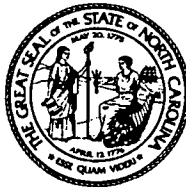
H1739-ARH-004

Date 6/23, 1998

Comm. Sub. [X] H1739-PCSRH-004
Amends Title []

Representative Grady

- 1 moves to amend the bill on page 10, line 40,
2 by inserting after that line the following new section:
3 "Section 12. G.S. 115C-238.29F(d) reads as rewritten:
4 '(d) Instructional Program. --
5 (1) The school shall provide instruction each year for at
6 least 180 days.
7 (2) The school shall design its programs to at least meet
8 the student performance standards adopted by the State
9 Board of Education and the student performance
10 standards contained in the charter.
11 (3) A charter school shall ~~conduct the student assessments~~
12 ~~required for charter schools by the State Board of~~
13 ~~Education.~~ administer the tests adopted by the State
14 Board of Education under G.S. 115C-174.11 and that are
15 used to implement the School-Based Management and
16 Accountability Program in other public schools.
17 (4) The school shall comply with policies adopted by the
18 State Board of Education for charter schools relating
19 to the education of children with special needs.
20 (5) The school is subject to and shall comply with Article
21 27 of Chapter 115C of the General Statutes, except
22 that a charter school may also exclude a student from
23 the charter school and return that student to another
24 school in the local school administrative unit in
25 accordance with the terms of its charter.'";



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 1739

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)
Page 2 of

H1739-ARH-004

1
2 and by renumbering the remaining sections accordingly.
3

SIGNED *Robert S. Gandy*
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

6/30/98

**1998 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. 1129 A BILL TO BE ENTITLED AN ACT TO AMEND THE STATUTES GOVERNING THE CONSEQUENCES FOR PRINCIPALS IN SCHOOLS INDENTIFIED AS LOW-PERFORMING UNDER THE ABC'S PLAN, AND TO REQUIRE LOCAL SCHOOL ADMINISTRATIVE UNITS TO DEVELOP PLANS TO ADDRESS THE NEEDS OF LOW-PERFORMING SCHOOLS.

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

S

D

SENATE BILL 1129*

Education/Higher Education Committee Substitute Adopted 5/28/98

Third Edition Engrossed 6/8/98

Proposed House Committee Substitute S1129-PCS9762-RC001

Short Title: ABC's Plan/Consequences for Principals.

(Public)

Sponsors:

Referred to:

May 14, 1998

1 A BILL TO BE ENTITLED

2 AN ACT TO AMEND THE STATUTES GOVERNING THE CONSEQUENCES
3 FOR PRINCIPALS IN SCHOOLS IDENTIFIED AS LOW-PERFORMING
4 UNDER THE ABC'S PLAN, AND TO REQUIRE LOCAL SCHOOL
5 ADMINISTRATIVE UNITS TO DEVELOP PLANS TO ADDRESS THE
6 NEEDS OF LOW-PERFORMING SCHOOLS.

7 The General Assembly of North Carolina enacts:

8 Section 1. G.S. 115C-105.37 reads as rewritten:

9 "**§ 115C-105.37. Identification of low-performing schools.**

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

14 (a1) By July 10 of each year, each local school administrative unit shall do a
15 preliminary analysis of test results to determine which of its schools the State Board
16 may identify as low-performing under this section. The superintendent then shall
17 proceed under G.S. 115C-105.39. In addition, within 30 days of the initial
18 identification of a school as low-performing by the local school administrative unit or
19 the State Board, whichever occurs first, the superintendent shall submit to the local
20 board a preliminary plan for addressing the needs of that school. Within 30 days of
21 its receipt of this plan, the local board shall vote to approve, modify, or reject this

1 a low-performing school to which an assistance team has
2 been assigned. The State Board through its designee shall
3 recommend the dismissal of any principal when the Board
4 receives from the assistance team assigned to that principal's
5 school two consecutive evaluations that include written
6 findings and recommendations regarding the principal's
7 inadequate performance.

8 b. If the State Board through its designee recommends the
9 dismissal of a principal under this subdivision, the principal
10 shall be suspended with pay pending a hearing before a
11 panel of three members of the State Board. The purpose of
12 this hearing, which shall be held within 60 days after the
13 principal is suspended, is to determine whether the principal
14 shall be dismissed.

15 c. The panel shall order the dismissal of the principal if it
16 determines from available information, including the
17 findings of the assistance team, that the low performance of
18 the school is due to the principal's inadequate performance.

19 d. The panel may order the dismissal of the principal if (i) it
20 determines that the school has not made satisfactory
21 improvement after the State Board assigned an assistance
22 team to that school; and (ii) the assistance team makes the
23 recommendation to dismiss the principal for one or more
24 grounds established in G.S. 115C-325(e)(1) for dismissal or
25 demotion of a career employee.

26 e. If the State Board or its designee recommends the dismissal
27 of a principal before the assistance team assigned to the
28 principal's school has evaluated that principal, the panel
29 may order the dismissal of the principal if the panel
30 determines from other available information that the low
31 performance of the school is due to the principal's
32 inadequate performance.

33 f. In all hearings under this subdivision, the burden of proof is
34 on the principal to establish that the factors leading to the
35 school's low performance were not due to the principal's
36 inadequate performance. In all hearings under sub-
37 subdivision d. of this subdivision, the burden of proof is on
38 the State Board to establish that the school failed to make
39 satisfactory improvement after an assistance team was
40 assigned to the school and to establish one or more of the
41 grounds established for dismissal or demotion of a career
42 employee under G.S. 115C-325(e)(1).

43 g. In all hearings under this subdivision, two consecutive
44 evaluations that include written findings and

1 recommendations regarding that person's inadequate
2 performance from the assistance team are substantial
3 evidence of the inadequate performance of the principal.

4 h. The State Board shall adopt procedures to ensure that due
5 process rights are afforded to principals under this
6 ~~subsection.~~ subdivision. Decisions of the panel may be
7 appealed on the record to the State Board, with further right
8 of judicial review under Chapter 150B of the General
9 Statutes."

10 Section 4. This act is effective when it becomes law and applies to
11 principals on or after that date.

Speakers :

<u>Name</u>	<u>Phone</u>	<u>Business</u>
Dan Hayes	919 454-0971	928-3876
Roger Gerber	919 967-1019	Some
Judy Hoffman	919-781-0785	Full Ed.

VISITOR REGISTRATION SHEET

EDUCATION

JUNE 23, 1998

Name of Committee

Date _____

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME _____

FIRM OR AGENCY AND ADDRESS[illegible]

VISITOR REGISTRATION SHEET

EDUCATION

JUNE 23, 1998

Name of Committee

Date _____

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME _____

FIRM OR AGENCY AND ADDRESS

Joseph Hoffmann	Wake County Board
Judy Hoffmann	US Education
Susan Harrison	Wake County Public School System
John Wilson	NCAE
Deanne Kinner	NCSBN
Dan Hays	John Locke Foundation
Liz Hovey	Healthy Start Charter School
Thomas Williams	Healthy Start Academy Charter School
Vernon L. Foban	NC Education Reform Foundation
Madh	NCAE
Christina B. Jeter	UNCG
Hal Miller	NCACCT
Chris Fitzsimon	Common Sense Foundation
Amy VanDoren	PENC
Ang Mall	N.C. Fellow

MINUTES
HOUSE STANDING COMMITTEE ON EDUCATION
Tuesday, June 30, 1998

The House Committee on **EDUCATION** met in Room 544 of the Legislative Office Building on Tuesday, June 30, at 11:00 a.m. Representative Carolyn Russell, Co-Chairperson, presided at the meeting and the following members were present: Representatives Allen, Arnold, Beall, Black, Boyd-McIntyre, Cansler, Capps, Crawford, Davis, Decker, Dickson, Dockham, Eddins, Grady, Gulley, Hall, Hiatt, Insko, Ives, Kinney, Moore, Morris, Mosley, Nichols, Nye, Oldham, Owens, Preston, Shubert, Sexton, Sherrill, Tolson. Representative's Fox and Moore had excused absences. Legislative Staff Robin Johnson, Kory Goldsmith, Sara Kamprath and Shirley Iorio were present to assist the Committee. The visitor registration sheet is attached and made part of the minutes.

Representative Russell, presiding Chair, called the meeting to order and introduced pages: Rebecca Potts from Davie County and Erin Provost from Wake County. The Chair also introduced an honorary page, Sarah Welch, who was sponsored by Representative Mosely.

The Chair advised the Committee the first item on the agenda was **HB 1477 ABC'S PLAN FOR DHHS SCHOOLS**. The Chair recognized Representative Allen, who moved for adoption of the Committee Substitute of House Bill 1477 for discussion. The vote was taken and the motion carried. She then introduced Representative Arnold, bill sponsor, for his explanation of the bill. Representative Arnold said the bill came from the study commission on Public Schools. It was a bipartisan committee that consulted with the House and Senate Chairs of the Human Resource Committees and Dr. Bruton. He explained the bill directs the Secretary of Health and Human Services to make changes in the structure and function of the residential schools. He continued going paragraph by paragraph with his explanation of the bill. At the end of his explanation Representative Arnold asked the Chair to be able to present a perfecting amendment. The Chair recognized him for the amendment and Robin Johnson, staff attorney explained the amendment. She stated the first two parts of the amendment were to correct citations that were not correct in the original bill or the substitute. The third amendment adds the language that was passed earlier this year changing the teacher competency for teachers in low performing schools. The new language states certified people must be evaluated annually and consequences based on the evaluations and action plan. Representative Arnold moved for adoption of the amendment, a vote was taken and the amendment carried.

Representative Oldham complimented Representative Arnold about the bill. He stated these schools had been neglected and he would support the bill.

Representative Decker commented on the need, he felt, to have additional wording in the bill to protect those students who may have interaction with a teacher or adult off the campus. Representative Arnold stated he thought that issue had been covered but he would welcome a friendly amendment to the bill from Representative Decker.

Representative Sherrill asked Representative Arnold if this bill would cover the juvenile evaluation centers and the educators? Representative Arnold responded it was the intent and request of the Department that this bill would cover them, but first to address the DHHS schools.

Representative Cansler stated DHHS's focus was not education. He felt the students of these schools needed to have the best education possible. He asked Representative Arnold if it would not be better to have the Department of Education operating these schools? Representative Arnold said the reason they did not go with D.P.I. running the schools was because D.P.I. did not want it.

Representative Shubert stated this issue is enormously complicated and action long overdue. She moved for a favorable report on the bill as amended to be rolled into a committee substitute, unfavorable as to the original bill and re-referred to the committee on Appropriations. Representative Dickson seconded the motion.

Representative Decker put forth an amendment that changed page 12, lines 11 and 12. Copy of the amendment is attached to the permanent minutes. The Chair temporarily displaced the bill so that the amendment could be written.

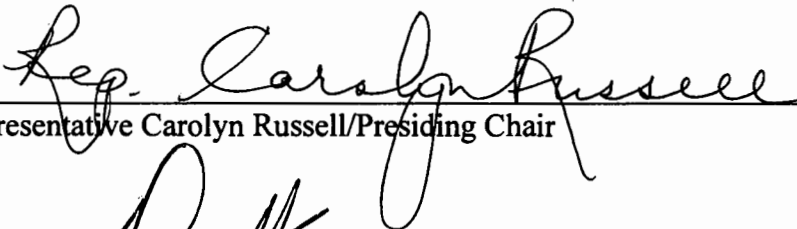
The Chair called for the next item on the agenda, **Senate Bill 1129-ABC's Plan/Consequences for Principals**. The Chair stated there was a committee substitute, that there were two amendments that were to be proposed and they had been rolled into the committee substitute. Bill sponsor, Senator Winner, gave the explanation of the bill. She said the bill came from the Joint Education Oversight Committee. It was a refinement on how Principals were to be treated when schools are designated as low performing.

Representative Dickson stated this bill was a great step in the right direction and he moved for a favorable report as well as moved that House Committee Substitute of SB 1129 be placed before the committee for debate.

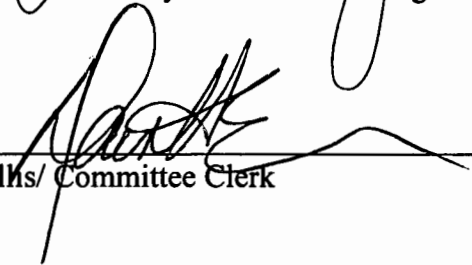
The Chair apologized for interrupting Senator Winner however she stated Representative Decker's amendment had been completed and she called on Representative Arnold for his explanation. The Chair called for the vote on the amendment and it carried. The Chair stated there was a motion on the floor from Representative Dickson for a favorable report on the committee substitute for HB 1477 as amended. The motion was voted on and the motion carried.

Representative Dickson moved for a favorable report on SB 1129 as amended, rolled into a Committee Substitute, unfavorable as to the original bill. The vote was taken and the motion carried.

There being no further business before the Committee the Chair adjourned the meeting.



Representative Carolyn Russell/Presiding Chair



Dawn Ellis/ Committee Clerk

7/1/98

1998 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. 1477 A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE RECOMMENDATIONS OF THE LEGISLATIVE COMMISSION ON PUBLIC SCHOOLS TO MAKE CHANGES IN LAWS, POLICIES, AND ADMINISTRATION TO IMPROVE THE QUALITY OF EDUCATION AND SAFELY IN THE STATE RESIDENTIAL SCHOOLS, TO IMPLEMENT THE ABC'S PROGRAM IN THE RESIDENTIAL SCHOOLS, TO AUTHORIZE STUDIES OF ISSUES OF CONCERN TO BLIND AND DEAF STUDENTS, TO REQUIRE AN AUDIT OF THE DIVISION OF SERVICES FOR THE DEAF AND HARD OF HEARING, TO REQUIRE THE DEVELOPMENT OF A THREE-YEAR PLAN TO ADDRESS THE CAPITAL NEEDS OF THE GOVERNOR MOREHEAD SCHOOL AND THE THREE STATE SCHOOLS FOR THE DEAF, AND TO MAKE APPROPRIATIONS TO IMPLEMENT THIS 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.
(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.

FOR JOURNAL USE ONLY

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

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1997

H

1

HOUSE BILL 1477*

Short Title: ABC's Plan for DHHS Schools.

(Public)

Sponsors: Representatives Arnold; Adams and Watson.

Referred to: Education, if favorable, Appropriations.

May 25, 1998

A BILL TO BE ENTITLED

1
2 AN ACT TO IMPLEMENT THE RECOMMENDATIONS OF THE LEGISLATIVE
3 COMMISSION ON PUBLIC SCHOOLS TO MAKE CHANGES IN LAWS,
4 POLICIES, AND ADMINISTRATION TO IMPROVE THE QUALITY OF
5 EDUCATION AND SAFETY IN THE STATE RESIDENTIAL SCHOOLS, TO
6 IMPLEMENT THE ABC'S PROGRAM IN THE RESIDENTIAL SCHOOLS, TO
7 AUTHORIZE STUDIES OF ISSUES OF CONCERN TO BLIND AND DEAF
8 STUDENTS, TO REQUIRE AN AUDIT OF THE DIVISION OF SERVICES
9 FOR THE DEAF AND HARD OF HEARING, TO REQUIRE THE
10 DEVELOPMENT OF A THREE-YEAR PLAN TO ADDRESS THE CAPITAL
11 NEEDS OF THE GOVERNOR MOREHEAD SCHOOL AND THE THREE
12 STATE SCHOOLS FOR THE DEAF, AND TO MAKE APPROPRIATIONS TO
13 IMPLEMENT THIS ACT.

14 The General Assembly of North Carolina enacts:

15 Section 1. The Secretary of Health and Human Services shall make
16 changes in the structure and functions of the State residential schools with a view to
17 improving student performance, increasing flexibility and control, and promoting
18 economy and efficiency. The Secretary shall begin with the Governor Morehead
19 School and the three schools for the deaf. The Secretary may, in his discretion, make
20 changes in the structure and functions of the other residential schools. In carrying
21 out the changes, the Secretary shall consider ways to reorder priorities and place
22 greater emphasis on the basics - reading, communication skills, and mathematics - in
23 the areas of staff development, the State testing program, program accreditation, the
24 use of instructional funds, the instructional program, and other components of the

1 education program offered at the residential schools. The Secretary also shall
2 consider the impact the changes will have on the mission of the State's residential
3 schools and the mission of the Department of Health and Human Services as it
4 pertains to the residential schools.

5 The Secretary shall make a preliminary report to the Legislative
6 Commission on Public Schools and to the cochairs of the Appropriation
7 Subcommittee on Health and Human Services of the Senate and the House of
8 Representatives by November 1, 1998, and a final report by November 1, 1999, on the
9 results of these changes. The reports shall include any proposed legislation necessary
10 to implement the additional changes.

11 Section 2. The Secretary of Health and Human Services also shall make
12 changes in the administrative organization of the Department of Health and Human
13 Services and of the Governor Morehead School and the three schools for the deaf
14 with a view to (i) improving student academic performance in the residential schools,
15 (ii) promoting economy and efficiency in government in the interest of producing
16 cost savings that can be used to redirect funds to the residential schools for teaching,
17 textbooks, school supplies, technology, equipment, and staff development, and (iii)
18 increasing school-based decision making and parental involvement. The Secretary
19 may, in his discretion, extend this section to additional residential programs. The
20 Secretary shall make necessary changes in the mission of the residential schools and
21 of the Department of Health and Human Services as it pertains to the residential
22 schools. The Secretary shall develop a plan for reducing, eliminating, and/or
23 reorganizing the Department of Health and Human Services and each residential
24 school. A reorganization may include the assignment or reassignment of the
25 Department's duties and functions among divisions and other units, division heads,
26 officers, and employees.

27 The proposed reduction, elimination, and/or reorganization of the
28 Department shall have a goal of resulting in a decrease of at least fifty percent (50%)
29 in the number of employee positions currently assigned to the Department and its
30 divisions for the purpose of providing assistance to, management of, or education
31 programs in the residential schools, and a redirection to the instructional programs in
32 the residential schools by January 1, 1999, of at least fifty percent (50%) in the
33 Department's budget that currently is maintained by the Department to administer
34 the residential schools and their programs. The proposed reduction, elimination,
35 and/or reorganization of the residential schools shall have a goal of resulting in a
36 decrease of at least fifty percent (50%) in the number of employee positions currently
37 filled by administrators or supervisors.

38 The Secretary shall report to the Legislative Commission on Public
39 Schools and to the cochairs of the Appropriation Subcommittee on Health and
40 Human Services of the Senate and the House of Representatives by December 15,
41 1998, on the reduction, elimination, and/or reorganization plan it develops.

42 Section 3. The Secretary of Health and Human Services shall consult
43 with the State Board of Education in its implementation of this act as it pertains to
44 improving the educational programs at the residential schools. The Secretary also

1 shall fully inform and consult with the chairs of the Appropriation Subcommittees on
2 Education and Health and Human Services of the Senate and the House of
3 Representatives on a regular basis as the Secretary carries out his duties under this
4 act.

5 Section 4. There is appropriated to the Department of Health and
6 Human Services from the General Fund the sum of three hundred thousand dollars
7 (\$300,000) for the 1998-99 fiscal year to contract for outside consultants and
8 assistance to assist the Secretary in carrying out his duties under this act. The Office
9 of State Budget and Management, the State Auditor, and other appropriate State
10 agencies also shall provide consultation as requested by the Secretary as needed to
11 develop the plans set out in this act.

12 Section 5. Article 3 of Chapter 143B of the General Statutes is amended
13 by adding the following new Part to read:

14 "Part 3A. Education Programs in Residential Schools.

15 "§ 143B-146.1. Mission of schools; definitions.

16 (a) It is the intent of the General Assembly that the mission of the residential
17 school community is to challenge with high expectations each child to learn, to
18 achieve, and to fulfill his or her potential.

19 (b) The following definitions apply in this Part:

20 (1) ABC's Program or Program. -- The School-Based Management and
21 Accountability developed by the State Board.

22 (2) Department. -- The Department of Health and Human Services.

23 (3) Instructional personnel. -- Principals, assistant principals, teachers,
24 instructional personnel, instructional support personnel, and
25 teacher assistants employed in a residential school.

26 (4) Participating school. -- A residential school that is required to
27 participate in the ABC's Program.

28 (5) Residential school personnel. -- The individuals included in G.S.
29 143B-146.13(a)(2).

30 (6) Schools. -- The residential schools under the control of the
31 Secretary.

32 (7) Secretary. -- The Secretary of Health and Human Services.

33 (8) State Board. -- The State Board of Education.

34 (9) Superintendent. -- The individual designated by the Secretary to
35 administer a residential school.

36 "§ 143B-146.2. ABC's program in residential schools.

37 (a) The Governor Morehead School and the three schools for the deaf shall
38 participate in the ABC's Program. The Secretary, in consultation with the General
39 Assembly and the State Board, may designate other residential schools that must
40 participate in the ABC's Program. The primary goal of the ABC's Program is to
41 improve student performance. The Program is based upon an accountability,
42 recognition, assistance, and intervention process in order to hold each participating
43 school, its superintendent, and the instructional personnel accountable for improved
44 student performance in that school.

(b) In order to support the participating schools in the implementation of this Program, the State Board, in consultation with the Secretary, shall adopt guidelines, including guidelines to:

(1) Assist the Secretary and the participating schools in the development and implementation of the ABC's Program.

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

(3) Identify participating schools that are low-performing and assign assistance teams to those schools. The assistance teams should include individuals with expertise in residential schools, individuals with experience in the education of children with disabilities, and others the State Board, in consultation with the Secretary, considers appropriate.

(4) Enable assistance teams to make appropriate recommendations.

(c) The ABC's Program shall provide increased decision making and parental involvement at the school level with the goal of improving student performance.

(d) Consistent with improving student performance, the Secretary shall provide maximum flexibility to participating schools in the use of funds to enable those schools to accomplish their goals.

"§ 143B-146.3. Annual performance goals.

The ABC's Program shall (i) focus on student performance in the basics of reading, mathematics, and communications skills in elementary and middle schools, (ii) focus on student performance in courses required for graduation and on other measures required by the State Board in the high schools, and (iii) hold participating schools accountable for the educational growth of their students. To those ends, the State Board shall design and implement an accountability system that sets annual performance standards for each participating school in order to measure the growth in performance of the students in each individual school.

"§ 143B-146.4. Performance recognition.

(a) The superintendent and instructional personnel assigned to participating schools that achieve or exceed a level of expected growth to be determined by the State Board are eligible for financial awards in amounts set by the State Board. Participating schools and personnel shall not be required to apply for these awards.

(b) The State Board shall establish a procedure to allocate the funds for these awards. Funds shall become available for expenditure July 1 of each fiscal year. Funds shall remain available until November 30 of the subsequent fiscal year for expenditure for:

(1) Awards to the personnel; or

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

a. Developed and voted on by the superintendent and instructional personnel in the same manner that a school improvement plan is approved under G.S. 143B-146.9.

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

c. Submitted to and approved by the Secretary.

1 The Secretary shall approve this plan unless the plan involves expenditures of
2 funds that are not for a public purpose or that are otherwise unlawful.

3 **"§ 143B-146.5. Identification of low-performing schools.**

4 (a) The State Board shall design and implement a procedure to identify low-
5 performing schools on an annual basis. Low-performing schools are those
6 participating schools in which there is a failure to meet the minimum growth
7 standards, as defined by the State Board, and a majority of students are performing
8 below grade level.

9 (b) Each identified low-performing school shall provide written notification to the
10 parents of students attending that school. The written notification shall include a
11 statement that the State Board of Education has found that the school has 'failed to
12 meet the minimum growth standards, as defined by the State Board, and a majority of
13 students in the school are performing below grade level.' This notification also shall
14 include a description of the steps the school is taking to improve student
15 performance.

16 **"§ 143B-146.6. Assistance teams; review by State Board.**

17 (a) The State Board may assign an assistance team to any school identified as low-
18 performing under this Part or to any other school that the State Board determines
19 would benefit from an assistance team. The State Board shall give priority to low-
20 performing schools in which the educational performance of the students is declining.
21 The Department shall, with the approval of the Secretary, provide staff as needed and
22 requested by an assistance team.

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

- 25 (1) Review and investigate all facets of school operations, including
26 instructional and residential, and assist in developing
27 recommendations for improving student performance at that
28 school.
- 29 (2) Evaluate at least semiannually the superintendent and instructional
30 personnel assigned to the school and make findings and
31 recommendations concerning their performance.
- 32 (3) Collaborate with school staff, the Department, and the Secretary in
33 the design, implementation, and monitoring of a plan that, if fully
34 implemented, can reasonably be expected to alleviate problems
35 and improve student performance at that school.
- 36 (4) Make recommendations as the school develops and implements
37 this plan.
- 38 (5) Review the school's progress.
- 39 (6) Report, as appropriate, to the Secretary and to the parents on the
40 school's progress. If an assistance team determines that an accepted
41 school improvement plan developed under G.S. 143B-146.9 is
42 impeding student performance at a school, the team may
43 recommend to the Secretary that he vacate the relevant portions of
44 that plan and direct the school to revise those portions.

1 (c) If a participating school fails to improve student performance after assistance is
2 provided under this section, the assistance team may recommend that the assistance
3 continue or that the Secretary take further action under G.S. 143B-146.7.

4 (d) The Secretary, in consultation with the State Board, shall annually review the
5 progress made in identified low-performing schools.

6 **"§ 143B-146.7. Consequences for personnel at low-performing schools.**

7 (a) Upon the identification of a participating school as low-performing under this
8 Part, the Secretary shall proceed under the State Personnel Act for the dismissal of
9 the superintendent assigned to that school unless the Secretary finds that the
10 superintendent has established that the factors that led to the identification of the
11 school as low-performing were not due to the inadequate performance of the
12 superintendent.

13 (b) At any time after a participating school is identified as low-performing under
14 this Part, the Secretary shall proceed under G.S. 115C-325(p1) for the dismissal of
15 certificated instructional personnel assigned to that school.

16 (c) At any time after a participating school is identified as low-performing under
17 this Part, the Secretary shall proceed under the State Personnel Act for the dismissal
18 of instructional personnel who are not certificated when the Secretary receives two
19 consecutive evaluations that include written findings and recommendations regarding
20 that person's inadequate performance from the assistance team. These findings and
21 recommendations shall be substantial evidence of the inadequate performance of the
22 instructional personnel. The Secretary may proceed under the State Personnel Act
23 for the dismissal of instructional personnel who are not certificated when: (i) the
24 Secretary determines that the school has failed to make satisfactory improvement
25 after the State Board assigned an assistance team to that school; and (ii) that the
26 assistance team makes the recommendation to dismiss that person for a reason that
27 constitutes just cause for dismissal under the State Personnel Act.

28 (d) The certificated instructional personnel working in a participating school at
29 the time the school is identified as low-performing are subject to G.S. 115C-105.38A.

30 (e) The Secretary may terminate the contract of a school administrator dismissed
31 under this subsection. Nothing in this section shall prevent the Secretary from
32 refusing to renew the contract of any person employed in a school identified as low-
33 performing under this Part.

34 **"§ 143B-146.8. School calendar.**

35 Each school shall adopt a school calendar that includes a minimum of 180 days
36 and 1,000 hours of instruction covering at least nine calendar months. In the
37 development of its school calendar, each school shall consult with parents, the
38 residential school personnel, and the local school administrative unit in which that
39 school is located.

40 **"§ 143B-146.9. Development and approval of school improvement plans.**

41 (a) In order to improve student performance, each participating school shall
42 develop a school improvement plan that takes into consideration the annual
43 performance goal for that school that is set by the State Board under G.S. 143B-146.3.
44 The superintendent, instructional personnel, and residential life personnel assigned to

1 that school, and a minimum of five parents of children enrolled in the school shall
2 constitute a school improvement team to develop a school improvement plan to
3 improve student performance.

4 (b) Parents shall be elected by parents of children enrolled in the school in an
5 election conducted by the parent and teacher organization of the school or, if none
6 exists, by the largest organization of parents formed for this purpose. To the extent
7 possible, parents serving on school improvement teams shall reflect the composition
8 of the students enrolled in that school. No more than two parents may be employees
9 of the school. Parental involvement is a critical component of school success and
10 positive student achievement; therefore, it is the intent of the General Assembly that
11 parents, along with teachers, have a substantial role in developing school
12 improvement plans. To this end, school improvement team meetings shall be held at
13 a convenient time to assure substantial parent participation. Parents who are elected
14 to serve on school improvement teams and who are not employees of the school shall
15 receive travel and subsistence expenses in accordance with G.S. 138-5 and, if
16 appropriate, may receive a stipend.

17 (c) The strategies for improving student performance shall include the following:

- 18 (1) A plan for the use of funds that may be made available to the
19 school by the Secretary to meet the goals for that school under the
20 ABC's Program and to implement the school improvement plan.
- 21 (2) A comprehensive plan to encourage parent involvement.
- 22 (3) A safe school plan designed to provide that the school is safe,
23 secure, and orderly, that there is a climate of respect in the school,
24 and that appropriate personal conduct is a priority for all students
25 and all residential school personnel. This plan shall include
26 components similar to those listed in G.S. 115C-105.45(d).

27 (d) Support among affected staff members is essential to successful implementation
28 of a school improvement plan to address improved student performance at that
29 school. The superintendent of the school shall present the proposed school
30 improvement plan to all of the instructional personnel assigned to the school for their
31 review and vote. The vote shall be by secret ballot. The superintendent shall submit
32 the school improvement plan to the Secretary only if the proposed school
33 improvement plan has the approval of a majority of the instructional personnel who
34 voted on the plan.

35 (e) The Secretary shall accept or reject the school improvement plan. The
36 Secretary shall not make any substantive changes in any school improvement plan
37 that the Secretary accepts. If the Secretary rejects a school improvement plan, the
38 Secretary shall state with specificity the reasons for rejecting the plan; the school
39 improvement team may then prepare another plan, present it to the instructional
40 personnel assigned to the school for a vote, and submit it to the Secretary to accept
41 or reject. Within 60 days after the initial submission of the school improvement plan
42 to the Secretary, the Secretary shall accept the plan or shall designate a person to
43 work with the school improvement team to resolve the disagreements. If there is no
44 resolution within 30 days, then the Secretary may develop a school improvement plan

1 for the school; however, the General Assembly urges the Secretary to utilize the
2 school's proposed school improvement plan to the maximum extent possible when
3 developing this plan.

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

11 (g) Any funds the Secretary makes available to a school to meet the goals for that
12 school under the ABC's Program and to implement the school improvement plan at
13 that school shall be used in accordance with those goals and the school improvement
14 plan.

15 (h) The Secretary, in consultation with the State Board, shall develop a list of
16 recommended strategies that it determines to be effective, which building-level
17 committees may use to establish parent involvement programs designed to meet the
18 specific needs of their schools.

19 (i) Once developed, the Secretary shall ensure the plan is available and accessible
20 to parents and the school community.

21 **"§ 143B-146.10. School technology plan.**

22 (a) No later than December 15, 1998, the Secretary shall develop a school
23 technology plan for the residential schools that meets the requirements of the State
24 school technology plan. In developing a school technology plan, the Secretary is
25 encouraged to coordinate its planning with other agencies of State and local
26 government, including local school administrative units.

27 The Information Resources Management Commission shall assist the Secretary in
28 developing the parts of the plan related to its technological aspects, to the extent that
29 resources are available to do so. The Department of Public Instruction shall assist the
30 Secretary in developing the instructional and technological aspects of the plan.

31 The Secretary shall submit the plan that is developed to the Information Resources
32 Management Commission for its evaluation of the parts of the plan related to its
33 technological aspects and to the Department of Public Instruction for its evaluation of
34 the instructional aspects of the plan. The State Board of Education, after
35 consideration of the evaluations of the Information Resources Management
36 Commission and the Department of Public Instruction, shall approve all plans that
37 comply with the requirements of the State school technology plan.

38 (b) After a plan is approved by the State Board of Education, all funds spent for
39 technology in the residential schools shall be used to implement the school
40 technology plan.

41 **"§ 143B-146.11. Dispute resolution; appeals to Secretary.**

42 The Secretary shall establish a procedure for the resolution of disputes between the
43 residential schools and the parents or guardians of students who attend the schools.

1 An appeal shall lie from the decision of all residential school personnel to the
2 Secretary or the Secretary's designee. In all of these appeals it is the duty of the
3 Secretary to see that a proper notice is given to all parties concerned and that a
4 record of the hearing is properly entered in the records.

5 "§ 143B-146.12. Duty to report certain acts to law enforcement.

6 When the superintendent has personal knowledge or actual notice from residential
7 school personnel that an act has occurred on school property involving assault
8 resulting in serious personal injury, sexual assault, sexual offense, rape, kidnapping,
9 indecent liberties with a minor, assault involving the use of a weapon, possession of a
10 firearm in violation of the law, possession of a weapon in violation of the law, or
11 possession of a controlled substance in violation of the law, the superintendent shall
12 immediately report the act to the appropriate local law enforcement agency. Failure
13 to report under this section is a Class 3 misdemeanor. For purposes of this section,
14 'school property' shall include any building, bus, campus, grounds, recreational area,
15 or athletic field, in the charge of the superintendent. It is the intent of the General
16 Assembly that the superintendent notify the Secretary or the Secretary's designee of
17 any report made to law enforcement under this section.

18 "§ 143B-146.13. Residential school personnel criminal history checks.

19 (a) As used in this section:

20 (1) 'Criminal history' means a county, state, or federal criminal history
21 of conviction of a crime, whether a misdemeanor or a felony, that
22 indicates the employee (i) poses a threat to the physical safety of
23 students or personnel, or (ii) has demonstrated that he or she does
24 not have the integrity or honesty to fulfill his or her duties as
25 school personnel. Such crimes include the following North
26 Carolina crimes contained in any of the following Articles of
27 Chapter 14 of the General Statutes: Article 5A, Endangering
28 Executive and Legislative Officers; Article 6, Homicide; Article
29 7A, Rape and Kindred Offenses; Article 8, Assaults; Article 10,
30 Kidnapping and Abduction; Article 13, Malicious Injury or
31 Damage by Use of Explosive or Incendiary Device or Material;
32 Article 14, Burglary and Other Housebreakings; Article 15, Arson
33 and Other Burnings; Article 16, Larceny; Article 17, Robbery;
34 Article 18, Embezzlement; Article 19, False Pretense and Cheats;
35 Article 19A, Obtaining Property or Services by False or
36 Fraudulent Use of Credit Device or Other Means; Article 20,
37 Frauds; Article 21, Forgery; Article 26, Offenses Against Public
38 Morality and Decency; Article 26A, Adult Establishments; Article
39 27, Prostitution; Article 28, Perjury; Article 29, Bribery; Article 31,
40 Misconduct in Public Office; Article 35, Offenses Against the
41 Public Peace; Article 36A, Riots and Civil Disorders; Article 39,
42 Protection of Minors; and Article 60, Computer-Related Crime.
43 Such crimes also include possession or sale of drugs in violation of
44 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) 'Residential school personnel' means any:

- a. Employee of a residential school whether full time or part time, or
 - b. Independent contractor or employee of an independent contractor of a residential school, if the independent contractor carries out duties customarily performed by residential school personnel,
- whether paid with federal, State, local, or other funds, who has significant access to students in a residential school. Residential school personnel includes substitute teachers, driver training teachers, bus drivers, clerical staff, houseparents, and custodians.

(b) The Secretary shall require an applicant for a residential school personnel position to be checked for a criminal history before the applicant is offered an unconditional job. A residential school may employ an applicant conditionally while the Secretary is checking the person's criminal history and making a decision based on the results of the check.

The Secretary shall not require an applicant to pay for the criminal history check authorized under this subsection.

(c) The Department of Justice shall provide to the Secretary the criminal history from the State and National Repositories of Criminal Histories of any applicant for a residential school personnel position in a residential school. The Secretary shall require the person to be checked by the Department of Justice to (i) be fingerprinted and to provide any additional information required by the Department of Justice to a person designated by the Secretary, 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 Secretary shall consider refusal to consent when making employment decisions and decisions with regard to independent contractors.

The Secretary shall not require an applicant to pay for being fingerprinted.

(d) The Secretary shall review the criminal history it receives on a person. The Secretary shall determine whether the results of the review indicate that the employee (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 residential school personnel and shall use the information when making employment decisions and decisions with regard to independent contractors. The Secretary shall make written findings with regard to how it used the information

1 when making employment decisions and decisions with regard to independent
2 contractors.

3 (e) The Secretary shall provide to the State Board of Education the criminal
4 history received on a person who is certificated, certified, or licensed by the State
5 Board. The State Board shall review the criminal history and determine whether the
6 person's certificate or license should be revoked in accordance with State laws and
7 rules regarding revocation.

8 (f) All the information received by the Secretary through the checking of the
9 criminal history or by the State Board in accordance with subsection (d) of this
10 section is privileged information and is not a public record but is for the exclusive
11 use of the Secretary or the State Board of Education. The Secretary or the State
12 Board of Education may destroy the information after it is used for the purposes
13 authorized by this section after one calendar year.

14 (g) There shall be no liability for negligence on the part of the Secretary, the
15 Department of Health and Human Services or its employees, a residential school or
16 its employees, or the State Board of Education or its employees, arising from any act
17 taken or omission by any of them in carrying out the provisions of this section. The
18 immunity established by this subsection shall not extend to gross negligence, wanton
19 conduct, or intentional wrongdoing that would otherwise be actionable. The
20 immunity established by this subsection shall be deemed to have been waived to the
21 extent of indemnification by insurance, indemnification under Articles 31A and 31B
22 of Chapter 143 of the General Statutes, and to the extent sovereign immunity is
23 waived under the Tort Claims Act, as set forth in Article 31 of Chapter 143 of the
24 General Statutes."

25 Section 6. G.S. 115C-325 is amended by adding the following new
26 subsection to read:

27 "(p1) Procedure for Dismissal of School Administrators and Teachers Employed
28 in Low-Performing Residential Schools. --

29 (1) Notwithstanding any other provision of this section or any other
30 law, this subdivision shall govern the dismissal by the Secretary of
31 Health and Human Services of teachers, principals, assistant
32 principals, directors, supervisors, and other certificated personnel
33 assigned to a residential school that the State Board has identified
34 as low-performing and to which the State Board has assigned an
35 assistance team under Part 3A of Article 3 of Chapter 143B of the
36 General Statutes. The Secretary shall dismiss a teacher, principal,
37 assistant principal, director, supervisor, or other certificated
38 personnel when the Secretary receives two consecutive evaluations
39 that include written findings and recommendations regarding that
40 person's inadequate performance from the assistance team. These
41 findings and recommendations shall be substantial evidence of the
42 inadequate performance of the teacher or school administrator.

1 The Secretary may dismiss a teacher, principal, assistant
2 principal, director, supervisor, or other certificated personnel
3 when:

- 4 a. The Secretary determines that the school has failed to make
5 satisfactory improvement after the State Board assigned an
6 assistance team to that school under Part 3A of Article 3 of
7 Chapter 143B of the General Statutes; and
8 b. That assistance team makes the recommendation to dismiss
9 the teacher, principal, assistant principal, director,
10 supervisor, or other certificated personnel for one or more
11 grounds established in G.S. 115C-325(e)(1) for dismissal or
12 demotion of a career employee.

13 Within 30 days of any dismissal under this subdivision, a teacher,
14 principal, assistant principal, director, supervisor, or other
15 certificated personnel may request a hearing before a panel of
16 three members designated by the Secretary. The Secretary shall
17 adopt procedures to ensure that due process rights are afforded to
18 persons recommended for dismissal under this subdivision.
19 Decisions of the panel may be appealed on the record to the
20 Secretary, with further right of judicial review under Chapter 150B
21 of the General Statutes.

- 22 (2) Notwithstanding any other provision of this section or any other
23 law, this subdivision shall govern the dismissal by the Secretary of
24 Health and Human Services of certificated staff members who have
25 engaged in a remediation plan under G.S. 115C-105.38A(a) but
26 who, after two retests, fail to meet the general knowledge standard
27 set by the State Board. The failure to meet the general knowledge
28 standard after two retests shall be substantial evidence of the
29 inadequate performance of the certified staff member.

30 Within 30 days of any dismissal under this subdivision, a
31 certificated staff member may request a hearing before a panel of
32 three members designated by the Secretary of Health and Human
33 Services. The Secretary shall adopt procedures to ensure that due
34 process rights are afforded to certificated staff members
35 recommended for dismissal under this subdivision. Decisions of the
36 panel may be appealed on the record to the Secretary, with further
37 right of judicial review under Chapter 150B of the General
38 Statutes.

- 39 (3) The Secretary of Health and Human Services or the
40 superintendent of a residential school may terminate the contract
41 of a school administrator dismissed under this subsection. Nothing
42 in this subsection shall prevent the Secretary from refusing to
43 renew the contract of any person employed in a school identified

1 as low-performing under Part 3A of Article 3 of Chapter 143B of
2 the General Statutes.

3 (4) Neither party to a school administrator contract is entitled to
4 damages under this subsection.

5 (5) The Secretary of Health and Human Services shall have the right
6 to subpoena witnesses and documents on behalf of any party to the
7 proceedings under this subsection."

8 Section 7. G.S. 115C-102.7(b) reads as rewritten:

9 "(b) The Commission shall consist of the following ~~18~~ 19 members:

10 (1) The State Superintendent of Public Instruction or a designee;

11 (2) One representative of The University of North Carolina, appointed
12 by the President of The University of North Carolina;

13 (3) One representative of the North Carolina Community College
14 System, appointed by the President of the North Carolina
15 Community College System;

16 (4) A person with management responsibility concerning information
17 technology related State Government functions, designated by the
18 Secretary of Commerce;

19 (5) Four members appointed by the Governor;

20 (6) Six members appointed by the President Pro Tempore of the
21 Senate two of whom shall be members of the Senate. One of these
22 six members shall be appointed by the President of the Senate to
23 serve as cochair; and

24 (7) Six members appointed by the Speaker of the House of
25 Representatives two of whom shall be members of the House of
26 Representatives. One of these six members shall be appointed by
27 the Speaker of the House of Representatives to serve as cochair.

28 (8) The Secretary of Health and Human Services or a designee.

29 In appointing members pursuant to subdivisions (5), (6), and (7) of this subsection,
30 the appointing persons shall select individuals with technical or applied knowledge or
31 experience in learning and instructional management technologies or individuals with
32 expertise in curriculum or instruction who have successfully used learning and
33 instructional management technologies.

34 No producers, vendors, or consultants to producers or vendors of learning or
35 instructional management technologies shall serve on the Commission.

36 Members shall serve for two-year terms. Vacancies in terms of members shall be
37 filled by the appointing officer. Persons appointed to fill vacancies shall qualify in the
38 same manner as persons appointed for full terms."

39 Section 8. G.S. 115C-105.31 reads as rewritten:

40 "**§ 115C-105.31. Creation of the Task Force on School-Based Management.**

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

43 The Task Force shall be composed of ~~20~~ 21 members appointed as follows:

44 (1) The Superintendent of Public Instruction;

- (2) One member of the State Board of Education, one parent of a public school child, and two at-large members appointed by the State Board of Education;
- (3) Two members of the Senate appointed by the President Pro Tempore of the Senate;
- (4) Two members of the House of Representatives appointed by the Speaker of the House of Representatives;
- (5) One member of a local board of education appointed by the President Pro Tempore of the Senate after receiving recommendations from The North Carolina State School Boards Association, Inc.;
- (6) One member of a local board of education appointed by the Speaker of the House of Representatives after receiving recommendations from The North Carolina State School Boards Association, Inc.;
- (7) One local school superintendent appointed by the President Pro Tempore of the Senate after receiving recommendations from the North Carolina Association of School Administrators;
- (8) One local school superintendent appointed by the Speaker of the House of Representatives after receiving recommendations from the North Carolina Association of School Administrators;
- (9) One school principal appointed by the President Pro Tempore of the Senate after receiving recommendations from the Tar Heel Association of Principals/Assistant Principals and the Division of Administrators of the North Carolina Association of Educators;
- (10) One school principal appointed by the Speaker of the House of Representatives after receiving recommendations from the Tar Heel Association of Principals/Assistant Principals and the Division of Administrators of the North Carolina Association of Educators;
- (11) One school teacher appointed by the President Pro Tempore of the Senate after receiving recommendations from the North Carolina Association of Educators, Inc., the North Carolina Federation of Teachers, and the Professional Educators of North Carolina, Inc.;
- (12) One school teacher appointed by the Speaker of the House of Representatives after receiving recommendations from the North Carolina Association of Educators, Inc., the North Carolina Federation of Teachers, and the Professional Educators of North Carolina, Inc.;
- (13) One representative of business and industry appointed by the Governor;
- (14) One representative of institutions of higher education appointed by the Board of Governors of The University of North Carolina; and

(15) One county commissioner appointed by the State Board of Education after receiving recommendations from the North Carolina Association of County Commissioners.

(16) The Secretary of Health and Human Services or the Secretary's designee.

Members of the Task Force shall serve for two-year terms.

All members of the Task Force shall be voting members. Vacancies in the appointed membership shall be filled by the officer who made the initial appointment. The Task Force on School-Based Management shall select a member of the Task Force to serve as chair of the Task Force.

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

(b) The Task Force shall:

(1) Advise the State Board of Education and Secretary of Health and Human Services on the development of guidelines for local boards of education and schools to implement school-based management as part of the School-Based Management and Accountability Program;

(2) Advise the State Board of Education and the Secretary of Health and Human Services on how to assist the public schools and residential schools so as to facilitate the implementation of school-based management;

(3) Advise the State Board of Education and Secretary of Health and Human Services about publications to be produced by the Department of Public Instruction on the development and implementation of school improvement plans;

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

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

(d) The State Board of Education shall appoint a Director of the Task Force on School-Based Management."

Section 9. (a) The Secretary of Health and Human Services shall adopt policies and offer training opportunities to ensure that all personnel in the three State schools for the deaf become proficient in sign language within two years of their initial date of employment or within two years of the effective date of this act, whichever occurs later.

(b) The Department of Public Instruction, the Board of Governors of The University of North Carolina, and the State Board of Community Colleges shall offer and communicate the availability of professional development opportunities, including those to improve sign language skills, to the personnel assigned to the

1 State's residential schools, particularly the Governor Morehead School and the three
2 schools for the deaf.

3 (c) The Board of Governors of The University of North Carolina and the
4 State Board of Community Colleges shall study methods to assure that faculty
5 members teaching American Sign Language are highly qualified and competent. The
6 Board of Governors and the State Board of Community Colleges shall report their
7 findings and recommendations prior to March 1, 1999, to the Appropriations
8 Subcommittees on Education and on Health and Human Services of the House of
9 Representatives and Senate.

10 Section 10. The Board of Governors of The University of North Carolina
11 shall assess the accessibility of the programs of the constituent institutions for deaf
12 and blind students. The Board of Governors shall report to the General Assembly by
13 December 1, 1998, on this assessment.

14 Section 11. The Secretary of Health and Human Services shall contract
15 for the design of a longitudinal study of deaf and hard-of-hearing children to assess
16 communication methods used and student performance.

17 Section 12. The State Board of Education, in consultation with the
18 Secretary of Health and Human Services, shall evaluate the certification requirements
19 for teachers at the State schools for the deaf and the Governor Morehead School in
20 light of the specific educational needs of those schools. In particular, the State Board
21 shall determine whether these teachers should hold (i) certificates to authorize them
22 to teach students with specific disabilities, (ii) certificates authorizing them to teach a
23 specific grade level or subject matter, or (iii) dual certificates, particularly at the high
24 school level. The State Board shall revise any policies, rules, or regulations if
25 considered appropriate, and shall report to the Legislative Commission on Public
26 Schools by December 15, 1998, on the results of its evaluation under this section and
27 any changes it proposes.

28 Section 13. The State Auditor shall conduct a fiscal audit of the Division
29 of Services for the Deaf and Hard of Hearing, Department of Health and Human
30 Services, and the use of current operations funds appropriated to that Division
31 beginning with the 1996-97 fiscal year and the use of capital funds appropriated to
32 that Division beginning with the 1995-96 fiscal year. The Auditor shall report to the
33 General Assembly by March 1, 1999, on the results of this audit.

34 Section 14. The Governor Morehead School and the three schools for
35 the deaf shall each prioritize its capital needs in a three-year plan. These schools
36 shall give first priority to bringing their facilities up to code and to supporting
37 instructional programs so as to improve student academic performance. The schools
38 shall submit their three-year plans to the Secretary. The Secretary shall prioritize the
39 needs of these four schools and shall submit to the General Assembly a three-year
40 plan to address those needs.

41 Section 15. The Secretary of Health and Human Services shall adopt
42 policies to ensure that students of the residential schools are given priority to residing
43 in the independent living facilities on each school's campus.

1 Section 16. There is appropriated from the General Fund to the
2 Department of Health and Human Services the sum of one million two hundred
3 thousand dollars (\$1,200,000) for the 1998-99 fiscal year to provide funds for
4 statewide teacher supplements for the teachers in the residential schools based on five
5 percent (5%) of their State salaries in order to recognize the teachers' levels of
6 education and years of experience.

7 Section 17. There is appropriated from the General Fund to the State
8 Board of Education the sum of nine hundred thousand dollars (\$900,000) for the
9 1998-99 fiscal year to provide funds for two assistance teams to be assigned to the
10 Governor Morehead School and to the three schools for the deaf.

11 Section 18. There is appropriated from the General Fund to the
12 Department of Health and Human Services the sum of one million two hundred fifty
13 thousand dollars (\$1,250,000) for the 1998-99 fiscal year to provide funds to provide
14 computers and related technology in each of the three State schools for the deaf and
15 in the Governor Morehead School. The intent of the General Assembly is that these
16 funds be used first to provide an up-to-date computer laboratory at each of these
17 schools or to begin the implementation of the school technology plan developed
18 under G.S. 143B-146.10 created in Section 5 of this act.

19 Section 19. This act becomes effective July 1, 1998. Part 3A of Article 3
20 of Chapter 143B of the General Statutes, as established in Section 5 of this act,
21 applies to kindergarten through eighth grade in the three schools for the deaf and in
22 the Governor Morehead School beginning with the 1999-2000 school year. The
23 Secretary of Health and Human Services, in consultation with the General Assembly
24 and the State Board of Education, shall recommend beginning dates of applicability
25 for the remaining grades in those four schools and for the other residential schools,
26 particularly those operated by the Division of Youth Services. School improvement
27 plans required under Section 5 of this act shall be developed during the 1998-99
28 school year and shall be implemented by the beginning of the 1999-2000 school year.

DRAFT

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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H1477-PCSRH-001

PROPOSED COMMITTEE SUBSTITUTE

HOUSE BILL 1477*

THIS IS A DRAFT 18-JUN-98 11:17:46

ATTENTION: LINE NUMBERS MAY CHANGE AFTER ADOPTION

Short Title: ABC's Plan for DHHS Schools.

(Public)

Sponsors:

Referred to: Education, if favorable, Appropriations.

May 25, 1998

1 A BILL TO BE ENTITLED
2 AN ACT TO IMPLEMENT THE RECOMMENDATIONS OF THE LEGISLATIVE
3 COMMISSION ON PUBLIC SCHOOLS TO MAKE CHANGES IN LAWS, POLICIES,
4 AND ADMINISTRATION TO IMPROVE THE QUALITY OF EDUCATION AND
5 SAFETY IN THE STATE RESIDENTIAL SCHOOLS, TO IMPLEMENT THE ABC'S
6 PROGRAM IN THE RESIDENTIAL SCHOOLS, TO AUTHORIZE STUDIES OF
7 ISSUES OF CONCERN TO BLIND AND DEAF STUDENTS, TO REQUIRE AN
8 AUDIT OF THE DIVISION OF SERVICES FOR THE DEAF AND HARD OF
9 HEARING, TO REQUIRE THE DEVELOPMENT OF A THREE-YEAR PLAN TO
10 ADDRESS THE CAPITAL NEEDS OF THE GOVERNOR MOREHEAD SCHOOL AND
11 THE THREE STATE SCHOOLS FOR THE DEAF, AND TO MAKE
12 APPROPRIATIONS TO IMPLEMENT THIS ACT.
13 The General Assembly of North Carolina enacts:
14 Section 1. The Secretary of Health and Human Services
15 shall make changes in the structure and functions of the State
16 residential schools with a view to improving student performance,
17 increasing flexibility and control, and promoting economy and
18 efficiency. The Secretary shall begin with the Governor Morehead

1 School and the three schools for the deaf. The Secretary may, in
2 his discretion, make changes in the structure and functions of
3 the other residential schools. In carrying out the changes, the
4 Secretary shall consider ways to reorder priorities and place
5 greater emphasis on the basics - reading, communication skills,
6 and mathematics - in the areas of staff development, the State
7 testing program, program accreditation, the use of instructional
8 funds, the instructional program, and other components of the
9 education program offered at the residential schools. The
10 Secretary also shall consider the impact the changes will have on
11 the mission of the State's residential schools and the mission of
12 the Department of Health and Human Services as it pertains to the
13 residential schools.

14 The Secretary shall make a preliminary report to the
15 Legislative Commission on Public Schools and to the cochairs of
16 the Appropriation Subcommittee on Health and Human Services of
17 the Senate and the House of Representatives by November 1, 1998,
18 and a final report by November 1, 1999, on the results of these
19 changes. The reports shall include any proposed legislation
20 necessary to implement the additional changes.

21 Section 2. The Secretary of Health and Human Services
22 also shall make changes in the administrative organization of the
23 Department of Health and Human Services and of the Governor
24 Morehead School and the three schools for the deaf with a view to
25 (i) improving student academic performance in the residential
26 schools, (ii) promoting economy and efficiency in government in
27 the interest of producing cost savings that can be used to
28 redirect funds to the residential schools for teaching,
29 textbooks, school supplies, technology, equipment, and staff
30 development, and (iii) increasing school-based decision making
31 and parental involvement. The Secretary may, in his discretion,
32 extend this section to additional residential programs. The
33 Secretary shall make necessary changes in the mission of the
34 residential schools and of the Department of Health and Human
35 Services as it pertains to the residential schools. The
36 Secretary shall develop a plan for reducing, eliminating, and/or
37 reorganizing the Department of Health and Human Services and each
38 residential school. A reorganization may include the assignment
39 or reassignment of the Department's duties and functions among

1 divisions and other units, division heads, officers, and
2 employees.

3 The proposed reduction, elimination, and/or
4 reorganization of the Department shall have a goal of resulting
5 in a decrease of at least fifty percent (50%) in the number of
6 employee positions currently assigned to the Department and its
7 divisions for the purpose of providing assistance to, management
8 of, or education programs in the residential schools, and a
9 redirection to the instructional programs in the residential
10 schools by January 1, 1999, of at least fifty percent (50%) in
11 the Department's budget that currently is maintained by the
12 Department to administer the residential schools and their
13 programs. The proposed reduction, elimination, and/or
14 reorganization of the residential schools shall have a goal of
15 resulting in a decrease of at least fifty percent (50%) in the
16 number of employee positions currently filled by administrators
17 or supervisors.

18 The Secretary shall report to the Legislative Commission
19 on Public Schools and to the cochairs of the Appropriation
20 Subcommittee on Health and Human Services of the Senate and the
21 House of Representatives by December 15, 1998, on the reduction,
22 elimination, and/or reorganization plan it develops.

23 Section 3. The Secretary of Health and Human Services
24 shall consult with the State Board of Education in its
25 implementation of this act as it pertains to improving the
26 educational programs at the residential schools. The Secretary
27 also shall fully inform and consult with the chairs of the
28 Appropriation Subcommittees on Education and Health and Human
29 Services of the Senate and the House of Representatives on a
30 regular basis as the Secretary carries out his duties under this
31 act.

32 Section 4. There is appropriated to the Department of
33 Health and Human Services from the General Fund the sum of three
34 hundred thousand dollars (\$300,000) for the 1998-99 fiscal year
35 to contract for outside consultants and assistance to assist the
36 Secretary in carrying out his duties under this act. The Office
37 of State Budget and Management, the State Auditor, and other
38 appropriate State agencies also shall provide consultation as
39 requested by the Secretary as needed to develop the plans set out
40 in this act.

1 Section 5. Article 3 of Chapter 143B of the General
2 Statutes is amended by adding the following new Part to read:

3 "Part 3A. Education Programs in Residential Schools.

4 "§ 143B-146.1. Mission of schools; definitions.

5 (a) It is the intent of the General Assembly that the mission
6 of the residential school community is to challenge with high
7 expectations each child to learn, to achieve, and to fulfill his
8 or her potential.

9 (b) The following definitions apply in this Part:

10 (1) ABC's Program or Program. -- The School-Based
11 Management and Accountability developed by the
12 State Board.

13 (2) Department. -- The Department of Health and Human
14 Services.

15 (3) Instructional personnel. -- Principals, assistant
16 principals, teachers, instructional personnel,
17 instructional support personnel, and teacher
18 assistants employed in a residential school.

19 (4) Participating school. -- A residential school that
20 is required to participate in the ABC's Program.

21 (5) Residential school personnel. -- The individuals
22 included in G.S. 143B-146.13(a)(2).

23 (6) Schools. -- The residential schools under the
24 control of the Secretary.

25 (7) Secretary. -- The Secretary of Health and Human
26 Services.

27 (8) State Board. -- The State Board of Education.

28 (9) Superintendent. -- The individual designated by the
29 Secretary to administer a residential school.

30 "§ 143B-146.2. ABC's Program in residential schools.

31 (a) The Governor Morehead School and the three schools for the
32 deaf shall participate in the ABC's Program. The Secretary, in
33 consultation with the General Assembly and the State Board, may
34 designate other residential schools that must participate in the
35 ABC's Program. The primary goal of the ABC's Program is to
36 improve student performance. The Program is based upon an
37 accountability, recognition, assistance, and intervention process
38 in order to hold each participating school, its superintendent,
39 and the instructional personnel accountable for improved student
40 performance in that school.

1 (b) In order to support the participating schools in the
2 implementation of this Program, the State Board, in consultation
3 with the Secretary, shall adopt guidelines, including guidelines
4 to:

5 (1) Assist the Secretary and the participating schools
6 in the development and implementation of the ABC's
7 Program.

8 (2) Recognize the participating schools that meet or
9 exceed their goals.

10 (3) Identify participating schools that are low-
11 performing and assign assistance teams to those
12 schools. The assistance teams should include
13 individuals with expertise in residential schools,
14 individuals with experience in the education of
15 children with disabilities, and others the State
16 Board, in consultation with the Secretary,
17 considers appropriate.

18 (4) Enable assistance teams to make appropriate
19 recommendations.

20 (c) The ABC's Program shall provide increased decision making
21 and parental involvement at the school level with the goal of
22 improving student performance.

23 (d) Consistent with improving student performance, the
24 Secretary shall provide maximum flexibility to participating
25 schools in the use of funds to enable those schools to accomplish
26 their goals.

27 "§ 143B-146.3. Annual performance goals.

28 The ABC's Program shall (i) focus on student performance in the
29 basics of reading, mathematics, and communications skills in
30 elementary and middle schools, (ii) focus on student performance
31 in courses required for graduation and on other measures required
32 by the State Board in the high schools, and (iii) hold
33 participating schools accountable for the educational growth of
34 their students. To those ends, the State Board shall design and
35 implement an accountability system that sets annual performance
36 standards for each participating school in order to measure the
37 growth in performance of the students in each individual school.

38 "§ 143B-146.4. Performance recognition.

39 (a) The superintendent and instructional personnel assigned to
40 participating schools that achieve or exceed a level of expected

1 growth to be determined by the State Board are eligible for
2 financial awards in amounts set by the State Board.
3 Participating schools and personnel shall not be required to
4 apply for these awards.

5 (b) The State Board shall establish a procedure to allocate
6 the funds for these awards. Funds shall become available for
7 expenditure July 1 of each fiscal year. Funds shall remain
8 available until November 30 of the subsequent fiscal year for
9 expenditure for:

- 10 (1) Awards to the personnel; or
- 11 (2) The purposes authorized in a plan that has been:
 - 12 a. Developed and voted on by the superintendent
13 and instructional personnel in the same manner
14 that a school improvement plan is approved
15 under G.S. 143B-146.9;
 - 16 b. Approved by a majority of the personnel who
17 vote on the plan; and
 - 18 c. Submitted to and approved by the Secretary.

19 The Secretary shall approve this plan unless the plan involves
20 expenditures of funds that are not for a public purpose or that
21 are otherwise unlawful.

22 "§ 143B-146.5. Identification of low-performing schools.

23 (a) The State Board shall design and implement a procedure to
24 identify low-performing schools on an annual basis. Low-
25 performing schools are those participating schools in which there
26 is a failure to meet the minimum growth standards, as defined by
27 the State Board, and a majority of students are performing below
28 grade level.

29 (b) Each identified low-performing school shall provide
30 written notification to the parents of students attending that
31 school. The written notification shall include a statement that
32 the State Board of Education has found that the school has
33 'failed to meet the minimum growth standards, as defined by the
34 State Board, and a majority of students in the school are
35 performing below grade level.' This notification also shall
36 include a description of the steps the school is taking to
37 improve student performance.

38 "§ 143B-146.6. Assistance teams; review by State Board.

39 (a) The State Board may assign an assistance team to any
40 school identified as low-performing under this Part or to any

1 other school that the State Board determines would benefit from
2 an assistance team. The State Board shall give priority to low-
3 performing schools in which the educational performance of the
4 students is declining. The Department shall, with the approval of
5 the Secretary, provide staff as needed and requested by an
6 assistance team.

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

9 (1) Review and investigate all facets of school
10 operations, including instructional and
11 residential, and assist in developing
12 recommendations for improving student performance
13 at that school.

14 (2) Evaluate at least semiannually the superintendent
15 and instructional personnel assigned to the school
16 and make findings and recommendations concerning
17 their performance.

18 (3) Collaborate with school staff, the Department, and
19 the Secretary in the design, implementation, and
20 monitoring of a plan that, if fully implemented,
21 can reasonably be expected to alleviate problems
22 and improve student performance at that school.

23 (4) Make recommendations as the school develops and
24 implements this plan.

25 (5) Review the school's progress.

26 (6) Report, as appropriate, to the Secretary, the State
27 Board, and the parents on the school's progress. If
28 an assistance team determines that an accepted
29 school improvement plan developed under G.S. 143B-
30 146.9 is impeding student performance at a school,
31 the team may recommend to the Secretary that he
32 vacate the relevant portions of that plan and
33 direct the school to revise those portions.

34 (c) If a participating school fails to improve student
35 performance after assistance is provided under this section, the
36 assistance team may recommend that the assistance continue or
37 that the Secretary take further action under G.S. 143B-146.7.

38 (d) The Secretary, in consultation with the State Board, shall
39 annually review the progress made in identified low-performing
40 schools.

1 "§ 143B-146.7. Consequences for personnel at low-performing
2 schools.

3 (a) Upon the identification of a participating school as low-
4 performing under this Part, the Secretary shall proceed under the
5 State Personnel Act for the dismissal of the superintendent
6 assigned to that school unless the Secretary finds that the
7 superintendent has established that the factors that led to the
8 identification of the school as low-performing were not due to
9 the inadequate performance of the superintendent.

10 (b) At any time after a participating school is identified as
11 low-performing under this Part, the Secretary shall proceed under
12 G.S. 115C-325(pl) for the dismissal of certificated instructional
13 personnel assigned to that school.

14 (c) At any time after a participating school is identified as
15 low-performing under this Part, the Secretary shall proceed under
16 the State Personnel Act for the dismissal of instructional
17 personnel who are not certificated when the Secretary receives
18 two consecutive evaluations that include written findings and
19 recommendations regarding that person's inadequate performance
20 from the assistance team. These findings and recommendations
21 shall be substantial evidence of the inadequate performance of
22 the instructional personnel. The Secretary may proceed under the
23 State Personnel Act for the dismissal of instructional personnel
24 who are not certificated when: (i) the Secretary determines that
25 the school has failed to make satisfactory improvement after the
26 State Board assigned an assistance team to that school; and (ii)
27 that the assistance team makes the recommendation to dismiss that
28 person for a reason that constitutes just cause for dismissal
29 under the State Personnel Act.

30 (d) The certificated instructional personnel working in a
31 participating school at the time the school is identified as low-
32 performing are subject to G.S. 115C-105.38A.

33 (e) The Secretary may terminate the contract of a school
34 administrator dismissed under this subsection. Nothing in this
35 section shall prevent the Secretary from refusing to renew the
36 contract of any person employed in a school identified as low-
37 performing under this Part.

38 "§ 143B-146.8. School calendar.

39 Each school shall adopt a school calendar that includes a
40 minimum of 180 days and 1,000 hours of instruction covering at

1 least nine calendar months. In the development of its school
2 calendar, each school shall consult with parents, the residential
3 school personnel, and the local school administrative unit in
4 which that school is located.

5 "§ 143B-146.9. Development and approval of school improvement
6 plans.

7 (a) In order to improve student performance, each
8 participating school shall develop a school improvement plan that
9 takes into consideration the annual performance goal for that
10 school that is set by the State Board under G.S. 143B-146.3. The
11 superintendent, instructional personnel, and residential life
12 personnel assigned to that school, and a minimum of five parents
13 of children enrolled in the school shall constitute a school
14 improvement team to develop a school improvement plan to improve
15 student performance.

16 (b) Parents shall be elected by parents of children enrolled
17 in the school in an election conducted by the parent and teacher
18 organization of the school or, if none exists, by the largest
19 organization of parents formed for this purpose. To the extent
20 possible, parents serving on school improvement teams shall
21 reflect the composition of the students enrolled in that school.
22 No more than two parents may be employees of the school. Parental
23 involvement is a critical component of school success and
24 positive student achievement; therefore, it is the intent of the
25 General Assembly that parents, along with teachers, have a
26 substantial role in developing school improvement plans. To this
27 end, school improvement team meetings shall be held at a
28 convenient time to assure substantial parent participation.
29 Parents who are elected to serve on school improvement teams and
30 who are not employees of the school shall receive travel and
31 subsistence expenses in accordance with G.S. 138-5 and, if
32 appropriate, may receive a stipend.

33 (c) The strategies for improving student performance shall
34 include the following:

35 (1) A plan for the use of funds that may be made
36 available to the school by the Secretary to meet
37 the goals for that school under the ABC's Program
38 and to implement the school improvement plan.

39 (2) A comprehensive plan to encourage parent
40 involvement.

1 (3) A safe school plan designed to provide that the
2 school is safe, secure, and orderly, that there is
3 a climate of respect in the school, and that
4 appropriate personal conduct is a priority for all
5 students and all residential school personnel. This
6 plan shall include components similar to those
7 listed in G.S. 115C-105.45(d).

8 (d) Support among affected staff members is essential to
9 successful implementation of a school improvement plan to address
10 improved student performance at that school. The superintendent
11 of the school shall present the proposed school improvement plan
12 to all of the instructional personnel assigned to the school for
13 their review and vote. The vote shall be by secret ballot. The
14 superintendent shall submit the school improvement plan to the
15 Secretary only if the proposed school improvement plan has the
16 approval of a majority of the instructional personnel who voted
17 on the plan.

18 (e) The Secretary shall accept or reject the school improvement
19 plan. The Secretary shall not make any substantive changes in any
20 school improvement plan that the Secretary accepts. If the
21 Secretary rejects a school improvement plan, the Secretary shall
22 state with specificity the reasons for rejecting the plan; the
23 school improvement team may then prepare another plan, present it
24 to the instructional personnel assigned to the school for a vote,
25 and submit it to the Secretary to accept or reject. Within 60
26 days after the initial submission of the school improvement plan
27 to the Secretary, the Secretary shall accept the plan or shall
28 designate a person to work with the school improvement team to
29 resolve the disagreements. If there is no resolution within 30
30 days, then the Secretary may develop a school improvement plan
31 for the school; however, the General Assembly urges the Secretary
32 to utilize the school's proposed school improvement plan to the
33 maximum extent possible when developing this plan.

34 (f) A school improvement plan shall remain in effect for no
35 more than three years; however, the school improvement team may
36 amend the plan as often as is necessary or appropriate. If, at
37 any time, any part of a school improvement plan becomes unlawful
38 or the Secretary finds that a school improvement plan is impeding
39 student performance at a school, the Secretary may vacate the
40 relevant portion of the plan and may direct the school to revise

1 that portion. The procedures set out in this section shall apply
2 to amendments and revisions to school improvement plans.

3 (g) Any funds the Secretary makes available to a school to meet
4 the goals for that school under the ABC's Program and to
5 implement the school improvement plan at that school shall be
6 used in accordance with those goals and the school improvement
7 plan.

8 (h) The Secretary, in consultation with the State Board, shall
9 develop a list of recommended strategies that it determines to be
10 effective, which building-level committees may use to establish
11 parent involvement programs designed to meet the specific needs
12 of their schools.

13 (i) Once developed, the Secretary shall ensure the plan is
14 available and accessible to parents and the school community.

15 "§ 143B-146.10. School technology plan.

16 (a) No later than December 15, 1998, the Secretary shall
17 develop a school technology plan for the residential schools that
18 meets the requirements of the State school technology plan. In
19 developing a school technology plan, the Secretary is encouraged
20 to coordinate its planning with other agencies of State and local
21 government, including local school administrative units.

22 The Information Resources Management Commission shall assist
23 the Secretary in developing the parts of the plan related to its
24 technological aspects, to the extent that resources are available
25 to do so. The Department of Public Instruction shall assist the
26 Secretary in developing the instructional and technological
27 aspects of the plan.

28 The Secretary shall submit the plan that is developed to the
29 Information Resources Management Commission for its evaluation of
30 the parts of the plan related to its technological aspects and to
31 the Department of Public Instruction for its evaluation of the
32 instructional aspects of the plan. The State Board of Education,
33 after consideration of the evaluations of the Information
34 Resources Management Commission and the Department of Public
35 Instruction, shall approve all plans that comply with the
36 requirements of the State school technology plan.

37 (b) After a plan is approved by the State Board of Education,
38 all funds spent for technology in the residential schools shall
39 be used to implement the school technology plan.

40 "§ 143B-146.11. Dispute resolution; appeals to Secretary.

1 The Secretary shall establish a procedure for the resolution of
2 disputes between the residential schools and the parents or
3 guardians of students who attend the schools.

4 An appeal shall lie from the decision of all residential school
5 personnel to the Secretary or the Secretary's designee. In all
6 of these appeals it is the duty of the Secretary to see that a
7 proper notice is given to all parties concerned and that a record
8 of the hearing is properly entered in the records.

9 "§ 143B-146.12. Duty to report certain acts to law enforcement.

10 When the superintendent has personal knowledge or actual notice
11 from residential school personnel that an act has occurred on
12 school property involving assault resulting in serious personal
13 injury, sexual assault, sexual offense, rape, kidnapping,
14 indecent liberties with a minor, assault involving the use of a
15 weapon, possession of a firearm in violation of the law,
16 possession of a weapon in violation of the law, or possession of
17 a controlled substance in violation of the law, the
18 superintendent shall immediately report the act to the
19 appropriate local law enforcement agency. Failure to report
20 under this section is a Class 3 misdemeanor. For purposes of this
21 section, 'school property' shall include any building, bus,
22 campus, grounds, recreational area, or athletic field, in the
23 charge of the superintendent. It is the intent of the General
24 Assembly that the superintendent notify the Secretary or the
25 Secretary's designee of any report made to law enforcement under
26 this section.

27 "§ 143B-146.13. Residential school personnel criminal history
28 checks.

29 (a) As used in this section:

30 (1) 'Criminal history' means a county, state, or
31 federal criminal history of conviction of a crime,
32 whether a misdemeanor or a felony, that indicates
33 the employee (i) poses a threat to the physical
34 safety of students or personnel, or (ii) has
35 demonstrated that he or she does not have the
36 integrity or honesty to fulfill his or her duties
37 as school personnel. Such crimes include the
38 following North Carolina crimes contained in any of
39 the following Articles of Chapter 14 of the General
40 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. Such 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) 'Residential school personnel' means any:

- a. Employee of a residential school whether full time or part time, or
- b. Independent contractor or employee of an independent contractor of a residential school, if the independent contractor carries out duties customarily performed by residential school personnel,
whether paid with federal, State, local, or other funds, who has significant access to students in a

1 residential school. Residential school personnel
2 includes substitute teachers, driver training
3 teachers, bus drivers, clerical staff,
4 houseparents, and custodians.

5 (b) The Secretary shall require an applicant for a residential
6 school personnel position to be checked for a criminal history
7 before the applicant is offered an unconditional job. A
8 residential school may employ an applicant conditionally while
9 the Secretary is checking the person's criminal history and
10 making a decision based on the results of the check.

11 The Secretary shall not require an applicant to pay for the
12 criminal history check authorized under this subsection.

13 (c) The Department of Justice shall provide to the Secretary
14 the criminal history from the State and National Repositories of
15 Criminal Histories of any applicant for a residential school
16 personnel position in a residential school. The Secretary shall
17 require the person to be checked by the Department of Justice to
18 (i) be fingerprinted and to provide any additional information
19 required by the Department of Justice to a person designated by
20 the Secretary, or to the local sheriff or the municipal police,
21 whichever is more convenient for the person, and (ii) sign a form
22 consenting to the check of the criminal record and to the use of
23 fingerprints and other identifying information required by the
24 repositories. The Secretary shall consider refusal to consent
25 when making employment decisions and decisions with regard to
26 independent contractors.

27 The Secretary shall not require an applicant to pay for being
28 fingerprinted.

29 (d) The Secretary shall review the criminal history it
30 receives on a person. The Secretary shall determine whether the
31 results of the review indicate that the employee (i) poses a
32 threat to the physical safety of students or personnel, or (ii)
33 has demonstrated that he or she does not have the integrity or
34 honesty to fulfill his or her duties as residential school
35 personnel and shall use the information when making employment
36 decisions and decisions with regard to independent contractors.
37 The Secretary shall make written findings with regard to how it
38 used the information when making employment decisions and
39 decisions with regard to independent contractors.

(e) The Secretary shall provide to the State Board of Education the criminal history received on a person who is certificated, certified, or licensed by the State Board. The State Board shall review the criminal history and determine whether the person's certificate or license should be revoked in accordance with State laws and rules regarding revocation.

(f) All the information received by the Secretary through the checking of the criminal history or by the State Board in accordance with subsection (d) of this section is privileged information and is not a public record but is for the exclusive use of the Secretary or the State Board of Education. The Secretary or 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 Secretary, the Department of Health and Human Services or its employees, a residential school or its employees, or the State Board of Education or its employees, arising from any act taken or omission by any of them in carrying out the provisions of this section. The immunity established by this subsection shall not extend to gross negligence, wanton conduct, or intentional wrongdoing that would otherwise be actionable. 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."

Section 6. G.S. 115C-325 is amended by adding the following new subsection to read:

"(pl) Procedure for Dismissal of School Administrators and Teachers Employed in Low-Performing Residential Schools. --

(1) Notwithstanding any other provision of this section or any other law, this subdivision shall govern the dismissal by the Secretary of Health and Human Services of teachers, principals, assistant principals, directors, supervisors, and other certificated personnel assigned to a residential school that the State Board has identified as low-performing and to which the State Board has

1 assigned an assistance team under Part 3A of
2 Article 3 of Chapter 143B of the General Statutes.
3 The Secretary shall dismiss a teacher, principal,
4 assistant principal, director, supervisor, or other
5 certificated personnel when the Secretary receives
6 two consecutive evaluations that include written
7 findings and recommendations regarding that
8 person's inadequate performance from the assistance
9 team. These findings and recommendations shall be
10 substantial evidence of the inadequate performance
11 of the teacher or school administrator.

12 The Secretary may dismiss a teacher,
13 principal, assistant principal, director,
14 supervisor, or other certificated personnel when:

- 15 a. The Secretary determines that the school has
16 failed to make satisfactory improvement after
17 the State Board assigned an assistance team to
18 that school under Part 3A of Article 3 of
19 Chapter 143B of the General Statutes; and
20 b. That assistance team makes the recommendation
21 to dismiss the teacher, principal, assistant
22 principal, director, supervisor, or other
23 certificated personnel for one or more grounds
24 established in G.S. 115C-325(e)(1) for
25 dismissal or demotion of a career employee.

26 Within 30 days of any dismissal under this
27 subdivision, a teacher, principal, assistant
28 principal, director, supervisor, or other
29 certificated personnel may request a hearing before
30 a panel of three members designated by the
31 Secretary. The Secretary shall adopt procedures to
32 ensure that due process rights are afforded to
33 persons recommended for dismissal under this
34 subdivision. Decisions of the panel may be appealed
35 on the record to the Secretary, with further right
36 of judicial review under Chapter 150B of the
37 General Statutes.

- 38 (2) Notwithstanding any other provision of this section
39 or any other law, this subdivision shall govern the
40 dismissal by the Secretary of Health and Human

Services of certificated staff members who have engaged in a remediation plan under G.S. 115C-105.38A(c) but who, after one retest, fail to meet the general knowledge standard set by the State Board. The failure to meet the general knowledge standard after one retest shall be substantial evidence of the inadequate performance of the certified staff member.

Within 30 days of any dismissal under this subdivision, a certificated staff member may request a hearing before a panel of three members designated by the Secretary of Health and Human Services. The Secretary shall adopt procedures to ensure that due process rights are afforded to certificated staff members recommended for dismissal under this subdivision. Decisions of the panel may be appealed on the record to the Secretary, with further right of judicial review under Chapter 150B of the General Statutes.

(3) The Secretary of Health and Human Services or the superintendent of a residential school may terminate the contract of a school administrator dismissed under this subsection. Nothing in this subsection shall prevent the Secretary from refusing to renew the contract of any person employed in a school identified as low-performing under Part 3A of Article 3 of Chapter 143B of the General Statutes.

(4) Neither party to a school administrator contract is entitled to damages under this subsection.

(5) The Secretary of Health and Human Services shall have the right to subpoena witnesses and documents on behalf of any party to the proceedings under this subsection."

Section 7. G.S. 115C-102.7(b) reads as rewritten:

"(b) The Commission shall consist of the following ~~18~~ 19 members:

(1) The State Superintendent of Public Instruction or a designee;

- 1 (2) One representative of The University of North
- 2 Carolina, appointed by the President of The
- 3 University of North Carolina;
- 4 (3) One representative of the North Carolina Community
- 5 College System, appointed by the President of the
- 6 North Carolina Community College System;
- 7 (4) A person with management responsibility concerning
- 8 information technology related State Government
- 9 functions, designated by the Secretary of Commerce;
- 10 (5) Four members appointed by the Governor;
- 11 (6) Six members appointed by the President Pro Tempore
- 12 of the Senate two of whom shall be members of the
- 13 Senate. One of these six members shall be appointed
- 14 by the President of the Senate to serve as cochair;
- 15 and
- 16 (7) Six members appointed by the Speaker of the House
- 17 of Representatives two of whom shall be members of
- 18 the House of Representatives. One of these six
- 19 members shall be appointed by the Speaker of the
- 20 House of Representatives to serve as cochair.
- 21 (8) The Secretary of Health and Human Services or a
- 22 designee.

23 In appointing members pursuant to subdivisions (5), (6), and (7)
24 of this subsection, the appointing persons shall select
25 individuals with technical or applied knowledge or experience in
26 learning and instructional management technologies or individuals
27 with expertise in curriculum or instruction who have successfully
28 used learning and instructional management technologies.

29 No producers, vendors, or consultants to producers or vendors
30 of learning or instructional management technologies shall serve
31 on the Commission.

32 Members shall serve for two-year terms. Vacancies in terms of
33 members shall be filled by the appointing officer. Persons
34 appointed to fill vacancies shall qualify in the same manner as
35 persons appointed for full terms."

36 Section 8. G.S. 115C-105.31 reads as rewritten:

37 "**§ 115C-105.31. Creation of the Task Force on School-Based**
38 **Management.**

39 (a) There is created the Task Force on School-Based Management
40 under the State Board of Education.

1 The Task Force shall be composed of ~~20~~ 21 members appointed as
2 follows:

- 3 (1) The Superintendent of Public Instruction;
- 4 (2) One member of the State Board of Education, one
5 parent of a public school child, and two at-large
6 members appointed by the State Board of Education;
- 7 (3) Two members of the Senate appointed by the
8 President Pro Tempore of the Senate;
- 9 (4) Two members of the House of Representatives
10 appointed by the Speaker of the House of
11 Representatives;
- 12 (5) One member of a local board of education appointed
13 by the President Pro Tempore of the Senate after
14 receiving recommendations from The North Carolina
15 State School Boards Association, Inc.;
- 16 (6) One member of a local board of education appointed
17 by the Speaker of the House of Representatives
18 after receiving recommendations from The North
19 Carolina State School Boards Association, Inc.;
- 20 (7) One local school superintendent appointed by the
21 President Pro Tempore of the Senate after receiving
22 recommendations from the North Carolina Association
23 of School Administrators;
- 24 (8) One local school superintendent appointed by the
25 Speaker of the House of Representatives after
26 receiving recommendations from the North Carolina
27 Association of School Administrators;
- 28 (9) One school principal appointed by the President Pro
29 Tempore of the Senate after receiving
30 recommendations from the Tar Heel Association of
31 Principals/Assistant Principals and the Division of
32 Administrators of the North Carolina Association of
33 Educators;
- 34 (10) One school principal appointed by the Speaker of
35 the House of Representatives after receiving
36 recommendations from the Tar Heel Association of
37 Principals/Assistant Principals and the Division of
38 Administrators of the North Carolina Association of
39 Educators;

- 1 (11) One school teacher appointed by the President Pro
- 2 Tempore of the Senate after receiving
- 3 recommendations from the North Carolina Association
- 4 of Educators, Inc., the North Carolina Federation
- 5 of Teachers, and the Professional Educators of
- 6 North Carolina, Inc.;
- 7 (12) One school teacher appointed by the Speaker of the
- 8 House of Representatives after receiving
- 9 recommendations from the North Carolina Association
- 10 of Educators, Inc., the North Carolina Federation
- 11 of Teachers, and the Professional Educators of
- 12 North Carolina, Inc.;
- 13 (13) One representative of business and industry
- 14 appointed by the Governor;
- 15 (14) One representative of institutions of higher
- 16 education appointed by the Board of Governors of
- 17 The University of North Carolina; and
- 18 (15) One county commissioner appointed by the State
- 19 Board of Education after receiving recommendations
- 20 from the North Carolina Association of County
- 21 Commissioners.
- 22 (16) The Secretary of Health and Human Services or the
- 23 Secretary's designee.
- 24 Members of the Task Force shall serve for two-year terms.
- 25 All members of the Task Force shall be voting members.
- 26 Vacancies in the appointed membership shall be filled by the
- 27 officer who made the initial appointment. The Task Force on
- 28 School-Based Management shall select a member of the Task Force
- 29 to serve as chair of the Task Force.
- 30 Members of the Task Force shall receive travel and subsistence
- 31 expenses in accordance with the provisions of G.S. 120-3.1, G.S.
- 32 138-5, and G.S. 138-6.
- 33 (b) The Task Force shall:
- 34 (1) Advise the State Board of Education and Secretary
- 35 of Health and Human Services on the development of
- 36 guidelines for local boards of education and
- 37 schools to implement school-based management as
- 38 part of the School-Based Management and
- 39 Accountability Program;

- 1 (2) Advise the State Board of Education and the
2 Secretary of Health and Human Services on how to
3 assist the public schools and residential schools
4 so as to facilitate the implementation of school-
5 based management;
- 6 (3) Advise the State Board of Education and Secretary
7 of Health and Human Services about publications to
8 be produced by the Department of Public Instruction
9 on the development and implementation of school
10 improvement plans;
- 11 (4) Report annually to the State Board of Education on
12 the implementation of school-based management in
13 the public schools on the first Friday in December.
14 This report may contain a summary of
15 recommendations for changes to any law, rule, and
16 policy that would improve school-based management.
- 17 (c) The Department of Public Instruction shall, with the
18 approval of the State Board of Education, provide staff to the
19 Task Force at the request of the Task Force.
- 20 (d) The State Board of Education shall appoint a Director of
21 the Task Force on School-Based Management."
- 22 Section 9. (a) The Secretary of Health and Human
23 Services shall adopt policies and offer training opportunities to
24 ensure that all personnel in the three State schools for the deaf
25 become proficient in sign language within two years of their
26 initial date of employment or within two years of the effective
27 date of this act, whichever occurs later.
- 28 (b) The Department of Public Instruction, the Board of
29 Governors of The University of North Carolina, and the State
30 Board of Community Colleges shall offer and communicate the
31 availability of professional development opportunities, including
32 those to improve sign language skills, to the personnel assigned
33 to the State's residential schools, particularly the Governor
34 Morehead School and the three schools for the deaf.
- 35 (c) The Board of Governors of The University of North
36 Carolina and the State Board of Community Colleges shall study
37 methods to assure that faculty members teaching American Sign
38 Language are highly qualified and competent. The Board of
39 Governors and the State Board of Community Colleges shall report
40 their findings and recommendations prior to March 1, 1999, to the

1 Appropriations Subcommittees on Education and on Health and Human
2 Services of the House of Representatives and Senate.

3 Section 10. The Board of Governors of The University of
4 North Carolina shall assess the accessibility of the programs of
5 the constituent institutions for deaf and blind students. The
6 Board of Governors shall report to the General Assembly by
7 December 1, 1998, on this assessment.

8 Section 11. The Secretary of Health and Human Services
9 shall contract for the design of a longitudinal study of deaf and
10 hard-of-hearing children to assess communication methods used and
11 student performance.

12 Section 12. The Commission for Health Services shall
13 adopt temporary and permanent rules to include newborn hearing
14 screening in the Newborn Screening Program established under G.S.
15 130A-125.

16 Section 13. The State Board of Education, in
17 consultation with the Secretary of Health and Human Services,
18 shall evaluate the certification requirements for teachers at the
19 State schools for the deaf and the Governor Morehead School in
20 light of the specific educational needs of those schools. In
21 particular, the State Board shall determine whether these
22 teachers should hold (i) certificates to authorize them to teach
23 students with specific disabilities, (ii) certificates
24 authorizing them to teach a specific grade level or subject
25 matter, or (iii) dual certificates, particularly at the high
26 school level. The State Board shall revise any policies, rules,
27 or regulations if considered appropriate, and shall report to the
28 Legislative Commission on Public Schools by December 15, 1998, on
29 the results of its evaluation under this section and any changes
30 it proposes.

31 Section 14. The State Auditor shall conduct a fiscal
32 audit of the Division of Services for the Deaf and Hard of
33 Hearing, Department of Health and Human Services, and the use of
34 current operations funds appropriated to that Division beginning
35 with the 1996-97 fiscal year and the use of capital funds
36 appropriated to that Division beginning with the 1995-96 fiscal
37 year. The Auditor shall report to the General Assembly by March
38 1, 1999, on the results of this audit.

39 Section 15. The Governor Morehead School and the three
40 schools for the deaf shall each prioritize its capital needs in a

1 three-year plan. These schools shall give first priority to
2 bringing their facilities up to code and to supporting
3 instructional programs so as to improve student academic
4 performance. The schools shall submit their three-year plans to
5 the Secretary. The Secretary shall prioritize the needs of these
6 four schools and shall submit to the General Assembly a three-
7 year plan to address those needs.

8 Section 16. The Secretary of Health and Human Services
9 shall adopt policies to ensure that students of the residential
10 schools are given priority to residing in the independent living
11 facilities on each school's campus.

12 Section 17. The Secretary of Health and Human Services
13 shall provide statewide teacher supplements for the teachers in
14 the residential schools based on five percent (5%) of their State
15 salaries in order to recognize the teachers' levels of education
16 and years of experience. The Director of the Budget shall
17 transfer from the Reserve for Compensation Increase for fiscal
18 year 1998-99 all funds necessary for these supplements, including
19 funds for the employer's retirement and social security
20 contributions.

21 Section 18. From funds appropriated to the Department of
22 Health and Human Services, the Secretary may spend up to nine
23 hundred thousand dollars (\$900,000) for the 1998-99 fiscal year
24 to provide funds for assistance teams to be assigned to the
25 Governor Morehead School and to the three schools for the deaf.

26 Section 19. There is hereby established the Residential
27 School Technology Reserve in the Department of Health and Human
28 Services. There is appropriated from the General Fund to the
29 Residential School Technology Reserve the sum of one million two
30 hundred fifty thousand dollars (\$1,250,000) for the 1998-99
31 fiscal year to provide funds to provide computers and related
32 technology in each of the three State schools for the deaf and in
33 the Governor Morehead School. The Secretary of Health and Human
34 Services may allocate these funds only after the State Board of
35 Education approves the school technology plan developed under
36 G.S. 143B-146.10 created in Section 5 of this act. These funds
37 shall be used to provide an up-to-date computer laboratory at
38 each of these schools or to begin the implementation of the
39 approved school technology plan.

1 Section 20. This act becomes effective July 1, 1998.
2 Part 3A of Article 3 of Chapter 143B of the General Statutes, as
3 established in Section 5 of this act, applies to kindergarten
4 through eighth grade in the three schools for the deaf and in the
5 Governor Morehead School beginning with the 1999-2000 school
6 year. The Secretary of Health and Human Services, in
7 consultation with the General Assembly and the State Board of
8 Education, shall recommend beginning dates of applicability for
9 the remaining grades in those four schools and for the other
10 residential schools, particularly those operated by the Division
11 of Youth Services. School improvement plans required under
12 Section 5 of this act shall be developed during the 1998-99
13 school year and shall be implemented by the beginning of the
14 1999-2000 school year.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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HOUSE BILL 1477*

Short Title: ABC's Plan for DHHS Schools.

(Public)

Sponsors: Representatives Arnold; Adams and Watson.

Referred to: Education, if favorable, Appropriations.

May 25, 1998

A BILL TO BE ENTITLED

1
2 AN ACT TO IMPLEMENT THE RECOMMENDATIONS OF THE LEGISLATIVE
3 COMMISSION ON PUBLIC SCHOOLS TO MAKE CHANGES IN LAWS,
4 POLICIES, AND ADMINISTRATION TO IMPROVE THE QUALITY OF
5 EDUCATION AND SAFETY IN THE STATE RESIDENTIAL SCHOOLS, TO
6 IMPLEMENT THE ABC'S PROGRAM IN THE RESIDENTIAL SCHOOLS, TO
7 AUTHORIZE STUDIES OF ISSUES OF CONCERN TO BLIND AND DEAF
8 STUDENTS, TO REQUIRE AN AUDIT OF THE DIVISION OF SERVICES
9 FOR THE DEAF AND HARD OF HEARING, TO REQUIRE THE
10 DEVELOPMENT OF A THREE-YEAR PLAN TO ADDRESS THE CAPITAL
11 NEEDS OF THE GOVERNOR MOREHEAD SCHOOL AND THE THREE
12 STATE SCHOOLS FOR THE DEAF, AND TO MAKE APPROPRIATIONS TO
13 IMPLEMENT THIS ACT.

14 The General Assembly of North Carolina enacts:

15 Section 1. The Secretary of Health and Human Services shall make
16 changes in the structure and functions of the State residential schools with a view to
17 improving student performance, increasing flexibility and control, and promoting
18 economy and efficiency. The Secretary shall begin with the Governor Morehead
19 School and the three schools for the deaf. The Secretary may, in his discretion, make
20 changes in the structure and functions of the other residential schools. In carrying
21 out the changes, the Secretary shall consider ways to reorder priorities and place
22 greater emphasis on the basics - reading, communication skills, and mathematics - in
23 the areas of staff development, the State testing program, program accreditation, the
24 use of instructional funds, the instructional program, and other components of the

1 education program offered at the residential schools. The Secretary also shall
2 consider the impact the changes will have on the mission of the State's residential
3 schools and the mission of the Department of Health and Human Services as it
4 pertains to the residential schools.

5 The Secretary shall make a preliminary report to the Legislative
6 Commission on Public Schools and to the cochairs of the Appropriation
7 Subcommittee on Health and Human Services of the Senate and the House of
8 Representatives by November 1, 1998, and a final report by November 1, 1999, on the
9 results of these changes. The reports shall include any proposed legislation necessary
10 to implement the additional changes.

11 Section 2. The Secretary of Health and Human Services also shall make
12 changes in the administrative organization of the Department of Health and Human
13 Services and of the Governor Morehead School and the three schools for the deaf
14 with a view to (i) improving student academic performance in the residential schools,
15 (ii) promoting economy and efficiency in government in the interest of producing
16 cost savings that can be used to redirect funds to the residential schools for teaching,
17 textbooks, school supplies, technology, equipment, and staff development, and (iii)
18 increasing school-based decision making and parental involvement. The Secretary
19 may, in his discretion, extend this section to additional residential programs. The
20 Secretary shall make necessary changes in the mission of the residential schools and
21 of the Department of Health and Human Services as it pertains to the residential
22 schools. The Secretary shall develop a plan for reducing, eliminating, and/or
23 reorganizing the Department of Health and Human Services and each residential
24 school. A reorganization may include the assignment or reassignment of the
25 Department's duties and functions among divisions and other units, division heads,
26 officers, and employees.

27 The proposed reduction, elimination, and/or reorganization of the
28 Department shall have a goal of resulting in a decrease of at least fifty percent (50%)
29 in the number of employee positions currently assigned to the Department and its
30 divisions for the purpose of providing assistance to, management of, or education
31 programs in the residential schools, and a redirection to the instructional programs in
32 the residential schools by January 1, 1999, of at least fifty percent (50%) in the
33 Department's budget that currently is maintained by the Department to administer
34 the residential schools and their programs. The proposed reduction, elimination,
35 and/or reorganization of the residential schools shall have a goal of resulting in a
36 decrease of at least fifty percent (50%) in the number of employee positions currently
37 filled by administrators or supervisors.

38 The Secretary shall report to the Legislative Commission on Public
39 Schools and to the cochairs of the Appropriation Subcommittee on Health and
40 Human Services of the Senate and the House of Representatives by December 15,
41 1998, on the reduction, elimination, and/or reorganization plan it develops.

42 Section 3. The Secretary of Health and Human Services shall consult
43 with the State Board of Education in its implementation of this act as it pertains to
44 improving the educational programs at the residential schools. The Secretary also

1 shall fully inform and consult with the chairs of the Appropriation Subcommittees on
2 Education and Health and Human Services of the Senate and the House of
3 Representatives on a regular basis as the Secretary carries out his duties under this
4 act.

5 Section 4. There is appropriated to the Department of Health and
6 Human Services from the General Fund the sum of three hundred thousand dollars
7 (\$300,000) for the 1998-99 fiscal year to contract for outside consultants and
8 assistance to assist the Secretary in carrying out his duties under this act. The Office
9 of State Budget and Management, the State Auditor, and other appropriate State
10 agencies also shall provide consultation as requested by the Secretary as needed to
11 develop the plans set out in this act.

12 Section 5. Article 3 of Chapter 143B of the General Statutes is amended
13 by adding the following new Part to read:

14 "Part 3A. Education Programs in Residential Schools.

15 "§ 143B-146.1. Mission of schools; definitions.

16 (a) It is the intent of the General Assembly that the mission of the residential
17 school community is to challenge with high expectations each child to learn, to
18 achieve, and to fulfill his or her potential.

19 (b) The following definitions apply in this Part:

20 (1) ABC's Program or Program. -- The School-Based Management and
21 Accountability developed by the State Board.

22 (2) Department. -- The Department of Health and Human Services.

23 (3) Instructional personnel. -- Principals, assistant principals, teachers,
24 instructional personnel, instructional support personnel, and
25 teacher assistants employed in a residential school.

26 (4) Participating school. -- A residential school that is required to
27 participate in the ABC's Program.

28 (5) Residential school personnel. -- The individuals included in G.S.
29 143B-146.13(a)(2).

30 (6) Schools. -- The residential schools under the control of the
31 Secretary.

32 (7) Secretary. -- The Secretary of Health and Human Services.

33 (8) State Board. -- The State Board of Education.

34 (9) Superintendent. -- The individual designated by the Secretary to
35 administer a residential school.

36 "§ 143B-146.2. ABC's program in residential schools.

37 (a) The Governor Morehead School and the three schools for the deaf shall
38 participate in the ABC's Program. The Secretary, in consultation with the General
39 Assembly and the State Board, may designate other residential schools that must
40 participate in the ABC's Program. The primary goal of the ABC's Program is to
41 improve student performance. The Program is based upon an accountability,
42 recognition, assistance, and intervention process in order to hold each participating
43 school, its superintendent, and the instructional personnel accountable for improved
44 student performance in that school.

(b) In order to support the participating schools in the implementation of this Program, the State Board, in consultation with the Secretary, shall adopt guidelines, including guidelines to:

(1) Assist the Secretary and the participating schools in the development and implementation of the ABC's Program.

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

(3) Identify participating schools that are low-performing and assign assistance teams to those schools. The assistance teams should include individuals with expertise in residential schools, individuals with experience in the education of children with disabilities, and others the State Board, in consultation with the Secretary, considers appropriate.

(4) Enable assistance teams to make appropriate recommendations.

(c) The ABC's Program shall provide increased decision making and parental involvement at the school level with the goal of improving student performance.

(d) Consistent with improving student performance, the Secretary shall provide maximum flexibility to participating schools in the use of funds to enable those schools to accomplish their goals.

"§ 143B-146.3. Annual performance goals.

The ABC's Program shall (i) focus on student performance in the basics of reading, mathematics, and communications skills in elementary and middle schools, (ii) focus on student performance in courses required for graduation and on other measures required by the State Board in the high schools, and (iii) hold participating schools accountable for the educational growth of their students. To those ends, the State Board shall design and implement an accountability system that sets annual performance standards for each participating school in order to measure the growth in performance of the students in each individual school.

"§ 143B-146.4. Performance recognition.

(a) The superintendent and instructional personnel assigned to participating schools that achieve or exceed a level of expected growth to be determined by the State Board are eligible for financial awards in amounts set by the State Board. Participating schools and personnel shall not be required to apply for these awards.

(b) The State Board shall establish a procedure to allocate the funds for these awards. Funds shall become available for expenditure July 1 of each fiscal year. Funds shall remain available until November 30 of the subsequent fiscal year for expenditure for:

(1) Awards to the personnel; or

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

a. Developed and voted on by the superintendent and instructional personnel in the same manner that a school improvement plan is approved under G.S. 143B-146.9.

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

c. Submitted to and approved by the Secretary.

1 The Secretary shall approve this plan unless the plan involves expenditures of
2 funds that are not for a public purpose or that are otherwise unlawful.

3 "§ 143B-146.5. Identification of low-performing schools.

4 (a) The State Board shall design and implement a procedure to identify low-
5 performing schools on an annual basis. Low-performing schools are those
6 participating schools in which there is a failure to meet the minimum growth
7 standards, as defined by the State Board, and a majority of students are performing
8 below grade level.

9 (b) Each identified low-performing school shall provide written notification to the
10 parents of students attending that school. The written notification shall include a
11 statement that the State Board of Education has found that the school has 'failed to
12 meet the minimum growth standards, as defined by the State Board, and a majority of
13 students in the school are performing below grade level.' This notification also shall
14 include a description of the steps the school is taking to improve student
15 performance.

16 "§ 143B-146.6. Assistance teams; review by State Board.

17 (a) The State Board may assign an assistance team to any school identified as low-
18 performing under this Part or to any other school that the State Board determines
19 would benefit from an assistance team. The State Board shall give priority to low-
20 performing schools in which the educational performance of the students is declining.
21 The Department shall, with the approval of the Secretary, provide staff as needed and
22 requested by an assistance team.

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

- 25 (1) Review and investigate all facets of school operations, including
26 instructional and residential, and assist in developing
27 recommendations for improving student performance at that
28 school.
- 29 (2) Evaluate at least semiannually the superintendent and instructional
30 personnel assigned to the school and make findings and
31 recommendations concerning their performance.
- 32 (3) Collaborate with school staff, the Department, and the Secretary in
33 the design, implementation, and monitoring of a plan that, if fully
34 implemented, can reasonably be expected to alleviate problems
35 and improve student performance at that school.
- 36 (4) Make recommendations as the school develops and implements
37 this plan.
- 38 (5) Review the school's progress.
- 39 (6) Report, as appropriate, to the Secretary and to the parents on the
40 school's progress. If an assistance team determines that an accepted
41 school improvement plan developed under G.S. 143B-146.9 is
42 impeding student performance at a school, the team may
43 recommend to the Secretary that he vacate the relevant portions of
44 that plan and direct the school to revise those portions.

1 (c) If a participating school fails to improve student performance after assistance is
2 provided under this section, the assistance team may recommend that the assistance
3 continue or that the Secretary take further action under G.S. 143B-146.7.

4 (d) The Secretary, in consultation with the State Board, shall annually review the
5 progress made in identified low-performing schools.

6 **"§ 143B-146.7. Consequences for personnel at low-performing schools.**

7 (a) Upon the identification of a participating school as low-performing under this
8 Part, the Secretary shall proceed under the State Personnel Act for the dismissal of
9 the superintendent assigned to that school unless the Secretary finds that the
10 superintendent has established that the factors that led to the identification of the
11 school as low-performing were not due to the inadequate performance of the
12 superintendent.

13 (b) At any time after a participating school is identified as low-performing under
14 this Part, the Secretary shall proceed under G.S. 115C-325(p1) for the dismissal of
15 certificated instructional personnel assigned to that school.

16 (c) At any time after a participating school is identified as low-performing under
17 this Part, the Secretary shall proceed under the State Personnel Act for the dismissal
18 of instructional personnel who are not certificated when the Secretary receives two
19 consecutive evaluations that include written findings and recommendations regarding
20 that person's inadequate performance from the assistance team. These findings and
21 recommendations shall be substantial evidence of the inadequate performance of the
22 instructional personnel. The Secretary may proceed under the State Personnel Act
23 for the dismissal of instructional personnel who are not certificated when: (i) the
24 Secretary determines that the school has failed to make satisfactory improvement
25 after the State Board assigned an assistance team to that school; and (ii) that the
26 assistance team makes the recommendation to dismiss that person for a reason that
27 constitutes just cause for dismissal under the State Personnel Act.

28 (d) The certificated instructional personnel working in a participating school at
29 the time the school is identified as low-performing are subject to G.S. 115C-105.38A.

30 (e) The Secretary may terminate the contract of a school administrator dismissed
31 under this subsection. Nothing in this section shall prevent the Secretary from
32 refusing to renew the contract of any person employed in a school identified as low-
33 performing under this Part.

34 **"§ 143B-146.8. School calendar.**

35 Each school shall adopt a school calendar that includes a minimum of 180 days
36 and 1,000 hours of instruction covering at least nine calendar months. In the
37 development of its school calendar, each school shall consult with parents, the
38 residential school personnel, and the local school administrative unit in which that
39 school is located.

40 **"§ 143B-146.9. Development and approval of school improvement plans.**

41 (a) In order to improve student performance, each participating school shall
42 develop a school improvement plan that takes into consideration the annual
43 performance goal for that school that is set by the State Board under G.S. 143B-146.3.
44 The superintendent, instructional personnel, and residential life personnel assigned to

1 that school, and a minimum of five parents of children enrolled in the school shall
2 constitute a school improvement team to develop a school improvement plan to
3 improve student performance.

4 (b) Parents shall be elected by parents of children enrolled in the school in an
5 election conducted by the parent and teacher organization of the school or, if none
6 exists, by the largest organization of parents formed for this purpose. To the extent
7 possible, parents serving on school improvement teams shall reflect the composition
8 of the students enrolled in that school. No more than two parents may be employees
9 of the school. Parental involvement is a critical component of school success and
10 positive student achievement; therefore, it is the intent of the General Assembly that
11 parents, along with teachers, have a substantial role in developing school
12 improvement plans. To this end, school improvement team meetings shall be held at
13 a convenient time to assure substantial parent participation. Parents who are elected
14 to serve on school improvement teams and who are not employees of the school shall
15 receive travel and subsistence expenses in accordance with G.S. 138-5 and, if
16 appropriate, may receive a stipend.

17 (c) The strategies for improving student performance shall include the following:
18 (1) A plan for the use of funds that may be made available to the
19 school by the Secretary to meet the goals for that school under the
20 ABC's Program and to implement the school improvement plan.
21 (2) A comprehensive plan to encourage parent involvement.
22 (3) A safe school plan designed to provide that the school is safe,
23 secure, and orderly, that there is a climate of respect in the school,
24 and that appropriate personal conduct is a priority for all students
25 and all residential school personnel. This plan shall include
26 components similar to those listed in G.S. 115C-105.45(d).

27 (d) Support among affected staff members is essential to successful implementation
28 of a school improvement plan to address improved student performance at that
29 school. The superintendent of the school shall present the proposed school
30 improvement plan to all of the instructional personnel assigned to the school for their
31 review and vote. The vote shall be by secret ballot. The superintendent shall submit
32 the school improvement plan to the Secretary only if the proposed school
33 improvement plan has the approval of a majority of the instructional personnel who
34 voted on the plan.

35 (e) The Secretary shall accept or reject the school improvement plan. The
36 Secretary shall not make any substantive changes in any school improvement plan
37 that the Secretary accepts. If the Secretary rejects a school improvement plan, the
38 Secretary shall state with specificity the reasons for rejecting the plan; the school
39 improvement team may then prepare another plan, present it to the instructional
40 personnel assigned to the school for a vote, and submit it to the Secretary to accept
41 or reject. Within 60 days after the initial submission of the school improvement plan
42 to the Secretary, the Secretary shall accept the plan or shall designate a person to
43 work with the school improvement team to resolve the disagreements. If there is no
44 resolution within 30 days, then the Secretary may develop a school improvement plan

1 for the school; however, the General Assembly urges the Secretary to utilize the
2 school's proposed school improvement plan to the maximum extent possible when
3 developing this plan.

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

11 (g) Any funds the Secretary makes available to a school to meet the goals for that
12 school under the ABC's Program and to implement the school improvement plan at
13 that school shall be used in accordance with those goals and the school improvement
14 plan.

15 (h) The Secretary, in consultation with the State Board, shall develop a list of
16 recommended strategies that it determines to be effective, which building-level
17 committees may use to establish parent involvement programs designed to meet the
18 specific needs of their schools.

19 (i) Once developed, the Secretary shall ensure the plan is available and accessible
20 to parents and the school community.

21 **"§ 143B-146.10. School technology plan.**

22 (a) No later than December 15, 1998, the Secretary shall develop a school
23 technology plan for the residential schools that meets the requirements of the State
24 school technology plan. In developing a school technology plan, the Secretary is
25 encouraged to coordinate its planning with other agencies of State and local
26 government, including local school administrative units.

27 The Information Resources Management Commission shall assist the Secretary in
28 developing the parts of the plan related to its technological aspects, to the extent that
29 resources are available to do so. The Department of Public Instruction shall assist the
30 Secretary in developing the instructional and technological aspects of the plan.

31 The Secretary shall submit the plan that is developed to the Information Resources
32 Management Commission for its evaluation of the parts of the plan related to its
33 technological aspects and to the Department of Public Instruction for its evaluation of
34 the instructional aspects of the plan. The State Board of Education, after
35 consideration of the evaluations of the Information Resources Management
36 Commission and the Department of Public Instruction, shall approve all plans that
37 comply with the requirements of the State school technology plan.

38 (b) After a plan is approved by the State Board of Education, all funds spent for
39 technology in the residential schools shall be used to implement the school
40 technology plan.

41 **"§ 143B-146.11. Dispute resolution; appeals to Secretary.**

42 The Secretary shall establish a procedure for the resolution of disputes between the
43 residential schools and the parents or guardians of students who attend the schools.

1 An appeal shall lie from the decision of all residential school personnel to the
2 Secretary or the Secretary's designee. In all of these appeals it is the duty of the
3 Secretary to see that a proper notice is given to all parties concerned and that a
4 record of the hearing is properly entered in the records.

5 **"§ 143B-146.12. Duty to report certain acts to law enforcement.**

6 When the superintendent has personal knowledge or actual notice from residential
7 school personnel that an act has occurred on school property involving assault
8 resulting in serious personal injury, sexual assault, sexual offense, rape, kidnapping,
9 indecent liberties with a minor, assault involving the use of a weapon, possession of a
10 firearm in violation of the law, possession of a weapon in violation of the law, or
11 possession of a controlled substance in violation of the law, the superintendent shall
12 immediately report the act to the appropriate local law enforcement agency. Failure
13 to report under this section is a Class 3 misdemeanor. For purposes of this section,
14 'school property' shall include any building, bus, campus, grounds, recreational area,
15 or athletic field, in the charge of the superintendent. It is the intent of the General
16 Assembly that the superintendent notify the Secretary or the Secretary's designee of
17 any report made to law enforcement under this section.

18 **"§ 143B-146.13. Residential school personnel criminal history checks.**

19 (a) As used in this section:

20 (1) 'Criminal history' means a county, state, or federal criminal history
21 of conviction of a crime, whether a misdemeanor or a felony, that
22 indicates the employee (i) poses a threat to the physical safety of
23 students or personnel, or (ii) has demonstrated that he or she does
24 not have the integrity or honesty to fulfill his or her duties as
25 school personnel. Such crimes include the following North
26 Carolina crimes contained in any of the following Articles of
27 Chapter 14 of the General Statutes: Article 5A, Endangering
28 Executive and Legislative Officers; Article 6, Homicide; Article
29 7A, Rape and Kindred Offenses; Article 8, Assaults; Article 10,
30 Kidnapping and Abduction; Article 13, Malicious Injury or
31 Damage by Use of Explosive or Incendiary Device or Material;
32 Article 14, Burglary and Other Housebreakings; Article 15, Arson
33 and Other Burnings; Article 16, Larceny; Article 17, Robbery;
34 Article 18, Embezzlement; Article 19, False Pretense and Cheats;
35 Article 19A, Obtaining Property or Services by False or
36 Fraudulent Use of Credit Device or Other Means; Article 20,
37 Frauds; Article 21, Forgery; Article 26, Offenses Against Public
38 Morality and Decency; Article 26A, Adult Establishments; Article
39 27, Prostitution; Article 28, Perjury; Article 29, Bribery; Article 31,
40 Misconduct in Public Office; Article 35, Offenses Against the
41 Public Peace; Article 36A, Riots and Civil Disorders; Article 39,
42 Protection of Minors; and Article 60, Computer-Related Crime.
43 Such crimes also include possession or sale of drugs in violation of
44 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) 'Residential school personnel' means any:

a. Employee of a residential school whether full time or part time, or

b. Independent contractor or employee of an independent contractor of a residential school, if the independent contractor carries out duties customarily performed by residential school personnel,

whether paid with federal, State, local, or other funds, who has significant access to students in a residential school. Residential school personnel includes substitute teachers, driver training teachers, bus drivers, clerical staff, houseparents, and custodians.

(b) The Secretary shall require an applicant for a residential school personnel position to be checked for a criminal history before the applicant is offered an unconditional job. A residential school may employ an applicant conditionally while the Secretary is checking the person's criminal history and making a decision based on the results of the check.

The Secretary shall not require an applicant to pay for the criminal history check authorized under this subsection.

(c) The Department of Justice shall provide to the Secretary the criminal history from the State and National Repositories of Criminal Histories of any applicant for a residential school personnel position in a residential school. The Secretary shall require the person to be checked by the Department of Justice to (i) be fingerprinted and to provide any additional information required by the Department of Justice to a person designated by the Secretary, 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 Secretary shall consider refusal to consent when making employment decisions and decisions with regard to independent contractors.

The Secretary shall not require an applicant to pay for being fingerprinted.

(d) The Secretary shall review the criminal history it receives on a person. The Secretary shall determine whether the results of the review indicate that the employee (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 residential school personnel and shall use the information when making employment decisions and decisions with regard to independent contractors. The Secretary shall make written findings with regard to how it used the information

1 when making employment decisions and decisions with regard to independent
2 contractors.

3 (e) The Secretary shall provide to the State Board of Education the criminal
4 history received on a person who is certificated, certified, or licensed by the State
5 Board. The State Board shall review the criminal history and determine whether the
6 person's certificate or license should be revoked in accordance with State laws and
7 rules regarding revocation.

8 (f) All the information received by the Secretary through the checking of the
9 criminal history or by the State Board in accordance with subsection (d) of this
10 section is privileged information and is not a public record but is for the exclusive
11 use of the Secretary or the State Board of Education. The Secretary or the State
12 Board of Education may destroy the information after it is used for the purposes
13 authorized by this section after one calendar year.

14 (g) There shall be no liability for negligence on the part of the Secretary, the
15 Department of Health and Human Services or its employees, a residential school or
16 its employees, or the State Board of Education or its employees, arising from any act
17 taken or omission by any of them in carrying out the provisions of this section. The
18 immunity established by this subsection shall not extend to gross negligence, wanton
19 conduct, or intentional wrongdoing that would otherwise be actionable. The
20 immunity established by this subsection shall be deemed to have been waived to the
21 extent of indemnification by insurance, indemnification under Articles 31A and 31B
22 of Chapter 143 of the General Statutes, and to the extent sovereign immunity is
23 waived under the Tort Claims Act, as set forth in Article 31 of Chapter 143 of the
24 General Statutes."

25 Section 6. G.S. 115C-325 is amended by adding the following new
26 subsection to read:

27 "(p1) Procedure for Dismissal of School Administrators and Teachers Employed
28 in Low-Performing Residential Schools. --

29 (1) Notwithstanding any other provision of this section or any other
30 law, this subdivision shall govern the dismissal by the Secretary of
31 Health and Human Services of teachers, principals, assistant
32 principals, directors, supervisors, and other certificated personnel
33 assigned to a residential school that the State Board has identified
34 as low-performing and to which the State Board has assigned an
35 assistance team under Part 3A of Article 3 of Chapter 143B of the
36 General Statutes. The Secretary shall dismiss a teacher, principal,
37 assistant principal, director, supervisor, or other certificated
38 personnel when the Secretary receives two consecutive evaluations
39 that include written findings and recommendations regarding that
40 person's inadequate performance from the assistance team. These
41 findings and recommendations shall be substantial evidence of the
42 inadequate performance of the teacher or school administrator.

The Secretary may dismiss a teacher, principal, assistant principal, director, supervisor, or other certificated personnel when:

- a. The Secretary determines that the school has failed to make satisfactory improvement after the State Board assigned an assistance team to that school under Part 3A of Article 3 of Chapter 143B of the General Statutes; and
- b. That assistance team makes the recommendation to dismiss the teacher, principal, assistant principal, director, supervisor, or other certificated personnel for one or more grounds established in G.S. 115C-325(e)(1) for dismissal or demotion of a career employee.

Within 30 days of any dismissal under this subdivision, a teacher, principal, assistant principal, director, supervisor, or other certificated personnel may request a hearing before a panel of three members designated by the Secretary. The Secretary shall adopt procedures to ensure that due process rights are afforded to persons recommended for dismissal under this subdivision. Decisions of the panel may be appealed on the record to the Secretary, with further right of judicial review under Chapter 150B of the General Statutes.

- (2) Notwithstanding any other provision of this section or any other law, this subdivision shall govern the dismissal by the Secretary of Health and Human Services of certificated staff members who have engaged in a remediation plan under G.S. 115C-105.38A(a) but who, after two retests, fail to meet the general knowledge standard set by the State Board. The failure to meet the general knowledge standard after two retests shall be substantial evidence of the inadequate performance of the certified staff member.

Within 30 days of any dismissal under this subdivision, a certificated staff member may request a hearing before a panel of three members designated by the Secretary of Health and Human Services. The Secretary shall adopt procedures to ensure that due process rights are afforded to certificated staff members recommended for dismissal under this subdivision. Decisions of the panel may be appealed on the record to the Secretary, with further right of judicial review under Chapter 150B of the General Statutes.

- (3) The Secretary of Health and Human Services or the superintendent of a residential school may terminate the contract of a school administrator dismissed under this subsection. Nothing in this subsection shall prevent the Secretary from refusing to renew the contract of any person employed in a school identified

1 as low-performing under Part 3A of Article 3 of Chapter 143B of
2 the General Statutes.

3 (4) Neither party to a school administrator contract is entitled to
4 damages under this subsection.

5 (5) The Secretary of Health and Human Services shall have the right
6 to subpoena witnesses and documents on behalf of any party to the
7 proceedings under this subsection."

8 Section 7. G.S. 115C-102.7(b) reads as rewritten:

9 "(b) The Commission shall consist of the following ~~18~~ 19 members:

10 (1) The State Superintendent of Public Instruction or a designee;

11 (2) One representative of The University of North Carolina, appointed
12 by the President of The University of North Carolina;

13 (3) One representative of the North Carolina Community College
14 System, appointed by the President of the North Carolina
15 Community College System;

16 (4) A person with management responsibility concerning information
17 technology related State Government functions, designated by the
18 Secretary of Commerce;

19 (5) Four members appointed by the Governor;

20 (6) Six members appointed by the President Pro Tempore of the
21 Senate two of whom shall be members of the Senate. One of these
22 six members shall be appointed by the President of the Senate to
23 serve as cochair; and

24 (7) Six members appointed by the Speaker of the House of
25 Representatives two of whom shall be members of the House of
26 Representatives. One of these six members shall be appointed by
27 the Speaker of the House of Representatives to serve as cochair.

28 (8) The Secretary of Health and Human Services or a designee.

29 In appointing members pursuant to subdivisions (5), (6), and (7) of this subsection,
30 the appointing persons shall select individuals with technical or applied knowledge or
31 experience in learning and instructional management technologies or individuals with
32 expertise in curriculum or instruction who have successfully used learning and
33 instructional management technologies.

34 No producers, vendors, or consultants to producers or vendors of learning or
35 instructional management technologies shall serve on the Commission.

36 Members shall serve for two-year terms. Vacancies in terms of members shall be
37 filled by the appointing officer. Persons appointed to fill vacancies shall qualify in the
38 same manner as persons appointed for full terms."

39 Section 8. G.S. 115C-105.31 reads as rewritten:

40 "**§ 115C-105.31. Creation of the Task Force on School-Based Management.**

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

43 The Task Force shall be composed of ~~20~~ 21 members appointed as follows:

44 (1) The Superintendent of Public Instruction;

- (2) One member of the State Board of Education, one parent of a public school child, and two at-large members appointed by the State Board of Education;
- (3) Two members of the Senate appointed by the President Pro Tempore of the Senate;
- (4) Two members of the House of Representatives appointed by the Speaker of the House of Representatives;
- (5) One member of a local board of education appointed by the President Pro Tempore of the Senate after receiving recommendations from The North Carolina State School Boards Association, Inc.;
- (6) One member of a local board of education appointed by the Speaker of the House of Representatives after receiving recommendations from The North Carolina State School Boards Association, Inc.;
- (7) One local school superintendent appointed by the President Pro Tempore of the Senate after receiving recommendations from the North Carolina Association of School Administrators;
- (8) One local school superintendent appointed by the Speaker of the House of Representatives after receiving recommendations from the North Carolina Association of School Administrators;
- (9) One school principal appointed by the President Pro Tempore of the Senate after receiving recommendations from the Tar Heel Association of Principals/Assistant Principals and the Division of Administrators of the North Carolina Association of Educators;
- (10) One school principal appointed by the Speaker of the House of Representatives after receiving recommendations from the Tar Heel Association of Principals/Assistant Principals and the Division of Administrators of the North Carolina Association of Educators;
- (11) One school teacher appointed by the President Pro Tempore of the Senate after receiving recommendations from the North Carolina Association of Educators, Inc., the North Carolina Federation of Teachers, and the Professional Educators of North Carolina, Inc.;
- (12) One school teacher appointed by the Speaker of the House of Representatives after receiving recommendations from the North Carolina Association of Educators, Inc., the North Carolina Federation of Teachers, and the Professional Educators of North Carolina, Inc.;
- (13) One representative of business and industry appointed by the Governor;
- (14) One representative of institutions of higher education appointed by the Board of Governors of The University of North Carolina; and

1 (15) One county commissioner appointed by the State Board of
2 Education after receiving recommendations from the North
3 Carolina Association of County Commissioners.

4 (16) The Secretary of Health and Human Services or the Secretary's
5 designee.

6 Members of the Task Force shall serve for two-year terms.

7 All members of the Task Force shall be voting members. Vacancies in the
8 appointed membership shall be filled by the officer who made the initial
9 appointment. The Task Force on School-Based Management shall select a member of
10 the Task Force to serve as chair of the Task Force.

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

13 (b) The Task Force shall:

14 (1) Advise the State Board of Education and Secretary of Health and
15 Human Services on the development of guidelines for local boards
16 of education and schools to implement school-based management
17 as part of the School-Based Management and Accountability
18 Program;

19 (2) Advise the State Board of Education and the Secretary of Health
20 and Human Services on how to assist the public schools and
21 residential schools so as to facilitate the implementation of school-
22 based management;

23 (3) Advise the State Board of Education and Secretary of Health and
24 Human Services about publications to be produced by the
25 Department of Public Instruction on the development and
26 implementation of school improvement plans;

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

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

34 (d) The State Board of Education shall appoint a Director of the Task Force on
35 School-Based Management."

36 Section 9. (a) The Secretary of Health and Human Services shall adopt
37 policies and offer training opportunities to ensure that all personnel in the three State
38 schools for the deaf become proficient in sign language within two years of their
39 initial date of employment or within two years of the effective date of this act,
40 whichever occurs later.

41 (b) The Department of Public Instruction, the Board of Governors of
42 The University of North Carolina, and the State Board of Community Colleges shall
43 offer and communicate the availability of professional development opportunities,
44 including those to improve sign language skills, to the personnel assigned to the

1 State's residential schools, particularly the Governor Morehead School and the three
2 schools for the deaf.

3 (c) The Board of Governors of The University of North Carolina and the
4 State Board of Community Colleges shall study methods to assure that faculty
5 members teaching American Sign Language are highly qualified and competent. The
6 Board of Governors and the State Board of Community Colleges shall report their
7 findings and recommendations prior to March 1, 1999, to the Appropriations
8 Subcommittees on Education and on Health and Human Services of the House of
9 Representatives and Senate.

10 Section 10. The Board of Governors of The University of North Carolina
11 shall assess the accessibility of the programs of the constituent institutions for deaf
12 and blind students. The Board of Governors shall report to the General Assembly by
13 December 1, 1998, on this assessment.

14 Section 11. The Secretary of Health and Human Services shall contract
15 for the design of a longitudinal study of deaf and hard-of-hearing children to assess
16 communication methods used and student performance.

17 Section 12. The State Board of Education, in consultation with the
18 Secretary of Health and Human Services, shall evaluate the certification requirements
19 for teachers at the State schools for the deaf and the Governor Morehead School in
20 light of the specific educational needs of those schools. In particular, the State Board
21 shall determine whether these teachers should hold (i) certificates to authorize them
22 to teach students with specific disabilities, (ii) certificates authorizing them to teach a
23 specific grade level or subject matter, or (iii) dual certificates, particularly at the high
24 school level. The State Board shall revise any policies, rules, or regulations if
25 considered appropriate, and shall report to the Legislative Commission on Public
26 Schools by December 15, 1998, on the results of its evaluation under this section and
27 any changes it proposes.

28 Section 13. The State Auditor shall conduct a fiscal audit of the Division
29 of Services for the Deaf and Hard of Hearing, Department of Health and Human
30 Services, and the use of current operations funds appropriated to that Division
31 beginning with the 1996-97 fiscal year and the use of capital funds appropriated to
32 that Division beginning with the 1995-96 fiscal year. The Auditor shall report to the
33 General Assembly by March 1, 1999, on the results of this audit.

34 Section 14. The Governor Morehead School and the three schools for
35 the deaf shall each prioritize its capital needs in a three-year plan. These schools
36 shall give first priority to bringing their facilities up to code and to supporting
37 instructional programs so as to improve student academic performance. The schools
38 shall submit their three-year plans to the Secretary. The Secretary shall prioritize the
39 needs of these four schools and shall submit to the General Assembly a three-year
40 plan to address those needs.

41 Section 15. The Secretary of Health and Human Services shall adopt
42 policies to ensure that students of the residential schools are given priority to residing
43 in the independent living facilities on each school's campus.

1 Section 16. There is appropriated from the General Fund to the
2 Department of Health and Human Services the sum of one million two hundred
3 thousand dollars (\$1,200,000) for the 1998-99 fiscal year to provide funds for
4 statewide teacher supplements for the teachers in the residential schools based on five
5 percent (5%) of their State salaries in order to recognize the teachers' levels of
6 education and years of experience.

7 Section 17. There is appropriated from the General Fund to the State
8 Board of Education the sum of nine hundred thousand dollars (\$900,000) for the
9 1998-99 fiscal year to provide funds for two assistance teams to be assigned to the
10 Governor Morehead School and to the three schools for the deaf.

11 Section 18. There is appropriated from the General Fund to the
12 Department of Health and Human Services the sum of one million two hundred fifty
13 thousand dollars (\$1,250,000) for the 1998-99 fiscal year to provide funds to provide
14 computers and related technology in each of the three State schools for the deaf and
15 in the Governor Morehead School. The intent of the General Assembly is that these
16 funds be used first to provide an up-to-date computer laboratory at each of these
17 schools or to begin the implementation of the school technology plan developed
18 under G.S. 143B-146.10 created in Section 5 of this act.

19 Section 19. This act becomes effective July 1, 1998. Part 3A of Article 3
20 of Chapter 143B of the General Statutes, as established in Section 5 of this act,
21 applies to kindergarten through eighth grade in the three schools for the deaf and in
22 the Governor Morehead School beginning with the 1999-2000 school year. The
23 Secretary of Health and Human Services, in consultation with the General Assembly
24 and the State Board of Education, shall recommend beginning dates of applicability
25 for the remaining grades in those four schools and for the other residential schools,
26 particularly those operated by the Division of Youth Services. School improvement
27 plans required under Section 5 of this act shall be developed during the 1998-99
28 school year and shall be implemented by the beginning of the 1999-2000 school year.



Carried 6/30/98 -

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 1477

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)
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H1477-ARH-002

Date 6/30, 1998

Comm. Sub. [☐
Amends Title [☐
H1477-PCSRH-001

Representative Arnold

- 1 moves to amend the proposed committee substitute on page 10, line 7,
2 by deleting "115C-105.45(d)" and by substituting "115C-105.47(b)";
3
4 and on page 17, line 35, by deleting "115C-102.7(b)" and by
5 substituting "115C-102.5(b)";
6
7 and on page 8, lines 37-38, by inserting the following:
8 "§ 143B-146.8. Evaluation of certificated personnel and
9 superintendents; action plans; State Board notification.
10 (a) Annual Evaluations; Low-Performing Schools. -- The
11 superintendent shall evaluate at least once each year all
12 certificated personnel assigned to a participating school that has
13 been identified as low-performing, but has not received an
14 assistance team. The evaluation shall occur early enough during the
15 school year to provide adequate time for the development and
16 implementation of an action plan if one is recommended under
17 subsection (b) of this section. If the employee is a teacher as
18 defined under G.S. 115C-325(a)(6), either the principal or an
19 assessment team assigned under G.S. 143B-146.9 shall conduct the
20 evaluation. If the employee is a school administrator as defined
21 under G.S. 115C-287.1(a)(3), the superintendent shall conduct the
22 evaluation.
23 Notwithstanding this subsection or any other law, the principal
24 shall observe at least three times annually, a teacher shall observe
25 at least once annually, and the principal shall evaluate at least
26 once annually, all teachers who have not attained career status.



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1 All other employees defined as teachers under G.S. 115C-325(a)(6)
2 who are assigned to participating schools that are not designated as
3 low-performing shall be evaluated annually unless the Secretary
4 adopts rules that allow specified categories of teachers with career
5 status to be evaluated more or less frequently. The Secretary also
6 may adopt rules requiring the annual evaluation of noncertificated
7 personnel. This section shall not be construed to limit the duties
8 and authority of an assistance team assigned to a low-performing
9 school.

10 The Secretary shall use the State Board's performance standards
11 and criteria unless the Secretary develops an alternative evaluation
12 that is properly validated and that includes standards and criteria
13 similar to those adopted by the State Board. All other provisions
14 of this section shall apply if an evaluation is used other than one
15 adopted by the State Board.

16 (b) Action Plans. -- If a certificated employee receives an
17 unsatisfactory or below standard rating on any function of the
18 evaluation that is related to the employee's instructional duties,
19 the individual or team that conducted the evaluation shall recommend
20 to the superintendent that: (i) the employee receive an action plan
21 designed to improve the employee's performance; or (ii) the
22 superintendent recommend to the Secretary that the employee be
23 dismissed or demoted. The superintendent shall determine whether to
24 develop an action plan or to recommend a dismissal proceeding. The
25 person who evaluated the employee or the employee's supervisor shall
26 develop the action plan unless an assistance team or assessment team
27 conducted the evaluation. If an assistance team or assessment team
28 conducted the evaluation, that team shall develop the action plan in
29 collaboration with the employee's supervisor. Action plans shall be
30 designed to be completed within 90 instructional days or before the
31 beginning of the next school year. The State Board, in
32 consultation with the Secretary, shall develop guidelines that
33 include strategies to assist in evaluating certificated personnel
34 and developing effective action plans within the time allotted under
35 this section. The Secretary may adopt policies for the development
36 and implementation of action plans or professional development plans
37 for personnel who do not require action plans under this section.



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- 1 (c) Reevaluation. -- Upon completion of an action plan under
2 subsection (b) of this section, the superintendent or the assessment
3 team shall evaluate the employee a second time. If on the second
4 evaluation the employee receives one unsatisfactory or more than one
5 below standard rating on any function that is related to the
6 employee's instructional duties, the superintendent shall recommend
7 that the employee be dismissed or demoted under G.S. 115C-325. The
8 results of the second evaluation shall constitute substantial
9 evidence of the employee's inadequate performance.
- 10 (d) State Board Notification. -- If the Secretary dismisses an
11 employee for any reason except a reduction in force under G.S. 115C-
12 325(e)(1)1., the Secretary shall notify the State Board of the
13 action, and the State Board annually shall provide to all local
14 boards of education the names of those individuals. If a local
15 board hires one of these individuals, that local board shall proceed
16 under G.S. 115C-333(d).
- 17 (e) Civil Immunity. -- There shall be no liability for negligence
18 on the part of the Secretary or the State Board, or their employees,
19 arising from any action taken or omission by any of them in carrying
20 out this section. The immunity established by this subsection shall
21 not extend to gross negligence, wanton conduct, or intentional
22 wrongdoing that would otherwise be actionable. The immunity
23 established by this subsection is waived to the extent of
24 indemnification by insurance, indemnification under Articles 31A and
25 31B of Chapter 143 of the General Statutes, and to the extent
26 sovereign immunity is waived under the Tort Claims Act, as set forth
27 in Article 31 of Chapter 143 of the General Statutes.
- 28 (f) Evaluation of Superintendents. -- Each year the Secretary
29 shall evaluate the superintendents.
- 30 '§ 143B-146.9. Assessment teams.
- 31 The State Board shall develop guidelines for the Secretary to use
32 to create assessment teams. The Secretary shall assign an
33 assessment team to every low-performing school that has not received
34 an assistance team. The Secretary shall ensure that assessment team
35 members are trained in the proper administration of the employee
36 evaluation used in the participating schools. If service on an
37 assessment team is an additional duty for an employee of a local



NORTH CAROLINA GENERAL ASSEMBLY
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1 school administrative unit or an employee of a residential school,
2 the Secretary may pay the employee for that additional work.

3 Assessment teams shall:

- 4 (1) Conduct evaluations of certificated personnel in low-
5 performing schools;
6 (2) Provide technical assistance and training to
7 principals and superintendents who conduct evaluations
8 of certificated personnel;
9 (3) Develop action plans for certificated personnel; and
10 (4) Assist principals and superintendents in the
11 development and implementation of action plans.

12 '§ 143B-146.10. Development of performance standards and criteria
13 for certificated personnel.

14 The State Board, in consultation with the Secretary, shall revise
15 and develop uniform performance standards and criteria to be used in
16 evaluating certificated personnel, including school administrators.
17 These standards and criteria shall include improving student
18 achievement, employee skills, and employee knowledge. The standards
19 and criteria for school administrators also shall include building-
20 level gains in student learning and effectiveness in providing for
21 school safety and enforcing student discipline. The Secretary shall
22 develop guidelines for evaluating superintendents. The guidelines
23 shall include criteria for evaluating a superintendent's
24 effectiveness in providing safe schools and enforcing student
25 discipline."

26
27 and by renumbering the new sections of G.S. 143B in Section 5 of the
28 committee substitute accordingly;

29
30 and on page 21, lines 21-22, by inserting between the lines the
31 following new section:

32 "Section 5. G.S. 115C-296(d) reads as rewritten:

33 '(d) The State Board shall adopt rules to establish the reasons
34 and procedures for the suspension and revocation of certificates.
35 The State Board shall revoke the certificate of a teacher or school
36 administrator if the State Board receives notification from a local
37 board or the Secretary of Health and Human Services that a teacher
38 or school administrator has received an unsatisfactory or below



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- 1 standard rating under G.S. 115C-333(d). In addition, the State
2 Board may revoke or refuse to renew a teacher's certificate when:
3 (1) The Board identifies the school in which the teacher
4 is employed as low-performing under ~~G.S. 115C-105.37;~~
5 ~~G.S. 115C-105.37~~ or G.S. 143B-146.5; and
6 (2) The assistance team assigned to that school ~~under G.S.~~
7 ~~115C-105.38~~ makes the recommendation to revoke or
8 refuse to renew the teacher's certificate for one or
9 more reasons established by the State Board in its
10 rules for certificate suspension or revocation.
11 The State Board may issue subpoenas for the purpose of obtaining
12 documents or the testimony of witnesses in connection with
13 proceedings to suspend or revoke certificates.'";
14
15 and by renumbering the remaining sections accordingly.

SIGNED

Gene Arnold
Amendment Sponsor

SIGNED

Committee Chair if Senate Committee Amendment

ADOPTED _____

FAILED _____

TABLED _____



Carried 6/30/98

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Date 6/30, 1998

Comm. Sub. [☐
Amends Title [☐
H1477-PCSRH-001

Representative Arnold

- 1 moves to amend the proposed committee substitute on page 10, line 7,
2 by deleting "115C-105.45(d)" and by substituting "115C-105.47(b)";
3
4 and on page 17, line 35, by deleting "115C-102.7(b)" and by
5 substituting "115C-102.5(b)";
6
7 and on page 8, lines 37-38, by inserting the following:
8 "§ 143B-146.8. Evaluation of certificated personnel and
9 superintendents; action plans; State Board notification.
10 (a) Annual Evaluations; Low-Performing Schools. -- The
11 superintendent shall evaluate at least once each year all
12 certificated personnel assigned to a participating school that has
13 been identified as low-performing, but has not received an
14 assistance team. The evaluation shall occur early enough during the
15 school year to provide adequate time for the development and
16 implementation of an action plan if one is recommended under
17 subsection (b) of this section. If the employee is a teacher as
18 defined under G.S. ~~115C-325(a)(6)~~, either the principal or an
19 assessment team assigned under G.S. ~~143B-146.9~~ shall conduct the
20 evaluation. If the employee is a school administrator as defined
21 under G.S. ~~115C-287.1(a)(3)~~, the superintendent shall conduct the
22 evaluation.
23 Notwithstanding this subsection or any other law, the principal
24 shall observe at least three times annually, a teacher shall observe
25 at least once annually, and the principal shall evaluate at least
26 once annually, all teachers who have not attained career status.



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1 All other employees defined as teachers under G.S. 115C-325(a)(6)
2 who are assigned to participating schools that are not designated as
3 low-performing shall be evaluated annually unless the Secretary
4 adopts rules that allow specified categories of teachers with career
5 status to be evaluated more or less frequently. The Secretary also
6 may adopt rules requiring the annual evaluation of noncertificated
7 personnel. This section shall not be construed to limit the duties
8 and authority of an assistance team assigned to a low-performing
9 school.

10 The Secretary shall use the State Board's performance standards
11 and criteria unless the Secretary develops an alternative evaluation
12 that is properly validated and that includes standards and criteria
13 similar to those adopted by the State Board. All other provisions
14 of this section shall apply if an evaluation is used other than one
15 adopted by the State Board.

16 (b) Action Plans. -- If a certificated employee receives an
17 unsatisfactory or below standard rating on any function of the
18 evaluation that is related to the employee's instructional duties,
19 the individual or team that conducted the evaluation shall recommend
20 to the superintendent that: (i) the employee receive an action plan
21 designed to improve the employee's performance; or (ii) the
22 superintendent recommend to the Secretary that the employee be
23 dismissed or demoted. The superintendent shall determine whether to
24 develop an action plan or to recommend a dismissal proceeding. The
25 person who evaluated the employee or the employee's supervisor shall
26 develop the action plan unless an assistance team or assessment team
27 conducted the evaluation. If an assistance team or assessment team
28 conducted the evaluation, that team shall develop the action plan in
29 collaboration with the employee's supervisor. Action plans shall be
30 designed to be completed within 90 instructional days or before the
31 beginning of the next school year. The State Board, in
32 consultation with the Secretary, shall develop guidelines that
33 include strategies to assist in evaluating certificated personnel
34 and developing effective action plans within the time allotted under
35 this section. The Secretary may adopt policies for the development
36 and implementation of action plans or professional development plans
37 for personnel who do not require action plans under this section.



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- 1 (c) Reevaluation. -- Upon completion of an action plan under
2 subsection (b) of this section, the superintendent or the assessment
3 team shall evaluate the employee a second time. If on the second
4 evaluation the employee receives one unsatisfactory or more than one
5 below standard rating on any function that is related to the
6 employee's instructional duties, the superintendent shall recommend
7 that the employee be dismissed or demoted under G.S. 115C-325. The
8 results of the second evaluation shall constitute substantial
9 evidence of the employee's inadequate performance.
- 10 (d) State Board Notification. -- If the Secretary dismisses an
11 employee for any reason except a reduction in force under G.S. 115C-
12 325(e)(1)l., the Secretary shall notify the State Board of the
13 action, and the State Board annually shall provide to all local
14 boards of education the names of those individuals. If a local
15 board hires one of these individuals, that local board shall proceed
16 under G.S. 115C-333(d).
- 17 (e) Civil Immunity. -- There shall be no liability for negligence
18 on the part of the Secretary or the State Board, or their employees,
19 arising from any action taken or omission by any of them in carrying
20 out this section. The immunity established by this subsection shall
21 not extend to gross negligence, wanton conduct, or intentional
22 wrongdoing that would otherwise be actionable. The immunity
23 established by this subsection is waived to the extent of
24 indemnification by insurance, indemnification under Articles 31A and
25 31B of Chapter 143 of the General Statutes, and to the extent
26 sovereign immunity is waived under the Tort Claims Act, as set forth
27 in Article 31 of Chapter 143 of the General Statutes.
- 28 (f) Evaluation of Superintendents. -- Each year the Secretary
29 shall evaluate the superintendents.
- 30 '§ 143B-146.9. Assessment teams.
- 31 The State Board shall develop guidelines for the Secretary to use
32 to create assessment teams. The Secretary shall assign an
33 assessment team to every low-performing school that has not received
34 an assistance team. The Secretary shall ensure that assessment team
35 members are trained in the proper administration of the employee
36 evaluation used in the participating schools. If service on an
37 assessment team is an additional duty for an employee of a local



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7 principals and superintendents who conduct evaluations
8 of certificated personnel;
- 9 (3) Develop action plans for certificated personnel; and
- 10 (4) Assist principals and superintendents in the
11 development and implementation of action plans.

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13 for certificated personnel.

14 The State Board, in consultation with the Secretary, shall revise
15 and develop uniform performance standards and criteria to be used in
16 evaluating certificated personnel, including school administrators.
17 These standards and criteria shall include improving student
18 achievement, employee skills, and employee knowledge. The standards
19 and criteria for school administrators also shall include building-
20 level gains in student learning and effectiveness in providing for
21 school safety and enforcing student discipline. The Secretary shall
22 develop guidelines for evaluating superintendents. The guidelines
23 shall include criteria for evaluating a superintendent's
24 effectiveness in providing safe schools and enforcing student
25 discipline."

26
27 and by renumbering the new sections of G.S. 143B in Section 5 of the
28 committee substitute accordingly;

29
30 and on page 21, lines 21-22, by inserting between the lines the
31 following new section:

32 "Section 5. G.S. 115C-296(d) reads as rewritten:

33 (d) The State Board shall adopt rules to establish the reasons
34 and procedures for the suspension and revocation of certificates.
35 The State Board shall revoke the certificate of a teacher or school
36 administrator if the State Board receives notification from a local
37 board or the Secretary of Health and Human Services that a teacher
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2 Board may revoke or refuse to renew a teacher's certificate when:
3 (1) The Board identifies the school in which the teacher
4 is employed as low-performing under ~~G.S. 115C-105.37;~~
5 G.S. 115C-105.37 or G.S. 143B-146.5; and
6 (2) The assistance team assigned to that school under G.S.
7 115C-105.38 makes the recommendation to revoke or
8 refuse to renew the teacher's certificate for one or
9 more reasons established by the State Board in its
10 rules for certificate suspension or revocation.
11 The State Board may issue subpoenas for the purpose of obtaining
12 documents or the testimony of witnesses in connection with
13 proceedings to suspend or revoke certificates.'";
14
15 and by renumbering the remaining sections accordingly.

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S

3

SENATE BILL 1129*

Education/Higher Education Committee Substitute Adopted 5/28/98
Third Edition Engrossed 6/8/98

Short Title: ABC's Plan/Consequences for Principals.

(Public)

Sponsors:

Referred to:

May 14, 1998

1 A BILL TO BE ENTITLED
2 AN ACT TO AMEND THE STATUTES GOVERNING THE CONSEQUENCES
3 FOR PRINCIPALS IN SCHOOLS IDENTIFIED AS LOW-PERFORMING
4 UNDER THE ABC'S PLAN, AND TO REQUIRE LOCAL SCHOOL
5 ADMINISTRATIVE UNITS TO DEVELOP PLANS TO ADDRESS THE
6 NEEDS OF LOW-PERFORMING SCHOOLS.

7 The General Assembly of North Carolina enacts:

8 Section 1. G.S. 115C-105.37 reads as rewritten:

9 **"§ 115C-105.37. Identification of low-performing schools.**

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

14 (a1) By July 10 of each year, each local school administrative unit shall do a
15 preliminary analysis of test results to determine which of its schools the State Board
16 may identify as low-performing under this section. The superintendent then shall
17 proceed under G.S. 115C-105.39. In addition, within 30 days of the initial
18 identification of a school as low-performing by the local school administrative unit or
19 the State Board, whichever occurs first, the superintendent shall submit to the local
20 board a preliminary plan for addressing the needs of that school. Within 30 days of
21 its receipt of this plan, the local board shall vote to approve, modify, or reject this
22 plan. Before the board makes this vote, it shall make the plan available to the public.

1 including the personnel assigned to that school and the parents and guardians of the
2 students who are assigned to the school, and shall allow for written comments. The
3 board shall submit the plan to the State Board within five days of the board's vote.
4 The State Board shall review the plan expeditiously and, if appropriate, may offer
5 recommendations to modify the plan. The local board shall consider any
6 recommendations made by the State Board.

7 (b) ~~Each identified low-performing school~~ school that the State Board identifies as
8 low-performing shall provide written notification to the parents of students attending
9 that school. The written notification shall include a statement that the State Board of
10 Education has found that the school has "failed to meet the minimum growth
11 standards, as defined by the State Board, and a majority of students in the school are
12 performing below grade level." This notification also shall include a description of
13 the information about the plan developed under subsection (a1) of this section and a
14 description of any additional steps the school is taking to improve student
15 performance."

16 Section 2. G.S. 115C-105.39(a) reads as rewritten:

17 "(a) ~~Upon the identification of a school as low-performing under this Part, the~~
18 ~~State Board shall proceed under G.S. 115C-325(q)(1) for the dismissal of the~~
19 ~~principal assigned to that school. Within 30 days of the initial identification of a~~
20 ~~school as low-performing, whether by the local school administrative unit under G.S.~~
21 ~~115C-105.37(a1) or by the State Board under G.S. 115C-105.37(a), the superintendent~~
22 ~~shall recommend to the local board one of the following concerning the school's~~
23 ~~principal: (i) the principal should be retained in the same position; (ii) the principal~~
24 ~~should be retained in the same position and a plan for remediation should be~~
25 ~~developed; (iii) the principal should be transferred or demoted; or (iv) the principal~~
26 ~~should be dismissed. The principal may be retained in the same position without a~~
27 ~~plan for remediation only if the principal was in that position for no more than two~~
28 ~~years before the school is identified as low-performing. The principal shall not be~~
29 ~~transferred to another principal position unless (i) it is in a school classification in~~
30 ~~which the principal previously demonstrated success, and (ii) there is a plan to~~
31 ~~evaluate the principal at least during the year following the transfer to assure the~~
32 ~~principal does not impede student performance at the school to which the principal is~~
33 ~~transferred. The principal shall not be transferred to another low-performing school~~
34 ~~in the local school administrative unit. If the superintendent intends to recommend~~
35 ~~demotion or dismissal, then the superintendent shall proceed under G.S. 115C-325.~~
36 ~~Within 15 days of its decision concerning the superintendent's recommendation, but~~
37 ~~no later than September 30, the local board shall submit to the State Board a written~~
38 ~~notice of the action taken and the basis for that action. If the State Board does not~~
39 ~~assign an assistance team to that school, then the State Board shall take no further~~
40 ~~action. If the State Board assigns an assistance team to the school, then the State~~
41 ~~Board shall vote to accept, reject, or modify the local board's recommendations. The~~
42 ~~State Board shall notify the local board of its action within five days. If the State~~
43 ~~Board rejects or modifies the local board's recommendations and does not~~
44 ~~recommend dismissal of the principal, the State Board's notification shall include~~

1 recommended action concerning the principal's assignment or terms of employment.
2 Upon receipt of the State Board's notification, the local board shall implement the
3 State Board's recommended action concerning the principal's assignment or terms of
4 employment unless the local board asks the State Board to reconsider that
5 recommendation. The State Board shall provide an opportunity for the local board
6 to be heard before the State Board acts on the local board's request for a
7 reconsideration. The State Board shall vote to affirm or modify its original
8 recommended action and shall notify the local board of its action within five days.
9 Upon receipt of the State Board's notification, the local board shall implement the
10 State Board's final recommended action concerning the principal's assignment or
11 terms of employment. If the State Board rejects or modifies the local board's action
12 and recommends dismissal of the principal, the State Board shall proceed under G.S.
13 115C-325(q)(1)."

14 Section 3. G.S. 115C-325(q)(1) reads as rewritten:

15 "(1) ~~Notwithstanding any other provision of this section or any other~~
16 ~~law, the State Board:~~

17 a. ~~Shall suspend with pay a principal who has been assigned to~~
18 ~~a school for more than two years before the State Board~~
19 ~~identifies that school as low-performing and assigns an~~
20 ~~assistance team to that school under Article 8B of this~~
21 ~~Chapter; and~~

22 b. ~~May suspend with pay a principal who has been assigned to~~
23 ~~a school for no more than two years before the State Board~~
24 ~~identifies that school as low-performing and assigns an~~
25 ~~assistance team to that school under Article 8B of this~~
26 ~~Chapter.~~

27 ~~The panel shall order the dismissal of the principal, at which time the period of~~
28 ~~suspension with pay shall expire, unless the panel makes a public determination that~~
29 ~~the principal has established that the factors that led to the identification of the~~
30 ~~school as low-performing were not due to the inadequate performance of the~~
31 ~~principal.~~

32 Notwithstanding any other provision of this section or any other
33 law, this subdivision governs the State Board's dismissal of
34 principals assigned to low-performing schools to which the Board
35 has assigned an assistance team:

36 a. The State Board through its designee may, at any time,
37 recommend the dismissal of any principal who is assigned to
38 a low-performing school to which an assistance team has
39 been assigned. The State Board through its designee shall
40 recommend the dismissal of any principal when the Board
41 receives from the assistance team assigned to that principal's
42 school two consecutive evaluations that include written
43 findings and recommendations regarding the principal's
44 inadequate performance.

- b. If the State Board through its designee recommends the dismissal of a principal under this subdivision, the principal shall be suspended with pay pending a hearing before a panel of three members of the State Board. The purpose of this hearing, which shall be held within 60 days after the principal is suspended, is to determine whether the principal shall be dismissed.
- c. The panel shall order the dismissal of the principal if it determines from available information, including the findings of the assistance team, that the low performance of the school is due to the principal's inadequate performance.
- d. The panel may order the dismissal of the principal if (i) it determines that the school has not made satisfactory improvement after the State Board assigned an assistance team to that school; and (ii) the assistance team makes the recommendation to dismiss the principal for one or more grounds established in G.S. 115C-325(e)(1) for dismissal or demotion of a career employee.
- e. If the State Board or its designee recommends the dismissal of a principal before the assistance team assigned to the principal's school has evaluated that principal, the panel may order the dismissal of the principal if the panel determines from other available information that the low-performance of the school is due to the principal's inadequate performance.
- f. In all hearings under this subdivision, the burden of proof is on the principal to establish that the factors leading to the school's low performance were not due to the principal's inadequate performance. In all hearings under subdivision d. of this subdivision, the burden of proof is on the State Board to establish that the school failed to make satisfactory improvement after an assistance team was assigned to the school and to establish one or more of the grounds established for dismissal or demotion of a career employee under G.S. 115C-325(e)(1).
- g. In all hearings under this subdivision, two consecutive evaluations that include written findings and recommendations regarding that person's inadequate performance from the assistance team are substantial evidence of the inadequate performance of the principal.
- h. The State Board shall adopt procedures to ensure that due process rights are afforded to principals under this subsection. ~~subdivision~~. Decisions of the panel may be appealed on the record to the State Board, with further right

1 of judicial review under Chapter 150B of the General
2 Statutes."
3 Section 4. This act is effective when it becomes law and applies to
4 principals on or after that date.



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Senate Bill 1129

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(to be filled in by
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S1129-ARC-001.1

Date _____, 1998

Comm. Sub. [☐
Amends Title [YES]
Third Edition

Rep. Eddins

1 moves to amend the bill on page 1, line 4,
2 by deleting the word "AND";
3
4 and on page 1, line 6, by deleting the word "SCHOOLS." and
5 substituting the following:
6 "SCHOOLS, AND TO DIRECT THE STATE BOARD OF EDUCATION TO DEVELOP A
7 PILOT PROGRAM TO ALLOW STUDENTS WHO ARE PERFORMING BELOW GRADE LEVEL
8 WHILE ATTENDING A LOW-PERFORMING SCHOOL TO TRANSFER TO ANOTHER
9 SCHOOL WITHIN THE LOCAL SCHOOL ADMINISTRATIVE UNIT.";
10
11 and on page 5, by inserting a new section between lines 2 and 3 to
12 read as follows:
13 "Section 4. The State Board of Education shall develop and
14 implement a pilot program to allow students who performed at Level I
15 on more than one of the annual tests required under G.S. 115C-
16 174.11(c) while attending a low-performing school to transfer to
17 another school within the local school administrative unit if there
18 is space available at the other school. Up to 5 local boards of
19 education may voluntarily participate in the pilot program.
20 Notwithstanding Section 1 of Chapter 450 of the 1995 Session Laws,
21 the State Board shall have the authority to provide additional
22 budget flexibility for participating local boards and shall
23 encourage those boards to use the flexibility to assist both low-
24 performing schools and schools receiving eligible students under the
25 pilot program. The State Board also shall consult with
26 participating local boards to establish guidelines and criteria
27 regarding the length of time the option to transfer shall remain
28 available to eligible students. Prior to January 1, 2001, the State



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 1129

AMENDMENT NO. _____
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Page 2 of ____

S1129-ARC-001.1

1 Board shall review the implementation of the program and its impact
2 on student performance and make recommendations to the Joint
3 Legislative Education Oversight Committee regarding whether to
4 continue, expand, or discontinue the program.";

5
6 and by renumbering the remaining section accordingly.
7

SIGNED *Ray Eddins*
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

EDITION No. _____

H. B. No. _____

S. B. No. _____

COMMITTEE SUBSTITUTE _____

DATE June 30, 1978

Amendment No. _____

(to be filled in by
Principal Clerk)

Rep.)

Sen.)

1 moves to amend the bill on page 12, line 11

2 () WHICH CHANGES THE TITLE

3 by inserting "as further amended"

4 after "and"

5

6 and on p. 12, line 23,

7 by striking "and"

8

9 "and inserting "and" after the

10 supervisor of school personnel"

11

12

13

14

15

16

17

18

19

SIGNED [Signature]

ADOPTED _____ FAILED _____ TABLED _____

VISITOR REGISTRATION SHEET

HOUSE EDUCATION

JUNE 30, 1998

Name of Committee

Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

<i>BILL BROOKS</i>	<i>NCFPC</i>
<i>Piper Nieperts</i>	<i>SBE</i>
<i>Susan Harrison</i>	<i>WCPSS</i>
<i>Gene Cauby</i>	<i>E-EBC</i>
<i>W. Lloyd Thorne</i>	<i>TRP/PP</i>
<i>Ann Bullock</i>	<i>SBE</i>
<i>Colleen P. Morris</i>	<i>Public School Jan</i>
<i>NIRALI PATEL</i>	<i>GN's Office</i>
<i>Harriet C Dill</i>	<i>NCAE</i>
<i>Jerath</i>	<i>NCRSH</i>
<i>Stephanie Sarnonson</i>	<i>NCTCDC</i>
<i>Greg Walcott</i>	<i>"</i>
<i>Deanne Winters</i>	<i>NCSBA</i>
<i>Alma Williams</i>	<i>NCCCS</i>
<i>Monika Lewis</i>	<i>NCACC</i>
<i>Rev. Matt Church</i>	
<i>Carl Louie</i>	<i>NCAICU</i>
<i>Susan Valenz</i>	<i>National</i>
<i>Andy Ell</i>	<i>NCRMA</i>
<i>Lucy Moore</i>	
<i>Ann Lee</i>	<i>NCRMA</i>
<i>Jim Lott</i>	<i>NCRFI</i>

VISITOR REGISTRATION SHEET

HOUSE EDUCATION

JUNE 30, 1998

Name of Committee

Date _____

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS[illegible]

MINUTES
HOUSE STANDING COMMITTEE ON EDUCATION
Tuesday, July 7, 1998

The House Committee on **EDUCATION** met in Room 544 of the Legislative Office Building on Tuesday, July 7, 1998, at 11:00 a.m. Representative Fern H. Shubert Co-Chairperson, presided at the meeting and the following members were present: Representatives Allen, Arnold, Beall, Black, Boyd-McIntyre, Capps, Cole, Crawford, Decker, Dickson, Dockham, Eddins, Fox, Grady, Gulley, Hall, Hensely, Hiatt, Moore, McMahan, Nichols, Nye, Owens, Preston, Rayfield, Shubert, Sexton, Smith, Russell, and Tolson. Legislative Staff Robin Johnson, Kory Goldsmith, Sara Kamprath and Shirley Iorio were present to assist the Committee. The visitor registration sheet is attached and made part of the minutes.

Representative Shubert, presiding Chair, called the meeting to order and introduced pages: Ms. Gagen from Franklin County and Andrew Dalton George from Wake County.

The Chair advised the Committee the first item on the agenda was **HB 1487, Extra Duties/New Teachers**. Representative Arnold, bill sponsor was recognized to explain the bill. This bill Representative Arnold stated was a result of the Commission on Public Schools. The Commission visited schools this past summer and found a major complaint of new first year teachers was they were burdened with extra curricular duties and functions. These teachers stated these obligations interfered with their first year of teaching. The bill is designed to ask the State Board of Education to adopt rules that prescribe the type and number of extra curricular activities that first year teachers can perform with a strong recommendation that new teachers be given no extra curriculum duties during their first year.

Representative Dickson was called on for his comments. He stated he was in favor of this bill and moved for a favorable report on **HB1487**. There was no further discussion on the bill. The vote was taken and the motion carried.

The next item on the agenda was **SB 1124, Teacher Certification Waivers**. Senator Hartsell, bill sponsor, was recognized for his explanation of the bill. He stated this bill came from the Joint Legislation Oversight Committee. It is a process for creating in some form a reciprocity for teachers who have been certified in other states and who come to North Carolina to work as a teacher. He stated a lot of systems find it hard to find good qualified teachers. This would allow local boards to obtain waivers under fairly specific circumstances.

Representative Nichols asked Senator Hartsell if he knew that every other state required people to meet the same certification requirements as North Carolina, for example a college degree. Senator Hartsell said as far as he knew a college degree was

required except in certain lateral entry positions.

Representative Decker asked the Chair if the State Board of Education had any comments on the bill. Anne Berlam, Legislative Director for the State Board of Education, said the State Board would not have to approve the requests for the waivers. In presenting the requests for the waivers there would have to be a plan for the State Board to look at and if the plan was not acceptable the Board would not approve the waivers.

Representative Decker sent forth an amendment deleting the a on line 17 and substituting the word approved. After discussion Representative Decker withdrew his amendment.

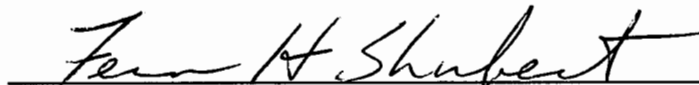
Representative Sexton was recognized and he moved for a favorable report.

Representative Russell took over as the presiding chair because Representative Shubert had amendments she wanted to run. The two handouts Representative Shubert had for the Committee are attached and made part of the permanent minutes. Representative Owens sent forth a perfecting amendment on page 1 line 10 by inserting after the word taught the phrase an academic course and on line 12 by deleting the word college and substituting college provided the course is similar to the subject matter the individual is hired to teach. Representative Owens moved adoption of the perfecting amendment. There being no discussion on the perfecting amendment the vote was taken and the motion carried.

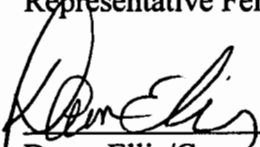
Representative Grady sent forth an amendment. The amendment moves to amend the amendment on page 1 line 11 and on page 1 line 12. Copies of all the amendments are attached to the permanent minutes. Representative Arnold had questions of staff person, Kory Goldsmith and after her explanation the vote was taken and the perfecting amendment carried.

Representative Shubert moved that the perfecting amendments be incorporated into the main amendment and the main amendment pass. Representative Moore spoke against the amendment. There being no further discussion the vote was taken and the motion carried. Representative Shubert withdrew her second amendment.

Representative Russell adjourned the meeting since the assigned meeting time was up. She explained this bill would be first on the agenda for the next meeting.



Representative Fern H. Shubert/Presiding Chair



Dawn Ellis/Committee Clerk
page 2 of 2

7/7/98

1998 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. 1487 A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE
RECOMMENDATION OF THE LEGISLATIVE STUDY COMMISSION ON PUBLIC
SCHOOLS TO DIRECT THE STATE BOARD OF EDUCATION TO ADOPT RULES
PRESCRIBING THE EXTRACURRICULAR DUTIES ASSIGNED TO FIRST-YEAR
TEACHERS.

☒ With a favorable report.

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

☐ With a favorable report, as amended.

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

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

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

☐ And having received a unanimous vote in committee, is placed on the Consent Calendar.
(PUBLIC BILLS ONLY)

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

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

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

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

☐ Without prejudice.

☐ With an indefinite postponement report.

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

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

4/24/97

FOR JOURNAL USE ONLY

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 1487

Short Title: Extra Duties/New Teachers.

(Public)

Sponsors: Representatives Arnold; Preston and Sexton.

Referred to: Education.

May 25, 1998

1 A BILL TO BE ENTITLED
2 AN ACT TO IMPLEMENT THE RECOMMENDATION OF THE LEGISLATIVE
3 STUDY COMMISSION ON PUBLIC SCHOOLS TO DIRECT THE STATE
4 BOARD OF EDUCATION TO ADOPT RULES PRESCRIBING THE
5 EXTRACURRICULAR DUTIES ASSIGNED TO FIRST-YEAR TEACHERS.

6 The General Assembly of North Carolina enacts:

7 Section 1. The State Board of Education shall adopt rules prescribing the
8 type and number of extracurricular duties assigned to first-year teachers beginning
9 with the 1998-99 school year. It is strongly recommended that new teachers be given
10 no extracurricular duty in order to have an opportunity to develop into skilled
11 professionals.

12 Section 2. The State Board of Education shall report to the Legislative
13 Study Commission on Public Schools prior to October 1, 1998, on its progress in
14 implementing this act.

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S

3

SENATE BILL 1124*

Education/Higher Education Committee Substitute Adopted 6/10/98
Third Edition Engrossed 6/16/98

Short Title: Teacher Certification Waivers.

(Public)

Sponsors:

Referred to:

May 14, 1998

1 A BILL TO BE ENTITLED
2 AN ACT TO ALLOW LOCAL BOARDS OF EDUCATION TO EMPLOY
3 TEACHERS WHO ARE LEGALLY CERTIFICATED IN ANOTHER STATE
4 EVEN THOUGH THEY MAY NOT BE CERTIFICATED IN NORTH
5 CAROLINA.
6 The General Assembly of North Carolina enacts:
7 Section 1. G.S. 115C-105.26(c) reads as rewritten:
8 "(c) The State Board ~~also~~ may grant requests received from local boards for
9 waivers of State laws, rules, or policies that affect the organization, duties, and
10 assignment of central office staff only. However, none of the duties to be performed
11 under G.S. 115C-436 may be waived. The State Board also may grant requests
12 received from local boards for waivers of State laws, rules, or policies governing
13 teacher certification when the boards demonstrate the following: (i) they need to
14 employ teachers who are lawfully certificated in another state; (ii) the certification of
15 these teachers authorizes them to teach the grade or subject matter they will be
16 employed to teach; (iii) the teachers have at least one year of classroom teaching
17 experience; and (iv) there is a plan to demonstrate the teachers' competence before
18 the boards employ these teachers. Teachers receiving teaching certificates under this
19 provision shall be subject to the same requirements for continuing certification and
20 certificate renewal as other certified teachers."

1 Section 2. This act is effective when it becomes law and expires June 30,
2 2003, except that it remains effective for any teacher employed under this act before
3 July 1, 2003.

Shubert Gordon A
7/7/98

IN TODAY'S NEWS

STATES DISCRIMINATE AGAINST TEACHERS WITH ADVANCED DEGREES

In California, someone with teaching credentials in physical education can teach math or science in a public school -- but not someone with a graduate degree in math or science. In fact, the rule in most states is that only people certified by teachers' colleges are allowed to teach in elementary or secondary schools.

The result is that a large surplus of those with graduate degrees in academic fields become "adjunct" instructors in colleges and often wind up teaching remedial courses. Since they are denied entry into elementary and secondary school classrooms, colleges consider them a source of cheap labor and pay them wages so low that many have to leave teaching to earn a decent living.

- o Nationwide, 36 percent of teachers didn't major -- or even minor -- in the subject they teach.
- o Adjunct college instructors -- who are well qualified to teach in elementary and secondary school classrooms -- now comprise 42 percent of all college faculty, up from 25 percent two decades ago.
- o Ironically, adjunct college instructors often teach high-school level and even elementary-school level courses in remedial reading, writing and math to college students -- some of whom even plan to enter teachers' colleges.
- o Yet these same instructors -- who have master's degrees or doctorates -- are frozen out of public schools and not allowed to teach the same subjects in elementary- or secondary-level classrooms.

Many experts blame the situation on teachers' unions, education schools and school superintendents. The unions have a vested interest in restraining academics from competing with the teaching school graduates they represent. Schools of education want to keep the profitable business of churning out teachers to fill a shortage created in part by their monopoly on teacher certification. And budget-conscious school superintendents prefer recruits from teachers' colleges because they start out at the bottom of the pay scale.

Source: Paula Sullivan (adjunct instructor at Kings River Community College in California), "Let Those Who Can, Teach," Wall Street Journal, April 28, 1998.

shalee harden
7/7/98

THE NEWS & OBSERVER
SATURDAY, JULY 4, 1998

Nation

7B

Demand for more teachers could put demands on standards

BY KATE ZERNIKE
THE BOSTON GLOBE

If the news that half the teacher candidates could not pass a test of basic skills has shocked Massachusetts over the past two weeks, it is merely a hint of what is to come across the nation.

As a baby boomlet pushes enrollment to its highest level ever, and as teachers hired for the baby boom prepare to retire, the United States will find itself replacing 2 million of its 2.7 million teachers over the next eight years.

Yet even as schools demand more of students, their teachers are still held to remarkably low, if any, standards. With between 30 percent and 60 percent of new teachers across the nation already failing in basic skills, schools will have no choice but to staff classrooms with undereducated and unqualified candidates when the demand for new recruits rises.

This tension between quantity and quality has historically frus-

trated efforts to improve a profession long plagued by low salaries, low test scores, and the old gibe, "Those who can't, teach."

Consider California, where a 1996 initiative to shrink class size put so much pressure on schools that they hired 11,000 teachers without credentials. In Los Angeles, 59 percent of new hires — 2,100 teachers — had never been in a classroom. Hundreds more were let in without passing basic skills tests.

Firing teachers won't help

In Massachusetts, after so many prospective teachers failed the test last month, acting Gov. Paul Cellucci called for testing all teachers and firing those who fail. But before that, he, like President Clinton, California Gov. Pete Wilson, and dozens of others, had talked only of hiring more teachers and not at all of how to get better teachers. Yet if the teachers who fail skills tests are fired, who will replace them?

States have talked tough in recent years about teacher tests, but faced with so few qualified applicants they set a passing standard even lower than the one Massachusetts set last week — an F nationwide compared to a D in Massachusetts.

"You don't open school without having teachers in the classroom," said Richard Elmore, professor of education at Harvard, "so any determination we have to crack down on the quality of the teaching force goes out the window when we need teachers."

And now more than ever, the nation needs teachers. The challenge will be not only to find more candidates, but more qualified candidates.

To some, calling America's teaching problem a shortage is a misnomer. Over and over, suburbs find hundreds of applicants queued up for a dozen or so jobs. Education schools report that enrollment is up.

But urban districts and bulging border states like Texas, California, and Florida are having a harder

time finding enough applicants.

Most of the teachers who do apply want to teach elementary school, or such subjects as English or history. Sixty percent of Massachusetts superintendents surveyed by the business-backed research group Mass Insight reported problems last year finding qualified teachers for foreign languages, science or math. Other states face similar shortages.

A shortage of qualifications

Although some dispute whether there is a shortage of numbers, almost everyone agrees about the shortage of qualifications.

Adding to the pressure are initiatives like Clinton's plan to hire 100,000 more teachers to shrink class sizes and similar plans by several other governors. In California, the class-size initiative created a demand for 21,000 teachers; more than half were hired without completing basic training like student teaching.

So when so many teaching can-

didates in Massachusetts failed the state's new literacy test, the obvious question became: How would existing teachers do if forced to take the same test? The indications suggest a similarly dismal answer.

In a study of 11,000 students in 10th grade, Harvard professor Richard Murnane found that those with the strongest academic skills were least likely to become teachers.

Entering college, those who declare an interest in teaching have historically had lower SAT scores than those who do not. And although the scores needed to enter teacher colleges have risen nationwide, they still lag behind the average scores of college-bound freshmen.

In the past few years, 44 states have imposed teacher tests, trying to demand more of those who come out of teacher colleges. But the tests have proven no guarantee of high standards. The most commonly used Praxis test grades between 150 and 190; in most states,

passing is between 168 and 172, barely the halfway mark.

Bright teachers needed

Teachers unions often argue that a score can't measure a gift for teaching. But studies have repeatedly supported the idea that teachers with high scores might produce students with high scores.

What appears most important is teachers' grounding in the subjects they teach. The commission's report quoted a Texas study which found that teachers with expertise in the subject they teach accounted for 40 percent of the difference in students' reading and math scores.

Even if the number of truly incompetent teachers is only 5 percent — the figure given by Stanford University professor Edwin Bridges in his book, *The Incompetent Teacher* — that means nearly 3 million students across the country learning from unqualified teachers.



1 Carried -

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 1124

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)
Page 1 of ____

S1124-ARC-003

Date 7/7, 1998

Comm. Sub. []
Amends Title [YES]
Third Edition

Rep. Shubert

- 1 moves to amend the bill on page 1, line 5,
2 by rewriting the line to read:
3 "CAROLINA, AND TO PROVIDE AN ALTERNATIVE METHOD FOR LOCAL BOARDS TO
4 HIRE LATERAL ENTRY TEACHERS.";
5
6 and on page 2, by rewriting lines 1-3 to read:
7 "Section 2. G.S. 115C-296 is amended by adding a new
8 subsection to read:
9 '(cl) Notwithstanding this section or any other law, a local
10 board may hire as a teacher an individual who has taught at a
11 constituent institution of The University of North Carolina or a
12 North Carolina community college. The following conditions shall
13 apply:
14 (1) The individual shall be initially employed as a
15 probationary teacher.
16 (2) The local board shall provide the individual with a
17 paid mentor teacher.
18 (3) The individual shall receive an annual evaluation and
19 multiple observations under G.S. 115C-326(a).
20 (4) The local board shall review annually the performance
21 of students taught by the individual.
22 (5) If the local board wishes to continue to employ the
23 teacher, the board shall determine whether the
24 individual needs additional training and shall provide
25 that training at no cost to the individual.'
26 Section 3. This act is effective when it becomes law.
27 Section 1 expires June 30, 2003, except that it remains effective
28 for any teacher employed under this act before July 1, 2003."



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 1124

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)
Page 2 of ____

S1124-ARC-003

SIGNED Fern H. Shubert
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

Amended perfectly

EDITION No. 3

H. B. No. _____

DATE 7/7/98

S. B. No. _____

Amendment No. _____

(to be filled in by
Principal Clerk)

Amendment
COMMITTEE SUBSTITUTE 51124-ARC-003

Rep.)

Sen.)

Owens

amendment

1 moves to amend the bill on page 1, line 10

2 () WHICH CHANGES THE TITLE

3 by ~~deleting the word "college."~~

4 ~~substituting the phrase "college~~

5 ~~provided the individual~~

6

7 inserting after the word "taught"

8 the phrase "an academic course";

9

10 and on line 12, by deleting

11 the word "college." and substituting

12 "college provided the course is

13 similar to the subject matter the

14 individual is hired to teach."

15

16

17

18

19

SIGNED

W.C. Owens Jr

ADOPTED _____ FAILED _____ TABLED _____

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

Amended
#2

EDITION No. _____

H. B. No. _____

DATE 7/7/98

S. B. No. _____

Amendment No. _____

(to be filled in by
Principal Clerk)

COMMITTEE SUBSTITUTE _____

Rep.) Grady
Sen.) amend

1 moves to amend the bill on page 1, line 11

2 () WHICH CHANGES THE TITLE

3 by inserting the following phrase after the
4 word "Carolina":

5 " a college or university licensed
6 by the Board of Governors of the University
7 of North Carolina "
8 and
9 located in North Carolina.

10 and on page 1, line 12,
11 by deleting the word "college"
12 and inserting " or other
13 & institution of higher education
14 located in North Carolina.
15 as defined in G.S. 116-22(1). "

16 _____

17 _____

18 _____

19 _____

SIGNED Robert Gray

ADOPTED _____ FAILED _____ TABLED _____

7/7/98



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 1124

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)
Page 1 of 2

S1124-ARH-001

Date 7/7, 1998

Comm. Sub. []
Amends Title [YES]
Third Edition

Representative Arnold

- 1 moves to amend the bill on page 1, line 5,
2 by adding before the period the following:
3 "AND TO EMPLOY SUPERINTENDENTS WHO ARE NOT CERTIFIED";
4
5 and on page 2, line 2, by adding after the word "employed" the words
6 "or superintendent elected"; and
7
8 on page 2, line 1, by adding before the line the following new
9 section:
10 "Section 2. G.S. 115C-271(a) reads as rewritten:
11 '(a) It is the policy of the State that each local board of
12 education has the sole discretion to elect a superintendent of
13 schools. However, the State Board shall adopt rules that establish
14 the qualifications for election. At a minimum, each superintendent
15 shall have been a principal in a North Carolina public school or
16 shall have equivalent experience. In addition, the State Board may
17 establish other minimum credentials, educational prerequisites, and
18 experience requirements.
19 The State Board may grant a request received from a local board
20 for a waiver of State laws, rules, or policies governing
21 qualifications for election of a superintendent when the board
22 demonstrates that a candidate has the competence and experience
23 necessary to perform the duties of superintendent for the requesting
24 local board. A superintendent elected under a waiver shall meet any
25 conditions set by the State Board in the waiver.
26 It is the duty of each local board to elect a superintendent who
27 is qualified. If a local board elects a superintendent who is not
28 qualified or who cannot qualify under this section, then the



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 1124

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)
Page 2 of 2

S1124-ARH-001

1 election and contract are null and void, and the board shall elect a
2 person who is qualified.'";
3
4 and by renumbering the remaining section accordingly.

SIGNED Gene Arnold
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

VISITOR REGISTRATION SHEET

EDUCATION

Tuesday, July 7, 1998

Name of Committee

Date _____

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Bill Wilson

ИСКРЕ

Nirali Patel

Gov. 's Office

Riper Nieters

SBE

~~XXXX~~ Ann Beclam

SBE

Gene Cause

E-EBC

Cathy Van Oostrom

PENC

Leanne Winner

NCSEA

VISITOR REGISTRATION SHEET

EDUCATION

Tuesday, July 7, 1998

Name of Committee

Date _____

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS[illegible]

MINUTES
HOUSE STANDING COMMITTEE ON EDUCATION
Tuesday, July 14, 1998

The House Committee on **EDUCATION** met in Room 544 of the Legislative Office Building on Tuesday, July 14, 1998, at 11:00 a.m. Representative Carolyn Russell, Co-Chairperson, presided at the meeting and the following members were present: Representatives Allen, Arnold, Beall, Black, Boyd-McIntyre, Capps, Cole, Davis, Dickson, Eddins, Fox, Grady, Gulley, Hall, Hensely, Hiatt, Insko, Ives, Kinney, Moore, Morris, McMahan, Nichols, Owens, Preston, Rayfield, Shubert, Smith, and Warner. Legislative Staff Robin Johnson, Kory Goldsmith, Sara Kamprath and Shirley Iorio were present to assist the Committee. The visitor registration sheet is attached and made part of the minutes.

Representative Russell, presiding Chair, called the meeting to order and introduced pages: Ms. Melissa Phillips from Wake County and Nicole Ringgold from Craven County. The Chair then advised the first item on the agenda would be a continuation of Senate Bill 1124- Teacher Certification Waivers.

The Chair asked staff to give an explanation of the bill and the amendments that had been adopted thus far. Kory Goldsmith stated this would be the 3rd edition . The first amendment was by Representative Shubert that allowed individuals who were professors at a Community College, University or a College in North Carolina to teach in a school system given that certain conditions were met. There were two other amendments to the bill. One expanded who could teach to private colleges and the other clarified the courses they taught in the college had to be an academic course at a college level.

Upon completion of staff explanation of the previous meeting and the amendments Representative Shubert asked that Representative Moore's amendment to the amendment be passed out. The Chair called on Representative Moore for his explanation. He said the perfecting amendment would state that someone entering the teaching profession must pass a test and meet standards before entering the classroom. Representative Shubert continued her explanation of the amendment, all the amendments are attached to the permanent minutes. Representative Moore moved for the adoption of the perfecting amendment. There being no further discussion the vote was taken on Representative Moore's amendment and the motion carried. Representative Shubert then explained the next amendment was her amendment 004. It was she said substantially the same as the amendment the Committee adopted last time. This amendment stated the applicant must pass a certification test like any other person who wanted to teach in the public schools. This does not require a local board to hire someone of this type, it simply makes it possible if they choose to do so.

There were numerous comments on Representative Shubert's amendment. Representative Grady spoke against the amendment. Representative Insko stated she had grave concerns about the amendment. Representative Warner stated there is a severe shortage of teachers and he was for the amendment. There being no further discussion the Chair called for the vote and the motioned carried.

The Chair explained Representative Shubert moved to have the perfecting amendments that had passed be incorporated into a amendment 003 and the amendment be adopted. There was no discussion. The Chair called for the vote and the motion carried.

Representative Arnold was recognized for an amendment. He explained the amendment was at the request of Representative Baker. The amendment would add superintendent to the bill title and it allows the local LEA to approach the State Board for a waiver of qualifications for the superintendent. Representative Hensley stated he was opposed to the amendment. There being no further discussion the Chair called for the vote and the amendment did not pass.

Representative Preston was called on and she put forth an amendment. The amendment she explained amended the bill on page 1, line 16 by deleting the phrase one year and substituting two years. There was no discussion on the amendment so the Chair called for the vote and the amendment passed.

Representative Hall was called on for his amendment. His amendment changes the bill on page 1 line 16 by inserting after the word have the following: a bachelors degree and. Representative Capps asked Representative Hall what was the magic about a bachelors degree? Representative Hall said it was required in the state by the teachers. The Chair called for the vote and the amendment carried.

The Chair accepted a motion by Representative Arnold for a favorable report to House Committee Substitute for Senate Bill 1124 as amended. The amendments rolled into a Committee Substitute giving staff the permission to make technical changes as needed for proper wording. The vote was taken and the motion carried.

The Chair called on Senator Winner to explain her bill **Senate Bill 1128 Testing in Second Grade**. Senator Winner explained the bill was a whittled down version of a bill that came out of the Joint Education Oversight Committee. The bill was designed to give accurate information about how students are doing prior to the testing before third grade. Representative Preston was recognized to bring forth an amendment. The amendment is attached to the permanent minutes. The bill sponsor said she supported the amendment. The Chair called for the vote and the amendment carried.

The Chair called on Representative Dickson who moved for a favorable report on Senate Bill 1128 as amended rolled into a Committee Substitute, unfavorable to original bill.

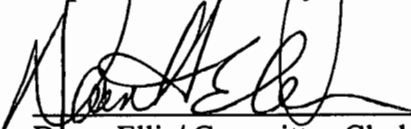
Representative Moore said he would support the bill but he talked to teachers who thought the testing should be at the end of the second year not at the beginning of the second year. Representative Hall said he was concerned about the age of students that would now have to take the assessment tests. He said he felt it was a mistake to put this much emphasis on testing.

Senator Winner said the children were not so fragile that they could not take a test for one hour. She also said a lot of learning had to take place before the third grade. There was no further discussion. The vote was taken and the motion carried.

There being no further business before the Committee the Chair adjourned the meeting.



Representative Carolyn Russell/Presiding Chair



Dawn Ellis/ Committee Clerk

**1998 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. 1124 A BILL TO BE ENTITLED AN ACT TO ALLOW LOCAL BOARDS OF EDUCATION TO EMPLOY TEACHERS WHO ARE LEGALLY CERTIFICATED IN ANOTHER STATE EVEN THOUGH THEY MAY NOT BE CERTIFICATED IN NORTH CAROLINA.

☐ With a favorable report.

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

☐ With a favorable report, as amended.

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

☐ With a favorable report as to committee substitute bill, which changes the title, unfavorable as to original bill.

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

☐ And having received a unanimous vote in committee, is placed on the Consent Calendar.
(PUBLIC BILLS ONLY)

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

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

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

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

☐ Without prejudice.

☐ With an indefinite postponement report.

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

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

4/24/97

FOR JOURNAL USE ONLY

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S

D

SENATE BILL 1124*

Education/Higher Education Committee Substitute Adopted 6/10/98

Third Edition Engrossed 6/16/98

Proposed House Committee Substitute S1124-PCS3640-RC001

Short Title: Teacher Cert. Waivers/Lateral Entry.

(Public)

Sponsors:

Referred to:

May 14, 1998

1 A BILL TO BE ENTITLED

2 AN ACT TO ALLOW LOCAL BOARDS OF EDUCATION TO EMPLOY
3 TEACHERS WHO ARE LEGALLY CERTIFICATED IN ANOTHER STATE
4 EVEN THOUGH THEY MAY NOT BE CERTIFICATED IN NORTH
5 CAROLINA, AND TO PROVIDE AN ALTERNATIVE METHOD FOR LOCAL
6 BOARDS TO HIRE LATERAL ENTRY TEACHERS.

7 The General Assembly of North Carolina enacts:

8 Section 1. G.S. 115C-105.26(c) reads as rewritten:

9 "(c) The State Board ~~also~~ may grant requests received from local boards for
10 waivers of State laws, rules, or policies that affect the organization, duties, and
11 assignment of central office staff only. However, none of the duties to be performed
12 under G.S. 115C-436 may be waived. The State Board also may grant requests
13 received from local boards for waivers of State laws, rules, or policies governing
14 teacher certification when the boards demonstrate the following: (i) they need to
15 employ teachers who are lawfully certificated in another state; (ii) the certification of
16 these teachers authorizes them to teach the grade or subject matter they will be
17 employed to teach; (iii) the teachers have a bachelors degree and at least two years of
18 classroom teaching experience; and (iv) there is a plan to demonstrate the teachers'
19 competence before the boards employ these teachers. Teachers receiving teaching
20 certificates under this provision shall be subject to the same requirements for
21 continuing certification and certificate renewal as other certified teachers."

1 Section 2. G.S. 115C-296 is amended by adding two new subsections to
2 read:

3 "(c1) Notwithstanding this section or any other law, a local board may hire as a
4 teacher an individual who has taught an academic course at a constituent institution
5 of The University of North Carolina, a college or university licensed by the Board of
6 Governors of The University of North Carolina, a North Carolina community college,
7 or other institution as defined in G.S. 116-22(1) provided the course is similar to the
8 subject matter the individual is hired to teach. The following conditions shall apply:

9 (1) Prior to employment, the individual shall take and pass the
10 certification examination that is applicable to the grade or subject
11 matter the individual is hired to teach.

12 (2) The individual shall be initially employed as a probationary
13 teacher.

14 (3) The local board shall provide the individual with a paid mentor
15 teacher.

16 (4) The individual shall receive an annual evaluation and multiple
17 observations under G.S. 115C-326(a).

18 (5) The local board shall review annually the performance of students
19 taught by the individual.

20 (6) If the local board wishes to continue to employ the teacher, the
21 board shall determine whether the individual needs additional
22 training and shall provide that training at no cost to the individual.

23 (c2) Notwithstanding this section or any other law, a local board may hire as a
24 teacher an individual who has a bachelors degree and at least three years of
25 experience in a profession the local board considers relevant to the grade or subject
26 matter the individual is hired to teach. The following conditions shall apply:

27 (1) Prior to employment, the individual shall take and pass the
28 certification examination that is applicable to the grade or subject
29 matter the individual is hired to teach.

30 (2) The individual shall be initially employed as a probationary
31 teacher.

32 (3) The local board shall provide the individual with a paid mentor
33 teacher.

34 (4) The individual shall receive an annual evaluation and multiple
35 observations under G.S. 115C-326(a).

36 (5) The local board shall review annually the performance of students
37 taught by the individual.

38 (6) If the local board wishes to continue to employ the individual, the
39 board shall determine whether the individual needs additional
40 training and shall provide that training at no cost to the
41 individual."

42 Section 3. This act is effective when it becomes law. Section 1 expires
43 June 30, 2003, except that it remains effective for any teacher employed under this
44 act before July 1, 2003.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S

3

SENATE BILL 1124*

Education/Higher Education Committee Substitute Adopted 6/10/98
Third Edition Engrossed 6/16/98

Short Title: Teacher Certification Waivers.

(Public)

Sponsors:

Referred to:

May 14, 1998

1

A BILL TO BE ENTITLED

2

AN ACT TO ALLOW LOCAL BOARDS OF EDUCATION TO EMPLOY
TEACHERS WHO ARE LEGALLY CERTIFICATED IN ANOTHER STATE
EVEN THOUGH THEY MAY NOT BE CERTIFICATED IN NORTH
CAROLINA.

6

The General Assembly of North Carolina enacts:

7

Section 1. G.S. 115C-105.26(c) reads as rewritten:

8

"(c) The State Board ~~also~~ may grant requests received from local boards for
waivers of State laws, rules, or policies that affect the organization, duties, and
assignment of central office staff only. However, none of the duties to be performed
under G.S. 115C-436 may be waived. The State Board also may grant requests
received from local boards for waivers of State laws, rules, or policies governing
teacher certification when the boards demonstrate the following: (i) they need to
employ teachers who are lawfully certificated in another state; (ii) the certification of
these teachers authorizes them to teach the grade or subject matter they will be
employed to teach; (iii) the teachers have at least one year of classroom teaching
experience; and (iv) there is a plan to demonstrate the teachers' competence before
the boards employ these teachers. Teachers receiving teaching certificates under this
provision shall be subject to the same requirements for continuing certification and
certificate renewal as other certified teachers."

20

1 Section 2. This act is effective when it becomes law and expires June 30,
2 2003, except that it remains effective for any teacher employed under this act before
3 July 1, 2003.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S

2

SENATE BILL 1128*

Education/Higher Education Committee Substitute Adopted 6/24/98

Short Title: Testing in Second Grade.

(Public)

Sponsors:

Referred to:

May 14, 1998

A BILL TO BE ENTITLED

AN ACT TO ALLOW LOCAL BOARDS OF EDUCATION TO USE VALID,
AGE-APPROPRIATE STANDARDIZED TESTS IN SECOND GRADE.

The General Assembly of North Carolina enacts:

Section 1. G.S. 115C-174.11(a) reads as rewritten:

"(a) Assessment Instruments for ~~First Kindergarten, First Grade, and Second~~
~~Grades. Grade.~~ -- The State Board of Education shall adopt and provide to the local
school administrative units developmentally appropriate individualized assessment
instruments consistent with the ~~Basic Education Program for the first and second~~
~~grades, North Carolina Standard Course of Study for kindergarten, first grade, and~~
~~second grade,~~ rather than standardized tests. Local school administrative units may
use these assessment instruments provided to them by the State Board for ~~first and~~
~~second grade students, and shall not use standardized tests: kindergarten, first grade,~~
~~and second grade students.~~ Local boards may use valid, age-appropriate standardized
tests in combination with other assessments in second grade so long as they are used
for individual student diagnostic or program evaluation purposes. These tests or the
kindergarten, first grade, or second grade individualized assessments shall not be used
for accountability purposes or as a basis for promotion, retention, tracking, or
labeling decisions about individual students. If standardized tests or assessments are
used for individual diagnostic purposes or if the results are placed in a student's
record, the school shall provide the results to that student's parent or legal guardian.
Local school administrative units are encouraged to notify parents and guardians of

1 students before administering standardized tests or assessments to those students
2 under this subsection."

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



passed

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 1124

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)
Page 1 of ____

S1124-ARC-004

Date 7/14, 1998

Comm. Sub. []
Amends Title []
Third Edition

Rep. Shubert

- 1 moves to amend the bill by amending page 1 of amendment S1124-ARC-
2 003 by deleting the quotation mark at the end of line 25 and
3 inserting between lines 25 and 26 the following:
4 "(c2) Notwithstanding this section or any other law, a local
5 board may hire as a teacher an individual who has a bachelors'
6 degree and at least three years of experience in a profession the
7 local board considers relevant to the grade or subject matter the
8 individual is hired to teach. The following conditions shall apply:
9 (1) Prior to employment, the individual shall take and
10 pass the certification examination that is applicable
11 to the grade or subject matter the individual is hired
12 to teach.
13 (2) The individual shall be initially employed as a
14 probationary teacher.
15 (3) The local board shall provide the individual with a
16 paid mentor teacher.
17 (4) The individual shall receive an annual evaluation and
18 multiple observations under G.S. 115C-326(a).
19 (5) The local board shall review annually the performance
20 of students taught by the individual.
21 (6) If the local board wishes to continue to employ the
22 individual, the board shall determine whether the
23 individual needs additional training and shall provide
24 that training at no cost to the individual."
25

SIGNED F. H. Shubert
Amendment Sponsor



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 1124

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)
Page 2 of ____

S1124-ARC-004

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

Carried - 7/11/98
CEDITION No. 3rd

H. B. No. _____

DATE _____

S. B. No. 1124

Amendment No. _____

COMMITTEE SUBSTITUTE _____

(to be filled in by
Principal Clerk)

Rep.)

Sen.)

Mooreamendment S1124-ARC-003, ~~by deleting the~~1 moves to amend the bill on page 2, line _____

2 () WHICH CHANGES THE TITLE

3 by deleting the quotation mark at the4 end of subdivision (5) and5 substituting the following:

6 _____

7 "(6) Prior to employment, the individual8 shall take and pass the certification9 examination that is applicable10 to the grade or subject matter11 the individual is hired to12 teach."

13 _____

14 _____

15 _____

16 _____

17 _____

18 _____

19 _____

SIGNED

Richard W. Moore

ADOPTED _____ FAILED _____ TABLED _____



passed

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
SENATE BILL 1124

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)
Page 1 of ____

S1124-ARC-006.2

Date 7/14, 1998

Comm. Sub. [☐
Amends Title [☐
3RD EDITION

Representative Preston

1 moves to amend the bill on page 1, line 16, by deleting the phrase
2 "one year" and substituting "two years".
3

SIGNED *Jim Ruster*
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

passed

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

EDITION No. 3

H. B. No. _____

DATE 7/14/98

S. B. No. 1124

Amendment No. _____

COMMITTEE SUBSTITUTE _____

(to be filled in by
Principal Clerk)

Rep.) Hall
Sen.) _____

1 moves to amend the bill on page 1, line 16

2 () WHICH CHANGES THE TITLE

3 by inserting after the word "have" the following:

4 "a bachelors degree and"

5 _____

6 _____

7 _____

8 _____

9 _____

10 _____

11 _____

12 _____

13 _____

14 _____

15 _____

16 _____

17 _____

18 _____

19 _____

SIGNED Bobby R. Hall

ADOPTED _____ FAILED _____ TABLED _____

1998 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. 1128 A BILL TO BE ENTITLED AN ACT TO ALLOW LOCAL BOARDS OF
EDUCATION TO USE VALID, AGE- APPROPRIATE STANDARDIZED TESTS IN
SECOND GRADE.
- ☐ With a favorable report.
- ☐ With a favorable report and recommendation that the bill be re-referred to the Committee on
☐ Appropriations ☐ Finance ☐
- ☐ With a favorable report, as amended.
- ☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on ☐ Appropriations ☐ Finance ☐
- ☒ With a favorable report as to House committee substitute bill, unfavorable as to original bill.
- ☐ With a favorable report as to House committee substitute bill (#), ☐ which changes
the title, unfavorable as to Senate committee substitute bill.
- ☐ And having received a unanimous vote in committee, is placed on the Consent Calendar.
(PUBLIC BILLS ONLY)
- ☐ With an unfavorable report.
- ☐ With recommendation that the House concur.
- ☐ With recommendation that the House do not concur.
- ☐ With recommendation that the House do not concur; request conferees.
- ☐ With recommendation that the House concur; committee believes bill to be material.
- ☐ With an unfavorable report, with a Minority Report attached.
- ☐ Without prejudice.
- ☐ With an indefinite postponement report.
- ☐ With an indefinite postponement report, with a Minority Report attached.
- ☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

4/24/97

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S

D

SENATE BILL 1128*

Education/Higher Education Committee Substitute Adopted 6/24/98

Proposed House Committee Substitute S1128-PCS3639-SF

Short Title: Testing in Second Grade.

(Public)

Sponsors:

Referred to:

May 14, 1998

A BILL TO BE ENTITLED

AN ACT TO ALLOW LOCAL BOARDS OF EDUCATION TO USE VALID,
AGE-APPROPRIATE STANDARDIZED TESTS IN SECOND GRADE.

The General Assembly of North Carolina enacts:

Section 1. G.S. 115C-174.11(a) reads as rewritten:

"(a) Assessment Instruments for ~~First Kindergarten, First Grade, and Second~~
~~Grades, Grade.~~ -- The State Board of Education shall adopt and provide to the local
school administrative units developmentally appropriate individualized assessment
instruments consistent with the ~~Basic Education Program for the first and second~~
~~grades, North Carolina Standard Course of Study for kindergarten, first grade, and~~
~~second grade,~~ rather than standardized tests. Local school administrative units may
use these assessment instruments provided to them by the State Board for ~~first and~~
~~second grade students, and shall not use standardized tests.~~ kindergarten, first grade,
and second grade students. Local boards may use valid, age-appropriate standardized
tests in combination with other assessments in second grade so long as they are used
for individual student diagnostic or program evaluation purposes. Second grade
standardized tests shall not be used for accountability purposes or as a basis for
promotion, retention, tracking, or labeling decisions about individual students. If
standardized tests or assessments are used for individual diagnostic purposes or if the
results are placed in a student's record, the school shall provide the results to that
student's parent or legal guardian. Local school administrative units are encouraged

1 to notify parents and guardians of students before administering standardized tests or
2 assessments to those students under this subsection."

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S

2

SENATE BILL 1128*

Education/Higher Education Committee Substitute Adopted 6/24/98

Short Title: Testing in Second Grade.

(Public)

Sponsors:

Referred to:

May 14, 1998

1 A BILL TO BE ENTITLED
2 AN ACT TO ALLOW LOCAL BOARDS OF EDUCATION TO USE VALID,
3 AGE-APPROPRIATE STANDARDIZED TESTS IN SECOND GRADE.
4 The General Assembly of North Carolina enacts:
5 Section 1. G.S. 115C-174.11(a) reads as rewritten:
6 "(a) Assessment Instruments for ~~First Kindergarten, First Grade, and Second~~
7 ~~Grades, Grade.~~ -- The State Board of Education shall adopt and provide to the local
8 school administrative units developmentally appropriate individualized assessment
9 instruments consistent with the ~~Basic Education Program for the first and second~~
10 ~~grades, North Carolina Standard Course of Study for kindergarten, first grade, and~~
11 ~~second grade,~~ rather than standardized tests. Local school administrative units may
12 use these assessment instruments provided to them by the State Board for ~~first and~~
13 ~~second grade students, and shall not use standardized tests.~~ kindergarten, first grade,
14 and second grade students. Local boards may use valid, age-appropriate standardized
15 tests in combination with other assessments in second grade so long as they are used
16 for individual student diagnostic or program evaluation purposes. These tests or the
17 kindergarten, first grade, or second grade individualized assessments shall not be used
18 for accountability purposes or as a basis for promotion, retention, tracking, or
19 labeling decisions about individual students. If standardized tests or assessments are
20 used for individual diagnostic purposes or if the results are placed in a student's
21 record, the school shall provide the results to that student's parent or legal guardian.
22 Local school administrative units are encouraged to notify parents and guardians of

1 students before administering standardized tests or assessments to those students
2 under this subsection."

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



passed

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 1128

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)
Page 1 of ____

S1128-ASF-002.3

Date 7/14, 1998

Comm. Sub. []
Amends Title []
Second Edition

Representative Preston

- 1 moves to amend the bill on page 1, lines 16-19
2 by rewriting the lines to read:
3 "for individual student diagnostic or program evaluation purposes.
4 Second grade standardized tests shall not be used for
5 accountability purposes or as a basis for promotion, retention,
6 tracking, or labeling decisions about individual students. If
7 standardized tests or assessments are".
8
9

SIGNED *Jean Preston*
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

JULY 14, 1998

Date _____

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

FIRM OR AGENCY AND ADDRESS[illegible]

VISITOR REGISTRATION SHEET

EDUCATION

JULY 14, 1998

Name of Committee

Date _____

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS[illegible]

MINUTES
HOUSE STANDING COMMITTEE ON EDUCATION
Tuesday, August 4, 1998

The House Committee on **EDUCATION** met in Room 544 of the Legislative Office Building on Tuesday, August 4, 1998, at 11:00 a.m. Representative Carolyn Russell, Co-Chairperson, presided at the meeting and the following members were present: Representatives Allen, Arnold, Beall, Black, Boyd-McIntyre, Capps, Cole, Crawford, Davis, Dickson, Dockham, Eddins, Fox, Grady, Gulley, Hall, Hensely, Insko, Kinney, Morris, McMahan, Oldham, Owens, Preston, Rayfield, Sexton, Sherrill, Shubert, Smith, Tolson, Wilson, Daughtry, and Warner. Legislative Staff Robin Johnson, Sara Kamprath and Shirley Iorio were present to assist the Committee. The visitor registration sheet is attached and made part of the minutes.

Representative Russell, presiding Chair, called the meeting to order and introduced pages: Lauren Ashley Denning from Wake County and Jenny Lynn Allen from Wake County.

The Chair announced to the Committee the first item on the agenda would be **Senate Bill 1128- Testing In Second Grade. Senator Winner**, bill sponsor, thanked the Committee for allowing this bill to be presented again. She stated it was a very simple bill. It is a local control and local flexibility bill that allows school boards to use standardized age appropriate valid tests in the second grade. Any school board that does not want to use these tests may choose not to use them. The reason the bill is needed is because schools need accurate feed back earlier in a child's life to identify who need additional help and to help get that child back on track. She continued by stating that this is a good compromise. This bill has no effect on private, home, or Charter schools. They may test or not test as they please. There is no cost to the state for this bill, if a local board decides to use this tool the local board must find the way to pay for the tests.

Representative Grady said he voted against this bill on the House floor and was for reconsideration of the bill. He was opposed to the testing. He also said he hoped the Committee would consider a study committee for this bill.

Representative Shubert asked what was the difference between an individualized assessment and a standardized test. Mr. Henry Johnson with the North Carolina Department of Public Instruction was recognized to answer Representative Shubert's question. He said a standardized test is usually used in a context of a grouped norm reference test. It can be mass administered with standard distribution curves. An individualized assessment is usually in the context of a specific diagnostic test and it is usually one to one. Mr. Johnson stated the DPI has gone on record not opposing this bill.

Representative Shubert said the purpose of the bill was diagnostic and program evaluation.

Representative Russell recognized Dr. Susan Purser, Ed.D., Associate Superintendent Education Services of Charlotte- Mecklenburg Schools for her comments. She said there were 8600 children in their area that could use this test. Her district would put these tools in place as it was critical in moving the second graders forward. She said the anxiety of the children was something they had already thought about when discussing this bill. She personally did not want any child to come away from testing with an adverse experience.

Representative Hall asked Dr. Purser if the Charlottee-Mecklenburg Schools were using the tests now? She stated they were not. Representative Hall's follow up question was did they want to use the tests? She said, yes, for the sake of the children.

Representative Insko stated she had concerns about testing second graders at the beginning of the second grade year and she could support this bill if it was limited to end of second grade testing. Senator Winner said that the bill would allow testing at the beginning of the second grade but that her school district wanted to test at the end of second grade.

Representative Wilson spoke in favor of the bill.

Representative Dockham asked if there had been a study about the cost of the testing in the Charlotte- Mecklenburg area. Dr. Purser said she did not have that information on hand at the present time. Representative Dockham then asked Senator Winner if she knew the answer to his question and she said that was not her area of expertise.

Representative Grady said he had concerns about low wealth counties being able to afford the testing. He continued by saying he felt if this bill passed, one day one of the low wealth areas would sue the state. He said if this is a good bill then we are denying the testing to the poor counties and that was unfair.

The Chair recognized John Wilson, representing the North Carolina Association of Educators, who said the original bill was a very bad bill and a bad bill for children. However, he worked with Senator Winner on the language and they feel they now had significant language to protect children. They have withdrawn their opposition to the bill. Representative Sherrill asked Mr. Wilson if they supported the bill. He said technically they did not believe in using standardized testing for K-2. This was the policy of the NCAE. So he was not at liberty to violate those policies.

Representative Hall made numerous comments opposing the bill.

Representative Shubert moved for a favorable report.

Representative Capps said he would like to see principals added to the bill. Senator Winner stated she thought the wording was better in the bill the way it was.

Representative Davis said he was afraid when the test was developed the teachers would be teaching the test instead of what was to be taught for the standards. He said this bill was a bad mistake and that he had heard from several second grade teachers in his area and they were opposed to the bill. He also stated he represented a low wealth area and they did not need this bill.

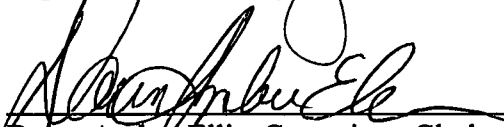
Representative Rayfield asked Senator Winner where the bill originated? She said in the Joint Education Oversight Committee. He asked what the current law stated and Senator Winner answered that currently local school boards were prohibited from making this decision.

Representative Allen stated he thought this was an excellent bill and he hoped the bill passed.

Representative Russell stated the meeting time had expired and this bill would be taken up again and a vote would be taken.



Representative Carolyn Russell, Presiding Co Chair



Dawn Amber Ellis, Committee Clerk

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S

3

SENATE BILL 1128*

Education/Higher Education Committee Substitute Adopted 6/24/98
House Committee Substitute Favorable 7/15/98

Short Title: Testing in Second Grade.

(Public)

Sponsors:

Referred to:

May 14, 1998

1 A BILL TO BE ENTITLED
2 AN ACT TO ALLOW LOCAL BOARDS OF EDUCATION TO USE VALID,
3 AGE-APPROPRIATE STANDARDIZED TESTS IN SECOND GRADE.
4 The General Assembly of North Carolina enacts:
5 Section 1. G.S. 115C-174.11(a) reads as rewritten:
6 "(a) Assessment Instruments for ~~First Kindergarten, First Grade, and Second~~
7 ~~Grades, Grade.~~ -- The State Board of Education shall adopt and provide to the local
8 school administrative units developmentally appropriate individualized assessment
9 instruments consistent with the ~~Basic Education Program for the first and second~~
10 ~~grades, North Carolina Standard Course of Study for kindergarten, first grade, and~~
11 ~~second grade,~~ rather than standardized tests. Local school administrative units may
12 use these assessment instruments provided to them by the State Board for ~~first and~~
13 ~~second grade students, and shall not use standardized tests: kindergarten, first grade,~~
14 ~~and second grade students. Local boards may use valid, age-appropriate standardized~~
15 ~~tests in combination with other assessments in second grade so long as they are used~~
16 ~~for individual student diagnostic or program evaluation purposes. Second grade~~
17 ~~standardized tests shall not be used for accountability purposes or as a basis for~~
18 ~~promotion, retention, tracking, or labeling decisions about individual students. If~~
19 ~~standardized tests or assessments are used for individual diagnostic purposes or if the~~
20 ~~results are placed in a student's record, the school shall provide the results to that~~
21 ~~student's parent or legal guardian. Local school administrative units are encouraged~~

1 to notify parents and guardians of students before administering standardized tests or
2 assessments to those students under this subsection."

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

VISITOR REGISTRATION SHEET

EDUCATION

AUGUST 4, 1998

Name of Committee

Date _____

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS[illegible]

VISITOR REGISTRATION SHEET

EDUCATION

AUGUST 4, 1998

Name of Committee

Date _____

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS[illegible]

MINUTES
HOUSE STANDING COMMITTEE ON EDUCATION
Tuesday, August 11, 1998

The House Committee on **EDUCATION** met in Room 544 of the Legislative Office Building on Tuesday, August 11, 1998, at 11:00 a.m. Representative Fern H. Shubert, Co-Chairperson, presided at the meeting and the following members were present: Representatives Allen, Arnold, Black, Boyd-McIntyre, Cansler, Capps, Cole, Davis, Dickson, Dockham, Eddins, Fox, Grady, Gulley, Hall, Hensley, Hiatt, Insko, Kinney, McMahan, Nichols, Nye, Oldham, Owens, Preston, Rayfield, Sexton, Sherrill, Russell, Smith, Tolson, Warner, Wilson, Daughtry, and Warner. Legislative Staff Robin Johnson, Sara Kamprath and Shirley Iorio were present to assist the Committee. The visitor registration sheet is attached and made part of the minutes.

Representative Shubert, presiding Chair, called the meeting to order and introduced pages: Ankeetumesh Shah from Davidson County and Rena Deepak from Mecklenburg County.

The Chair announced to the Committee the first item on the agenda would be **Senate Bill 1442 Union Tech. Land Sale Ok'd- Senator Plyler**, bill sponsor, thanked the Committee for allowing this bill to be presented. He stated it was a very simple bill. The Union County Board of Commissioners requested permission to sell two acres of land that is on the Union County Satellite Community College property. This is across the road from the major part of the property and the sale price of the property is \$200,000.00. The money would go back to the College for improvements on the campus. There was no opposition to his knowledge and it was a good business move. Representative Dickson moved for a favorable report. There was no discussion or debate so the Chair called for the vote and the motion passed.

The next item to be taken up was **House Bill 1327- School Construction Bidding- Representative Owens**, bill sponsor, said this bill had been in Committee before and a sub committee had been assigned. He said he wanted Representative McMahan to join him since he was the Chair of the sub committee. Representative McMahan said there had been many meetings with many people. He had tried to reach a compromise with all of the individuals, but it had been very difficult and so they hoped a study committee already in place would work on updating bidding laws. He reminded the Committee the vast majority of the states do permit the owner to have the option to bid single prime or multi prime. By doing this he felt you would open the doors to having more general contractors and sub contractors in the public arena to bid on schools and construction projects, because they would not participate in the multi prime system.

Representative Owens said this bill was really needed and he hoped the Committee would support this bill. He thought the idea of flexibility was the key issue and he felt this bill would help the small contractors.

Representative Nichols asked if this bill was such a good deal why so many people were opposed to it. Representative McMahan said that any public owner, i.e. the hospital associations, the County Commissioners, the League of Municipalities, all the Public Schools, all the general contractors, the architects, and more, supported it. The only group opposed to the bill were the sub-contractors and they are very vocal.

Representative Sherrill asked Representative Owens to refresh her memory on the law as it currently exists. Henry Jones, the attorney for the Electrical Contractors, and the Plumbing and Mechanical Contractors, was asked to explain if sub contractors had lien rights on public works. He said they did not have lien rights on public works only private works. The bond is supposed to take of this.

Spiro Fleggas, Director of the State Construction Office, said on state construction projects the general conditions required that before final payment is made the prime contractor must issue a certification that they have paid all sub contractors. Representative McMahan also said that under current law sub contractors were to be paid in full within seven days if they performed satisfactorily.

Representative Hall said all the principals and superintendents support this bill but all the private sector folks he has spoken to have been against this bill.

Representative Daughtry said in his county they were building numerous schools. In his opinion the school board does a superior job on spending the people's money and his school board is in favor of this bill. The counties want the options and the flexibility.

Representative Hensley was recognized to send forth two amendments. He said he wanted to take up ARH001 first. The amendment requires three bids be taken and at least one must be multi prime. He moved the adoption of the amendment.

Representative McMahan asked Representative Hensley if the sub contractor was required to bid the same price on both single and multi prime? Representative Hensley said he did not think so.

Representative Arnold spoke against the amendment. Representative Daughtry also spoke against the amendment. He said he had confidence in his School Board and his County Commissioners and that without this bill they did not have the flexibility they needed. Representative Owens also spoke against the amendment.

As there was no further discussion The Chair called for the vote and the amendment

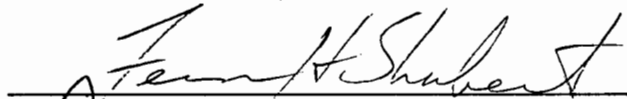
failed.

The Chair recognized Representative Hensley for his second amendment. This amendment, he explained, was basically a sunset that says this particular statute expires July 2002. He moved for adoption of the amendment.

Representative Daughtry stated he supported the amendment because it was a reasonable time frame on this statute. There being no further discussion on the amendment, the Chair called for the vote and the amendment passed.

Representative Daughtry moved for a favorable report on House Bill 1327 as amended rolled into a committee substitute, unfavorable as to the original bill and re-referred to the House Finance Committee. The Chair called for the vote and the motion carried.

Representative Shubert announced that there were two more bills on the agenda and since there were no other Committee meetings scheduled at this time, this meeting would be adjourned and another meeting started immediately.



Representative Fern H. Shubert, Presiding Co Chair



Dawn Amber Ellis, Committee Clerk

**1998 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representative(s) **RUSSELL & SHUBERT** for the Committee on **EDUCATION**.

☐ Committee Substitute for

S.B. 1594 A BILL TO BE ENTITLED AN ACT TO IMPOSE CERTIFICATION FEES.

With a favorable report.

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

☐ Appropriations **X** Finance ☐

☐ With a favorable report, as amended.

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

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

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

☐ And having received a unanimous vote in committee, is placed on the Consent Calendar. (PUBLIC BILLS ONLY)

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

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

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

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

☐ Without prejudice.

☐ With an indefinite postponement report.

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

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

4/24/97

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1997

S

2

SENATE BILL 1594
Finance Committee Substitute Adopted 6/24/98

Short Title: Teacher Certification Fees.

(Public)

Sponsors:

Referred to:

June 1, 1998

1 A BILL TO BE ENTITLED
2 AN ACT TO IMPOSE TEACHER CERTIFICATION FEES.
3 The General Assembly of North Carolina enacts:
4 Section 1. G.S. 115C-296 is amended by adding a new subsection to
5 read:
6 "(a2) The State Board of Education shall impose the following schedule of fees for
7 teacher certification and administrative changes:
8 (1) Application for demographic or administrative changes to a
9 certificate, \$30.00.
10 (2) Application for a duplicate certificate or for copies of documents
11 in the certification files, \$30.00.
12 (3) Application for a renewal, extension, addition, upgrade, and
13 variation to a certificate, \$55.00.
14 (4) Initial application for New, In-State Approved Program Graduate,
15 \$55.00.
16 (5) Initial application for Out-of-State certificate, \$85.00.
17 (6) All other applications, \$85.00.
18 The applicant must pay the fee at the time the application is submitted."
19 Section 2. This act is effective when it becomes law.

**1998 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. 1424 A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT CABARRUS MEMORIAL HOSPITAL MAY AWARD A BACCALAUREATE OR ADVANCED DEGREE TO GRADUATES OF ITS NURSING AND ALLIED HEALTH SCIENCES PROGRAMS AS APPROPRIATE.

- ☐ With a favorable report.
- ☐ With a favorable report and recommendation that the bill be re-referred to the Committee on
☐ Appropriations ☐ Finance ☐
- ☐ With a favorable report, as amended.
- ☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on ☐ Appropriations ☐ Finance ☐
- ☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title, unfavorable as to original bill (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)
- ☒ With a favorable report as to House committee substitute bill, which changes the title, unfavorable as to Senate committee substitute bill.
- ☐ And having received a unanimous vote in committee, is placed on the Consent Calendar.
(PUBLIC BILLS ONLY)
- ☐ With an unfavorable report.
- ☐ With recommendation that the House concur.
- ☐ With recommendation that the House do not concur.
- ☐ With recommendation that the House do not concur; request conferees.
- ☐ With recommendation that the House concur; committee believes bill to be material.
- ☐ With an unfavorable report, with a Minority Report attached.
- ☐ Without prejudice.
- ☐ With an indefinite postponement report.
- ☐ With an indefinite postponement report, with a Minority Report attached.
- ☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S

D

SENATE BILL 1424

Education/Higher Education Committee Substitute Adopted 6/24/98
Proposed House Committee Substitute S1424-PCS9608-RJ002

Short Title: Cabarrus Coll./Degree Programs.

(Local)

Sponsors:

Referred to:

May 28, 1998

A BILL TO BE ENTITLED

1 AN ACT TO PROVIDE THAT CABARRUS MEMORIAL HOSPITAL MAY
2 AWARD A BACCALAUREATE DEGREE TO GRADUATES OF ITS
3 NURSING AND ALLIED HEALTH SCIENCES PROGRAMS AS
4 APPROPRIATE.

5 The General Assembly of North Carolina enacts:

6 Section 1. Section 11 of Chapter 307, Public-Local Laws of 1935, as
7 amended by Chapter 947 of the 1987 Session Laws, is amended by rewriting that
8 section to read:

9 "Sec. 11. ~~The executive committee~~ Notwithstanding G.S. 116-15, the Executive
10 Committee of Cabarrus Memorial Hospital may establish and maintain in connection
11 ~~therewith~~ with and as a part of ~~said the~~ hospital ~~a training school for nurses. an~~
12 educational program for nursing and allied health sciences. The Executive
13 Committee may award an Associate ~~Degree~~ Degree or Baccalaureate Degree to
14 graduates of the nursing education ~~program.~~ or allied health sciences programs as
15 appropriate."

16 Section 2. This act is effective when it becomes law.
17

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S

2

SENATE BILL 1424

Education/Higher Education Committee Substitute Adopted 6/24/98

Short Title: Cabarrus Coll./Degree Programs.

(Local)

Sponsors:

Referred to:

May 28, 1998

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE THAT CABARRUS MEMORIAL HOSPITAL MAY
3 AWARD A BACCALAUREATE OR ADVANCED DEGREE TO
4 GRADUATES OF ITS NURSING AND ALLIED HEALTH SCIENCES
5 PROGRAMS AS APPROPRIATE.

6 The General Assembly of North Carolina enacts:

7 Section 1. Section 11 of Chapter 307, Public-Local Laws of 1935, as
8 amended by Chapter 947 of the 1987 Session Laws, is amended by rewriting that
9 section to read:

10 "Sec. 11. ~~The executive committee~~ Notwithstanding G.S. 116-15, the Executive
11 Committee of Cabarrus Memorial Hospital may establish and maintain in connection
12 ~~therewith~~ with and as a part of ~~said the hospital a training school for nurses. an~~
13 educational program for nursing and allied health sciences. The Executive
14 Committee may award an Associate ~~Degree~~ Degree, Baccalaureate Degree, or
15 advanced degree to graduates of the nursing education ~~program.~~ or allied health
16 sciences programs as appropriate."

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

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

passed -

H. B. No. _____

DATE August 11, 1998S. B. No. 1424

Amendment No. _____

(to be filled in by
Principal Clerk)

Rep.) _____

Sen.) _____

moves to amend the bill on page 1, line 14-15by deleting "Baccalaureate Degree, or advanced
degree" and by substituting: "or Baccalaureate Degree"and on page 1, line 3, by deleting
"OR ADVANCED"SIGNED W. Dickson

ADOPTED _____ FAILED _____ TABLED _____

**1998 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. 1327 A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE
RECOMMENDATION OF THE JOINT LEGISLATIVE EDUCATION OVERSIGHT
COMMITTEE TO ALLOW LOCAL SCHOOL ADMINISTRATIVE UNITS TO USE
SINGLE-PRIME BIDDING, MULTI-PRIME BIDDING, OR BOTH, FOR
CONSTRUCTION PROJECTS OER FIVE HUNDRED THOUSAND DOLLARS.

- ☐ 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
FINANCE.
- ☐ With a favorable report as to House committee substitute bill (#), ☐ which changes
the title, unfavorable as to Senate committee substitute bill.
- ☐ And having received a unanimous vote in committee, is placed on the Consent Calendar.
(PUBLIC BILLS ONLY)
- ☐ With an unfavorable report.
- ☐ With recommendation that the House concur.
- ☐ With recommendation that the House do not concur.
- ☐ With recommendation that the House do not concur; request conferees.
- ☐ With recommendation that the House concur; committee believes bill to be material.
- ☐ With an unfavorable report, with a Minority Report attached.
- ☐ Without prejudice.
- ☐ With an indefinite postponement report.
- ☐ With an indefinite postponement report, with a Minority Report attached.
- ☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

4/24/97

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

D

HOUSE BILL 1327*

Proposed Committee Substitute H1327-PCS3172-RH

Short Title: School Construction Bidding.

(Public)

Sponsors:

Referred to:

May 19, 1998

1 A BILL TO BE ENTITLED
2 AN ACT TO IMPLEMENT THE RECOMMENDATION OF THE JOINT
3 LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE TO ALLOW
4 LOCAL SCHOOL ADMINISTRATIVE UNITS TO USE SINGLE-PRIME
5 BIDDING, MULTI-PRIME BIDDING, OR BOTH, FOR CONSTRUCTION
6 PROJECTS OVER FIVE HUNDRED THOUSAND DOLLARS.

7 The General Assembly of North Carolina enacts:

8 Section 1. G.S. 143-128 is amended by adding a new subsection to read:

9 "(d1) Local school administrative units; building projects over five hundred
10 thousand dollars (\$500,000). -- Notwithstanding subsection (d) of this section or any
11 other provision of law, when the entire cost of the building project is more than five
12 hundred thousand dollars (\$500,000), local school administrative units may accept
13 bids under the single-prime contract system, the separate-prime contract system, or
14 both. All other provisions of G.S. 143-128 which are not inconsistent with this
15 subsection shall apply to local school administrative units."

16 Section 2. This act is effective when it becomes law and applies to all
17 bids solicited on or after that date, and expires July 1, 2002.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 1327*

Short Title: School Construction Bidding.

(Public)

Sponsors: Representatives Owens, Preston; and Gardner.

Referred to: Education, if favorable, Finance.

May 19, 1998

1 A BILL TO BE ENTITLED
2 AN ACT TO IMPLEMENT THE RECOMMENDATION OF THE JOINT
3 LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE TO ALLOW
4 LOCAL SCHOOL ADMINISTRATIVE UNITS TO USE SINGLE-PRIME
5 BIDDING, MULTI-PRIME BIDDING, OR BOTH, FOR CONSTRUCTION
6 PROJECTS OVER FIVE HUNDRED THOUSAND DOLLARS.

7 The General Assembly of North Carolina enacts:

8 Section 1. G.S. 143-128 is amended by adding a new subsection to read:

9 "(d1) Local school administrative units; building projects over five hundred
10 thousand dollars (\$500,000). -- Notwithstanding subsection (d) of this section or any
11 other provision of law, when the entire cost of the building project is more than five
12 hundred thousand dollars (\$500,000), local school administrative units may accept
13 bids under the single-prime contract system, the separate-prime contract system, or
14 both. All other provisions of G.S. 143-128 which are not inconsistent with this
15 subsection shall apply to local school administrative units."

16 Section 2. This act is effective when it becomes law and applies to bids
17 solicited on or after that date.



passed

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 1327

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)
Page 1 of 1

H1327-ARH-002

Date August 11, 1998

Comm. Sub. [☐
Amends Title [☐

Representative Hensley

1 moves to amend the bill on page 1, lines 16-17, by rewriting the
2 lines to read:
3 "Section 2. This act is effective when it becomes law and applies
4 to all bids solicited on or after that date, and expires July 1,
5 2002.".

SIGNED *R. G. Hensley*
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

**1998 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. 1442 A BILL TO BE ENTITLED AN ACT TO AUTHORIZE UNION COUNTY TO
SELL LAND THAT IS CURRENTLY USED FOR COMMUNITY COLLEGE PURPOSES
AND USE THE PROCEEDS FOR COMMUNITY COLLEGE CAPITAL
EXPENDITURES.

☒ With a favorable report.

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

☐ With a favorable report, as amended.

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

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

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

☐ And having received a unanimous vote in committee, is placed on the Consent Calendar.
(PUBLIC BILLS ONLY)

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

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

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

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

☐ Without prejudice.

☐ With an indefinite postponement report.

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

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

4/24/97

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S

1

SENATE BILL 1442

Short Title: Union Tech. Land Sale Ok'd.

(Local)

Sponsors: Senators Plyler; and Purcell.

Referred to: State Government, Local Government, and Personnel.

May 28, 1998

- 1 A BILL TO BE ENTITLED
2 AN ACT TO AUTHORIZE UNION COUNTY TO SELL LAND THAT IS
3 CURRENTLY USED FOR COMMUNITY COLLEGE PURPOSES AND USE
4 THE PROCEEDS FOR COMMUNITY COLLEGE CAPITAL EXPENDITURES.
5 The General Assembly of North Carolina enacts:
6 Section 1. Notwithstanding any other provision of law, Union County
7 may sell up to two acres of land that is currently used for community college
8 purposes. Union County shall use the proceeds of the sale only for community
9 college capital expenditures in Union County. The proceeds of the sale that are used
10 for this purpose shall not be considered non-State matching funds pursuant to G.S.
11 115D-31 for purposes of future grants.
12 Section 2. This act is effective when it becomes law.

VISITOR REGISTRATION SHEET

EDUCATION

AUGUST 11, 1998

Name of Committee

Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Kevin Howell	NCBA
* Anita A. Brown	Cabarrus College of Health Sciences
Jim McManis	WATSON ELECTRICAL CONSTRUCTION CO
Billy Price	✓ ✓ ✓ ✓
LLOYD EVANS	✓ - - -
JIMMY LILES	✓ ✓ ✓ ✓
Allan E. Bass	Bass Air Conditioning Co. Inc.
RICHARD LITTIKEN	COOPER OIL CO., INC.
MICHAEL BOLTON	BOLTON CORP.
DAVE DENSON	CAPE FEAR Electric Inc.
Maria L. Barney	North Carolina Assoc. of Electrical Contractors
B. T. Scarbro	Gord Neighbors
* Sports Klegger	STATE COURT. 8/11/98
Shirley Jank	Steele Construction
JOHN CHIFFORD	FERGUSON ENTERPRISES, INC.
* David Edwards	UNC General Admin
Mike Smyth	CAROLINAS A/C
Kathleen Cali	Rep. Richard Moore's clerk
Hal Miller	NCA CET
Paul Stog	NCBA
John Rost	NCBA
Brend S. Webb	BN
Patricia Reeper	NCA C
John Rost	DOA/PC
John Newman	MEOS, PA.

VISITOR REGISTRATION SHEET

EDUCATION

AUGUST 11, 1998

Name of Committee

Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Grayford Ballard	Southern Piping Co. Wilson NR.
GEORGE DAIL	Southern Piping Co. - Raleigh NC
Jerry Truelove	ICC Corp.
Mark Williams	Southern Piping Co. Wilson
Tim Williford	Southern Piping Co. Wilson
Alvin Gregory	Private Jonail
Galen Akk	Gov. & Office
Synda McCulloch	Gov's. Office
Leanne Winner	NCSBA
Thad D.	NCAE
F. Smith	DPL
Gene Bellam	SBE
Perri Morgan	acsk
James Williams	NFIB
* H. Jones	NCEC
Sharon Harris	Attorney - Raleigh
Glenn Norris	WCPSS
Don Oatts	Public School System of NC
J. Ramquist	NCAAA
Gene Pusley	NCAAA
Natalie Butts	Sen. Lee's office
Joyce Peters	SEBC
Harriet Diehl	NCAE
Andy Romanc	NCLM
Amy Van Oostrem	PE NC
Ed Regan	N.C.A.C.C.

MINUTES
HOUSE STANDING COMMITTEE ON EDUCATION
Tuesday, August 18, 1998

The House Committee on **EDUCATION** met in Room 544 of the Legislative Office Building on Tuesday, August 18, 1998, at 11:00 a.m. Representative Carolyn Russell, Co-Chairperson, presided at the meeting and the following members were present: Representatives Allen, Arnold, Beall, Black, Capps, Cole, Davis, Decker, Dickson, Dockham, Eddins, Fox, Grady, Gulley, Hall, Hensely, Insko, Moore, Morris, McMahan, Mosley, Nichols, Nye, Oldham, Owens, Preston, Rayfield, Sherrill, Shubert, Smith, Tolson, Wilson, and Warner. Legislative Staff Robin Johnson, Sara Kamprath and Shirley Iorio were present to assist the Committee. The visitor registration sheet is attached and made part of the minutes.

Representative Russell, presiding Chair, called the meeting to order.

The Chair announced to the Committee the first item on the agenda would be **Senate Bill 616, Limit Appeals to School Boards, Senator Ham Horton** bill sponsor, explained the bill was designed to attempt to limit the number of appeals that you could have to local boards of education. Under the present statute he stated appeals are allowed to the school board from any decision by any of the school personnel. He said this worked OK in the smaller districts but it did not work in the larger areas. He said Mr. Doug Puncher, the school board attorney representing his area, was in the audience and he requested permission for him to speak to the Committee. The Chair recognized Mr. Puncher for his comments.

Mr. Puncher thanked the Committee and stated he was the General Counsel for the Winston Salem/Forsyth County Board of Education. He said this area had approximately 42,000 students. He said the second Tuesday of each month they had hearings that ran from 4-6 PM. During the past school year they had three contentious lengthy appeals concerning extra class activities. Two dealt with the playing time that students got on high school athletic teams. The most contentious appeals have been on not selecting a young girl for the cheering squad or not selecting a young man for the basketball team. He said things had gotten out of hand and he hoped the Committee would help them by passing the bill.

Representative Nichols asked Mr. Purser if the people felt so strong as to appeal to the school board and if they prohibited them from being able to appeal would they then go to Court? He said no.

Senator Horton said this bill would be a balance for the school board. Representative Davis said he thought this was a local situation and it should be a local bill.

Representative Owens said if they did not have an appeal process he felt the people who

were complaining would take up the regular time at the school board meetings. Senator Horton said the School Board Association was in favor of this bill.

Representative Arnold said his county did not have a problem with the appeal process and he felt that the School Board should have an appeal process.

The Chair advised the Committee the bill sponsor had decided to remove the bill from further discussion in an effort to work out some of the problems with the bill.

The next bill on the agenda the Chair stated was **Senate Bill 1125- A Bill To Amend Various Education Laws**. In the absence of Senator Lucas, the Chair announced Senator Winner would explain the bill. The Chair then announced at the request of Representative Preston there was a proposed committee substitute for the bill. Representative Capps moved that the proposed House committee substitute be placed before the committee for discussion. The motion carried.

Senator Winner said this bill came from the Education Oversight Committee as tiny tweaks to education laws that had minor or technical problems in them. She continued by saying the bill had some minor amendments from the Senate. She then went over the bill paragraph by paragraph.

Upon completion of Senator Winner's explanation the Chair recognized Representative Cole who brought forth an amendment. He explained his amendment allowed each local school administrative unit to pay the eligible person no later than that person's first regular paydate following the unit's receipt of the funds. However, if that paydate is fewer than 15 days following the unit's receipt of the funds, then the local school administrative unit shall make the award to that person no later than that person's second regular paydate following the unit's receipt of the funds.

Representative Arnold asked staff to explain how this would affect the local school systems and Robin Johnson explained she thought it would give them more flexibility.

Representative Insko asked how the wording fit into the bill on page 2. Senator Winner answered the wording should go on page 3 lines 4-6.

The Chair called for a vote on the amendment, the motion carried and the amendment was adopted.

The Chair called on Representative Capps who brought forth an amendment. It amends the bill on page 8 lines 11-12 by rewriting the lines to read D a local board of education or superintendent shall suspend for 365 days. Representative Capps said the amendment

was self explanatory.

Representative Insko said she was opposed to the amendment. Senator Winner said she understood her concerns but added she felt this would be used in very few cases and she felt it would be OK to add the amendment.

The Chair called for the vote on the amendment, the motion carried and the amendment adopted.

The Chair recognized Representative Shubert who brought forth an amendment signed by Representative Preston. She also made a motion the amendment be adopted for discussion and it was adopted. She asked Dr. Charles Coble, VP for the University School Programs with the University of North Carolina to discuss the amendment. He said the amendment was designed to tie together some loose ends in the provisions of the excellent schools act and other areas. This amendment called for different actions to be taken relative to lateral entry and alternative entry certifications. He said what was missing was a comprehensive plan to address this need. This plan would be reported to the Joint Legislative Education Oversight Committee prior to December 1, 1998.

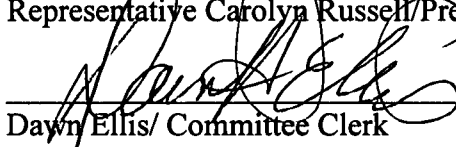
There being no further discussion, the Chair called for a vote and the amendment carried and was adopted.

The Chair accepted a motion from Representative Sherrill that the amendments be rolled into a House committee substitute for Senate Bill 1125, favorable to new House proposed committee substitute and unfavorable to the original bill. The vote was taken and the motion carried.

The Chair then adjourned the meeting.



Representative Carolyn Russell/Presiding Co Chair



Dawn Ellis/ Committee Clerk

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S

3

SENATE BILL 616

Education/Higher Education Committee Substitute Adopted 4/30/97

House Committee Substitute Favorable 5/26/97

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 (4) A decision that may be appealed under G.S. 115C-305.
15 (5) Any other decision which by statute specifically provides for a
16 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 hearing is properly entered in the records of the board conducting the hearing.

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

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

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

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

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

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

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

**1998 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. 1125 A BILL TO BE ENTITLED AN ACT TO AMEND VARIOUS EDUCATION LAWS.

- ☐ With a favorable report.
- ☐ With a favorable report and recommendation that the bill be re-referred to the Committee on
☐ Appropriations ☐ Finance ☐.
- ☐ With a favorable report, as amended.
- ☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on ☐ Appropriations ☐ Finance ☐.
- ☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title, unfavorable as to original bill (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)
- ☒ With a favorable report as to House committee substitute bill, unfavorable as to Senate committee substitute bill.
- ☐ And having received a unanimous vote in committee, is placed on the Consent Calendar. (PUBLIC BILLS ONLY)
- ☐ With an unfavorable report.
- ☐ With recommendation that the House concur.
- ☐ With recommendation that the House do not concur.
- ☐ With recommendation that the House do not concur; request conferees.
- ☐ With recommendation that the House concur; committee believes bill to be material.
- ☐ With an unfavorable report, with a Minority Report attached.
- ☐ Without prejudice.
- ☐ With an indefinite postponement report.
- ☐ With an indefinite postponement report, with a Minority Report attached.
- ☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

4/24/97

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S

D

S1125-CSRH-002

PROPOSED HOUSE COMMITTEE SUBSTITUTE

SENATE BILL 1125*

THIS IS A DRAFT 18-AUG-98 10:51:11

ATTENTION: LINE NUMBERS MAY CHANGE AFTER ADOPTION

Short Title: Misc. Education Changes.

(Public)

Sponsors:

Referred to: Education/Higher Education.

May 14, 1998

- 1 A BILL TO BE ENTITLED
2 AN ACT TO AMEND VARIOUS EDUCATION LAWS.
3 The General Assembly of North Carolina enacts:
4 Section 1. G.S. 115C-102.5(b) reads as rewritten:
5 "(b) The Commission shall consist of the following 18 members:
6 (1) The State Superintendent of Public Instruction or a
7 designee;
8 (2) One representative of The University of North
9 Carolina, appointed by the President of The
10 University of North Carolina;
11 (3) One representative of the North Carolina Community
12 College System, appointed by the President of the
13 North Carolina Community College System;
14 (4) A person with management responsibility concerning
15 information technology related State Government
16 functions, designated by the Secretary of Commerce;
17 (5) Four members appointed by the Governor;

1 (6) Six members appointed by the President Pro Tempore
2 of the Senate two of whom shall be members of the
3 Senate. One of these six members shall be appointed
4 by the President Pro Tempore of the Senate to serve
5 as cochair; and
6 (7) Six members appointed by the Speaker of the House
7 of Representatives two of whom shall be members of
8 the House of Representatives. One of these six
9 members shall be appointed by the Speaker of the
10 House of Representatives to serve as cochair.
11 In appointing members pursuant to subdivisions (5), (6), and (7)
12 of this subsection, the appointing persons shall select
13 individuals with technical or applied knowledge or experience in
14 learning and instructional management technologies or individuals
15 with expertise in curriculum or instruction who have successfully
16 used learning and instructional management technologies.
17 No producers, vendors, or consultants to producers or vendors
18 of learning or instructional management technologies shall serve
19 on the Commission.
20 Members shall serve for two-year terms. Vacancies in terms of
21 members shall be filled by the appointing officer. Persons
22 appointed to fill vacancies shall qualify in the same manner as
23 persons appointed for full terms."
24 Section 2. G.S. 115C-105.36(b) reads as rewritten:
25 "(b) The State Board shall establish a procedure to allocate
26 the funds for these awards to the local school administrative
27 units in which the eligible schools are located. Funds shall
28 become available for expenditure July 1 of each fiscal year.
29 Funds shall remain available until November 30 of the subsequent
30 fiscal year for expenditure for:
31 ~~(1) Awards to the personnel; or~~
32 ~~(2) The purposes authorized in a plan that has been:~~
33 ~~a. Developed and voted on by the personnel in the~~
34 ~~same manner that a school improvement plan is~~
35 ~~approved under G.S. 115C-105.27;~~
36 ~~b. Approved by a majority of the personnel who~~
37 ~~vote on the plan; and~~
38 ~~c. Submitted to and approved by the local board~~
39 ~~of education.~~

1 ~~The local board shall approve this plan unless the~~
2 ~~plan involves expenditures of funds that are not~~
3 ~~for a public purpose or that are otherwise~~
4 ~~unlawful.~~ for awards to the personnel that are made
5 within 30 days of the local board's receipt of the
6 funds."

7 Section 3. G.S. 115C-244 reads as rewritten:

8 "\$ 115C-244. Assignment of pupils to school buses.

9 (a) ~~The principal of a school, to which any school bus has been~~
10 ~~assigned by the superintendent of the schools of the local school~~
11 ~~administrative unit embracing such school, shall assign to such~~
12 ~~bus or buses the pupils and employees who may be transported to~~
13 ~~and from such school upon such bus or buses.~~ The superintendent
14 or superintendent's designee shall assign the pupils and
15 employees who may be transported to and from school upon the bus
16 or buses assigned to each school and shall implement and enforce
17 the plan developed under G.S. 115C-246. No pupil or employee
18 shall be permitted to ride upon any school bus to which such
19 pupil or employee has not been so assigned by the principal,
20 superintendent or superintendent's designee, except by the
21 express direction of the principal, superintendent or
22 superintendent's designee.

23 (b) ~~In the event that the superintendent of any local school~~
24 ~~administrative unit shall assign or superintendent's designee~~
25 assigns a school bus to be used in the transportation of pupils
26 to two or more schools, the superintendent or superintendent's
27 designee shall designate the number of ~~assign the~~ pupils to be
28 transported to and from each ~~such~~ school by ~~such~~ that bus, and
29 the principals of the respective schools shall ~~assign pupils to~~
30 ~~such buses in accordance with such designation.~~ implement and
31 enforce this assignment of pupils.

32 (c) Any pupil enrolled in any school, or the parent or guardian
33 of any such pupil, or the person standing in loco parentis to
34 such pupil, may apply to the principal of such school for
35 transportation of such pupil to and from such school by school
36 bus for the regularly organized school day. ~~Upon application, the~~
37 ~~principal~~ The principal shall deliver the application to the
38 superintendent or superintendent's designee, who shall assign a
39 pupil to a school bus if the pupil is entitled to school bus
40 transportation under this Article and the rules of the State

1 Board of Education. Such assignment shall be made by the
2 principal superintendent or superintendent's designee so as to
3 provide for the orderly, safe and efficient transportation of
4 pupils to such school and so as to promote the orderly and
5 efficient administration of the school and the health, safety and
6 general welfare of the pupils to be so transported. Assignments
7 of pupils and employees to school buses may be changed by the
8 principal of the school superintendent or superintendent's
9 designee as he may from time to time find proper for the safe and
10 efficient transportation of such pupils and employees.

11 (d) The parent or guardian of any pupil enrolled in any school,
12 or the person standing in loco parentis to any such pupil, who
13 shall apply ~~to the principal of such school~~ under subsection (c)
14 of this section for the transportation of such pupil to and from
15 such school by school bus, may, if such application is denied,
16 or if such pupil is assigned to a school bus not satisfactory to
17 such parent, guardian, or person standing in loco parentis to
18 such pupil, pursuant to rules and regulations established by the
19 local board of education, apply to such board for such
20 transportation upon a school bus designated in such application,
21 and shall be entitled to a prompt and fair hearing by such board
22 in accordance with the rules and regulations established by it.
23 The majority of such board shall be a quorum for the purpose of
24 holding such hearing and passing upon such application, and the
25 decision of the majority of the members present at such hearing
26 shall be the decision of the board. If, at such hearing, the
27 board shall find that pupil is entitled to be transported to and
28 from such school upon the school bus designated in such
29 application, or if the board shall find that the transportation
30 of such pupil upon such bus to and from such school will be for
31 the best interests of such pupil, will not interfere with the
32 proper administration of such school, or with the safe and
33 efficient transportation by school bus of other pupils enrolled
34 in such school and will not endanger the health or safety of the
35 children there enrolled, the board shall direct that such child
36 be assigned to and transported to such school upon such bus.

37 (e) A decision of a local board under subsection (d) is final
38 and, except as provided in this subsection, is subject to
39 judicial review in accordance with Article 4 of Chapter 150B of
40 the General Statutes. A person seeking judicial review shall

1 file a petition in the superior court of the county where the
2 local board made its decision.

3 (f) No employee shall be assigned to or permitted to ride upon
4 a school bus when to do so will result in the overcrowding of
5 such bus or will prevent the assignment to such bus of a pupil
6 entitled to ride thereon, or will otherwise, in the opinion of
7 the ~~principal~~, superintendent or superintendent's designee, be
8 detrimental to the comfort or safety of the pupils assigned to
9 such bus, or to the safe, efficient and proper operation of such
10 bus."

11 Section 4. G.S. 115C-245 reads as rewritten:

12 "\$ 115C-245. School bus drivers; monitors; safety assistants.

13 (a) Each local board, which elects to operate a school bus
14 transportation system, shall employ the necessary drivers for
15 such school buses. The drivers shall have all qualifications
16 prescribed by the regulations of the State Board of Education
17 herein provided for and must be at least 18 years old and have at
18 least six months driving experience as a licensed operator of a
19 motor vehicle before employment as a regular or substitute
20 driver, but the selection and employment of each driver shall be
21 made by the local board of education, and the driver shall be the
22 employee of such local school administrative unit. Each local
23 board of education shall assign the bus drivers employed by it to
24 the respective schools within the jurisdiction of such board, and
25 the ~~principal of each such school~~ superintendent or
26 superintendent's designee shall assign the drivers to the school
27 buses to be driven by them. No school bus shall at any time be
28 driven or operated by any person other than the bus driver
29 assigned ~~by such principal~~ to such bus except by the express
30 direction of ~~such principal~~ the superintendent or
31 superintendent's designee or in accordance with rules and
32 regulations of the appropriate local board of education.

33 (b) The driver of a school bus subject to the direction of the
34 ~~principal~~ superintendent or superintendent's designee shall have
35 complete authority over and responsibility for the operation of
36 the bus and the maintaining of good order and conduct upon such
37 bus, and shall report promptly to the principal any misconduct
38 upon such bus or disregard or violation of the driver's
39 instructions by any person riding upon such bus. The principal
40 may take such action with reference to any such misconduct upon a

1 school bus, or any violation of the instructions of the driver,
2 as he might take if such misconduct or violation had occurred
3 upon the grounds of the school.

4 (c) The driver of any school bus shall permit no person to
5 ride upon such bus except pupils or school employees assigned
6 thereto or persons permitted by the express direction of the
7 principal superintendent or superintendent's designee to ride
8 thereon.

9 ~~The principal of a school, to which a school bus has been~~
10 ~~assigned, may, in his discretion, appoint a monitor for any bus~~
11 ~~so assigned to such school. The superintendent or~~
12 superintendent's designee may, in his discretion, appoint a
13 monitor for any bus assigned to any school. It shall be the duty
14 of such monitor, subject to the direction of the driver of the
15 bus, to preserve order upon the bus and do such other things as
16 may be appropriate for the safety of the pupils and employees
17 assigned to such bus while boarding such bus, alighting therefrom
18 or being transported thereon, and to require such pupils and
19 employees to conform to the rules and regulations established by
20 the local board of education for the safety of pupils and
21 employees upon school buses. Such monitors shall be unpaid
22 volunteers who shall serve at the pleasure of the ~~principal~~.
23 superintendent or superintendent's designee.

24 (e) A local board of education may, in its discretion within
25 funds available, employ transportation safety assistants upon
26 recommendation of the principal through the superintendent. The
27 safety assistants thus employed shall assist the bus drivers with
28 the safety, movement, management, and care of children boarding
29 the bus, leaving the bus, or being transported in it. The safety
30 assistant should be either an adult or a certified student driver
31 who is available as a substitute bus driver."

32 Section 5. G.S. 115C-290.8 reads as rewritten:

33 "§ 115C-290.8. Exemptions from requirements.

34 (a) The requirements of this Article do not apply to a person
35 who, at any time during the five years preceding January 1, 1998,
36 ~~(i) completed an administrative internship as part of an approved~~
37 ~~graduate program in school administration and obtained an active~~
38 ~~State administrator/supervisor certificate, (ii) was engaged in~~
39 ~~school administration while in possession of an active State~~
40 ~~administrator/supervisor certificate, or (iii) was employed in a~~

~~1 North Carolina college or university as an instructor while in
2 possession of an active State administrator/supervisor
3 certificate and whose major responsibilities included the
4 preparation or supervision of individuals enrolled in a public
5 school administration program that meets the public school
6 administrator program approval standards set by the State Board.
7 obtained or renewed a State administrator/supervisor certificate.~~

8 (b) The State Board may adopt policies governing the
9 requirements for the certification of individuals who hold a
10 certificate issued in any other state that authorizes them to be
11 employed as school administrators in that state. These policies
12 may exempt some or all of these individuals from the requirements
13 of this Article.

14 (c) A person who is exempt from the requirements of this
15 Article but applies to the Standards Board under this Article
16 shall be subject to the Article."

17 Section 6. G.S. 115C-174.21(b) reads as rewritten:

18 "(b) Competency Testing Program.

19 (1) The State Board of Education shall adopt tests or
20 other measurement devices which may be used to
21 assure that graduates of the public high schools
22 and graduates of nonpublic schools supervised by
23 the State Board of Education pursuant to the
24 provisions of Part 1 of Article 39 of this Chapter
25 possess the skills and knowledge necessary to
26 function independently and successfully in assuming
27 the responsibilities of citizenship.

28 (2) The tests shall be administered annually to all
29 ~~tenth~~ ninth grade students in the public schools.
30 Students who fail to attain the required minimum
31 standard for graduation in the ~~tenth~~ ninth grade
32 shall be given remedial instruction and additional
33 opportunities to take the test up to and including
34 the last month of the twelfth grade. Students who
35 fail to pass parts of the test shall be retested on
36 only those parts they fail. Students in the ~~tenth~~
37 ninth grade who are enrolled in special education
38 programs or who have been officially designated as
39 eligible for participation in such programs may be
40 excluded from the testing programs.

(3) The State Board of Education may develop and validate alternate means and standards for demonstrating minimum competence. These standards, which must be more difficult than the tests adopted pursuant to subdivision (1) of this subsection, may be passed by students in lieu of the testing requirement of subdivision (2) of this subsection.

(4) Repealed by Session Laws 1996, Second Extra Session, c. 18, s. 18.14."

Section 7. G.S. 115C-391(d1) reads as rewritten:

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

Section 8. G.S. 115C-391(d2) reads as rewritten:

"(d2) (1) ~~A local board of education shall~~ The superintendent shall, upon recommendation of the principal, remove to an alternative educational setting, as provided in subdivision (4) of this subsection, any student who is at least 13 and who physically assaults and seriously injures a teacher or other school personnel. If no appropriate alternative educational setting is available, then ~~the board shall~~ superintendent shall, upon recommendation of the principal, suspend for no less than 300 days but no more than 365 days any student who is at least 13 and who physically assaults and seriously injures a teacher or other school personnel.

(2) ~~A local board of education may~~ The superintendent may, upon recommendation of the principal, remove to an alternative educational setting any student

1 who is at least 13 and who does one of the
2 following:

- 3 a. Physically assaults a teacher or other adult
4 who is not a student.
5 b. Physically assaults another student if the
6 assault is witnessed by school personnel.
7 c. Physically assaults and seriously injures
8 another student.

9 If no appropriate alternative educational setting is available,
10 then the ~~board may~~ superintendent may, upon recommendation of the
11 principal, suspend this student for up to 365 days.

12 (3) For purposes of this subsection, the conduct
13 leading to suspension or removal to an alternative
14 educational setting must occur on school property
15 or at a school-sponsored or school-related activity
16 on or off school property. This subsection shall
17 not apply when the student who is subject to
18 suspension or removal was acting in self-defense.
19 If a teacher is assaulted or injured and as a
20 result a student is suspended or removed to an
21 alternative educational setting under this
22 subsection, then the student shall not be returned
23 to that teacher's classroom unless the teacher
24 consents. If a student is suspended under this
25 subsection, the board may assign the student to an
26 alternative educational setting upon the expiration
27 of the period of suspension.

28 (4) If the ~~local board~~ superintendent removes the
29 student to an alternative educational setting, as
30 provided in subdivision (1) of this subsection, and
31 the conduct leading to the removal occurred on or
32 before the ninetieth school day, the board shall
33 remove the student to that setting for the
34 remainder of the current school year and the first
35 90 school days in the following school year. If the
36 ~~board~~ superintendent chooses to remove the student
37 to an alternative educational setting, as provided
38 in subdivision (1) of this subsection, and the
39 conduct leading to the removal occurred after the
40 ninetieth school day, the board shall remove the

1 student to that setting for the remainder of the
2 current school year and for the entire subsequent
3 school year. Notwithstanding these requirements,
4 the ~~local board~~ superintendent may authorize a
5 shorter or longer length of time a student must
6 remain in an alternative educational setting if the
7 ~~board~~ superintendent finds this would be more
8 appropriate based upon the recommendations of the
9 principals of the alternative school and the school
10 to which the student will return."

11 Section 9. G.S. 115C-391(e) reads as rewritten:

12 "(e) A decision of a ~~local board~~ superintendent under
13 subsection (c), ~~(d)~~, (d1), or (d2) of this section may be
14 appealed to the local board of education. A decision of the
15 local board upon this appeal or of the local board under
16 subsection (d) of this section is final and, except as provided
17 in this subsection, is subject to judicial review in accordance
18 with Article 4 of Chapter 150B of the General Statutes. A person
19 seeking judicial review shall file a petition in the superior
20 court of the county where the local board made its decision."

21 Section 10. G.S. 115C-276(r) reads as rewritten:

22 "(r) To Maintain Student Discipline. -- The superintendent
23 shall maintain student discipline in accordance with Article 27
24 of this Chapter and shall keep data on each student suspended for
25 more than 10 days or expelled. This data shall include the race,
26 gender, and age of each student, the duration of suspension for
27 each student, whether an alternative education was considered or
28 provided for each student, and whether a student had multiple
29 suspensions."

30 Section 11. G.S. 115C-174.21(c) reads as rewritten:

31 "(c) Annual Testing Program.

32 (1) The State Board of Education shall adopt a system
33 of annual testing for grades three through 12.
34 These tests shall be designed to measure progress
35 toward reading, communication skills, and
36 mathematics for grades three through eight, and
37 toward competencies designated by the State Board
38 for grades nine through 12. Students who do not
39 pass the tests adopted for eighth grade shall be
40 provided remedial instruction in the ninth grade.

1 This assistance shall be calculated to prepare the
2 students to pass the competency test administered
3 under subsection (b) of this section.

- 4 (2) If the State Board of Education finds that
5 additional testing in grades three through 12 is
6 desirable to allow comparisons with national
7 indicators of student achievement, that testing
8 shall be conducted with the smallest size sample of
9 students necessary to assure valid comparisons with
10 other states."

11 Section 12. G.S. 115C-403(b) reads as rewritten:

12 "(b) When any child transfers from one school system to another
13 school system, the receiving school shall, within 30 days of the
14 child's enrollment, obtain the child's record from the school
15 from which the child is transferring. If the child's parent,
16 custodian, or guardian provides a copy of the child's record from
17 the school from which the child is transferring, the receiving
18 school shall, within 30 days of the child's enrollment, request
19 written verification of the school record by contacting the
20 school or institution named on the transferring child's record.
21 Upon receipt of a request, the principal or the principal's
22 designee of the school from which the child is transferring shall
23 not withhold the record or verification for any reason, except as
24 is authorized under the Family Educational Rights and and Privacy
25 Act. Any information received indicating that the transferring
26 child is a missing child shall be reported to the North Carolina
27 Center for Missing Persons."

28 Section 13. G.S. 115C-288 is amended by adding the
29 following new subsection:

30 "(j) To Transfer Student Records. -- The principal shall not
31 withhold the transfer of student records, except as is provided
32 in G.S. 115C-403(b)."

33 Section 14. G.S. 115C-333(b), as created in S.L. 1998-
34 5, reads are rewritten:

35 "(b) Action Plans. --

- 36 (1) If a certified employee in a low-performing school
37 receives an unsatisfactory or below standard rating
38 on any function of the evaluation that is related
39 to the employee's instructional duties, the
40 individual or team that conducted the evaluation

1 shall recommend to the superintendent that: (i) the
2 employee receive an action plan designed to improve
3 the employee's performance; or (ii) the
4 superintendent recommend to the local board that
5 the employee be dismissed or demoted. The
6 superintendent shall determine whether to develop
7 an action plan or to recommend a dismissal
8 proceeding. Action plans shall be developed by the
9 person who evaluated the employee or the employee's
10 supervisor unless the evaluation was conducted by
11 an assistance team or an assessment team. If the
12 evaluation was conducted by an assistance team or
13 an assessment team, that team shall develop the
14 action plan in collaboration with the employee's
15 supervisor. Action plans shall be designed to be
16 completed within 90 instructional days or before
17 the beginning of the next school year. The State
18 Board shall develop guidelines that include
19 strategies to assist local boards in evaluating
20 certified employees and developing effective action
21 plans within the time allotted under this section.
22 Local boards may adopt policies for the development
23 and implementation of action plans or professional
24 development plans for employees who do not require
25 action plans under this section.
26 (2) Local boards shall adopt policies to require action
27 plans for all certified employees who receive a
28 below standard or unsatisfactory rating on an
29 evaluation in the event the superintendent does not
30 recommend dismissal, demotion, or non-renewal."

31 Section 15. G.S. 115C-333(c), as created in S.L. 1998-
32 5, reads as rewritten:

33 "(c) Reevaluation. -- Upon completion of an action plan under
34 subdivision (1) of subsection (b) of this section, the
35 superintendent, the superintendent's designee, or the assessment
36 team shall evaluate the employee a second time. If on the second
37 evaluation the employee receives one unsatisfactory or more than
38 one below standard rating on any function that is related to the
39 employee's instructional duties, the superintendent shall
40 recommend that the employee be dismissed or demoted under G.S.

1 115C-325. The results of the second evaluation shall constitute
2 substantial evidence of the employee's inadequate performance."

3 Section 16. G.S. 115C-287.1(b) reads as rewritten:

4 "(b) Local boards of education shall employ school
5 administrators who are ineligible for career status as provided
6 ~~by~~ in G.S. 115C-325(c)(3), upon the recommendation of the
7 superintendent. All contracts between ~~the~~ a school administrator
8 and ~~the~~ a local board of education shall be for two to four
9 years, ending on June 30 of the final 12 months of the contract.
10 In the case of an initial contract between a school administrator
11 and a local board of education, the first year of the contract
12 may be for a period of less than 12 months provided the contract
13 becomes effective on or before September 1. The A local board of
14 education may, with the written consent of ~~the~~ a school
15 administrator, extend, renew, or offer a new school
16 administrator's contract at any time after the first 12 months of
17 the contract so long as the term of the new, renewed, or extended
18 contract does not exceed four years. Rolling annual contract
19 renewals are not allowed. Nothing in this section shall be
20 construed to prohibit the filling of an administrative position
21 on an interim or temporary basis."

22 Section 17. The State Board of Education shall evaluate
23 the provision by local boards of education of lump-sum payments
24 of one percent (1%) of the base salaries of principals and
25 assistant principals in schools the boards found to meet the
26 goals of local plans for the maintaining safe and orderly
27 schools. The Board shall identify the number of principals and
28 assistant principals who received these payments, how local
29 boards determined whether schools met local goals for maintaining
30 safe and orderly schools, and any other information that boards
31 used to select the individuals to receive these payments. The
32 State Board shall report the results of this evaluation to the
33 Joint Legislative Education Oversight Committee by November 15,
34 1998.

35 Section 18. This act is effective when it becomes law.
36 Section 2 of this act applies to funds awarded beginning with
37 those awarded at the end of the 1998-99 school year, and any plan
38 developed and approved under G.S. 115C-105.36(b) before the
39 effective date of this act shall not apply to those funds.

1 Section 16 of this act applies to contracts entered into on or
2 after that date.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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SENATE BILL 1125*

Education/Higher Education Committee Substitute Adopted 8/3/98

Third Edition Engrossed 8/4/98

Proposed Committee Substitute S1125-PCS6874-RH003

Short Title: Misc. Education Changes.

(Public)

Sponsors:

Referred to:

May 14, 1998

- 1 A BILL TO BE ENTITLED
2 AN ACT TO AMEND VARIOUS EDUCATION LAWS.
3 The General Assembly of North Carolina enacts:
4 Section 1. G.S. 115C-102.5(b) reads as rewritten:
5 "(b) The Commission shall consist of the following 18 members:
6 (1) The State Superintendent of Public Instruction or a designee;
7 (2) One representative of The University of North Carolina, appointed
8 by the President of The University of North Carolina;
9 (3) One representative of the North Carolina Community College
10 System, appointed by the President of the North Carolina
11 Community College System;
12 (4) A person with management responsibility concerning information
13 technology related State Government functions, designated by the
14 Secretary of Commerce;
15 (5) Four members appointed by the Governor;
16 (6) Six members appointed by the President Pro Tempore of the
17 Senate two of whom shall be members of the Senate. One of these
18 six members shall be appointed by the President Pro Tempore of
19 the Senate to serve as cochair; and
20 (7) Six members appointed by the Speaker of the House of
21 Representatives two of whom shall be members of the House of

Representatives. One of these six members shall be appointed by the Speaker of the House of Representatives to serve as cochair.

In appointing members pursuant to subdivisions (5), (6), and (7) of this subsection, the appointing persons shall select individuals with technical or applied knowledge or experience in learning and instructional management technologies or individuals with expertise in curriculum or instruction who have successfully used learning and instructional management technologies.

No producers, vendors, or consultants to producers or vendors of learning or instructional management technologies shall serve on the Commission.

Members shall serve for two-year terms. Vacancies in terms of members shall be filled by the appointing officer. Persons appointed to fill vacancies shall qualify in the same manner as persons appointed for full terms."

Section 2. G.S. 115C-105.36(b) reads as rewritten:

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

(1) ~~Awards to the personnel; or~~

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

a. ~~Developed and voted on by the personnel in the same manner that a school improvement plan is approved under G.S. 115C-105.27;~~

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

c. ~~Submitted to and approved by the local board of education. The local board shall approve this plan unless the plan involves expenditures of funds that are not for a public purpose or that are otherwise unlawful.~~ for awards to the personnel. Each local school administrative unit shall make these awards to each eligible person no later than that person's first regular payday following the local unit's receipt of the funds; however, if that payday is fewer than 15 days following the unit's receipt of the funds, then the local school administrative unit shall make the award to that person no later than that person's second regular payday following the unit's receipt of the funds."

Section 3. G.S. 115C-244 reads as rewritten:

"§ 115C-244. Assignment of pupils to school buses.

(a) ~~The principal of a school, to which any school bus has been assigned by the superintendent of the schools of the local school administrative unit embracing such school, shall assign to such bus or buses the pupils and employees who may be transported to and from such school upon such bus or buses. The superintendent or superintendent's designee shall assign the pupils and employees who may be transported to and from school upon the bus or buses assigned to each school and~~

1 shall implement and enforce the plan developed under G.S. 115C-246. No pupil or
2 employee shall be permitted to ride upon any school bus to which such pupil or
3 employee has not been so assigned by the ~~principal,~~ superintendent or
4 superintendent's designee, except by the express direction of the ~~principal.~~
5 superintendent or superintendent's designee.

6 (b) In the event that the superintendent ~~of any local school administrative unit~~
7 ~~shall assign or superintendent's designee assigns~~ a school bus to be used in the
8 transportation of pupils to two or more schools, the superintendent or
9 superintendent's designee shall ~~designate the number of~~ assign the pupils to be
10 transported to and from each ~~such~~ school by ~~such~~ that bus, and the principals of the
11 respective schools shall ~~assign pupils to such buses in accordance with such~~
12 ~~designation.~~ implement and enforce this assignment of pupils.

13 (c) Any pupil enrolled in any school, or the parent or guardian of any such pupil,
14 or the person standing in loco parentis to such pupil, may apply to the principal of
15 such school for transportation of such pupil to and from such school by school bus
16 for the regularly organized school day. ~~Upon application, the principal~~ The principal
17 shall deliver the application to the superintendent or superintendent's designee, who
18 shall assign a pupil to a school bus if the pupil is entitled to school bus transportation
19 under this Article and the rules of the State Board of Education. Such assignment
20 shall be made by the ~~principal~~ superintendent or superintendent's designee so as to
21 provide for the orderly, safe and efficient transportation of pupils to such school and
22 so as to promote the orderly and efficient administration of the school and the health,
23 safety and general welfare of the pupils to be so transported. Assignments of pupils
24 and employees to school buses may be changed by the ~~principal of the school~~
25 superintendent or superintendent's designee as he may from time to time find proper
26 for the safe and efficient transportation of such pupils and employees.

27 (d) The parent or guardian of any pupil enrolled in any school, or the person
28 standing in loco parentis to any such pupil, who shall apply ~~to the principal of such~~
29 ~~school~~ under subsection (c) of this section for the transportation of such pupil to and
30 from such school by school bus, may, if such application is denied, or if such pupil is
31 assigned to a school bus not satisfactory to such parent, guardian, or person standing
32 in loco parentis to such pupil, pursuant to rules and regulations established by the
33 local board of education, apply to such board for such transportation upon a school
34 bus designated in such application, and shall be entitled to a prompt and fair hearing
35 by such board in accordance with the rules and regulations established by it. The
36 majority of such board shall be a quorum for the purpose of holding such hearing
37 and passing upon such application, and the decision of the majority of the members
38 present at such hearing shall be the decision of the board. If, at such hearing, the
39 board shall find that pupil is entitled to be transported to and from such school upon
40 the school bus designated in such application, or if the board shall find that the
41 transportation of such pupil upon such bus to and from such school will be for the
42 best interests of such pupil, will not interfere with the proper administration of such
43 school, or with the safe and efficient transportation by school bus of other pupils
44 enrolled in such school and will not endanger the health or safety of the children

1 there enrolled, the board shall direct that such child be assigned to and transported to
2 such school upon such bus.

3 (e) A decision of a local board under subsection (d) is final and, except as
4 provided in this subsection, is subject to judicial review in accordance with Article 4
5 of Chapter 150B of the General Statutes. A person seeking judicial review shall file a
6 petition in the superior court of the county where the local board made its decision.

7 (f) No employee shall be assigned to or permitted to ride upon a school bus when
8 to do so will result in the overcrowding of such bus or will prevent the assignment to
9 such bus of a pupil entitled to ride thereon, or will otherwise, in the opinion of the
10 ~~principal, superintendent or superintendent's designee~~, be detrimental to the comfort
11 or safety of the pupils assigned to such bus, or to the safe, efficient and proper
12 operation of such bus."

13 Section 4. G.S. 115C-245 reads as rewritten:

14 "**§ 115C-245. School bus drivers; monitors; safety assistants.**

15 (a) Each local board, which elects to operate a school bus transportation system,
16 shall employ the necessary drivers for such school buses. The drivers shall have all
17 qualifications prescribed by the regulations of the State Board of Education herein
18 provided for and must be at least 18 years old and have at least six months driving
19 experience as a licensed operator of a motor vehicle before employment as a regular
20 or substitute driver, but the selection and employment of each driver shall be made
21 by the local board of education, and the driver shall be the employee of such local
22 school administrative unit. Each local board of education shall assign the bus drivers
23 employed by it to the respective schools within the jurisdiction of such board, and the
24 ~~principal of each such school~~ superintendent or superintendent's designee shall assign
25 the drivers to the school buses to be driven by them. No school bus shall at any time
26 be driven or operated by any person other than the bus driver assigned ~~by such~~
27 ~~principal~~ to such bus except by the express direction of ~~such principal~~ the
28 superintendent or superintendent's designee or in accordance with rules and
29 regulations of the appropriate local board of education.

30 (b) The driver of a school bus subject to the direction of the ~~principal~~
31 superintendent or superintendent's designee shall have complete authority over and
32 responsibility for the operation of the bus and the maintaining of good order and
33 conduct upon such bus, and shall report promptly to the principal any misconduct
34 upon such bus or disregard or violation of the driver's instructions by any person
35 riding upon such bus. The principal may take such action with reference to any such
36 misconduct upon a school bus, or any violation of the instructions of the driver, as he
37 might take if such misconduct or violation had occurred upon the grounds of the
38 school.

39 (c) The driver of any school bus shall permit no person to ride upon such bus
40 except pupils or school employees assigned thereto or persons permitted by the
41 express direction of the ~~principal~~ superintendent or superintendent's designee to ride
42 thereon.

43 (d) ~~The principal of a school, to which a school bus has been assigned, may, in his~~
44 ~~discretion, appoint a monitor for any bus so assigned to such school. The~~

1 superintendent or superintendent's designee may, in his discretion, appoint a monitor
2 for any bus assigned to any school. It shall be the duty of such monitor, subject to
3 the direction of the driver of the bus, to preserve order upon the bus and do such
4 other things as may be appropriate for the safety of the pupils and employees
5 assigned to such bus while boarding such bus, alighting therefrom or being
6 transported thereon, and to require such pupils and employees to conform to the
7 rules and regulations established by the local board of education for the safety of
8 pupils and employees upon school buses. Such monitors shall be unpaid volunteers
9 who shall serve at the pleasure of the ~~principal~~ superintendent or superintendent's
10 designee.

11 (e) A local board of education may, in its discretion within funds available,
12 employ transportation safety assistants upon recommendation of the principal through
13 the superintendent. The safety assistants thus employed shall assist the bus drivers
14 with the safety, movement, management, and care of children boarding the bus,
15 leaving the bus, or being transported in it. The safety assistant should be either an
16 adult or a certified student driver who is available as a substitute bus driver."

17 Section 5. G.S. 115C-290.8 reads as rewritten:

18 "**§ 115C-290.8. Exemptions from requirements.**

19 (a) The requirements of this Article do not apply to a person who, at any time
20 during the five years preceding January 1, 1998, ~~(i) completed an administrative~~
21 ~~internship as part of an approved graduate program in school administration and~~
22 ~~obtained an active State administrator/supervisor certificate, (ii) was engaged in~~
23 ~~school administration while in possession of an active State administrator/supervisor~~
24 ~~certificate, or (iii) was employed in a North Carolina college or university as an~~
25 ~~instructor while in possession of an active State administrator/supervisor certificate~~
26 ~~and whose major responsibilities included the preparation or supervision of~~
27 ~~individuals enrolled in a public school administration program that meets the public~~
28 ~~school administrator program approval standards set by the State Board.~~ obtained or
29 renewed a State administrator/supervisor certificate.

30 (b) The State Board may adopt policies governing the requirements for the
31 certification of individuals who hold a certificate issued in any other state that
32 authorizes them to be employed as school administrators in that state. These policies
33 may exempt some or all of these individuals from the requirements of this Article.

34 (c) A person who is exempt from the requirements of this Article but applies to
35 the Standards Board under this Article shall be subject to the Article."

36 Section 6. G.S. 115C-174.21(b) reads as rewritten:

37 "(b) Competency Testing Program.

38 (1) The State Board of Education shall adopt tests or other
39 measurement devices which may be used to assure that graduates
40 of the public high schools and graduates of nonpublic schools
41 supervised by the State Board of Education pursuant to the
42 provisions of Part 1 of Article 39 of this Chapter possess the skills
43 and knowledge necessary to function independently and
44 successfully in assuming the responsibilities of citizenship.

(2) The tests shall be administered annually to all ~~tenth~~ ninth grade students in the public schools. Students who fail to attain the required minimum standard for graduation in the ~~tenth~~ ninth grade shall be given remedial instruction and additional opportunities to take the test up to and including the last month of the twelfth grade. Students who fail to pass parts of the test shall be retested on only those parts they fail. Students in the ~~tenth~~ ninth grade who are enrolled in special education programs or who have been officially designated as eligible for participation in such programs may be excluded from the testing programs.

(3) The State Board of Education may develop and validate alternate means and standards for demonstrating minimum competence. These standards, which must be more difficult than the tests adopted pursuant to subdivision (1) of this subsection, may be passed by students in lieu of the testing requirement of subdivision (2) of this subsection.

(4) Repealed by Session Laws 1996, Second Extra Session, c. 18, s. 18.14."

Section 7. G.S. 115C-391(d1) reads as rewritten:

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

Section 8. G.S. 115C-391(d2) reads as rewritten:

"(d2) (1) ~~A local board of education shall~~ The superintendent shall, upon recommendation of the principal, remove to an alternative educational setting, as provided in subdivision (4) of this subsection, any student who is at least 13 and who physically assaults and seriously injures a teacher or other school personnel. If no appropriate alternative educational setting is available, then the ~~board shall~~ superintendent shall, upon recommendation of the principal, suspend for no less than 300 days but no more than 365 days any student who is at least 13 and who physically assaults and seriously injures a teacher or other school personnel.

(2) ~~A local board of education may~~ The superintendent may, upon recommendation of the principal, remove to an alternative educational setting any student who is at least 13 and who does one of the following:

- 1 a. Physically assaults a teacher or other adult who is not a
2 student.
3 b. Physically assaults another student if the assault is witnessed
4 by school personnel.
5 c. Physically assaults and seriously injures another student.

6 If no appropriate alternative educational setting is available, then the ~~board may~~
7 superintendent may, upon recommendation of the principal, suspend this student for
8 up to 365 days.

9 (3) For purposes of this subsection, the conduct leading to suspension
10 or removal to an alternative educational setting must occur on
11 school property or at a school-sponsored or school-related activity
12 on or off school property. This subsection shall not apply when the
13 student who is subject to suspension or removal was acting in self-
14 defense. If a teacher is assaulted or injured and as a result a
15 student is suspended or removed to an alternative educational
16 setting under this subsection, then the student shall not be returned
17 to that teacher's classroom unless the teacher consents. If a student
18 is suspended under this subsection, the board may assign the
19 student to an alternative educational setting upon the expiration of
20 the period of suspension.

21 (4) If the ~~local board~~ superintendent removes the student to an
22 alternative educational setting, as provided in subdivision (1) of
23 this subsection, and the conduct leading to the removal occurred
24 on or before the ninetieth school day, the board shall remove the
25 student to that setting for the remainder of the current school year
26 and the first 90 school days in the following school year. If the
27 ~~board~~ superintendent chooses to remove the student to an
28 alternative educational setting, as provided in subdivision (1) of
29 this subsection, and the conduct leading to the removal occurred
30 after the ninetieth school day, the board shall remove the student
31 to that setting for the remainder of the current school year and for
32 the entire subsequent school year. Notwithstanding these
33 requirements, the ~~local board~~ superintendent may authorize a
34 shorter or longer length of time a student must remain in an
35 alternative educational setting if the ~~board~~ superintendent finds
36 this would be more appropriate based upon the recommendations
37 of the principals of the alternative school and the school to which
38 the student will return."

39 Section 9. G.S. 115C-391(e) reads as rewritten:

40 "(e) A decision of a ~~local board~~ superintendent under subsection (c), ~~(d)~~, (d1), or
41 (d2) of this section may be appealed to the local board of education. A decision of
42 the local board upon this appeal or of the local board under subsection (d) of this
43 section is final and, except as provided in this subsection, is subject to judicial review
44 in accordance with Article 4 of Chapter 150B of the General Statutes. A person

1 seeking judicial review shall file a petition in the superior court of the county where
2 the local board made its decision."

3 Section 10. G.S. 115C-276(r) reads as rewritten:

4 "(r) To Maintain Student Discipline. -- The superintendent shall maintain student
5 discipline in accordance with Article 27 of this Chapter and shall keep data on each
6 student suspended for more than 10 days or expelled. This data shall include the
7 race, gender, and age of each student, the duration of suspension for each student,
8 whether an alternative education was considered or provided for each student, and
9 whether a student had multiple suspensions."

10 Section 11. G.S. 115C-174.21(c) reads as rewritten:

11 "(c) Annual Testing Program.

12 (1) The State Board of Education shall adopt a system of annual
13 testing for grades three through 12. These tests shall be designed to
14 measure progress toward reading, communication skills, and
15 mathematics for grades three through eight, and toward
16 competencies designated by the State Board for grades nine
17 through 12. Students who do not pass the tests adopted for eighth
18 grade shall be provided remedial instruction in the ninth grade.
19 This assistance shall be calculated to prepare the students to pass
20 the competency test administered under subsection (b) of this
21 section.

22 (2) If the State Board of Education finds that additional testing in
23 grades three through 12 is desirable to allow comparisons with
24 national indicators of student achievement, that testing shall be
25 conducted with the smallest size sample of students necessary to
26 assure valid comparisons with other states."

27 Section 12. G.S. 115C-403(b) reads as rewritten:

28 "(b) When any child transfers from one school system to another school system,
29 the receiving school shall, within 30 days of the child's enrollment, obtain the child's
30 record from the school from which the child is transferring. If the child's parent,
31 custodian, or guardian provides a copy of the child's record from the school from
32 which the child is transferring, the receiving school shall, within 30 days of the child's
33 enrollment, request written verification of the school record by contacting the school
34 or institution named on the transferring child's record. Upon receipt of a request,
35 the principal or the principal's designee of the school from which the child is
36 transferring shall not withhold the record or verification for any reason, except as is
37 authorized under the Family Educational Rights and Privacy Act. Any information
38 received indicating that the transferring child is a missing child shall be reported to
39 the North Carolina Center for Missing Persons."

40 Section 13. G.S. 115C-288 is amended by adding the following new
41 subsection:

42 "(j) To Transfer Student Records. -- The principal shall not withhold the transfer
43 of student records, except as is provided in G.S. 115C-403(b)."

1 Section 14. G.S. 115C-333(b), as created in S.L. 1998-5, reads as
2 rewritten:

3 "(b) Action Plans. --

4 (1) If a certified employee in a low-performing school receives an
5 unsatisfactory or below standard rating on any function of the
6 evaluation that is related to the employee's instructional duties, the
7 individual or team that conducted the evaluation shall recommend
8 to the superintendent that: (i) the employee receive an action plan
9 designed to improve the employee's performance; or (ii) the
10 superintendent recommend to the local board that the employee be
11 dismissed or demoted. The superintendent shall determine
12 whether to develop an action plan or to recommend a dismissal
13 proceeding. Action plans shall be developed by the person who
14 evaluated the employee or the employee's supervisor unless the
15 evaluation was conducted by an assistance team or an assessment
16 team. If the evaluation was conducted by an assistance team or an
17 assessment team, that team shall develop the action plan in
18 collaboration with the employee's supervisor. Action plans shall
19 be designed to be completed within 90 instructional days or before
20 the beginning of the next school year. The State Board shall
21 develop guidelines that include strategies to assist local boards in
22 evaluating certified employees and developing effective action
23 plans within the time allotted under this section. Local boards
24 may adopt policies for the development and implementation of
25 action plans or professional development plans for employees who
26 do not require action plans under this section.

27 (2) Local boards shall adopt policies to require action plans for all
28 certified employees who receive a below standard or unsatisfactory
29 rating on an evaluation in the event the superintendent does not
30 recommend dismissal, demotion, or nonrenewal."

31 Section 15. G.S. 115C-333(c), as created in S.L. 1998-5, reads as
32 rewritten:

33 "(c) Reevaluation. -- Upon completion of an action plan under subdivision (1) of
34 subsection (b) of this section, the superintendent, the superintendent's designee, or
35 the assessment team shall evaluate the employee a second time. If on the second
36 evaluation the employee receives one unsatisfactory or more than one below standard
37 rating on any function that is related to the employee's instructional duties, the
38 superintendent shall recommend that the employee be dismissed or demoted under
39 G.S. 115C-325. The results of the second evaluation shall constitute substantial
40 evidence of the employee's inadequate performance."

41 Section 16. G.S. 115C-287.1(b) reads as rewritten:

42 "(b) Local boards of education shall employ school administrators who are
43 ineligible for career status as provided by in G.S. 115C-325(c)(3), upon the
44 recommendation of the superintendent. All contracts between ~~the~~ a school

1 administrator and ~~the~~ a local board of education shall be for two to four years,
2 ending on June 30 of the final 12 months of the contract. In the case of an initial
3 contract between a school administrator and a local board of education, the first year
4 of the contract may be for a period of less than 12 months provided the contract
5 becomes effective on or before September 1. ~~The~~ A local board of education may,
6 with the written consent of ~~the~~ a school administrator, extend, renew, or offer a new
7 school administrator's contract at any time after the first 12 months of the contract so
8 long as the term of the new, renewed, or extended contract does not exceed four
9 years. Rolling annual contract renewals are not allowed. Nothing in this section
10 shall be construed to prohibit the filling of an administrative position on an interim
11 or temporary basis."

12 Section 17. The State Board of Education shall evaluate the provision by
13 local boards of education of lump-sum payments of one percent (1%) of the base
14 salaries of principals and assistant principals in schools the boards found to meet the
15 goals of local plans for maintaining safe and orderly schools. The Board shall
16 identify the number of principals and assistant principals who received these
17 payments, how local boards determined whether schools met local goals for
18 maintaining safe and orderly schools, and any other information that boards used to
19 select the individuals to receive these payments. The State Board shall report the
20 results of this evaluation to the Joint Legislative Education Oversight Committee by
21 November 15, 1998.

22 Section 18. The State Board of Education and the Board of Governors of
23 The University of North Carolina shall develop a proposal for a statewide lateral
24 entry teacher licensure program and shall report the proposal to the Joint Legislative
25 Education Oversight Committee prior to December 1, 1998. The proposal shall
26 include the following: (i) active recruitment of mid-career college graduates into
27 teaching; (ii) intensive summer preservice preparation prior to the initial year of
28 employment that is delivered at multiple sites throughout the State; (iii) coaching,
29 support, and continued professional preparation for initial licensure provided during
30 the initial year of employment; (iv) portfolio development and professional
31 assessment during the initial year of employment; (v) intensive second summer
32 preparation for initial licensure examination unless the individual has already taken
33 and passed the initial licensure examination; (vi) use of technology for professional
34 and instructional support to increase program accessibility and decrease distance as a
35 barrier to program completion; (vii) a program management plan; and (viii) an
36 estimated annual budget to operate the program. The proposal also shall include a
37 review of the current process for lateral entry and alternative certification, an
38 inventory and description of existing programs designed to assist individuals achieve
39 licensure through lateral entry, and a review of any reports or plans developed by the
40 State Board of Education or the Board of Governors since 1995 addressing lateral
41 entry or alternative certification. The Joint Legislative Education Oversight
42 Committee shall review the proposal and report any suggested legislation to the
43 General Assembly by January 27, 1999.

1 Section 19. This act is effective when it becomes law. Section 2 of this
2 act applies to funds awarded beginning with those awarded at the end of the 1998-99
3 school year, and any plan developed and approved under G.S. 115C-105.36(b) before
4 the effective date of this act shall not apply to those funds. Section 16 of this act
5 applies to contracts entered into on or after that date.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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3

SENATE BILL 1125*
Education/Higher Education Committee Substitute Adopted 8/3/98
Third Edition Engrossed 8/4/98

Short Title: Misc. Education Changes.

(Public)

Sponsors:

Referred to:

May 14, 1998

1 A BILL TO BE ENTITLED
2 AN ACT TO AMEND VARIOUS EDUCATION LAWS.

3 The General Assembly of North Carolina enacts:

4 Section 1. G.S. 115C-102.5(b) reads as rewritten:

5 "(b) The Commission shall consist of the following 18 members:

- 6 (1) The State Superintendent of Public Instruction or a designee;
- 7 (2) One representative of The University of North Carolina, appointed
8 by the President of The University of North Carolina;
- 9 (3) One representative of the North Carolina Community College
10 System, appointed by the President of the North Carolina
11 Community College System;
- 12 (4) A person with management responsibility concerning information
13 technology related State Government functions, designated by the
14 Secretary of Commerce;
- 15 (5) Four members appointed by the Governor;
- 16 (6) Six members appointed by the President Pro Tempore of the
17 Senate two of whom shall be members of the Senate. One of these
18 six members shall be appointed by the President Pro Tempore of
19 the Senate to serve as cochair; and
- 20 (7) Six members appointed by the Speaker of the House of
21 Representatives two of whom shall be members of the House of

Representatives. One of these six members shall be appointed by the Speaker of the House of Representatives to serve as cochair.

In appointing members pursuant to subdivisions (5), (6), and (7) of this subsection, the appointing persons shall select individuals with technical or applied knowledge or experience in learning and instructional management technologies or individuals with expertise in curriculum or instruction who have successfully used learning and instructional management technologies.

No producers, vendors, or consultants to producers or vendors of learning or instructional management technologies shall serve on the Commission.

Members shall serve for two-year terms. Vacancies in terms of members shall be filled by the appointing officer. Persons appointed to fill vacancies shall qualify in the same manner as persons appointed for full terms."

Section 2. G.S. 115C-105.36(b) reads as rewritten:

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

(1) ~~Awards to the personnel; or~~

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

a. ~~Developed and voted on by the personnel in the same manner that a school improvement plan is approved under G.S. 115C-105.27;~~

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

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

~~The local board shall approve this plan unless the plan involves expenditures of funds that are not for a public purpose or that are otherwise unlawful. for awards to the personnel that are made within 30 days of the local board's receipt of the funds."~~

Section 3. G.S. 115C-244 reads as rewritten:

"§ 115C-244. Assignment of pupils to school buses.

(a) ~~The principal of a school, to which any school bus has been assigned by the superintendent of the schools of the local school administrative unit embracing such school, shall assign to such bus or buses the pupils and employees who may be transported to and from such school upon such bus or buses. The superintendent or superintendent's designee shall assign the pupils and employees who may be transported to and from school upon the bus or buses assigned to each school and shall implement and enforce the plan developed under G.S. 115C-246. No pupil or employee shall be permitted to ride upon any school bus to which such pupil or employee has not been so assigned by the principal, superintendent or superintendent's designee, except by the express direction of the principal, superintendent or superintendent's designee.~~

1 (b) In the event that the superintendent of ~~any local school administrative unit~~
2 ~~shall assign~~ or superintendent's designee assigns a school bus to be used in the
3 transportation of pupils to two or more schools, the superintendent or
4 superintendent's designee shall ~~designate the number of~~ assign the pupils to be
5 transported to and from each ~~such~~ school by ~~such~~ that bus, and the principals of the
6 respective schools shall ~~assign pupils to such buses in accordance with such~~
7 ~~designation.~~ implement and enforce this assignment of pupils.

8 (c) Any pupil enrolled in any school, or the parent or guardian of any such pupil,
9 or the person standing in loco parentis to such pupil, may apply to the principal of
10 such school for transportation of such pupil to and from such school by school bus
11 for the regularly organized school day. ~~Upon application, the principal~~ The principal
12 shall deliver the application to the superintendent or superintendent's designee, who
13 shall assign a pupil to a school bus if the pupil is entitled to school bus transportation
14 under this Article and the rules of the State Board of Education. Such assignment
15 shall be made by the ~~principal~~ superintendent or superintendent's designee so as to
16 provide for the orderly, safe and efficient transportation of pupils to such school and
17 so as to promote the orderly and efficient administration of the school and the health,
18 safety and general welfare of the pupils to be so transported. Assignments of pupils
19 and employees to school buses may be changed by the ~~principal of the school~~
20 superintendent or superintendent's designee as he may from time to time find proper
21 for the safe and efficient transportation of such pupils and employees.

22 (d) The parent or guardian of any pupil enrolled in any school, or the person
23 standing in loco parentis to any such pupil, who shall apply ~~to the principal of such~~
24 ~~school~~ under subsection (c) of this section for the transportation of such pupil to and
25 from such school by school bus, may, if such application is denied, or if such pupil is
26 assigned to a school bus not satisfactory to such parent, guardian, or person standing
27 in loco parentis to such pupil, pursuant to rules and regulations established by the
28 local board of education, apply to such board for such transportation upon a school
29 bus designated in such application, and shall be entitled to a prompt and fair hearing
30 by such board in accordance with the rules and regulations established by it. The
31 majority of such board shall be a quorum for the purpose of holding such hearing
32 and passing upon such application, and the decision of the majority of the members
33 present at such hearing shall be the decision of the board. If, at such hearing, the
34 board shall find that pupil is entitled to be transported to and from such school upon
35 the school bus designated in such application, or if the board shall find that the
36 transportation of such pupil upon such bus to and from such school will be for the
37 best interests of such pupil, will not interfere with the proper administration of such
38 school, or with the safe and efficient transportation by school bus of other pupils
39 enrolled in such school and will not endanger the health or safety of the children
40 there enrolled, the board shall direct that such child be assigned to and transported to
41 such school upon such bus.

42 (e) A decision of a local board under subsection (d) is final and, except as
43 provided in this subsection, is subject to judicial review in accordance with Article 4

1 of Chapter 150B of the General Statutes. A person seeking judicial review shall file a
2 petition in the superior court of the county where the local board made its decision.

3 (f) No employee shall be assigned to or permitted to ride upon a school bus when
4 to do so will result in the overcrowding of such bus or will prevent the assignment to
5 such bus of a pupil entitled to ride thereon, or will otherwise, in the opinion of the
6 ~~principal, superintendent or superintendent's designee~~, be detrimental to the comfort
7 or safety of the pupils assigned to such bus, or to the safe, efficient and proper
8 operation of such bus."

9 Section 4. G.S. 115C-245 reads as rewritten:

10 "**§ 115C-245. School bus drivers; monitors; safety assistants.**

11 (a) Each local board, which elects to operate a school bus transportation system,
12 shall employ the necessary drivers for such school buses. The drivers shall have all
13 qualifications prescribed by the regulations of the State Board of Education herein
14 provided for and must be at least 18 years old and have at least six months driving
15 experience as a licensed operator of a motor vehicle before employment as a regular
16 or substitute driver, but the selection and employment of each driver shall be made
17 by the local board of education, and the driver shall be the employee of such local
18 school administrative unit. Each local board of education shall assign the bus drivers
19 employed by it to the respective schools within the jurisdiction of such board, and the
20 ~~principal of each such school~~ superintendent or superintendent's designee shall assign
21 the drivers to the school buses to be driven by them. No school bus shall at any time
22 be driven or operated by any person other than the bus driver assigned ~~by such~~
23 ~~principal~~ to such bus except by the express direction of ~~such principal~~ the
24 superintendent or superintendent's designee or in accordance with rules and
25 regulations of the appropriate local board of education.

26 (b) The driver of a school bus subject to the direction of the ~~principal~~
27 superintendent or superintendent's designee shall have complete authority over and
28 responsibility for the operation of the bus and the maintaining of good order and
29 conduct upon such bus, and shall report promptly to the principal any misconduct
30 upon such bus or disregard or violation of the driver's instructions by any person
31 riding upon such bus. The principal may take such action with reference to any such
32 misconduct upon a school bus, or any violation of the instructions of the driver, as he
33 might take if such misconduct or violation had occurred upon the grounds of the
34 school.

35 (c) The driver of any school bus shall permit no person to ride upon such bus
36 except pupils or school employees assigned thereto or persons permitted by the
37 express direction of the ~~principal~~ superintendent or superintendent's designee to ride
38 thereon.

39 ~~(d) The principal of a school, to which a school bus has been assigned, may, in his~~
40 ~~discretion, appoint a monitor for any bus so assigned to such school. The~~
41 superintendent or superintendent's designee may, in his discretion, appoint a monitor
42 for any bus assigned to any school. It shall be the duty of such monitor, subject to
43 the direction of the driver of the bus, to preserve order upon the bus and do such
44 other things as may be appropriate for the safety of the pupils and employees

1 assigned to such bus while boarding such bus, alighting therefrom or being
2 transported thereon, and to require such pupils and employees to conform to the
3 rules and regulations established by the local board of education for the safety of
4 pupils and employees upon school buses. Such monitors shall be unpaid volunteers
5 who shall serve at the pleasure of the ~~principal~~ superintendent or superintendent's
6 designee.

7 (e) A local board of education may, in its discretion within funds available,
8 employ transportation safety assistants upon recommendation of the principal through
9 the superintendent. The safety assistants thus employed shall assist the bus drivers
10 with the safety, movement, management, and care of children boarding the bus,
11 leaving the bus, or being transported in it. The safety assistant should be either an
12 adult or a certified student driver who is available as a substitute bus driver."

13 Section 5. G.S. 115C-290.8 reads as rewritten:

14 "**§ 115C-290.8. Exemptions from requirements.**

15 (a) The requirements of this Article do not apply to a person who, at any time
16 during the five years preceding January 1, 1998, ~~(i) completed an administrative~~
17 ~~internship as part of an approved graduate program in school administration and~~
18 ~~obtained an active State administrator/supervisor certificate, (ii) was engaged in~~
19 ~~school administration while in possession of an active State administrator/supervisor~~
20 ~~certificate, or (iii) was employed in a North Carolina college or university as an~~
21 ~~instructor while in possession of an active State administrator/supervisor certificate~~
22 ~~and whose major responsibilities included the preparation or supervision of~~
23 ~~individuals enrolled in a public school administration program that meets the public~~
24 ~~school administrator program approval standards set by the State Board.~~ obtained or
25 renewed a State administrator/supervisor certificate.

26 (b) The State Board may adopt policies governing the requirements for the
27 certification of individuals who hold a certificate issued in any other state that
28 authorizes them to be employed as school administrators in that state. These policies
29 may exempt some or all of these individuals from the requirements of this Article.

30 (c) A person who is exempt from the requirements of this Article but applies to
31 the Standards Board under this Article shall be subject to the Article."

32 Section 6. G.S. 115C-174.21(b) reads as rewritten:

33 "(b) Competency Testing Program.

34 (1) The State Board of Education shall adopt tests or other
35 measurement devices which may be used to assure that graduates
36 of the public high schools and graduates of nonpublic schools
37 supervised by the State Board of Education pursuant to the
38 provisions of Part 1 of Article 39 of this Chapter possess the skills
39 and knowledge necessary to function independently and
40 successfully in assuming the responsibilities of citizenship.

41 (2) The tests shall be administered annually to all ~~tenth~~ ninth grade
42 students in the public schools. Ninth grade students who fail to
43 attain the required minimum standard for graduation shall be given
44 a second opportunity during the ninth grade to take the test.

~~Students~~ Local boards of education shall make reasonable efforts to provide remedial instruction to students who fail to attain the required minimum standard for graduation in the ~~tenth-grade~~ ninth grade that is calculated to prepare the students to pass the test. Students shall be given the remedial instruction and ~~additional~~ at least two opportunities annually to take the test up to and including the last month of the twelfth grade. Local boards shall make reasonable efforts to provide remedial instruction to students who have not passed the test prior to the last month of the twelfth grade that is calculated to prepare the students to pass the test. These students shall be given the remedial instruction and two additional opportunities to take the test during the summer following the twelfth grade. Students who have met all other conditions of graduation and who pass the test during the summer after the twelfth grade shall be awarded a diploma by the local board. Students who fail to pass parts of the test shall be retested on only those parts they fail. Students in the ~~tenth~~ ninth grade who are enrolled in special education programs or who have been officially designated as eligible for participation in such programs may be excluded from the testing programs.

(3) The State Board of Education may develop and validate alternate means and standards for demonstrating minimum competence. These standards, which must be more difficult than the tests adopted pursuant to subdivision (1) of this subsection, may be passed by students in lieu of the testing requirement of subdivision (2) of this subsection.

(4) Repealed by Session Laws 1996, Second Extra Session, c. 18, s. 18.14."

Section 7. G.S. 115C-391(d1) reads as rewritten:

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

Section 8. G.S. 115C-391(d2) reads as rewritten:

"(d2) (1) ~~A local board of education shall~~ The superintendent shall, upon recommendation of the principal, remove to an alternative educational setting, as provided in subdivision (4) of this subsection, any student who is at least 13 and who physically assaults and seriously injures a teacher or other school personnel. If

no appropriate alternative educational setting is available, then the ~~board shall~~ superintendent shall, upon recommendation of the principal, suspend for no less than 300 days but no more than 365 days any student who is at least 13 and who physically assaults and seriously injures a teacher or other school personnel.

(2) ~~A local board of education may~~ The superintendent may, upon recommendation of the principal, remove to an alternative educational setting any student who is at least 13 and who does one of the following:

- a. Physically assaults a teacher or other adult who is not a student.
- b. Physically assaults another student if the assault is witnessed by school personnel.
- c. Physically assaults and seriously injures another student.

If no appropriate alternative educational setting is available, then the ~~board may~~ superintendent may, upon recommendation of the principal, suspend this student for up to 365 days.

(3) For purposes of this subsection, the conduct leading to suspension or removal to an alternative educational setting must occur on school property or at a school-sponsored or school-related activity on or off school property. This subsection shall not apply when the student who is subject to suspension or removal was acting in self-defense. If a teacher is assaulted or 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. If a student is suspended under this subsection, the board may assign the student to an alternative educational setting upon the expiration of the period of suspension.

(4) If the ~~local board~~ superintendent removes the student to an alternative educational setting, as provided in subdivision (1) of this subsection, and the conduct leading to the removal occurred on or before the ninetieth school day, the board shall remove the student to that setting for the remainder of the current school year and the first 90 school days in the following school year. If the ~~board~~ superintendent chooses to remove the student to an alternative educational setting, as provided in subdivision (1) of this subsection, and the conduct leading to the removal occurred after the ninetieth school 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. Notwithstanding these requirements, the ~~local board~~ superintendent may authorize a shorter or longer length of time a student must remain in an alternative educational setting if the ~~board~~ superintendent finds

1 this would be more appropriate based upon the recommendations
2 of the principals of the alternative school and the school to which
3 the student will return."

4 Section 9. G.S. 115C-391(e) reads as rewritten:

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

12 Section 10. G.S. 115C-105.47 is amended by adding the following new
13 subsection:

14 "(d) Nothing in this section shall create a right for a student to be identified or
15 assessed or to receive special services. Local school administrative units, local boards
16 of education, superintendents, and school personnel shall not be liable in a civil
17 action for failure to develop a plan under this section, to address adequately all issues
18 in a plan developed under this section, or to implement effectively a plan developed
19 under this section."

20 Section 11. G.S. 115C-276(r) reads as rewritten:

21 "(r) To Maintain Student Discipline. -- The superintendent shall maintain student
22 discipline in accordance with Article 27 of this Chapter and shall keep data on each
23 student suspended for more than 10 days or expelled. This data shall include the
24 race, gender, and age of each student, the duration of suspension for each student,
25 whether an alternative education was considered or provided for each student, and
26 whether a student had multiple suspensions."

27 Section 12. G.S. 115C-74.11(c) reads as rewritten:

28 "(c) Annual Testing Program.

29 (1) The State Board of Education shall adopt a system of annual
30 testing for grades three through 12. These tests shall be designed to
31 measure progress toward reading, communication skills, and
32 mathematics for grades three through eight, and toward
33 competencies designated by the State Board for grades nine
34 through 12. Students who do not pass the tests adopted for eighth
35 grade shall be provided remedial assistance during the ninth grade
36 reasonably calculated to prepare the students to pass the
37 competency test administered under subsection (b) of this section.

38 (2) If the State Board of Education finds that additional testing in
39 grades three through 12 is desirable to allow comparisons with
40 national indicators of student achievement, that testing shall be
41 conducted with the smallest size sample of students necessary to
42 assure valid comparisons with other states."

43 Section 13. G.S. 115C-248(a) reads as rewritten:

1 "(a) The superintendent of each local school administrative unit, shall cause each
2 school bus owned or operated by such local school administrative unit to be
3 inspected at least once each ~~30~~ 38 days during the school year for mechanical
4 defects, or other defects which may affect the safe operation of such bus. A report of
5 such inspection, together with the recommendations of the person making the
6 inspection, shall be filed promptly in the office of the superintendent of such local
7 school administrative unit, and a copy thereof shall be forwarded to the principal of
8 the school to which such bus is assigned."

9 Section 14. G.S. 115C-403(b) reads as rewritten:

10 "(b) When any child transfers from one school system to another school system,
11 the receiving school shall, within 30 days of the child's enrollment, obtain the child's
12 record from the school from which the child is transferring. If the child's parent,
13 custodian, or guardian provides a copy of the child's record from the school from
14 which the child is transferring, the receiving school shall, within 30 days of the child's
15 enrollment, request written verification of the school record by contacting the school
16 or institution named on the transferring child's record. Upon receipt of a request,
17 the principal or the principal's designee of the school from which the child is
18 transferring shall not withhold the record or verification for any reason, except as is
19 authorized under the Family Educational Rights and Privacy Act. Any information
20 received indicating that the transferring child is a missing child shall be reported to
21 the North Carolina Center for Missing Persons."

22 Section 15. G.S. 115C-288 is amended by adding the following new
23 subsection:

24 "(j) To Transfer Student Records. -- The principal shall not withhold the transfer
25 of student records, except as is provided in G.S. 115C-403(b)."

26 Section 16. G.S. 115C-333(b), as created in S.L. 1998-5, reads as
27 rewritten:

28 "(b) Action Plans. --

29 (1) If a certified employee in a low-performing school receives an
30 unsatisfactory or below standard rating on any function of the
31 evaluation that is related to the employee's instructional duties, the
32 individual or team that conducted the evaluation shall recommend
33 to the superintendent that: (i) the employee receive an action plan
34 designed to improve the employee's performance; or (ii) the
35 superintendent recommend to the local board that the employee be
36 dismissed or demoted. The superintendent shall determine
37 whether to develop an action plan or to recommend a dismissal
38 proceeding. Action plans shall be developed by the person who
39 evaluated the employee or the employee's supervisor unless the
40 evaluation was conducted by an assistance team or an assessment
41 team. If the evaluation was conducted by an assistance team or an
42 assessment team, that team shall develop the action plan in
43 collaboration with the employee's supervisor. Action plans shall
44 be designed to be completed within 90 instructional days or before

the beginning of the next school year. The State Board shall develop guidelines that include strategies to assist local boards in evaluating certified employees and developing effective action plans within the time allotted under this section. Local boards may adopt policies for the development and implementation of action plans or professional development plans for employees who do not require action plans under this section.

(2) Local boards shall adopt policies to require action plans for all certified employees who receive a below standard or unsatisfactory rating on an evaluation in the event the superintendent does not recommend dismissal, demotion, or nonrenewal."

Section 17. G.S. 115C-333(c), as created in S.L. 1998-5, reads as rewritten:

"(c) Reevaluation. -- Upon completion of an action plan under subdivision (1) of subsection (b) of this section, the superintendent, the superintendent's designee, or the assessment team shall evaluate the employee a second time. If on the second evaluation the employee receives one unsatisfactory or more than one below standard rating on any function that is related to the employee's instructional duties, the superintendent shall recommend that the employee be dismissed or demoted under G.S. 115C-325. The results of the second evaluation shall constitute substantial evidence of the employee's inadequate performance."

Section 18. G.S. 115C-287.1(b) reads as rewritten:

"(b) Local boards of education shall employ school administrators who are ineligible for career status as provided ~~by~~ in G.S. 115C-325(c)(3), upon the recommendation of the superintendent. All contracts between ~~the~~ a school administrator and ~~the~~ a local board of education shall be for two to four years, ending on June 30 of the final 12 months of the contract. In the case of an initial contract between a school administrator and a local board of education, the first year of the contract may be for a period of less than 12 months provided the contract becomes effective on or before September 1. ~~The~~ A local board of education may, with the written consent of ~~the~~ a school administrator, extend, renew, or offer a new school administrator's contract at any time after the first 12 months of the contract so long as the term of the new, renewed, or extended contract does not exceed four years. Rolling annual contract renewals are not allowed. Nothing in this section shall be construed to prohibit the filling of an administrative position on an interim or temporary basis."

Section 19. This act is effective when it becomes law. Section 18 applies to contracts entered into on or after that date.



1st printed
Carried

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 1125

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)
Page 1 of 1

S1125-ARH-009.1

Date 8/18, 1998

Comm. Sub. []
Amends Title []
Third Edition

Representative Cole

- 1 moves to amend the bill on page 2, lines 29-30,
2 by rewriting the lines to read:
3 ~~"otherwise unlawful, for awards to the personnel. Each local~~
4 school administrative unit shall make these awards to each eligible
5 person no later than that person's first regular paydate following
6 the local unit's receipt of the funds; however, if that paydate is
7 fewer than 15 days following the unit's receipt of the funds, then
8 the local school administrative unit shall make the award to that
9 person no later than that person's second regular paydate following
10 the unit's receipt of the funds."

SIGNED Nelson Cole
Amendment (Sponsor)

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

214 amendment
Carried

H. B. No. _____

DATE 8/18/95

S. B. No. 1125

Amendment No. _____

(to be filled in by
Principal Clerk)

Rep.) _____
Sen.) _____

moves to amend the bill on page 8, line S 11-12

by rewriting the lines to read

" (d) a local board of education or superintendent
shall suspend for 1365 days " &

and on p. 8, lines 24-26

SIGNED [Signature]

ADOPTED _____ FAILED _____ TABLED _____



passed - 3rd

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 1125

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)
Page 1 of ____

S1125-ARC-005.1

Date 8/18, 1998

Comm. Sub. []
Amends Title []
Third Edition

Rep.

1 moves to amend the bill on page 10, by inserting between lines 36
2 and 37 the following new section:
3 "Section 18.1. The State Board of Education and the Board
4 of Governors of The University of North Carolina shall develop a
5 proposal for a State-wide lateral entry teacher licensure program
6 and shall report the proposal to the Joint Legislative Education
7 Oversight Committee prior to December 1, 1998. The proposal shall
8 include the following: (i) active recruitment of mid-career college
9 graduates into teaching; (ii) intensive summer pre-service
10 preparation prior to the initial year of employment that is
11 delivered at multiple sites throughout the State; (iii) coaching,
12 support, and continued professional preparation for initial
13 licensure provided during the initial year of employment; (iv)
14 portfolio development and professional assessment during the initial
15 year of employment; (v) intensive second summer preparation for
16 initial licensure examination unless the individual has already
17 taken and passed the initial licensure examination; (vi) use of
18 technology for professional and instructional support to increase
19 program accessibility and decrease distance as a barrier to program
20 completion; (vii) a program management plan; and (viii) an estimated
21 annual budget to operate the program. The proposal also shall
22 include a review of the current process for lateral entry and
23 alternative certification, an inventory and description of existing
24 programs designed to assist individuals achieve licensure through
25 lateral entry, and a review of any reports or plans developed by the
26 State Board of Education or the Board of Governors since 1995
27 addressing lateral entry or alternative certification. The Joint
28 Legislative Education Oversight Committee shall review the proposal



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 1125

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)
Page 2 of ____

S1125-ARC-005.1

1 and report any suggested legislation to the General Assembly by
2 January 27, 1999."
3

SIGNED Gene Preston
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

VISITOR REGISTRATION SHEET

EDUCATION

AUGUST 18, 1998

Name of Committee

Date _____

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME**FIRM OR AGENCY AND ADDRESS**

Harriet Diaz

NCAE

Katrin Vogel

NCAE

Bill Wilson

NAME

Tharl Daisy

NCH E

Clifton Mills as of

1110 GA

Charles Gilo

1110 GA

Kathi Bola

NC-AEYC

RICHARD LITTKEN

COOPER DIL

Doya Puncu

VLS IFC5

Karen Gann

Gen's Office

✓ = Guest Speakers

VISITOR REGISTRATION SHEET

EDUCATION

AUGUST 18, 1998

Name of Committee

Date _____

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME**FIRM OR AGENCY AND ADDRESS**[illegible]

MINUTES
HOUSE STANDING COMMITTEE ON EDUCATION
Tuesday, August 25, 1998

The House Committee on **EDUCATION** met in Room 544 of the Legislative Office Building on Tuesday, August 25, 1998, at 11:00 a.m. Representative Fern H. Shubert, Co-Chairperson, presided at the meeting and the following members were present: Representatives Allen, Arnold, Beall, Black, Cansler, Capps, Cole, Crawford, Davis, Decker, Dickson, Eddins, Fox, Gulley, Hall, Hensley, Hiatt, Insko, Kinney, Moore, McMahan, Mosley, Nichols, Nye, Oldham, Owens, Preston, Rayfield, Sexton, Sherrill, Russell, Smith, Tolson, Wilson. Legislative Staff Robin Johnson, Sara Kamprath and Shirley Iorio were present to assist the Committee. The visitor registration sheet is attached and made part of the minutes.

Representative Shubert, presiding Chair, called the meeting to order.

The Chair announced to the Committee the only item on the agenda would be **Senate Bill 1128- Testing in K-2, Senator Winner bill sponsor**. The Chair recognized Senator Winner for her comments. Senator Winner said the proposed committee substitute that had been presented to the Committee was in the process of being re-drafted as there were mistakes in that draft. She stated she wanted to answer a few questions. The bill in its current form is limited to the second grade. It is the result of a compromise with the school systems that feel like they need the extra information as to how children are doing before the third grade in order to get to them the services and teaching they need to succeed and those people who feel you should not test children in the very young ages. The kindergarten and the first grade testing were taken out of the bill as a compromise.

A question was asked at the last meeting as to the cost of implementation of this bill. She said she had a vendor of an age appropriate standardized test who told her school system (Charlotte Mecklenburg) they would charge them \$3.10 a student. She said her area was planning on paying for it out of local funds.

She then said she was passing out a graph regarding the bill. The graph is numbered first handout and attached to the permanent minutes. She then explained the graph.

She said the ABC's stood for accountability, basics, and local control. They had plenty of accountability right now. They had really focused on the basics such as reading, math, & writing. But the legislature seems to be much more reluctant to give up local control. This is a local control bill that does not make any school board do anything it thinks is unwise.

Representative Dickson on stated he wanted to hear from someone about the stress put on students concerning these tests. He continued by saying he had heard teachers complaining they had too much to do now and that this test would be an extra burden.

Senator Winner said she felt and was told that our students would not be stressed by these one hour tests. She also said that though the second grade teachers might complain, the third grade teachers were thrilled.

Representative Decker said he thought this was a great idea, that it would not hurt the students and it certainly would help the teachers and parents.

Representative Arnold said this was an extremely emotional area. He remembered in his travels of the states schools seeing schools that used testing in the second grade and there were virtually no problems. However, he would be interested in knowing the position of the Governor's office, the NCAE, and the DPI on this issue.

Karen Garr, teacher advisor for the Governor's office, said they were satisfied with the changes in the current bill. Anne Berlam, representing the State Board of Education, said the board supports this legislation. John Wilson, representing the NCAE, said it had policies that were opposed to standardized testing in K-2. However NCAE has worked on the bill with Senator Winner and they feel they have helped resolve some of the problems that could occur with standardized testing. Therefore, they have withdrawn their opposition to the bill. Representative Arnold asked Mr. Wilson, then you favor this testing in the second grade and Mr. Wilson replied NCAE's policies do not favor standardized testing in K-2 but they would be willing to allow the local option.

Representative Russell asked Mr. Wilson if this bill would help teachers who were concerned in explaining to their administrators how far they as teachers had brought their students? Mr. Wilson said the NCAE was not in favor of any type of testing of young children, but they were for local control.

Representative Shubert explained she was turning the chair over to Representative Russell as she felt it would be inappropriate of her to chair since she was the one who asked for the new committee substitute. That substitute is S1128 PCSRH-004 and is attached to the permanent minutes.

The Chair, Representative Russell, recognized Representative Shubert who moved the PCS-004 be placed on the agenda for consideration. Vote was taken and the motion carried.

Representative Shubert said she felt many people were stuck on the words of the bill as opposed to the meaning of the bill and what was trying to be accomplished. In the American Educator the (spring/summer edition for 1998) there was an article entitled Catch Them Before They Fall. In this article it states that with regards to reading if you do not catch the students by the third grade it is almost too late. They are already programmed for failure with their peers if they are not taught to read. So the tests are

needed. The purpose is not to harm the students but to help identify any problems. She said all the bill was doing was to allow a local school board that wanted to obtain assessment instruments from another source to do so.

Senator Winner thanked Representative Shubert for her efforts clarifying and rewriting the bill, but she said she was concerned if the bill was expanded out to K-first grade it would make it harder to get the bill passed.

Representative Moore said he felt the students needed pre-testing. A second solution to the problem would be that if kindergarten and first grade teachers are not adequately assessing their students based on the subjective nature or incentive to inflate grades, then the teachers needed better training to assess the students properly. He felt both bills were slippery slopes.

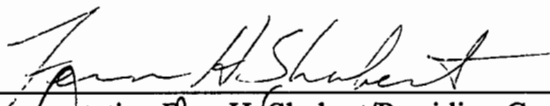
Senator Winner said she wanted to pre-test, but according to law they could not do it. Training for teachers has been tried and it did not turn out reliable, she said.

The Chair recognized Representative Insko who requested Dr. George to speak, as she felt she was an expert in student testing. Dr. George said she had serious reservations about the bill. She is a professor of educational psychology and Chair of the Leadership Policy and Professional Studies Department at the NCCU School of Education. She said she was against the bill.

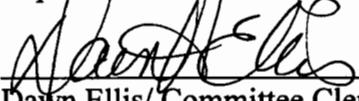
Representative Shubert asked Dr. George to explain to the Committee the difference between a uniform test and a standardized test. Dr. George stated a uniform test could be a performance assessment. It is a test given to a large group of children.

The Chair recognized Representative Arnold who brought forth an amendment. He explained this was a simple amendment taking the PCS back to its original form deleting the K-2nd grade testing.

The designated meeting time had expired and since many members of the Committee had other Committee meetings to attend the Chair adjourned the meeting and stated she would schedule another meeting to finish discussions on this bill and for a vote.



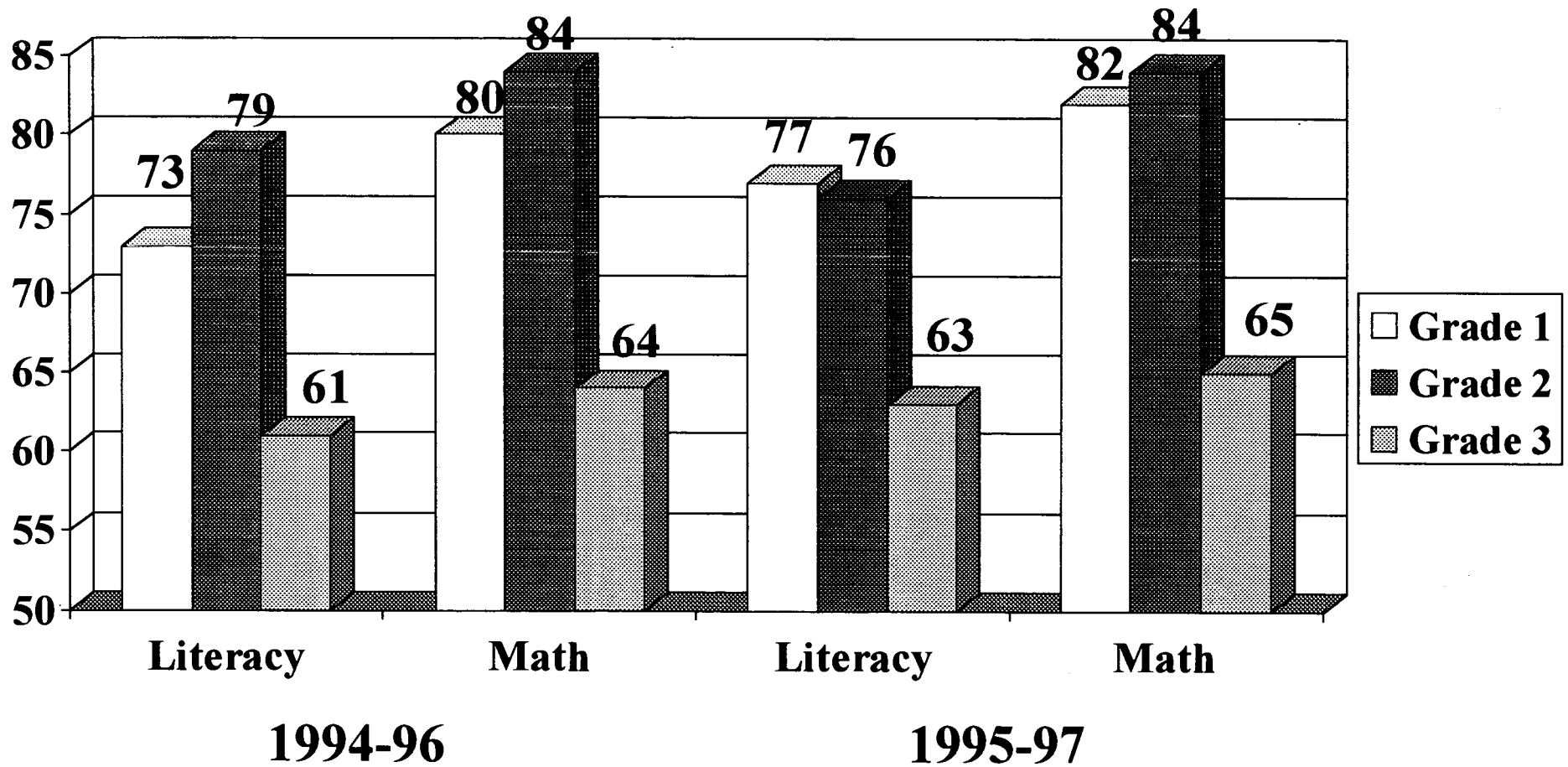
Representative Fern H. Shubert/Presiding Co Chair



Dawn Ellis/ Committee Clerk

K-2 Assessment: Performance vs. Standardized

Percent Proficient: 1996 & 1997 Cohorts



8/25/98 - 1st Handout Dr. Warner
58-1128

HOUSE EDUCATION COMMITTEE

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

**TUESDAY, August 25, 1998,
AGENDA**

Representative Fern H. Shubert, presiding Co-Chair/There will be NO PAGES.

I. Senate Bill 1128 Testing In K-2- Senator Winner

8/25/98-
Hubert P.C.S

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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S1128-PCSRH-004

PROPOSED HOUSE COMMITTEE SUBSTITUTE

SENATE BILL 1128*

Education/Higher Education Committee Substitute Adopted 6/24/98

House Committee Substitute Favorable 7/15/98

THIS IS A DRAFT 25-AUG-98 11:15:05

ATTENTION: LINE NUMBERS MAY CHANGE AFTER ADOPTION

Short Title: Testing in Grades K-2.

(Public)

Sponsors:

Referred to: Education/Higher Education.

May 14, 1998

1 A BILL TO BE ENTITLED

2 AN ACT TO ALLOW LOCAL BOARDS OF EDUCATION TO USE VALID, AGE-

*3 APPROPRIATE ASSESSMENTS IN GRADES ~~K-2~~. Sub. 2 no grade

4 The General Assembly of North Carolina enacts:

5 Section 1. G.S. 115C-174.11(a) reads as rewritten:

6 "(a) Assessment Instruments for ~~First~~ Kindergarten, First
7 Grade, and Second ~~Grades~~ Grade. -- The State Board of Education
8 shall adopt and provide to the local school administrative units
9 developmentally appropriate individualized assessment instruments
10 consistent with the ~~Basic Education Program for the first and~~
11 ~~second grades, rather than standardized tests.~~ North Carolina
12 Standard Course of Study for kindergarten, first grade, and
13 second grade, Local school administrative units may use these
14 assessment instruments provided to them by the State Board for
15 ~~first and second grade students, and shall not use standardized~~
16 ~~tests.~~ kindergarten, first grade, and second grade students.

1 Local boards also may use other valid, age-appropriate assessment
2 instruments obtained from other sources in kindergarten, first
3 grade, and second grade so long as these assessments are used
4 only to identify students in need of remediation, supplemental
5 services, or acceleration or to identify whether changes in the
6 curriculum are needed. Local boards shall not use any
7 standardized tests in kindergarten, first grade, or second grade
8 that are developmentally inappropriate for those grades.
9 Standardized tests, if used, shall not be used for accountability
10 purposes or as a basis for promotion, retention, tracking, or
11 labeling decisions about individual students. If assessments or
12 tests are used for individual diagnostic purposes or if the
13 results are placed in a student's record, the school shall
14 provide the results to that student's parent or legal guardian.
15 Local school administrative units are encouraged to notify
16 parents and guardians of students in kindergarten, first grade,
17 and second grade before administering assessments or tests to
18 those students."

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



REPRESENTATIVE Bobby Ray Hall
NORTH CAROLINA HOUSE OF REPRESENTATIVES
19th DISTRICT

Room 637
Legislative Office Building
RALEIGH, NC 27601-1096
(919) 733-5906
(919) 829-0630 FAX
INTERNET E-Mail: Bobbyh@MS.NCGA.STATE.NC.US

HOME ADDRESS
P.O. Box 40
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(919) 892-4167-O-Dunn

To: Representative Bobby Ray Hall

August 3, 1998

As teachers, we are very concerned about assessing 2nd grade students with Standardized Tests. Listed below you will find our objections concerning the testing:

1. In Kindergarten through 2nd grade we already have in place the K-2 Literacy Assessment. This begins at the beginning of the year and is on-going throughout the year. It is not just a snapshot taken on one day as a standardized test will be. It gives a clearer picture of how our students have progressed throughout the entire year. In math, we also have an assessment in place that is on-going throughout the year. In addition to this evaluation, there is a Grade 2 Uniform Assessment given in May.

These assessments are developmentally appropriate for 2nd grade students.

2. Many second grade students have not developed eye-hand coordination needed for taking a standardized test of this type.

3. The early years are suppose to lay the groundwork for a positive experience. We spend the year building self-esteem and developing good character. The additional stress of taking this test will rob these young minds of what we worked all year to develop.

4. The second grade is spent concentrating on the basic skills to bring our students to grade level in reading, language arts and math. If this test is put into place, you will have some educators teaching the test and not providing developmentally appropriate activities to help each child reach their fullest potential.

We feel the assessment we already have in place is so much more developmentally appropriate than the standardized test you are proposing. Why not stay on this course? Please keep in mind these children are only 7 or 8 years old.

Sincerely,

Lafayette Elementary Second Grade Teachers

Kathy C. Bailey - 2nd gr. teacher + parent of a 2nd grader
Joyce Andrews - 2nd gr. teacher
Barbara M. Barlow
Phyllis K. Perkins - 2nd gr. teacher

BROADWAY ELEMENTARY SCHOOL

307 SOUTH MAIN STREET • BROADWAY, NORTH CAROLINA 27505 • PHONE: (919) 258-3828 • FAX: (919) 258-6954

MICHAEL J. INGRAM, PRINCIPAL

Representative Bobby Hall
P.O. Box 40
Sanford, NC 27330
August 10, 1998

Dear Representative Hall,

As second grade teachers, we are strongly opposed to statewide testing of all second grade students. These young children will be faced with much mandated testing in the years to come (grades 3-12). Emotionally, socially, developmentally, and academically, they are too young for this type of additional pressure.

Our students are currently taking the Early Learning Inventory at the end of first and second grades, and we feel that this instrument is sufficient in assessing their reading levels. Many students cry and get upset when faced with this monumental task at such a young age. We don't want to destroy their love of learning and their sense of self-esteem before they really get started in school.

We would recommend that the large amount of money which would be allotted for testing be spent directly on the students in ways that would truly enhance the learning experience. We need all the help we can get, including additional assistants, more books and other materials, smaller class size, etc. These would certainly benefit these young students far more than another test score.

Please, please help these children and us as we are facing a test-oriented "frenzy" in education at this time. We appreciate your time and consideration, as we know that education is also a priority for you.

Sincerely,
Broadway Elementary Second Grade Teachers

Jennifer Goodwin, Janis Martindale, Wanda Perry, Lisa Howard

Jennifer Goodwin
Janis Martindale
Wanda Perry
Lisa Howard

Michael J. Ingram / Principal
Chloe B. Ephraim / Assistant Principal

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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3

SENATE BILL 1128*

Education/Higher Education Committee Substitute Adopted 6/24/98

House Committee Substitute Favorable 7/15/98

Short Title: Testing in Second Grade.

(Public)

Sponsors:

Referred to:

May 14, 1998

1 A BILL TO BE ENTITLED
2 AN ACT TO ALLOW LOCAL BOARDS OF EDUCATION TO USE VALID,
3 AGE-APPROPRIATE STANDARDIZED TESTS IN SECOND GRADE.
4 The General Assembly of North Carolina enacts:
5 Section 1. G.S. 115C-174.11(a) reads as rewritten:
6 "(a) Assessment Instruments for First Kindergarten, First Grade, and Second
7 Grades, Grade, -- The State Board of Education shall adopt and provide to the local
8 school administrative units developmentally appropriate individualized assessment
9 instruments consistent with the Basic Education Program for the first and second
10 grades, North Carolina Standard Course of Study for kindergarten, first grade, and
11 second grade, rather than standardized tests. Local school administrative units may
12 use these assessment instruments provided to them by the State Board for first and
13 second grade students, and shall not use standardized tests. kindergarten, first grade,
14 and second grade students. Local boards may use valid, age-appropriate standardized
15 tests in combination with other assessments in second grade so long as they are used
16 for individual student diagnostic or program evaluation purposes. Second grade
17 standardized tests shall not be used for accountability purposes or as a basis for
18 promotion, retention, tracking, or labeling decisions about individual students. If
19 standardized tests or assessments are used for individual diagnostic purposes or if the
20 results are placed in a student's record, the school shall provide the results to that
21 student's parent or legal guardian. Local school administrative units are encouraged

1 to notify parents and guardians of students before administering standardized tests or
2 assessments to those students under this subsection."

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

Speakers please sign in

Name	address	Company
Dr. Pamela George	Chairperson, Leadership, Policy & Professional Studies Dept.	NCCU School of Education
Galen Galt	Governor's Office	
John Wilson	NCAE	

VISITOR REGISTRATION SHEET

Education Aug 25

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY

1. John W. Ison

NCAE

2. Dan Kaults

NCASIA

3. Joanne Winnier

NCSBA

4. Henry Johnson

DPI

5. Ann Belam

SBE

6. Amy VanDusen

PENC

7. Susan Harrison

WCPSS

8. Sharon Peters

9. Gene Cauley

E-EBE

10. Phil Thum

TAP/AP

11. L. M. Jones

NCACU

12.

13.

14.

15.

16.

17.

18.

19.

20.

21.

VISITOR REGISTRATION SHEET

Education Aug 22 5

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY

1. <u>Pamela George</u>	<u>NCCU School of Education</u>
2. <u>Chris Fitzsimon</u>	<u>Common Sense Foundation</u>
3. <u>Bill Wilson</u>	<u>NCAE</u>
4. <u>Harriet Dial</u>	<u>NCAE</u>
5. <u>Jahn Wilson</u>	<u>NCAE</u>
6. <u>Paula Holf</u>	<u>Covenant WNC's Children</u>
7. <u>Aliaa Gregory</u>	<u>Poyner & Spruill</u>
8. <u>John Kato</u>	<u>NCFRC</u>
9. <u>Hal Miller</u>	<u>NCAECT</u>
10. <u>Mark Benson</u>	<u>Capital Group</u>
11. _____	_____
12. _____	_____
13. _____	_____
14. _____	_____
15. _____	_____
16. _____	_____
17. _____	_____
18. _____	_____
19. _____	_____
20. _____	_____
21. _____	_____

MINUTES
HOUSE STANDING COMMITTEE ON EDUCATION
Tuesday, September 1, 1998

The House Committee on Education met in Room 544 of the Legislative Office Building on Tuesday, September 1, 1998 at 11:00 a.m. Representative Carolyn Russell, Co-Chairperson, presided at the meeting and the following members were present: Representatives Allen, Arnold, Beall, Black, Capps, Cole, Davis, Dockham, Eddins, Fox, Gulley, Hall, Hensley, Hiatt, Insko, Ives, Kinney, Moore, Nichols, Nye, Warren, Owens, Preston, Rayfield, Sherrill, Smith, Tolson, Warner, Wilson, Shubert, Co-Chairperson and Ex officio member, Daughtry. Legislative Staff Robin Johnson, Sara Kamprath and Shirley Iorio were present to assist the Committee. The visitor registration sheet is attached and made part of the minutes.

Representative Russell, presiding Chair, called the meeting to order and announced that the only bill before the Committee was **Senate Bill 1128 - Testing in Second Grade**, and that the Committee had a proposed committee substitute before them that was offered by Representative Shubert at the last meeting. Representative Shubert was recognized and explained that the proposed committee substitute was offered in the hope of advancing discussion of the bill but it seemed to generate discussion; therefore, she withdrew the proposed House committee substitute. The original Senate Bill 1128 was back before the Committee.

Representative Arnold was recognized for an amendment. He moved to amend the bill on page 1, line 14, by rewriting the line to read: "and second grade students. The State Board shall select up to 10 local school administrative units to participate in a pilot program in which these units may use valid, age-appropriate standardized"; and further amend on page 2, line 2, by stating that "The State Board shall report to the Joint Legislative Education Oversight Committee on the pilot program established under this subsection and shall recommend whether this program should be continued or expanded to additional school administrative units or grades." Representative Arnold explained that the amendment needed a perfecting amendment to insert the date "by December 15, 2000" as the reporting date. Representative Russell noted that without objection, the perfecting amendment was adopted.

Senator Winner supported the amendment.

Several members had questions regarding the amendment. Representative Sherrill asked if the amendment would insure that local school administrative units still have the option to participate or not to participate. Representative Arnold answered that the intent of the amendment was to allow up to 10 local school districts to ask the State Board permission to use the pilot program. It is strictly on a voluntary basis and limited to 10 districts.

House Education Committee
Minutes – September 1, 1998

Representative Owens wanted to know if the cost of implementing the pilot programs would be paid by local school boards. Staff's opinion was that it would be.

Representative Insko had a question of Ann Berlam, Legislative Director for the State Board of Education. Representative Insko asked if the State Department of Public Instruction was looking at a pilot program with 12 districts that would examine some type of assessment tools and asked for clarification of that program and how it differs from this pilot program under discussion. Ms. Berlam responded that this program was different and that the two pilot programs would compliment one another.

Representative Arnold moved for adoption of the amendment. Representative Capps offered a perfecting amendment to the existing amendment on line 9 by inserting "that volunteer" after the word "units" and moved for its adoption. Perfecting amendment was adopted.

Representative Hensley spoke against the amendment and referred to an Editorial he distributed to the membership. Handout is made part of the Minutes as Attachment I. Representative Insko distributed a handout to the committee regarding Second Grade Testing compiled from information provided by Dr. Pamela George. Handout is made part of the Minutes as Attachment II.

Representative Russell called for vote on the amendment. Motion carried. Representative Shubert moved that the amendment be rolled into a committee substitute and that House Committee Substitute #2 for Senate Bill 1128 be given a favorable report and unfavorable to House Committee Substitute #1. The Chair called for discussion.

Representative Hall spoke in opposition to the bill citing the problem of teaching the test and the cost of implementing the program. He referred to a letter he distributed to the membership which is made a part of the Minutes as Attachment III.

Representative Capps asked permission for Fran Saylor, a mother of a second grader, to express her views. She spoke against the bill by stating that the teachers, parents and school administrators she had talked with do not support testing for second graders. She asked if someone could give her a good reason why the schools should administer standardized tests to second graders and how it would benefit the students.

The Chair recognized Susan Purser, Associate Superintendent of Charlotte/Mecklenburg Schools, for a response. She stated that the purpose is programmed evaluation because the ability to read by third grade is highly predictive of future success. Therefore, the opportunity to assess the performance of students at the end of second grade helps teachers increase services to those children so that by the time they complete third grade they will be able to read successfully

House Education Committee
Minutes – September 1, 1998

Representative Allen spoke in support of the bill and urged for its passage.

Representative Preston was recognized and asked if Susan Purser could speak again and reiterate her views.

Susan Purser was recognized. She told the committee that she had approximately thirty years in educational experience and instruction of students and that assessment is a day-to-day type activity. The proposal before the committee is not to preclude good teaching. There is the need for a teacher on a day-to-day basis to make assessment of students and to make appropriate adjustments. However, for a system that is dealing with approximately 100,000 students, roughly 8600 students at the second grade level, we need a methodology to insure success of all 8600 students and the ability to have a consistent, systematic measure to determine whether a program is on target in order to catch errors early and put in the corrective measures. As the next year begins, accurate information can be provided back to teachers so that they can provide the day-to-day type of instruction and assessment.

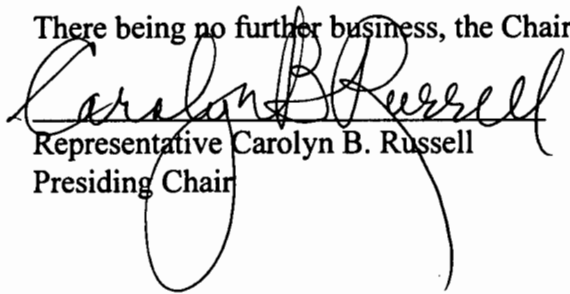
The Chair recognized Representative Shubert who spoke in support of the bill and stated that if improvement in public schools is expected, the school boards need the tools to accomplish this.

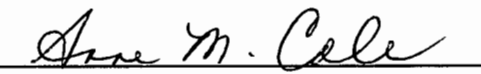
Representative Moore was recognized who spoke in opposition to the bill. He has problems with the methodology and assumptions based on standardized testing. He favors demanding good teachers who know and can better define the needs of children. He cited issues that need to be addressed such as changing the cut-off date that children may enter school, addressing the issue of class size in K - 2,, and eliminating combination classes.

The Chair recognized Representative Shubert who said there had been good debate for many days and she called the question. Division was called and the motion passed 16 - 13.

The motion for a favorable report to House committee substitute #2 for Senate Bill 1128 with the amendments incorporated, unfavorable to House committee substitute #1, was before the committee. Division having been called, the motion carried 19 - 10.

There being no further business, the Chair adjourned the meeting.


Representative Carolyn B. Russell
Presiding Chair


Anne M. Cole
Acting Committee Clerk

House Education Committee
Minutes – September 1, 1998

Attachments:

Attachment I - Editorial distributed by Representative Hensley

Attachment II - Information provided by Dr. Pamela George

Attachment III - Letter provided by Representative Hall

Visitor Registration Sheets

House Committee Substitute #1 for Senate Bill 1128

Amendment

Committee Report

Meeting Notice

**1998 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**.

- ☒ House Committee Substitute #1 for
S.B. 1128 A BILL TO BE ENTITLED AN ACT TO ALLOW LOCAL BOARDS OF
EDUCATION TO USE VALID, AGE-APPROPRIATE STANDARIZED TESTS IN
SECOND GRADE.
- ☐ 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 (# 2), ☒ which changes the
title, unfavorable as to House committee substitute bill #1).
- ☐ 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)

3/25/98

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S

3

SENATE BILL 1128*

Education/Higher Education Committee Substitute Adopted 6/24/98

House Committee Substitute Favorable 7/15/98

Short Title: Testing in Second Grade.

(Public)

Sponsors:

Referred to:

May 14, 1998

1 A BILL TO BE ENTITLED
2 AN ACT TO ALLOW LOCAL BOARDS OF EDUCATION TO USE VALID,
3 AGE-APPROPRIATE STANDARDIZED TESTS IN SECOND GRADE.
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7 ~~Grades, Grade.~~ -- The State Board of Education shall adopt and provide to the local
8 school administrative units developmentally appropriate individualized assessment
9 instruments consistent with the ~~Basic Education Program for the first and second~~
10 ~~grades, North Carolina Standard Course of Study for kindergarten, first grade, and~~
11 ~~second grade,~~ rather than standardized tests. Local school administrative units may
12 use these assessment instruments provided to them by the State Board for ~~first and~~
13 ~~second grade students, and shall not use standardized tests: kindergarten, first grade,~~
14 ~~and second grade students. Local boards may use valid, age-appropriate standardized~~
15 ~~tests in combination with other assessments in second grade so long as they are used~~
16 ~~for individual student diagnostic or program evaluation purposes. Second grade~~
17 ~~standardized tests shall not be used for accountability purposes or as a basis for~~
18 ~~promotion, retention, tracking, or labeling decisions about individual students. If~~
19 ~~standardized tests or assessments are used for individual diagnostic purposes or if the~~
20 ~~results are placed in a student's record, the school shall provide the results to that~~
21 ~~student's parent or legal guardian. Local school administrative units are encouraged~~

1 to notify parents and guardians of students before administering standardized tests or
2 assessments to those students under this subsection."

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



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 1128

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)
Page 1 of 1

S1128-ARH-003

Date _____, 1998

Comm. Sub. []
Amends Title [X]
Third Edition

Representative

1 moves to amend the bill on page 1, line 2, by rewriting the line to
2 read:

3 "AN ACT TO DIRECT THE STATE BOARD OF EDUCATION TO ESTABLISH A
4 PILOT PROGRAM TO ALLOW SELECTED LOCAL BOARDS OF EDUCATION TO USE
5 VALID,";

6

7 and on page 1, line 14, by rewriting the line to read:

8 "and second grade students. The State Board shall select up to 10
9 local school administrative units to participate in a pilot program
10 in which these units may use valid, age-appropriate standardized";

11

12 and on page 2, line 2, by inserting before the quotation mark at
13 the end of the line the following:

14 "The State Board shall report to the Joint Legislative Education
15 Oversight Committee on the pilot program established under this
16 subsection and shall recommend whether this program should be
17 continued or expanded to additional school administrative units or
18 grades."

19

SIGNED Gene Arnold
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

Submitted for
your consideration
by Rep. Bob Hensley
House District #64
509 LOB

10A

Editorial

THE NEWS & OBSERVER
MONDAY, AUGUST 31, 1998

Don't test the little ones

Safeguards against multiple-choice standardized testing of young children in North Carolina are in peril. This week, a bill is scheduled to be voted on in the General Assembly that would end the ban on standardized testing of children in the early grades.

The House version currently would extend testing to K-2 and the Senate version would extend testing to second-graders. From my work and research with children and assessment, I firmly believe that standardized testing should not be implemented in the early grades and believe that members of the legislature should have serious reservations about expanding standardized testing to young children.

In 1986, the General Assembly built safeguards into its testing legislation to assure that standardized multiple-choice testing would not be used with pupils in first- and second-grades. But today these safeguards are in danger of being overturned.

Attentive teachers and parents know that children between the ages of 5 and 7 are in enormous flux in their learning. First- and second-graders' development is very erratic. Some normally developing 7-year-olds are just catching on to reading, some really bright young readers cannot yet calculate, and many cannot yet predictably problem solve.

What this fluctuating development in young learners mean for testing is that standardized tests are highly inaccurate. And they are particularly inaccurate for the many young children whose learning patterns and capabilities have not yet settled down. Soon (around age 8 in third-grade) these children will move into the intellectual phase of "concrete operations" and assessment can be much more valid and reliable.

Neither the legislature nor local school boards should spend scarce educational dollars to expand a standardized testing program to the early grades. This testing will provide little useful information, and be inaccurate, misleading and potentially hurtful to young kids. Parents, teachers and educators should let their state representatives hear from them on this issue before the vote, which is scheduled for Tuesday.

PAMELA GEORGE

Professor of Educational Psychology
N.C. Central University

Durham



North Carolina General Assembly
House of Representatives
State Legislative Building
Raleigh 27601-1096

REPRESENTATIVE VERLA C. INSKO

HOME ADDRESS: 610 SURRY ROAD
 CHAPEL HILL, N.C. 27514
 TELEPHONE: (919) 929-6115

OFFICE ADDRESS: 1319 LEGISLATIVE BUILDING
 TELEPHONE: (919) 733-5800
 (919) 733-2599 FAX

COMMITTEES:

APPROPRIATIONS - CAPITAL & BUDGET
 EDUCATION - PRESCHOOL, ELEMENTARY & SECONDARY
 ELECTION LAW & CAMPAIGN REFORM
 HUMAN RESOURCES - FAMILIES
 PUBLIC EMPLOYEES

MEMORANDUM

DATE: September 1, 1998

TO: House Education Committee Members

FROM: Representative Verla Insko *VCI*

RE: SECOND GRADE TESTING

At my request, Dr. Pamela George, who spoke last week at the Education Committee meeting, provided the following information.

QUESTIONS AND ANSWERS ON EXPANDING TESTING TO THE EARLY GRADES:

1) What other states are testing in the early grades?

- a) Today, 44 states, many following the North Carolina 1986 lead, are, by statute, not using standardized testing below third grade.
- b) Only 3 states have state-wide testing programs in grades 1 or 2. (West Virginia and New Mexico (1 & 2) and Tennessee (2))
- c) The proposed legislation would take North Carolina backwards in its efforts at reasonable and accurate assessment of children's learning in schools and at cross purposes with national trends.

2) What is the primary reason not to support expanding the testing program into the early grades?

- a) Children between the ages of 5 and 7 are in enormous flux in their learning. First and second graders' development is very erratic. Some normally developing 7 year olds are just catching on to reading, some really bright young readers can not yet calculate, and many can not yet predictably problem solve.
- b) What this fluctuating development means for testing is that standardized tests are highly inaccurate for these young children whose learning patterns and capabilities have not yet settled down. Soon (around age 8 in 3rd grade) these children will move into the intellectual phase of "concrete operations" and assessment can be much more valid and reliable.



3) What other practices are proving to be good alternatives to traditional standardized testing in the early grades?

a) A report on "Early Childhood Assessment Policy and Practices" by Lori Shepard (at www.negp.gov) deals with this question at length.

b) One of the most promising practices being used in some Chapel Hill-Carrboro and Durham schools is work sampling (a kind of modified portfolio). It both boosts the skills of teachers who do it as well as serve as "authentic assessments" of young children. I think Mary Clayton, a Chapel Hill-Carrboro Central Office staffer and reading specialist has some good ideas about this.

c) Teachers can be trained and guided to provide uniform alternative assessments using work sampling systems. They do need to know what children can and cannot do, but standardized tests (including the Stanford Achievement Test) will not well provide that knowledge for them. Good planning for thoughtful monitoring of young readers' early skills mean improving teachers' professional competencies to do this monitoring.

4) What about costs. Schools can administer standardized tests for only \$3.10 per student"?

a) The Charlotte --Mecklenburg system could find an even cheaper test if they tried, but that is not the point. The Stanford Achievement Test and other standardized multiple-choice test have very low reliabilities for young children.

5) What is a response to the claim that this bill is "just a local option...if you don't like it don't do it!"

a) The proposed legislation will not remain local option. In fact in almost every case nationwide, the pressure on Boards and local school officials is to test more and more -- options, in effect, become mandates. The testing expansion will become expensive to systems, because few if any systems will be able to reject the false promise of "preparing our children for the later versions of the EOG tests."

6) Who else supports maintaining the safeguards against testing of young children?

a) North Carolina's earlier safeguard against K-2 testing has been much praised by the National Assessment Forum, NEA, AFT, National Center for Fair and Open Testing NAAYC, Southern Early Childhood Association, National Association of State Boards of Education, and the Southern Regional Education Board.

Information provided by:

Pamela George, Professor of Educational Psychology
Chairperson, Leadership, Policy and Professional Studies
NCCU School of Education

To: Representative Bobby Ray Hall

August 3, 1998

As teachers, we are very concerned about assessing 2nd grade students with Standardized Tests. Listed below you will find our objections concerning the testing:

1. In Kindergarten through 2nd grade we already have in place the K-2 Literacy Assessment. This begins at the beginning of the year and is on-going throughout the year. It is not just a snapshot taken on one day as a standardized test will be. It gives a clearer picture of how our students have progressed throughout the entire year. In math, we also have an assessment in place that is on-going throughout the year. In addition to this evaluation, there is a Grade 2 Uniform Assessment given in May.

These assessments are developmentally appropriate for 2nd grade students.

2. Many second grade students have not developed eye-hand coordination needed for taking a standardized test of this type.

3. The early years are suppose to lay the groundwork for a positive experience. We spend the year building self-esteem and developing good character. The additional stress of taking this test will rob these young minds of what we worked all year to develop.

4. The second grade is spent concentrating on the basic skills to bring our students to grade level in reading, language arts and math. If this test is put into place, you will have some educators teaching the test and not providing developmentally appropriate activities to help each child reach their fullest potential.

We feel the assessment we already have in place is so much more developmentally appropriate than the standardized test you are proposing. Why not stay on this course? Please keep in mind these children are only 7 or 8 years old.

Sincerely,

LaFayette Elementary Second Grade Teachers

Kathleen C. Bailey - 2nd gr. teacher + parent of a 2nd grader
Joyce Andrews 2nd gr. teacher
Barbara M. Barbour
Phyllis K. Perkins - 2nd gr. teacher

VISITOR REGISTRATION SHEET

EDUCATION

September 1, 1998

Name of Committee

Date _____

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME _____

FIRM OR AGENCY AND ADDRESS

* Susan Purser	Charlotte-Mecklenburg Schools
* Ann Berlam	SBE
Jennifer Sattler	Guest of Maggie Jeffers
Angie Van Dyke	PENC
Susan Harrison	WCPSS
Joanne Kinner	NCSBA
Paula A. Hoel	Covenant w/ NC's Children
* Scott Sawyer	Raleigh, NC
Fran Sawyer	Raleigh, NC
James Sarr	Gov's Office
Hal Miller	DICACCT
AL DEITEL	DOR / YAFD
Stephen E. Cole	DOR / YAFD
Hal Miller	TAP / AP
Gene Causby	E- EBC

* = Speakers

VISITOR REGISTRATION SHEET

EDUCATION

September 1, 1998

Name of Committee

Date _____

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME**FIRM OR AGENCY AND ADDRESS**

NAME
John Wilson

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Bill Wilson

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E. Manheim

ALEX ATCHISON

BILL DRAFTING

Mitchell Williams

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John Kustin

NCFPC

Kathie Bowling

NC-aeys

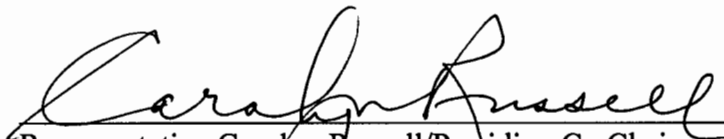
MINUTES
HOUSE STANDING COMMITTEE ON EDUCATION
Thursday, October 22, 1998

The House Committee on **EDUCATION** met around Representative Russell's desk immediately after session. Co-Chairperson, Representative Russell, presided at the meeting and the following members were present:
Representatives Capps, Decker, Sherrill, Davis, Cansler, Hiatt, Rayfield, and Shubert.

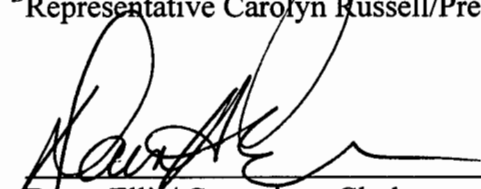
Representative Russell called the meeting to order.

Representative Shubert "Moved to postpone indefinitely (see attached bills)" and the motion carried.

There being no further business, the meeting was adjourned.



Representative Carolyn Russell/Presiding Co Chair



Dawn Ellis/ Committee Clerk

**1998 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. 76 A BILL TO BE ENTITLED AN ACT To Allow Local Boards Of Education To
Issue Local Teaching Permits.

☐ With a favorable report.

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

☐ With a favorable report, as amended.

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

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

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

☐ And having received a unanimous vote in committee, is placed on the Consent Calendar.
(PUBLIC BILLS ONLY)

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

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

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

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

☐ Without prejudice.

☒ With an indefinite postponement report.

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

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

4/24/97

**1998 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. 86 A BILL TO BE ENTITLED AN ACT To Allow Local Boards of Education To
Receive A Refund On Sales Tax Paid For Items Purchased From The Capital Outlay Fund.
- ☐ With a favorable report.
- ☐ With a favorable report and recommendation that the bill be re-referred to the Committee on
☐ Appropriations ☐ Finance ☐ .
- ☐ With a favorable report, as amended.
- ☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on ☐ Appropriations ☐ Finance ☐
- ☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title,
unfavorable as to original bill (Committee Substitute Bill #), (and recommendation
that the committee substitute bill #) be re-referred to the Committee on .)
- ☐ With a favorable report as to House committee substitute bill (#), ☐ which changes
the title, unfavorable as to Senate committee substitute bill.
- ☐ And having received a unanimous vote in committee, is placed on the Consent Calendar.
(PUBLIC BILLS ONLY)
- ☐ With an unfavorable report.
- ☐ With recommendation that the House concur.
- ☐ With recommendation that the House do not concur.
- ☐ With recommendation that the House do not concur; request conferees.
- ☐ With recommendation that the House concur; committee believes bill to be material.
- ☐ With an unfavorable report, with a Minority Report attached.
- ☐ Without prejudice.
- ☒ With an indefinite postponement report.
- ☐ With an indefinite postponement report, with a Minority Report attached.
- ☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

4/24/97

FOR JOURNAL USE ONLY

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

**1998 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. 1372 A BILL TO BE ENTITLED AN ACT To Implement A Recommendation Of The
Joint Legislative Education Oversight Committee To Amend Various Education Laws.

With a favorable report.

- ☐ With a favorable report and recommendation that the bill be re-referred to the Committee on
☐ Appropriations ☐ Finance ☐ .
- ☐ With a favorable report, as amended.
- ☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on ☐ Appropriations ☐ Finance ☐
- ☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title,
unfavorable as to original bill (Committee Substitute Bill #), (and recommendation
that the committee substitute bill #) be re-referred to the Committee on .)
- ☐ With a favorable report as to House committee substitute bill (#), ☐ which changes
the title, unfavorable as to Senate committee substitute bill.
- ☐ And having received a unanimous vote in committee, is placed on the Consent Calendar.
(PUBLIC BILLS ONLY)
- ☐ With an unfavorable report.
- ☐ With recommendation that the House concur.
- ☐ With recommendation that the House do not concur.
- ☐ With recommendation that the House do not concur; request conferees.
- ☐ With recommendation that the House concur; committee believes bill to be material.
- ☐ With an unfavorable report, with a Minority Report attached.
- ☐ Without prejudice.
- ☒ With an indefinite postponement report.
- ☐ With an indefinite postponement report, with a Minority Report attached.
- ☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

4/24/97

FOR JOURNAL USE ONLY

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

**1998 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. 1445 A BILL TO BE ENTITLED AN ACT To Allow Local Boards Of Education To Employ Teachers Who Are Legally Certificated In Another State Even Though They May Not Be Certificated In North Carolina.

With a favorable report.

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

☐ Appropriations ☐ Finance ☐ .

☐ With a favorable report, as amended.

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

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

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

☐ And having received a unanimous vote in committee, is placed on the Consent Calendar.
(PUBLIC BILLS ONLY)

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

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

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

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

☐ Without prejudice.

☒ With an indefinite postponement report.

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

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

4/24/97

FOR JOURNAL USE ONLY

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 76

Short Title: Local Teaching Permits.

(Public)

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

Referred to: Education.

February 10, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO ALLOW LOCAL BOARDS OF EDUCATION TO ISSUE LOCAL
3 TEACHING PERMITS.

4 The General Assembly of North Carolina enacts:

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

7 "§ 115C-296.1. Local teaching permit.

8 (a) Notwithstanding any other law to the contrary, a local board may issue a
9 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
12 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
15 be issued for no more than one school year but may be renewed on an annual basis
16 at the discretion of the local board.

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

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

23 (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."

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 86*

Short Title: Sales Tax Refund for Schools.

(Public)

Sponsors: Representatives Grady, Black, McMahan, Owens, Preston, Rogers, Wood; Aldridge, Baker, Capps, Dockham, Goodwin, Moore, Morris, Mosley, Sexton, Shubert, Smith, Sutton, Warner, and Watson.

Referred to: Education, if favorable, Finance.

February 10, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO ALLOW LOCAL BOARDS OF EDUCATION TO RECEIVE A
3 REFUND ON SALES TAX PAID FOR ITEMS PURCHASED FROM THE
4 CAPITAL OUTLAY FUND.

5 The General Assembly of North Carolina enacts:

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

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

19 This subsection applies only to the following governmental entities:

- 20 (1) A county.
21 (2) A city as defined in G.S. 160A-1.
22 (2a) A consolidated city-county as defined in G.S. 160B-2.

- 1 (2b) A local school administrative unit, but only with respect to sales
2 and use tax paid by it on purchases made from its capital outlay
3 fund under G.S. 115C-426.
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.
42 (18) The North Carolina Low-Level Radioactive Waste Management
43 Authority created pursuant to Chapter 104G of the General
44 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 becomes effective July 1, 1997, and applies to
9 purchases made on or after that date.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 1372*

Short Title: Misc. Education Changes.

(Public)

Sponsors: Representatives Russell, Preston; Moore, Shubert, Sexton, and Baddour.

Referred to: Education.

May 21, 1998

- 1 A BILL TO BE ENTITLED
2 AN ACT TO IMPLEMENT A RECOMMENDATION OF THE JOINT
3 LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE TO AMEND
4 VARIOUS EDUCATION LAWS.
5 The General Assembly of North Carolina enacts:
6 Section 1. G.S. 115C-102.5(b) reads as rewritten:
7 "(b) The Commission shall consist of the following 18 members:
8 (1) The State Superintendent of Public Instruction or a designee;
9 (2) One representative of The University of North Carolina, appointed
10 by the President of The University of North Carolina;
11 (3) One representative of the North Carolina Community College
12 System, appointed by the President of the North Carolina
13 Community College System;
14 (4) A person with management responsibility concerning information
15 technology related State Government functions, designated by the
16 Secretary of Commerce;
17 (5) Four members appointed by the Governor;
18 (6) Six members appointed by the President Pro Tempore of the
19 Senate two of whom shall be members of the Senate. One of these
20 six members shall be appointed by the President Pro Tempore of
21 the Senate to serve as cochair; and
22 (7) Six members appointed by the Speaker of the House of
23 Representatives two of whom shall be members of the House of

1 Representatives. One of these six members shall be appointed by
2 the Speaker of the House of Representatives to serve as cochair.

3 In appointing members pursuant to subdivisions (5), (6), and (7) of this subsection,
4 the appointing persons shall select individuals with technical or applied knowledge or
5 experience in learning and instructional management technologies or individuals with
6 expertise in curriculum or instruction who have successfully used learning and
7 instructional management technologies.

8 No producers, vendors, or consultants to producers or vendors of learning or
9 instructional management technologies shall serve on the Commission.

10 Members shall serve for two-year terms. Vacancies in terms of members shall be
11 filled by the appointing officer. Persons appointed to fill vacancies shall qualify in the
12 same manner as persons appointed for full terms."

13 Section 2. G.S. 115C-105.36(b) reads as rewritten:

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

19 (1) ~~Awards to the personnel; or~~

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

21 a. ~~Developed and voted on by the personnel in the same~~
22 ~~manner that a school improvement plan is approved under~~
23 ~~G.S. 115C-105.27;~~

24 b. ~~Approved by a majority of the personnel who vote on the~~
25 ~~plan; and~~

26 c. ~~Submitted to and approved by the local board of education.~~
27 ~~The local board shall approve this plan unless the plan involves~~
28 ~~expenditures of funds that are not for a public purpose or that are~~
29 ~~otherwise unlawful. for awards to the personnel that are made~~
30 ~~within 30 days of the local board's receipt of the funds.~~"

31 Section 3. G.S. 115C-244 reads as rewritten:

32 "§ 115C-244. Assignment of pupils to school buses.

33 (a) ~~The principal of a school, to which any school bus has been assigned by the~~
34 ~~superintendent of the schools of the local school administrative unit embracing such~~
35 ~~school, shall assign to such bus or buses the pupils and employees who may be~~
36 ~~transported to and from such school upon such bus or buses. The superintendent or~~
37 ~~superintendent's designee shall assign the pupils and employees who may be~~
38 ~~transported to and from school upon the bus or buses assigned to each school and~~
39 ~~shall implement and enforce the plan developed under G.S. 115C-246.~~ No pupil or
40 employee shall be permitted to ride upon any school bus to which such pupil or
41 employee has not been so assigned by the ~~principal, superintendent or~~
42 ~~superintendent's designee, except by the express direction of the principal.~~
43 ~~superintendent or superintendent's designee.~~

1 (b) In the event that the superintendent ~~of any local school administrative unit~~
2 ~~shall assign or superintendent's designee assigns~~ a school bus to be used in the
3 transportation of pupils to two or more schools, the superintendent ~~or~~
4 ~~superintendent's designee~~ shall ~~designate the number of~~ assign the pupils to be
5 transported to and from each ~~such~~ school by ~~such~~ that bus, and the principals of the
6 respective schools shall ~~assign pupils to such buses in accordance with such~~
7 ~~designation.~~ implement and enforce this assignment of pupils.

8 (c) Any pupil enrolled in any school, or the parent or guardian of any such pupil,
9 or the person standing in loco parentis to such pupil, may apply to the principal of
10 such school for transportation of such pupil to and from such school by school bus
11 for the regularly organized school day. ~~Upon application, the principal~~ The principal
12 shall deliver the application to the superintendent or superintendent's designee, who
13 shall assign a pupil to a school bus if the pupil is entitled to school bus transportation
14 under this Article and the rules of the State Board of Education. Such assignment
15 shall be made by the ~~principal~~ superintendent or superintendent's designee so as to
16 provide for the orderly, safe and efficient transportation of pupils to such school and
17 so as to promote the orderly and efficient administration of the school and the health,
18 safety and general welfare of the pupils to be so transported. Assignments of pupils
19 and employees to school buses may be changed by the ~~principal of the school~~
20 superintendent or superintendent's designee as he may from time to time find proper
21 for the safe and efficient transportation of such pupils and employees.

22 (d) The parent or guardian of any pupil enrolled in any school, or the person
23 standing in loco parentis to any such pupil, who shall apply ~~to the principal of such~~
24 ~~school~~ under subsection (c) of this section for the transportation of such pupil to and
25 from such school by school bus, may, if such application is denied, or if such pupil is
26 assigned to a school bus not satisfactory to such parent, guardian, or person standing
27 in loco parentis to such pupil, pursuant to rules and regulations established by the
28 local board of education, apply to such board for such transportation upon a school
29 bus designated in such application, and shall be entitled to a prompt and fair hearing
30 by such board in accordance with the rules and regulations established by it. The
31 majority of such board shall be a quorum for the purpose of holding such hearing
32 and passing upon such application, and the decision of the majority of the members
33 present at such hearing shall be the decision of the board. If, at such hearing, the
34 board shall find that pupil is entitled to be transported to and from such school upon
35 the school bus designated in such application, or if the board shall find that the
36 transportation of such pupil upon such bus to and from such school will be for the
37 best interests of such pupil, will not interfere with the proper administration of such
38 school, or with the safe and efficient transportation by school bus of other pupils
39 enrolled in such school and will not endanger the health or safety of the children
40 there enrolled, the board shall direct that such child be assigned to and transported to
41 such school upon such bus.

42 (e) A decision of a local board under subsection (d) is final and, except as
43 provided in this subsection, is subject to judicial review in accordance with Article 4

1 of Chapter 150B of the General Statutes. A person seeking judicial review shall file a
2 petition in the superior court of the county where the local board made its decision.

3 (f) No employee shall be assigned to or permitted to ride upon a school bus when
4 to do so will result in the overcrowding of such bus or will prevent the assignment to
5 such bus of a pupil entitled to ride thereon, or will otherwise, in the opinion of the
6 ~~principal~~, superintendent or superintendent's designee, be detrimental to the comfort
7 or safety of the pupils assigned to such bus, or to the safe, efficient and proper
8 operation of such bus."

9 Section 4. G.S. 115C-245 reads as rewritten:

10 "§ 115C-245. School bus drivers; monitors; safety assistants.

11 (a) Each local board, which elects to operate a school bus transportation system,
12 shall employ the necessary drivers for such school buses. The drivers shall have all
13 qualifications prescribed by the regulations of the State Board of Education herein
14 provided for and must be at least 18 years old and have at least six months driving
15 experience as a licensed operator of a motor vehicle before employment as a regular
16 or substitute driver, but the selection and employment of each driver shall be made
17 by the local board of education, and the driver shall be the employee of such local
18 school administrative unit. Each local board of education shall assign the bus drivers
19 employed by it to the respective schools within the jurisdiction of such board, and the
20 ~~principal of each such school~~ superintendent or superintendent's designee shall assign
21 the drivers to the school buses to be driven by them. No school bus shall at any time
22 be driven or operated by any person other than the bus driver assigned by ~~such~~
23 ~~principal~~ to such bus except by the express direction of ~~such principal~~ the
24 superintendent or superintendent's designee or in accordance with rules and
25 regulations of the appropriate local board of education.

26 (b) The driver of a school bus subject to the direction of the ~~principal~~
27 superintendent or superintendent's designee shall have complete authority over and
28 responsibility for the operation of the bus and the maintaining of good order and
29 conduct upon such bus, and shall report promptly to the principal any misconduct
30 upon such bus or disregard or violation of the driver's instructions by any person
31 riding upon such bus. The principal may take such action with reference to any such
32 misconduct upon a school bus, or any violation of the instructions of the driver, as he
33 might take if such misconduct or violation had occurred upon the grounds of the
34 school.

35 (c) The driver of any school bus shall permit no person to ride upon such bus
36 except pupils or school employees assigned thereto or persons permitted by the
37 express direction of the ~~principal~~ superintendent or superintendent's designee to ride
38 thereon.

39 (d) ~~The principal of a school, to which a school bus has been assigned, may, in his~~
40 ~~discretion, appoint a monitor for any bus so assigned to such school. The~~
41 superintendent or superintendent's designee may, in his discretion, appoint a monitor
42 for any bus assigned to any school. It shall be the duty of such monitor, subject to
43 the direction of the driver of the bus, to preserve order upon the bus and do such
44 other things as may be appropriate for the safety of the pupils and employees

1 assigned to such bus while boarding such bus, alighting therefrom or being
2 transported thereon, and to require such pupils and employees to conform to the
3 rules and regulations established by the local board of education for the safety of
4 pupils and employees upon school buses. Such monitors shall be unpaid volunteers
5 who shall serve at the pleasure of the ~~principal~~ superintendent or superintendent's
6 designee.

7 (e) A local board of education may, in its discretion within funds available,
8 employ transportation safety assistants upon recommendation of the principal through
9 the superintendent. The safety assistants thus employed shall assist the bus drivers
10 with the safety, movement, management, and care of children boarding the bus,
11 leaving the bus, or being transported in it. The safety assistant should be either an
12 adult or a certified student driver who is available as a substitute bus driver."

13 Section 5. G.S. 115C-290.8 reads as rewritten:

14 "**§ 115C-290.8. Exemptions from requirements.**

15 (a) The requirements of this Article do not apply to a person who, at any time
16 during the five years preceding January 1, 1998, ~~(i) completed an administrative~~
17 ~~internship as part of an approved graduate program in school administration and~~
18 ~~obtained an active State administrator/supervisor certificate, (ii) was engaged in~~
19 ~~school administration while in possession of an active State administrator/supervisor~~
20 ~~certificate, or (iii) was employed in a North Carolina college or university as an~~
21 ~~instructor while in possession of an active State administrator/supervisor certificate~~
22 ~~and whose major responsibilities included the preparation or supervision of~~
23 ~~individuals enrolled in a public school administration program that meets the public~~
24 ~~school administrator program approval standards set by the State Board.~~ obtained a
25 State administrator/supervisor certificate.

26 (b) The State Board may adopt policies governing the requirements for the
27 certification of individuals who hold a certificate issued in any other state that
28 authorizes them to be employed as school administrators in that state. These policies
29 may exempt some or all of these individuals from the requirements of this Article.

30 (c) A person who is exempt from the requirements of this Article but applies to
31 the Standards Board under this Article shall be subject to the Article."

32 Section 6. G.S. 115C-174.21(b) reads as rewritten:

33 "(b) Competency Testing Program.

34 (1) The State Board of Education shall adopt tests or other
35 measurement devices which may be used to assure that graduates
36 of the public high schools and graduates of nonpublic schools
37 supervised by the State Board of Education pursuant to the
38 provisions of Part 1 of Article 39 of this Chapter possess the skills
39 and knowledge necessary to function independently and
40 successfully in assuming the responsibilities of citizenship.

41 (2) The tests shall be administered annually to all ~~tenth~~ ninth grade
42 students in the public schools. Students who fail to attain the
43 required minimum standard for graduation in the ~~tenth~~ ninth grade
44 shall be given remedial instruction and additional opportunities to

1 take the test up to and including the last month of the twelfth
2 grade. Students who fail to pass parts of the test shall be retested
3 on only those parts they fail. Students in the ~~tenth~~ ninth grade who
4 are enrolled in special education programs or who have been
5 officially designated as eligible for participation in such programs
6 may be excluded from the testing programs.

7 (3) The State Board of Education may develop and validate alternate
8 means and standards for demonstrating minimum competence.
9 These standards, which must be more difficult than the tests
10 adopted pursuant to subdivision (1) of this subsection, may be
11 passed by students in lieu of the testing requirement of subdivision
12 (2) of this subsection.

13 (4) Repealed by Session Laws 1996, Second Extra Session, c. 18, s.
14 18.14."

15 Section 7. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 1445*

Short Title: Teacher Certification Waivers.

(Public)

Sponsors: Representative Black.

Referred to: Education.

May 25, 1998

1 A BILL TO BE ENTITLED
2 AN ACT TO ALLOW LOCAL BOARDS OF EDUCATION TO EMPLOY
3 TEACHERS WHO ARE LEGALLY CERTIFICATED IN ANOTHER STATE
4 EVEN THOUGH THEY MAY NOT BE CERTIFICATED IN NORTH
5 CAROLINA.

6 The General Assembly of North Carolina enacts:

7 Section 1. G.S. 115C-105.26(c) reads as rewritten:

8 "(c) The State Board ~~also~~ may grant requests received from local boards for
9 waivers of State laws, rules, or policies that affect the organization, duties, and
10 assignment of central office staff only. However, none of the duties to be performed
11 under G.S. 115C-436 may be waived. The State Board also may grant requests
12 received from local boards for waivers of State laws, rules, or policies governing
13 teacher certification when the boards demonstrate the following: (i) they need to
14 employ teachers who are lawfully certificated in another state; (ii) the certification of
15 these teachers authorizes them to teach the grade or subject matter they will be
16 employed to teach; and (iii) there is a plan to demonstrate the teachers' competence
17 before the boards employ these teachers. Teachers who are employed under a waiver
18 must meet the State Board's requirements for continuing certification."

19 Section 2. This act is effective when it becomes law and expires June 30,
20 2003, except that it remains effective for any teacher employed under this act before
21 July 1, 2003.