

**1998**

**HOUSE  
EDUCATION –  
PRESCHOOL,  
ELEMENTARY &  
SECONDARY**

**MINUTES**



**HOUSE EDUCATION SUBCOMMITTEE  
ON PRESCHOOL, ELEMENTARY, AND  
SECONDARY EDUCATION**

**1998 SESSION**

**BOOK I**

**REP. RUSSELL CAPPS, CHAIR**

**PAMELA AHLIN, COMMITTEE CLERK**

NORTH CAROLINA GENERAL ASSEMBLY

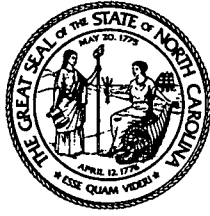
COMMITTEE SUMMARY REPORT

1997-98 Regular Session		HOUSE: EDUCATION--PRE SCHOOL, ELEM & SECOND ED		Valid Through 5-NOV-1998	
<u>BILL</u>	<u>INTRODUCER</u>	<u>SHORT TITLE</u>	<u>LATEST ACTION ON BILL</u>	<u>IN DATE</u>	<u>OUT DATE</u>
H1183	MOORE	CIVIC EDUCATION PROGRAM FUNDS	HF-POSTPONED INDEFINITELY	05-06-97	05-12-97
H1198	REYNOLDS	SAVINGS RESERVE/SCHOOL TECH. FUND	HF-POSTPONED INDEFINITELY	05-06-97	05-12-97
H1225	COLE	SCHOOL TRANSPORTATION	*H -RE-REF COM ON ED-PRE&	05-06-97	05-14-97
H1225	COLE	SCHOOL TRANSPORTATION	*H -RE-REF COM ON ED-PRE&	05-15-97	
H1425=	ARNOLD	ADDITIONAL SCHOOL DAYS PILOT	HF-POSTPONED INDEFINITELY	06-03-98	06-25-98
H1426=	ARNOLD	MISC. CORRECTIONS/GS 115C-325	H -ASSIGNED TO ED-PRE&	06-03-98	
H1478=	ARNOLD	YEAR-ROUND SCHOOLS TASK FORCE	*R -CH. SL 98-0133	06-03-98	06-25-98
H1488=	ARNOLD	ASSISTANCE TEAMS ADD'L FUNDS	HF-POSTPONED INDEFINITELY	06-03-98	06-25-98
H1558	DAUGHTRY	SCH. BLDG. FLEXIBILITY-3 COUNTIES	*HF-POSTPONED INDEFINITELY	06-03-98	06-23-98
H1719	JEFFUS	SUBSTITUTE TEACHER PAY RAISE	HF-POSTPONED INDEFINITELY	06-04-98	06-23-98
S1139=	HARTSELL	MISC. CORRECTIONS/G.S.115C-325	*H -PASSED 3RD READING	06-18-98	06-25-98

NOTES- = AFTER BILL NUMBER SHOWS THAT BILL IS IDENTICAL, AS INTRODUCED, TO ANOTHER BILL.

\* AFTER NUMBERS INDICATES THAT TEXT OF BILL WAS ALTERED BY ACTION ON THE BILL.

BOLDLED LINE INDICATES BILL INDEXED AS AFFECTING APPROPRIATIONS.



HOUSE EDUCATION COMMITTEE  
Subcommittee on Preschool, Elementary and Secondary Education  
Minutes  
June 17, 1998

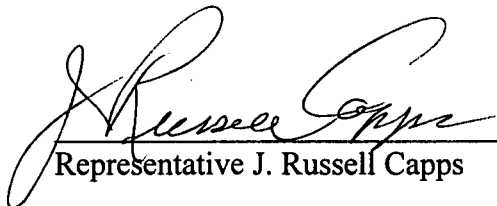
The subcommittee on Preschool, Elementary and Secondary Education of the Standing Committee on Education met on June 17, 1998 in room 425 of the Legislative Office Building. The following members were present: Representative Capps, Subcommittee chairman, Representative Shubert, Co-chair of the Education committee, Representative Daughtry, an ex-officio member and Representatives Arnold, Beall, Cole, Davis, Decker, Gulley, Hensley, Hiatt, Insko, Kinney, Moore, Mosley, Nye, Preston, Warner. Representative Capps called the meeting to order at 2:40 PM, or 15 minutes after session ended.


**HB 1558 School Building Flexibility 3 Counties ---** was the first item on the agenda. The bill sponsor Rep. Daughtry introduced the bill, then requested Ray de Bruhl from the Public Facilities Group to give a presentation. Gene Causby from Johnston County Schools, and Stephen Halkiotis from the Orange County Commissioners spoke to list the advantages. Reps. Hensley, Decker, Arnold, Moore Insko, Nye asked questions of the speakers. Henry Jones, Raleigh lawyer, presented an opposing view. Rep. Arnold put forth an amendment, and the amendment was adopted. Rep. Arnold moved to give the bill a favorable report as amended, rolled into a committee substitute, and unfavorable as to the original bill with the recommendation that the report be made directly to the floor of the House, if approved by the standing committee chairs.

**HB 1719 Substitute Teacher Pay Raise ---** was explained by the bill sponsor Rep. Jeffus. Reps. Moore, Davis and Cole explained that this bill would alleviate the problem of finding good substitute teachers. Rep. Moore moved that the bill be given a favorable report as to the original bill with the recommendation that the report be made directly to the floor of the House, if approved by the standing committee chairs, and then re-referred to Appropriations.

The meeting adjourned at 4:30 PM.

Respectfully submitted,

  
Representative J. Russell Capps

  
Pamela Ahlin, clerk

## ATTENDANCE

House Education/subcommittee/ preschool, elementary, &amp; secondary education

[illegible]

## VISITOR REGISTRATION SHEET

6-17-98

Name of Committee

Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK.

NAME	FIRM OR AGENCY AND ADDRESS
Ray DeBruhl	Public Facilities Group
Stephen H. Halkiotis	Vice Chairman, Orange County Commissioners
Ben Matthews	NC DPI
JERRY KNOTT	NC DPI
David Nieters	SBE
NIRALI PATEL	Intern, Gov.'s Office
Tom Moore	C. Comm Johnston County
Bill Wilson	NCAE
Carlton Myrland	DOA
Alvin Shaper	State Construction
Spencer Plegger	State Const Office
William Wong	Intern
Gunn Bellam	SBE
Philip Price	NC DPI
Gene Causky	EBC
Henry Jones	Attorney Raleigh
Dan Simpson	CAROLINAS ABC

HUMAY

Resources



PUBLIC BILL

H.B. 1719

SESSION LAW

A BILL TO BE ENTITLED

AN ACT TO LINK PAY RAISES FOR SUBSTITUTE TEACHERS TO PAY RAISES FOR TEACHERS.

Introduced by Representative(s)

Jeffus

Jarrell

*Hall*

*Don Davis*

*Yund*

*Boyd McIntyre*

*Leubke*

*Ingraham*

*Heard*

*Thammarigot*

*Foy*

*Shubert*

*Warner*

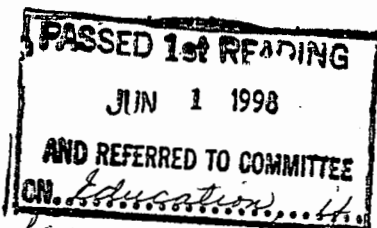
*Olden*

*Jarrell*

*Olson*

*Shubert*

Principal Clerk's Use Only



*favorable, Appropriations*

The Committee Subcommittee on  
EDUCATION refers

the bill to the subcommittee Pre-School,  
Elementary and Secondary  
Rep's Russell and Shubert

For the Committee

Referred to Committee/Subcommittee  
on Pre-School, Elementary & Sec. Ed.

JUN 4 '98

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 1719

Short Title: Substitute Teacher Pay Raise.

(Public)

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Sponsors: Representatives Jeffus, Jarrell; Adams, Boyd-McIntyre, Davis, Fox, Gamble, Hall, Hensley, Insko, Luebke, Oldham, Shubert, Wainwright, Warner, and Yongue.

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Referred to: Education, if favorable, Appropriations.

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June 1, 1998

1 A BILL TO BE ENTITLED  
2 AN ACT TO LINK PAY RAISES FOR SUBSTITUTE TEACHERS TO PAY  
3 RAISES FOR TEACHERS.

4 The General Assembly of North Carolina enacts:

5 Section 1. G.S. 115C-12(8) reads as rewritten:

6 "(8) Power to Make Provisions for Sick Leave and for Substitute  
7 Teachers. -- The Board shall provide for sick leave with pay for all  
8 public school employees in accordance with the provisions of this  
9 Chapter and shall promulgate rules and regulations providing for  
10 necessary substitutes on account of sick leave and other teacher  
11 absences.

12 ~~The pay for a substitute shall be fixed by the Board.~~ A substitute  
13 teacher who (i) has an active or expired teaching certificate and  
14 (ii) is employed to substitute for the same teacher for more than 10  
15 consecutive days, shall be paid for all of the consecutive days at  
16 the same daily rate of pay as an entry-level teacher with an 'A'  
17 certificate. For all other days, a substitute teacher who has an  
18 active or expired teaching certificate shall be paid at seventy-five  
19 percent (75%) of the daily pay rate of an entry-level teacher with  
20 an 'A' certificate.

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

4           The State Board shall fix the daily rate of pay for all other  
5 substitutes not covered by the previous provisions of this  
6 subdivision.

7           The Board may provide to each local school administrative unit  
8 not exceeding one percent (1%) of the cost of instructional services  
9 for the purpose of providing substitute teachers for those on sick  
10 leave as authorized by law or by regulations of the Board, but not  
11 exceeding the provisions made for other State employees."

12           Section 2. There is appropriated from the General Fund to State Aid to  
13 Local School Administrative Units the sum of fifteen million seven hundred seventy-  
14 six thousand two hundred eighty dollars (\$15,776,280) for the 1998-99 fiscal year to  
15 implement Section 1 of this act.

16           Section 3. This act becomes effective July 1, 1998.



# North Carolina General Assembly Legislative Services Office

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**To:** Representative Capps, Chair, House Preschool, Elementary & Secondary Education Subcommittee  
**From:** Sara Kamprath, Legislative Analyst  
**Date:** June 16, 1998  
**Re:** HB 1719 - Substitute Teacher Pay Raise

## Background:

### Current Substitute Teacher Pay Rates

Certified Educator	<b>\$57</b>
Non-Certified with Effective Teacher Training	<b>\$50</b>
No Training	<b>\$40</b>

**Section 1** amends G.S. 115C-12(8) to provide that substitutes teachers with an active or expired teaching certificate who substitute for the same teacher for more than 10 consecutive days shall be paid for all of the consecutive days at the same daily rate of pay as an entry-level teacher with an 'A' certificate. For all other days, the pay for a substitute teacher with an active or expired teaching certificate shall be 75% of the daily rate of pay for an entry-level teacher with an 'A' certificate. The State Board shall set the daily rate of pay for all other substitutes. If the General Assembly funds the Teacher Salary Schedule Plan for the 1998-99 Fiscal Year from the Excellent Schools Act, the new substitute teacher pay rates would be:

### Proposed Substitute Teacher Pay Rates for the 1998-99 School Year

With Active or Expired Teaching Certificate (substituting for same teacher for more than 10 consecutive days)	<b>\$105.00</b>
With Active or Expired Teaching Certificate (not substituting for more than 10 consecutive days)	<b>\$ 78.75</b>

**Section 2** includes a \$15,776,280 appropriation from the General Fund to the State Aid to Local School Administrative Units for the 1998-99 fiscal year.

**The act would become effective July 1, 1998.**

*H1719-SMRJ-001*

**1998 PERMANENT SUBCOMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

FOR RECOMMENDING BILLS TO STANDING COMMITTEE OR TO THE FLOOR OF THE HOUSE  
The following report(s) from permanent sub committee(s) is/are presented:

By Representative(s) Capps for the Permanent Subcommittee on Preschool, Elementary, and  
Secondary Education of the Standing Committee on EDUCATION.

- ☐ Committee Substitute for  
**H.B. 1719**      ☐ A BILL TO BE ENTITLED AN ACT TO LINK PAY RAISES FOR  
SUBSTITUTE TEACHERS TO PAY RAISES FOR TEACHERS.

REPORTED TO THE STANDING COMMITTEE ON

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**RECOMMENDED ACTION:**

- ☐ With a favorable recommendation.
- ☐ With a favorable recommendation and recommend that the bill be re-referred to the Committee on
- ☐ With a favorable recommendation, as amended.
- ☐ With a favorable recommendation, as amended, and recommend that the bill be re-referred to the Committee on
- ☐ With an unfavorable recommendation.
- ☐ With a favorable recommendation as to proposed committee substitute bill      which changes the title, unfavorable as to original bill.
- ☐ With a favorable recommendation as to proposed House committee substitute bill,      which changes the title, unfavorable as to Senate committee substitute bill.
- ☐ Without prejudice.
- ☐ Other recommended action: \_\_\_\_\_

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WITH APPROVAL OF STANDING COMMITTEE CHAIR FOR REPORT TO BE MADE DIRECTLY TO THE FLOOR OF THE HOUSE:

Rep. Russell and Shubert for the Standing Committee on EDUCATION.

s/ Ferris Shubert  
C Russell

- ☒ With a favorable report and be re-referred to Approp..
- ☐ With a favorable report, as amended.
- ☐ 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 referred to the Committee on      .)
- ☐ And having received a unanimous vote in committee, be placed on the Consent Calendar.  
(PUBLIC BILLS ONLY)

3/25/98

1558

H.B. \_\_\_\_\_

SESSION LAW \_\_\_\_\_

## A BILL TO BE ENTITLED

AN ACT TO ALLOW THE BOARDS OF EDUCATION IN THE COUNTIES OF JOHNSTON, ORANGE, AND  
PITT TO USE ALTERNATIVE DELIVERY SYSTEMS FOR THE CONSTRUCTION OF PUBLIC  
SCHOOL FACILITIES.

Introduced by Representative(s)

- W.C. Dwyer Jr.

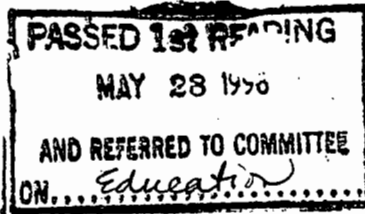
Daughtry

- Daughtry

- Creech

- [Signature]

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The Committee/Subcommittee on  
EDUCATION refers  
the bill to Subcommittee on Pre-School,  
Elementary and Secondary  
Rep. Russell & Rep. Shubert  
For the Committee

Referred to Committee/Subcommittee  
on Pre-School, Elementary & Sec. Ed.

JUN 03 '98

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 1558

Short Title: Sch. Bldg. Flexibility/3 Counties.

(Local)

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Sponsors: Representatives Daughtry; Creech, Hackney, Insko, and Owens.

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Referred to: Education.

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May 28, 1998

1 A BILL TO BE ENTITLED

2 AN ACT TO ALLOW THE BOARDS OF EDUCATION IN THE COUNTIES OF  
3 JOHNSTON, ORANGE, AND PITT TO USE ALTERNATIVE DELIVERY  
4 SYSTEMS FOR THE CONSTRUCTION OF PUBLIC SCHOOL FACILITIES.

5 Whereas, education is the energy that drives economic growth and  
6 development; and

7 Whereas, facilities are an integral part of the educational equation and  
8 are vital to the educational learning process; and

9 Whereas, North Carolina is faced with a crisis in providing adequate  
10 public school facilities, estimated to exceed \$6,000,000,000 over five years; and

11 Whereas, local government is faced with serious budget challenges due to  
12 increased demands for public service, shrinking financial resources, and shifting  
13 budget priorities; and

14 Whereas, bold and creative leadership is required by public officials to  
15 meet the challenge of "adequate school facilities for every learner in North Carolina";  
16 and

17 Whereas, the counties of Johnston, Orange, and Pitt are committed to  
18 creativity in the development and delivery of public school facilities and believe that  
19 the public investment in capital assets should be properly managed; and

20 Whereas, the boards of education in the counties of Johnston, Orange,  
21 and Pitt have agreed to join together in a unique creative and collaborative venture  
22 of sharing educational programming and facilities technology to their mutual benefit;  
23 and

1           Whereas, the boards of education and the boards of commissioners in  
2 these counties have joined together in a cooperative effort to deliver schools that are  
3 educationally effective and economically efficient; and

4           Whereas, the General Assembly reaffirms its commitment to enhance  
5 public education, to encourage innovative development of school facilities, and to  
6 explore alternative delivery systems; Now, therefore,  
7 The General Assembly of North Carolina enacts:

8           Section 1. Notwithstanding the provisions of any law or administrative  
9 rule to the contrary, the boards of education in the counties of Johnston, Orange, and  
10 Pitt may jointly develop and implement a five-year pilot program for the construction  
11 of public school facilities. These counties may use the following facility delivery  
12 systems:

- 13           (1)   Qualifications-based Contractor Selection Process. -- The  
14 contractor selection criteria may be based on organizational  
15 information, financial status and bonding capacity, experience of  
16 office and field personnel, experience on school projects,  
17 experience with the separate prime contract delivery system,  
18 cooperation and coordination with other contractors, quality, cost,  
19 and timely performance on completed school projects, references  
20 of public owners, and other factors deemed appropriate. Based on  
21 the qualifications criteria, each board of education may select, in  
22 its sole discretion, a minimum of three of the best-qualified  
23 contractors in each of the categories of work to be bid.
- 24           (2)   Separate-Prime Contract Delivery System. -- After selection of  
25 contractors as provided in subdivision (1) of this section, each  
26 board of education may choose to award contracts based on the  
27 separate-prime contract delivery system. If the board chooses to  
28 use the separate-prime contract delivery system, the provisions of  
29 G.S. 143-128(a) and G.S. 143-129 shall apply.
- 30           (3)   Single-Prime Contract Delivery System. -- After selection of  
31 contractors as provided in subdivision (1) of this section, each  
32 board of education may choose to award contracts based on the  
33 single-prime contract delivery system. If the board chooses to use  
34 the single-prime contract delivery system, the provisions of G.S.  
35 143-129 shall apply. However, the mechanical, electrical, and  
36 plumbing construction, as specified, shall be publicly bid at least  
37 one day prior to the general construction, and each single-prime  
38 bidder shall incorporate the bids of and agree to contract with the  
39 successful mechanical, electrical, and plumbing contractors.
- 40           (4)   Professional Construction Management Delivery System. -- Each  
41 board of education shall select the best qualified designer in  
42 accordance with G.S. 143-64.31. The designer shall, for a  
43 negotiated fee based on scope of work, be liable for and  
44 responsible to the board of education for the delivery and



1 management of all project design services. The board of education  
2 shall select the best qualified contractor (hereafter called  
3 construction manager) in accordance with subdivision (1) of this  
4 section who shall, for a negotiated fee based on scope of work, be  
5 liable and responsible to the board for the delivery and  
6 management of all project construction services. The designer and  
7 the construction manager, working together as a professional team,  
8 shall use their unique skills and experiences to design, publicly bid,  
9 and deliver a school facility that serves the best interest of the  
10 board of education and the public.

11 The designer and construction manager shall jointly select a  
12 minimum of three mechanical, electrical, plumbing, general, or  
13 other specialty contractors, in accordance with subdivision (1) of  
14 this section and shall publicly bid the specified work packages in  
15 accordance with the provisions of G.S. 143-129. The lowest bids of  
16 the successful subcontractors shall be combined into a lump-sum  
17 contract with the selected construction manager who shall deliver  
18 and manage all construction services for the negotiated fee.

19 (5) Design-Build Delivery System. -- Each board of education may  
20 accept proposals and award a contract to deliver school facilities  
21 based on single liability for the design and construction services for  
22 a guaranteed maximum price. If the board chooses the design-  
23 build delivery system, the design-build teams selected to submit  
24 proposals shall be selected based on criteria similar to and  
25 consistent with the intent of G.S. 143-64.31 and subdivision (1) of  
26 this section.

27 (6) Design/Build/Finance Delivery System. -- The boards of  
28 commissioners in the counties of Johnston, Orange, or Pitt may  
29 accept proposals and award a contract to deliver school facilities  
30 on a design/build/finance basis if (i) the respective boards of  
31 education finds that the facility meets the educational program  
32 needs of the local school administrative unit and (ii) the financing  
33 of the school project is approved by the North Carolina Local  
34 Government Commission.

35 If the boards of commissioners, in agreement with the board of  
36 education, choose the design/build/finance delivery system, the  
37 design-build teams selected to submit proposals shall be selected  
38 based on criteria similar and consistent with the intent of G.S. 143-  
39 64.31 and subdivision (1) of this section.

40 Section 2. Consistent with the authority to develop and implement a  
41 five-year pilot program for the delivery of public school facilities, the boards of  
42 education in Johnston, Orange, and Pitt Counties shall jointly develop a common set  
43 of guidelines and procedures to administer and evaluate the program. During the  
44 development and implementation of this program, the boards of education shall seek

1 input from and share information with appropriate education, industry, and  
2 government groups.

3           Section 3. The boards of education in the counties of Johnston, Orange,  
4 and Pitt shall present a joint report annually to the Joint Legislative Committee on  
5 Governmental Operations on the implementation of this act.

6           Section 4. This act is effective when it becomes law and expires July 1,  
7 2003.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

D

HOUSE BILL 1558  
Proposed Committee Substitute H1558-PCS6451-RH001

Short Title: Sch. Bldg. Flexibility/3 Counties.

(Local)

Sponsors:

Referred to:

May 28, 1998

1 A BILL TO BE ENTITLED  
2 AN ACT TO ALLOW THE BOARDS OF EDUCATION IN THE COUNTIES OF  
3 JOHNSTON, ORANGE, AND PITT TO USE ALTERNATIVE DELIVERY  
4 SYSTEMS FOR THE CONSTRUCTION OF PUBLIC SCHOOL FACILITIES.  
5 Whereas, education is the energy that drives economic growth and  
6 development; and  
7 Whereas, facilities are an integral part of the educational equation and  
8 are vital to the educational learning process; and  
9 Whereas, North Carolina is faced with a crisis in providing adequate  
10 public school facilities, estimated to exceed \$6,000,000,000 over five years; and  
11 Whereas, local government is faced with serious budget challenges due to  
12 increased demands for public service, shrinking financial resources, and shifting  
13 budget priorities; and  
14 Whereas, bold and creative leadership is required by public officials to  
15 meet the challenge of "adequate school facilities for every learner in North Carolina";  
16 and  
17 Whereas, the counties of Johnston, Orange, and Pitt are committed to  
18 creativity in the development and delivery of public school facilities and believe that  
19 the public investment in capital assets should be properly managed; and  
20 Whereas, the boards of education in the counties of Johnston, Orange,  
21 and Pitt have agreed to join together in a unique creative and collaborative venture  
22 of sharing educational programming and facilities technology to their mutual benefit;  
23 and

Whereas, the boards of education and the boards of commissioners in these counties have joined together in a cooperative effort to deliver schools that are educationally effective and economically efficient; and

Whereas, the General Assembly reaffirms its commitment to enhance public education, to encourage innovative development of school facilities, and to explore alternative delivery systems; Now, therefore,

The General Assembly of North Carolina enacts:

Section 1. Notwithstanding the provisions of any law or administrative rule to the contrary, the boards of education in the counties of Johnston, Orange, and Pitt may jointly develop and implement a program for the construction of public school facilities. These counties may use the following facility delivery systems:

- (1) Qualifications-Based Contractor Selection Process. -- The contractor selection criteria may be based on organizational information, financial status and bonding capacity, experience of office and field personnel, experience on school projects, experience with the separate-prime contract delivery system, cooperation and coordination with other contractors, quality, cost, and timely performance on completed school projects, references of public owners, and other factors deemed appropriate. Based on the qualifications criteria, each board of education may select, in its sole discretion, a minimum of three of the best-qualified contractors in each of the categories of work to be bid.
- (2) Separate-Prime Contract Delivery System. -- After selection of contractors as provided in subdivision (1) of this section, each board of education may choose to award contracts based on the separate-prime contract delivery system. If the board chooses to use the separate-prime contract delivery system, the provisions of G.S. 143-128(a) and G.S. 143-129 shall apply.
- (3) Single-Prime Contract Delivery System. -- After selection of contractors as provided in subdivision (1) of this section, each board of education may choose to award contracts based on the single-prime contract delivery system. If the board chooses to use the single-prime contract delivery system, the provisions of G.S. 143-129 shall apply. However, the mechanical, electrical, and plumbing construction, as specified, shall be publicly bid at least one day prior to the general construction, and each single-prime bidder shall incorporate the bids of and agree to contract with the successful mechanical, electrical, and plumbing contractors.
- (4) Professional Construction Management Delivery System. -- Each board of education shall select the best-qualified designer in accordance with G.S. 143-64.31. The designer shall, for a negotiated fee based on scope of work, be liable for and responsible to the board of education for the delivery and management of all project design services. The board of education

1 shall select the best-qualified contractor (hereafter called  
2 construction manager) in accordance with subdivision (1) of this  
3 section who shall, for a negotiated fee based on scope of work, be  
4 liable and responsible to the board for the delivery and  
5 management of all project construction services. The designer and  
6 the construction manager, working together as a professional team,  
7 shall use their unique skills and experiences to design, publicly bid,  
8 and deliver a school facility that serves the best interest of the  
9 board of education and the public.

10 The designer and construction manager shall jointly select a  
11 minimum of three mechanical, electrical, plumbing, general, or  
12 other specialty contractors, in accordance with subdivision (1) of  
13 this section and shall publicly bid the specified work packages in  
14 accordance with the provisions of G.S. 143-129. The lowest bids of  
15 the successful subcontractors shall be combined into a lump-sum  
16 contract with the selected construction manager who shall deliver  
17 and manage all construction services for the negotiated fee.

18 (5) Design-Build Delivery System. -- Each board of education may  
19 accept proposals and award a contract to deliver school facilities  
20 based on single liability for the design and construction services for  
21 a guaranteed maximum price. If the board chooses the design-  
22 build delivery system, the design-build teams selected to submit  
23 proposals shall be selected based on criteria similar to and  
24 consistent with the intent of G.S. 143-64.31 and subdivision (1) of  
25 this section.

26 (6) Design/Build/Finance Delivery System. -- The boards of  
27 commissioners in the counties of Johnston, Orange, or Pitt may  
28 accept proposals and award a contract to deliver school facilities  
29 on a design/build/finance basis if (i) the respective board of  
30 education finds that the facility meets the educational program  
31 needs of the local school administrative unit and (ii) the financing  
32 of the school project is approved by the North Carolina Local  
33 Government Commission.

34 If the boards of commissioners, in agreement with the boards of  
35 education, choose the design/build/finance delivery system, the  
36 design-build teams selected to submit proposals shall be selected  
37 based on criteria similar and consistent with the intent of G.S. 143-  
38 64.31 and subdivision (1) of this section.

39 Section 2. Consistent with the authority to develop and implement a  
40 program for the delivery of public school facilities, the boards of education in  
41 Johnston, Orange, and Pitt Counties shall jointly develop a common set of guidelines  
42 and procedures to administer and evaluate the program. During the development  
43 and implementation of this program, the boards of education shall seek input from  
44 and share information with appropriate education, industry, and government groups.

1 Section 3. This act is effective when it becomes law and expires July 1,  
2 2003.



# North Carolina General Assembly Legislative Services Office

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**TO:** Representative Capps, Chair, House Education Subcommittee on Preschool, Elementary & Secondary  
**FROM:** Robin S. Johnson, Committee Counsel  
**DATE:** June 17, 1998  
**RE:** SUMMARY: H 1558 School Building Flexibility/3 Counties.

**HOUSE BILL 1558** is a local bill that would allow the Johnston, Orange, and Pitt boards of education to develop and implement a five-year pilot program for the construction of school facilities. The boards would be required to develop a common set of guidelines and procedures to administer and evaluate the program, and they would be required to present annual joint reports to the Joint Legislative Committee on Governmental Operations.

One of the following delivery systems may be used:

1. First, the board of education must select at least three of the best-qualified contractors in each of the of the categories of work to be bid. For the purpose of the pilot program, the criteria to determine which contractors are the "best-qualified" include experience, financial status and bonding capacity, cooperation and coordination with other contractors, cost, and timely performance on completed school projects. Current law allows local boards to pre-qualify bidders; however, no criteria is provided. Once the contractors are selected, the board may choose to award contracts based on the separate-prime contract delivery system (also known as multi-prime). If the board chooses this option, it must prepare separate specifications for each of four categories of work in accordance with G.S. 143-128(a) and must follow the procedure for the letting of public contracts under G.S. 143-129. Under this delivery system, each separate contractor is directly liable to the local board and to the other contractors for fully performing its contractual duties.
2. After the board of education selects the best qualified contractors as described in (1), the board may choose to award contracts based on the single-prime contract delivery system. If the board chooses this option, it must follow the procedure for the letting of public contracts under G.S. 143-129. However, the mechanical, electrical and plumbing construction must be publicly bid at least one day before general construction and each single-prime bidder must incorporate the bids of and agree to contract with the successful mechanical, electrical, and plumbing contractors.
3. The board of education may negotiate a fee for and employ the "best-qualified" designer, as defined in G.S. 143-64.31, who will be liable for and responsible to the board for all project design services. The board also may negotiate a fee for and employ the "best-qualified" contractor, as defined in (1) above, who will serve as the construction manager and will be liable and responsible to the board for all project construction services. Together, the designer and construction manager will design,

publicly bid in accordance with G.S. 143-129, and deliver a school facility. They jointly will select at least three mechanical, electrical, plumbing, general, or other specialty contractors by using the criteria in (1) above. The lowest bids of the successful subcontractors will be combined into a lump-sum contract with the construction manager.

4. Each board of education may choose the design-build delivery system based on a single liability for the design and construction services for a guaranteed maximum price. Design-build teams must be selected based on criteria similar to and consistent with G.S. 143-64.31 (designer) and (1) above.

5. Each board of county commissioners in Johnston, Orange, and Pitt counties may choose the design/build/finance system so long as the board of education in the county finds the facility meets the educational program needs of that school system and the Local Government Commission approves the financing. Design-build teams must be selected based on criteria similar to and consistent with G.S. 143-64.31 (designer) and (1) above.

*The act would take effect when it becomes law and would expire July 1, 2003.*

H1558-SMRH-001



**§ 143-128. Requirements for certain building contracts.**

(a) Preparation of specifications. - Every officer, board, department, commission or commissions charged with responsibility of preparation of specifications or awarding or entering into contracts for the erection, construction, alteration or repair of any buildings for the State, or for any county, municipality, or other public body, must have prepared separate specifications for each of the following subdivisions or branches of work to be performed:

- (1) Heating, ventilating, air conditioning and accessories (separately or combined into one conductive system) and/or refrigeration for cold storage (where the cold storage cooling load is 15 tons or more of refrigeration), and all work kindred thereto.
- (2) Plumbing and gas fittings and accessories, and all work kindred thereto.
- (3) Electrical wiring and installations, and all work kindred thereto.
- (4) General work relating to the erection, construction, alteration, or repair of any building above referred to, which work is not included in the above-listed three subdivisions or branches.

All such specifications must be so drawn as to permit separate and independent bidding upon each of the subdivisions or branches of work enumerated above. The above enumeration of subdivisions or branches of work shall not be construed to prevent any officer, board, department, commission or commissions from preparing additional separate specifications for any other category of work.

**§ 143-129. Procedure for letting of public contracts; purchases from federal government by State, counties, etc.**

(a) No construction or repair work requiring the estimated expenditure of public money in an amount equal to or more than one hundred thousand dollars (\$100,000) or purchase of apparatus, supplies, materials, or equipment requiring an estimated expenditure of public money in an amount equal to or more than thirty thousand dollars (\$30,000), except in cases of group purchases made by hospitals through a competitive bidding purchasing program or in cases of special emergency involving the health and safety of the people or their property, shall be performed, nor shall any contract be awarded therefor, by any board or governing body of the State, or of any institution of the State government, or of any county, city, town, or other subdivision of the State, unless the provisions of this section are complied with. For purposes of this Article, a competitive bidding group purchasing program is a formally organized program that offers purchasing services at discount prices to two or more hospital facilities. The limitation contained in this paragraph shall not apply to construction or repair work undertaken during the progress of a construction or repair project initially begun pursuant to this section. Further, the provisions of this section shall not apply to the purchase of gasoline, diesel fuel, alcohol fuel, motor oil or fuel oil. Such purchases shall be subject to G.S. 143-131.

For purchases of apparatus, supplies, materials, or equipment, the governing body of any municipality, county, or other political subdivision of the State may, subject to any restriction as to dollar amount, or other conditions that the governing body elects to impose, delegate to the manager or the chief purchasing official the authority to award contracts, reject bids, readvertise to receive bids on behalf of the unit, or waive bid bonds or deposits, or performance and payment bond requirements. Any person to

whom authority is delegated under this subsection shall comply with the requirements of this Article that would otherwise apply to the governing body.

(b) Advertisement of the letting of such contracts shall be as follows:

Where the contract is to be let by a board or governing body of the State government, or of a State institution, as distinguished from a board or governing body of a subdivision of the State, proposals shall be invited by advertisement at least one week before the time specified for the opening of said proposals in a newspaper having general circulation in the State of North Carolina. Provided that the advertisements for bidders required by this section shall be published at such a time that at least seven full days shall lapse between the date of publication of notice and the date of the opening of bids.

Where the contract is to be let by a county, city, town or other subdivision of the State, proposals shall be invited by advertisement at least one week before the time specified for the opening of said proposals in a newspaper having general circulation in such county, city, town or other subdivision.

Such advertisement shall state the time and place where plans and specifications of proposed work or a complete description of the apparatus, supplies, materials or equipment may be had, and the time and place for opening of the proposals, and shall reserve to said board or governing body the right to reject any or all such proposals.

Proposals shall not be rejected for the purpose of evading the provisions of this Article. No board or governing body of the State or subdivision thereof shall assume responsibility for construction or purchase contracts, or guarantee the payments of labor or materials therefor except under provisions of this Article.

All proposals shall be opened in public and shall be recorded on the minutes of the board or governing body and the award shall be made to the lowest responsible bidder or bidders, taking into consideration quality, performance and the time specified in the proposals for the performance of the contract. In the event the lowest responsible bids are in excess of the funds available for the project, the responsible board or governing body is authorized to enter into negotiations with the lowest responsible bidder above mentioned, making reasonable changes in the plans and specifications as may be necessary to bring the contract price within the funds available, and may award a contract to such bidder upon recommendation of the Department of Administration in the case of the State government or of a State institution or agency, or upon recommendation of the responsible commission, council or board in the case of a subdivision of the State, if such bidder will agree to perform the work at the negotiated price within the funds available therefor. If a contract cannot be let under the above conditions, the board or governing body is authorized to readvertise, as herein provided, after having made such changes in plans and specifications as may be necessary to bring the cost of the project within the funds available therefor. The procedure above specified may be repeated if necessary in order to secure an acceptable contract within the funds available therefor.

No proposal shall be considered or accepted by said board or governing body unless at the time of its filing the same shall be accompanied by a deposit with said board or governing body of cash, or a cashier's check, or a certified check on some bank or trust company insured by the Federal Deposit Insurance Corporation in an amount equal to not less than five percent (5%) of the proposal. In lieu of making the cash deposit as above provided, such bidder may file a bid bond executed by a corporate surety licensed under the laws of North Carolina to execute such bonds, conditioned that the

surety will upon demand forthwith make payment to the obligee upon said bond if the bidder fails to execute the contract in accordance with the bid bond. This deposit shall be retained if the successful bidder fails to execute the contract within 10 days after the award or fails to give satisfactory surety as required herein. In the case of proposals for the purchase of apparatus, supplies, materials, or equipment, the board or governing body may waive the requirement for a bid bond or other deposit.

Bids shall be sealed and the opening of an envelope or package with knowledge that it contains a bid or the disclosure or exhibition of the contents of any bid by anyone without the permission of the bidder prior to the time set for opening in the invitation to bid shall constitute a Class 1 misdemeanor.

(c) All contracts to which this section applies shall be executed in writing, and the board or governing body shall require the person to whom the award of contract is made to furnish bond as required by Article 3 of Chapter 44A; or require a deposit of money, certified check or government securities for the full amount of said contract to secure the faithful performance of the terms of said contract and the payment of all sums due for labor and materials in a manner consistent with Article 3 of Chapter 44A; and no such contract shall be altered except by written agreement of the contractor, the sureties on his bond, and the board or governing body. Such surety bond or deposit required herein shall be deposited with the board or governing body for which the work is to be performed. When a deposit, other than a surety bond, is made with the board or governing body, said board or governing body assumes all the liabilities, obligations and duties of a surety as provided in Article 3 of Chapter 44A to the extent of said deposit. In the case of contracts for the purchase of apparatus, supplies, materials, or equipment, the board or governing body may waive the requirement for a surety bond or other deposit.

The owning agency or the Department of Administration, in contracts involving a State agency, and the owning agency or the governing board, in contracts involving a political subdivision of the State, may reject the bonds of any surety company against which there is pending any unsettled claim or complaint made by a State agency or the owning agency or governing board of any political subdivision of the State arising out of any contract under which State funds, in contracts with the State, or funds of political subdivisions of the State, in contracts with such political subdivision, were expended, provided such claim or complaint has been pending more than 180 days.

(d) Nothing in this section shall operate so as to require any public agency to enter into a contract which will prevent the use of unemployment relief labor paid for in whole or in part by appropriations or funds furnished by the State or federal government.

(e) Any board or governing body of the State or any institution of the State government or of any county, city, town, or other subdivision of the State may enter into any contract with (i) the United States of America or any agency thereof, or (ii) any other government unit or agency thereof within the United States, for the purchase, lease, or other acquisition of any apparatus, supplies, materials, or equipment without regard to the foregoing provisions of this section or to the provisions of any other section of this Article.

The Secretary of Administration or the governing board of any county, city, town, or other subdivision of the State may designate any officer or employee of the State, county, city, town or subdivision to enter a bid or bids in its behalf at any sale of apparatus, supplies, materials, equipment or other property owned by (i) the United States of America or any agency thereof, or (ii) any other governmental unit or agency

thereof within the United States, and may authorize such officer or employee to make any partial or down payment or payment in full that may be required by regulations of the government or agency disposing of such property.

(f) The provisions of this Article shall not apply to purchases of apparatus, supplies, materials, or equipment when performance or price competition for a product are not available; when a needed product is available from only one source of supply; or when standardization or compatibility is the overriding consideration. Notwithstanding any other provision of this section, the governing board of a municipality, county, or other subdivision of the State shall approve purchases made under this exception prior to the award of the contract. In the case of purchases by hospitals, in addition to the other exceptions in this subsection, the provisions of this Article shall not apply when a particular medical item or prosthetic appliance is needed; when a particular product is ordered by an attending physician for his patients; when additional products are needed to complete an ongoing job or task; when products are purchased for "over-the-counter" resale; when a particular product is needed or desired for experimental, developmental, or research work; or when equipment is already installed, connected, and in service under a lease or other agreement and the governing body of the hospital determines that the equipment should be purchased. The governing body of a hospital, municipality, county or other political subdivision of the State shall keep a record of all purchases made pursuant to this exception. These records are subject to public inspection.

(g) When the governing board of any municipality, county, or other subdivision of the State, or the manager or purchasing official delegated authority under subsection (a) of this section, determines that it is in the best interest of the unit, the requirements of this section may be waived for the purchase of apparatus, supplies, materials, or equipment from any person or entity that has, within the previous 12 months, after having completed a public, formal bid process substantially similar to that required by this Article, contracted to furnish the apparatus, supplies, materials, or equipment to:

- (1) The United States of America or any federal agency;
- (2) The State of North Carolina or any agency or political subdivision of the State; or
- (3) Any other state or any agency or political subdivision of that state, if the person or entity is willing to furnish the items at the same or more favorable prices, terms, and conditions as those provided under the contract with the other unit or agency. Notwithstanding any other provision of this section, any purchase made under this subsection shall be approved by the governing body of the purchasing municipality, county, or other political subdivision of the State at a regularly scheduled meeting of the governing body no fewer than 10 days after publication of notice, in a newspaper of general circulation in the area served by the governing body, that a waiver of the bid procedure will be considered in order to contract with a qualified supplier pursuant to this section. Rules issued by the Secretary of Administration pursuant to G.S. 143-49(6) shall apply with respect to participation in State term contracts.

**§ 143-64.31. Declaration of public policy.**

It is the public policy of this State and all public subdivisions and Local Governmental Units thereof, except in cases of special emergency involving the health and safety of the people or their property, to announce all requirements for architectural, engineering, and surveying services, to select firms qualified to provide such services on the basis of demonstrated competence and qualification for the type of professional services required without regard to fee other than unit price information at this stage, and thereafter to negotiate a contract for architectural, engineering, or surveying services at a fair and reasonable fee with the best qualified firm. If a contract cannot be negotiated with the best qualified firm, negotiations with that firm shall be terminated and initiated with the next best qualified firm.

**1998 PERMANENT SUBCOMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

FOR RECOMMENDING BILLS TO STANDING COMMITTEE OR TO THE FLOOR OF THE HOUSE  
The following report(s) from permanent sub committee(s) is/are presented:

By Representative(s) Capps for the Permanent Subcommittee on Preschool, Elementary, Secondary Education of the Standing Committee on EDUCATION.

☐ Committee Substitute for

**H.B. 1558**

☐ A BILL TO BE ENTITLED AN ACT TO ALLOW THE BOARDS OF EDUCATION IN THE COUNTIES OF JOHNSTON, ORANGE, AND PITT TO USE ALTERNATIVE DELIVERY SYSTEMS FOR THE CONSTRUCTION OF PUBLIC SCHOOL FACILITIES.

REPORTED TO THE STANDING COMMITTEE ON

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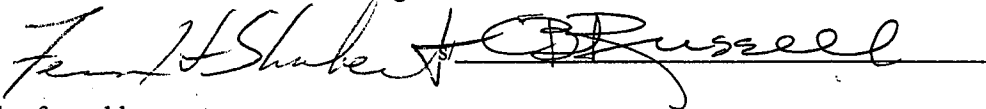
**RECOMMENDED ACTION:**

- ☐ With a favorable recommendation.
- ☐ With a favorable recommendation and recommend that the bill be re-referred to the Committee on
- ☐ With a favorable recommendation, as amended.
- ☐ With a favorable recommendation, as amended, and recommend that the bill be re-referred to the Committee on
- ☐ With an unfavorable recommendation.
- ☐ With a favorable recommendation as to proposed committee substitute bill which changes the title, unfavorable as to original bill.
- ☐ With a favorable recommendation as to proposed House committee substitute bill, which changes the title, unfavorable as to Senate committee substitute bill.
- ☐ Without prejudice.
- ☐ Other recommended action: -----

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WITH APPROVAL OF STANDING COMMITTEE CHAIR FOR REPORT TO BE MADE DIRECTLY TO THE FLOOR OF THE HOUSE:

Rep. Russell and Shubert for the Standing Committee on EDUCATION.



- ☐ With a favorable report.
- ☐ With a favorable report, as amended.
- ☒ 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 referred to the Committee on -----.)
- ☐ And having received a unanimous vote in committee, be placed on the Consent Calendar.  
(PUBLIC BILLS ONLY)

3/25/98



**MEMORANDUM**

**Date:** June 17, 1998  
**To:** Members, House Education Subcommittee on  
Preschool, Elementary and Secondary  
Education  
**From:** Timothy D. Kent, CAE, Executive V-P  
**Re:** House Bill 1558

Prior to today's meeting, I wanted to make sure you had some pertinent information. I am providing you two attachments, as follows:

**1. Fact Sheet on School Construction Costs**

This information is based on data compiled by the N.C. Department of Public Instruction.

Square foot cost typically includes the cost of site work and the "\$68/square foot cost" in Johnston County does not include site work--a very significant cost item.

**2. Information on Prototype Design**

This is a printout from a presentation our association makes periodically to members of the N.C. School Boards Association.

Our association encourages school systems to utilize prototype designs, when feasible. At least 15-20 architectural firms in our state actively market prototype designs. A similar number of school systems have successfully utilized prototypes.

Through previous legislation, there is now a prototype clearinghouse available on-line at the N.C. Department of Public Instruction website.

Bottom line: It's a big marketplace for architectural services and school systems should have a lot of choices. While the Johnston County Schools may be quite pleased with their current school construction efforts, there are many other equally-pleased school systems that have chosen to go a different route.

Thank you for your consideration!

## School Construction Costs: A Fact Sheet

The Glendale-Kenly Elementary School in Johnston County has been widely reported to have a square-foot construction price of less than \$70 (\$69.80).

It's important to know, however, that the quoted price does not include site work, a cost typically included in tabulating total square foot construction costs. When the sitework cost of \$326,580 is included, the square foot construction cost for Glendale-Kenly becomes \$74.84.

In addition, the Glendale-Kenly price of \$69.80 per square foot does not include kitchen equipment and installation. That price (\$177,695) adds an additional \$2.31 per square foot to the total cost.

The School Planning Division of the N.C. Department of Public Instruction compiles construction cost data for school statewide. **Since the Glendale-Kenly School was bld on June 13, 1996, there are at least eight elementary and middle schools across the state that have been competitively bld for \$74.85 per square foot or less.** All of these schools have included site work as part of their total square foot cost.

Those schools, bld since June 13, 1996, with total square foot cost of \$74.85 or less include:

<u>County</u>	<u>School</u>	<u>ADM</u>	<u>Sq. Feet</u>	<u>Total Cost</u>	<u>Sq. Ft. Cost</u>
Wake	Dillard Rd. Elementary	675	89,105	\$6,037,769	\$67.76
Pamlico	Pamlico County Elementary	600	78,571	\$5,445,929	\$69.31
Forsyth	West Middle	760	103,000	\$7,259,516	\$70.48
Meck.	North Elementary	1200	120,000	\$8,574,400	\$71.45
Forsyth	Kemersville Middle	760	103,000	\$7,423,598	\$72.07
Forsyth	North Hills Elementary	660	77,108	\$5,596,470	\$72.58
Forsyth	Southeast Middle	760	103,000	\$7,487,025	\$72.69
Johnston	Glendale-Kenly Elementary	600	76,959	\$5,759,845	\$74.84
Meck.	Gov's. Village Elementary	1200	130,200	\$9,745,188	\$74.85





**OVERVIEW:**

## **Prototype Clearinghouse**

### **CONCEPT AND IMPLEMENTATION**

Information service for local school boards. Previously-used school designs available in publications and electronically. Architect of record retains ownership and liability for prototype design. Scheduled to be on-line by early 1998.



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# 4

*OVERVIEW:*

## **Prototypes: A Definition**

An architectural firm develops a school design plan for one specific location.

A school system contracts with the firm to adapt the plan for re-use at one or more additional locations.



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**OVERVIEW:**

## **The Current Use of Prototypes**

- At least 20 N.C. school systems have utilized prototypes.
- School systems include Wake, Mecklenburg, Vance, New Hanover, Hoke, Durham, Onslow, Surry, Columbus, Wayne, Anson, Warren, Cabarrus, Forsyth and Elizabeth City-Pasquotank.





**OVERVIEW:**

## **Issues Not Addressed By Prototypes**

### ***No Help on Renovations & Additions to Existing Facilities***

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- Almost 2/3 of all N.C. school construction (by dollar cost) is renovations and additions.

### ***Limited Shelf Life***

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- School curricula, program requirements and enrollments change frequently
- When one or more of these factors change, new prototypes will need to be developed.
- The successful use of a prototype requires community discipline and cooperation.

— more —



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**OVERVIEW:**

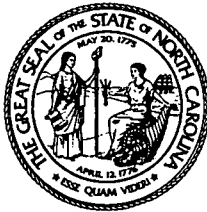
## **Issues Not Addressed By Prototypes** *continued*

### ***Site Variations and Adaptability***

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- N.C. is a diverse state with three distinct geographic regions.
- Any prototype plan must be modified to adapt to local terrain, soil, north-south orientation, traffic flow, availability of water, sewer and utilities.
- Few sites are “easy” to adapt. An example are the sites for East Hoke and West Hoke Middle Schools. Both sites are flat, have few trees and had plenty of available land at reasonable prices. This example is the exception, rather than the rule.
- Prototypes offer NO savings on site design and construction administration. Those services are still needed.





HOUSE EDUCATION COMMITTEE  
Subcommittee on Preschool, Elementary and Secondary Education  
Minutes  
June 24, 1998

The subcommittee on Preschool, Elementary and Secondary Education of the Standing Committee on Education met on June 24, 1998 in room 425 of the Legislative Office Building. The following members were present: Representative Capps, Subcommittee chairman, Representative Shubert and Russell Co-chairs of the Education committee, Representative Wood, an ex-officio member and Representatives Arnold, Beall, Black, Cansler, Cole, Davis, Decker, Gulley, Hall, Hensley, Hiatt, Insko, Kinney, Nye, Preston, Sherrill, Warner, and Connie Wilson. Representative Capps called the meeting to order at 3:30 PM.

**HB 1425 Pilot Program/ Additional School Days** was the first item on the agenda. The bill sponsor Rep. Arnold introduced the bill. After a short discussion and without much debate, Rep. Insko moved to give the bill a favorable report as to the original bill, to be reported directly to the floor of the House with the approval of the co-chairs, then re-referred to Appropriations. The motion passed.

**HB 1488 Assistance Teams Additional Funds** was explained by the sponsor, Rep. Arnold. With little discussion, Rep. C. Wilson moved for a favorable report. The motion passed, and the bill was given a favorable report and sent directly to the floor of the House with the approval of the co-chairs to be re-referred to Appropriations.

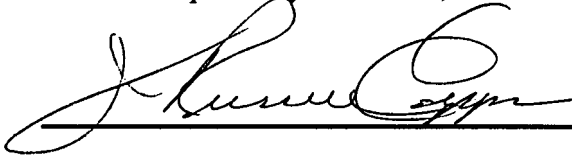
**HB 1478 Encourage Year - Round Schools** was the next bill on the agenda. Rep. Arnold gave the explanation for the bill which was to have at least one year - round school in each local administrative unit. Rep. Davis moved to give the bill a favorable report, and the motion passed. The bill was reported directly to the floor of the House.

**SB 1139 Misc. Corrections/G.S. 115C-325** was the last item on the agenda. Rep. Arnold the bill sponsor asked the staff person Robin Johnson to explain the bill. Rep. Arnold moved that the language of the companion bill HB 1426 be substituted for the Senate bill. After that motion passed, Rep. Hiatt requested a simple technical change and put forth an amendment which passed. Rep. Decker moved that abortion

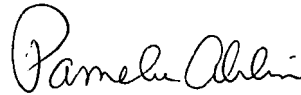
referrals will only occur with written permission from parents. The amendment passed and all the amendments were rolled into a committee substitute, unfavorable as to the original bill, with a title change and reported directly to the floor of the House if approved by the committee chairs.

The meeting adjourned at 4:05 PM.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "J. Russell Capps", written over a horizontal line.

Representative J. Russell Capps

A handwritten signature in cursive script, appearing to read "Pamela Ahlin", written over a horizontal line.

Pamela Ahlin, clerk

## ATTENDANCE

House Education/subcommittee/ preschool, elementary, &amp; secondary education

DATES																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																				
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## VISITOR REGISTRATION SHEET

HOUSE/EDUCATION/SUB/PRESCH, ELEM, & SEC. ED. 6-24, 1998

Name of Committee

Date \_\_\_\_\_

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Stephanie Summersen

NCJCDC

*[Signature]*

NC FPC

Babbar Hotel

NCR 72

Ann Belbin

SBE

Harriet Dial

NAE

And Davis

WCAE

ERIN FAYLOR

WRM-70

to the several

7cA1c4

Joanne Wynnies

NICSBTA

Gene Cawston

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Forrest Gable

Lovecraft's Office  
FEB 20

Joyce Kiera

FFBC

H.B. 01 1425

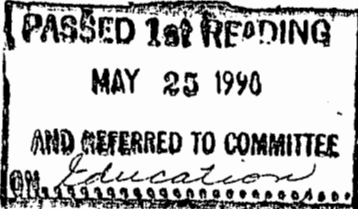
SESSION LAW \_\_\_\_\_

**A BILL TO BE ENTITLED**

AN ACT TO IMPLEMENT THE RECOMMENDATION OF THE LEGISLATIVE STUDY COMMISSION ON  
PUBLIC SCHOOLS TO ESTABLISH A PILOT PROGRAM TO ADD INSTRUCTIONAL DAYS AND  
INCREASE FLEXIBILITY.

Introduced by Representative(s) Arnold -Haley -Preston  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Principal Clerk's Use Only



*if favorable, Appropriation*

The Committee Subcommittee on  
EDUCATION refers  
the bill to Subcommittee

Pre-School, Elementary and Secondary  
Rep. Russell Shubert  
For the Committee

Referred to Committee/Subcommittee  
on Pre-School, Elementary & Sec. Ed.

JUN 3 '98

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 1425\*

Short Title: Pilot Program/Add'l. School Days.

(Public)

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Sponsors: Representatives Arnold; Hurley and Preston.

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Referred to: Education, if favorable, Appropriations.

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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 ESTABLISH A PILOT  
4 PROGRAM TO ADD INSTRUCTIONAL DAYS AND INCREASE  
5 FLEXIBILITY.

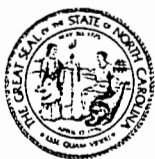
6 The General Assembly of North Carolina enacts:

7 Section 1. The State Board of Education shall develop a pilot program to  
8 add instructional days and increase flexibility in selected public schools. The State  
9 Board shall receive applications for participation in the pilot program from local  
10 boards of education and may select up to 10 schools to participate for terms of up to  
11 five years. The State Board shall give preference to applications from local boards  
12 for schools that have been designated as low-performing within two years of the date  
13 of application. Schools that are selected to participate in the pilot program shall  
14 provide at least 20 additional instructional days, 110 additional instructional hours,  
15 and shall employ their instructional staff for a term of 12 months. Pilot program  
16 schools also shall be exempt from most statutes and rules applicable to a local board  
17 of education or a local school administrative unit except the following: Part 3 of  
18 Article 8B of Chapter 115C; G.S. 115C-325; and the teacher salary schedule.  
19 Furthermore, employees at a pilot program school shall receive the same State-  
20 funded employee benefits as other employees of the local school administrative unit.  
21 Local boards of education shall not assign instructional staff to a pilot program school  
22 unless the staff member consents to the assignment. A local board of education that  
23 sponsors a pilot program school shall report to the State Board at least twice during

1 the term of the pilot regarding whether the increased amount of instructional time,  
2 the increased flexibility, or both have contributed to increased student performance.

3           Section 2. The General Assembly encourages the Governor to include  
4 recurring funds in the 1999-2000 budget to implement this program.

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



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**TO:** Representative Capps, Chair, House Education Subcommittee on Preschool, Elementary & Secondary  
**FROM:** Robin S. Johnson, Committee Counsel  
**DATE:** June 24, 1998  
**RE:** SUMMARY: H 1425 – Pilot Program/Add'l School Days

HOUSE BILL 1425, a recommendation of the Legislative Study Commission on Public Schools, directs the State Board of Education to develop a pilot program to add instructional days at up to ten schools for up to five years. The Board must give preference to applications from schools that have been designated as low-performing within two years of the date of application. A low-performing school is one in which there is a failure to meet the minimum growth standards as set for that school by the State Board and in which a majority of students are performing below-grade level. Schools selected for the pilot must provide at least 20 additional instructional days, 110 additional instructional hours, and employ the instructional staff for a 12-month term. The general law is that schools must have a minimum of 180 days and 1000 hours of instruction. Teachers are employed for a 10-month term.

The schools selected to participate in the pilot will be exempt from laws and rules governing public schools except for those related to the School-Based Accountability Program (i.e., the ABC's Program), G.S. 115C-325 (System of Employment for Public School Teachers), and the teacher salary schedule. The instructional staff must consent to their assignment to the school.

Section 2 encourages the Governor to include recurring funds in the 1999-2000 budget to implement this program.

The act is effective when it becomes law.

*H1425-SMRH-001*

**1998 PERMANENT SUBCOMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

FOR RECOMMENDING BILLS TO STANDING COMMITTEE OR TO THE FLOOR OF THE HOUSE

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

By Representative(s) Capps for the Permanent Subcommittee on Preschool, Elementary and Secondary Education of the Standing Committee on EDUCATION.

- ☐ Committee Substitute for  
H.B. 1425 ☐ A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE  
RECOMMENDATION OF THE LEGISLATIVE STUDY COMMISSION ON PUBLIC SCHOOLS  
TO ESTABLISH A PILOT PROGRAM TO ADD INSTRUCTIONAL DAYS AND INCREASE  
FLEXIBILITY.

REPORTED TO THE STANDING COMMITTEE ON                     

---

**RECOMMENDED ACTION:**

- ☐ With a favorable recommendation.
- ☐ With a favorable recommendation and recommend that the bill be re-referred to the Committee on
- ☐ With a favorable recommendation, as amended.
- ☐ With a favorable recommendation, as amended, and recommend that the bill be re-referred to the Committee on
- ☐ With an unfavorable recommendation.
- ☐ With a favorable recommendation as to proposed committee substitute bill which changes the title, unfavorable as to original bill.
- ☐ With a favorable recommendation as to proposed House committee substitute bill, which changes the title, unfavorable as to Senate committee substitute bill.
- ☐ Without prejudice.
- ☐ Other recommended action:           .

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WITH APPROVAL OF STANDING COMMITTEE CHAIR FOR REPORT TO BE MADE DIRECTLY TO THE FLOOR OF THE HOUSE:

Rep. Shubert and Russell for the Standing Committee on EDUCATION.

s/ Fern H. Shubert

- ☒ With a favorable report, *and be re-referred to Appropriations*
- ☐ With a favorable report, as amended.
- ☐ 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 referred to the Committee on      )
- ☐ And having received a unanimous vote in committee, be placed on the Consent Calendar.  
(PUBLIC BILLS ONLY)

3/25/98

## PUBLIC BILL

H. B. 0 1488

CHAP. \_\_\_\_\_

## A BILL TO BE ENTITLED

AN ACT TO IMPLEMENT THE RECOMMENDATION OF THE LEGISLATIVE STUDY COMMISSION ON PUBLIC SCHOOLS TO APPROPRIATE FUNDS TO PROVIDE A BONUS TO ASSISTANCE TEAM MEMBERS AND TO REIMBURSE THE ACTUAL COST OF ALL REASONABLE EXPENSES INCURRED BY MEMBERS OF ASSISTANCE TEAMS.

Introduced by Rep(s). Arnold Preston

Principal Clerk's Use Only

PASSED IN READING  
MAY 23 1990  
AND REFERRED TO COMMITTEE  
ON Education, Ep. & Ap.

Appropriations

The Committee Subcommittee on  
EDUCATION refers

the bill to SUBCOMMITTEE ON Pre-School,

Elementary and Secondary

Rep. Russell and Rep. Shubert  
For the Committee

Referred to Committee/Subcommittee

on Pre-School, Elementary & Sec. Ed.

JUN 03 '90

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 1488\*

Short Title: Assistance Teams/Add'l. Funds.

(Public)

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Sponsors: Representatives Arnold; and Preston.

---

Referred to: Education, if favorable, Appropriations.

---

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 APPROPRIATE FUNDS  
4 TO PROVIDE A BONUS TO ASSISTANCE TEAM MEMBERS AND TO  
5 REIMBURSE THE ACTUAL COST OF ALL REASONABLE EXPENSES  
6 INCURRED BY MEMBERS OF ASSISTANCE TEAMS.

7 The General Assembly of North Carolina enacts:

8 Section 1. There is appropriated from the General Fund to the State  
9 Board of Education the sum of two hundred six thousand dollars (\$206,000) for the  
10 1998-99 fiscal year to provide a bonus of one thousand five hundred dollars (\$1,500)  
11 to each member of an assistance team assigned to a low-performing school. The State  
12 Board of Education shall provide the bonus retroactively for the 1997-98 school year  
13 and shall provide the bonus for the 1998-99 school year prior to the end of the 1998-  
14 99 fiscal year. The bonus shall be prorated at one hundred twenty-five dollars  
15 (\$125.00) per month for months actually served.

16 Section 2. G.S. 115C-105.38 is amended by adding a new subsection to  
17 read:

18 "(e) Notwithstanding any other law, assistance team members will be reimbursed  
19 the actual cost of all reasonable expenses incurred."

20 Section 3. This act becomes effective July 1, 1998.



**1998 PERMANENT SUBCOMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

FOR RECOMMENDING BILLS TO STANDING COMMITTEE OR TO THE FLOOR OF THE HOUSE

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

By Representative(s) Capps for the Permanent Subcommittee on Preschool, Elementary and Secondary Education of the Standing Committee on EDUCATION.

☐ Committee Substitute for

**H.B. 1488**

☐ A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE RECOMMENDATION OF THE LEGISLATIVE STUDY COMMISSION ON PUBLIC SCHOOLS TO APPROPRIATE FUNDS TO PROVIDE A BONUS TO ASSISTANCE TEAM MEMBERS AND TO REIMBURSE THE ACTUAL COST OF ALL REASONABLE EXPENSES INCURRED BY MEMBERS OF ASSISTANCE TEAMS.

REPORTED TO THE STANDING COMMITTEE ON                     

---

**RECOMMENDED ACTION:**

- ☐ With a favorable recommendation.
- ☐ With a favorable recommendation and recommend that the bill be re-referred to the Committee on
- ☐ With a favorable recommendation, as amended.
- ☐ With a favorable recommendation, as amended, and recommend that the bill be re-referred to the Committee on
- ☐ With an unfavorable recommendation.
- ☐ With a favorable recommendation as to proposed committee substitute bill which changes the title, unfavorable as to original bill.
- ☐ With a favorable recommendation as to proposed House committee substitute bill, which changes the title, unfavorable as to Senate committee substitute bill.
- ☐ Without prejudice.
- ☐ Other recommended action:

---

WITH APPROVAL OF STANDING COMMITTEE CHAIR FOR REPORT TO BE MADE DIRECTLY TO THE FLOOR OF THE HOUSE:

Rep. Russell and Shubert for the Standing Committee on EDUCATION.

s/ Fernando Shubert  
C. Russell

- ☒ With a favorable report, *and be referred to Approp.*
- ☐ With a favorable report, as amended.
- ☐ 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 referred to the Committee on      .)
- ☐ And having received a unanimous vote in committee, be placed on the Consent Calendar.  
(PUBLIC BILLS ONLY)

3/25/98

Ad. 5/12/97

PUBLIC BILL

H.B. 1478

SESSION LAW \_\_\_\_\_

A BILL TO BE ENTITLED

AN ACT TO IMPLEMENT THE RECOMMENDATION OF THE LEGISLATIVE STUDY COMMISSION ON PUBLIC SCHOOLS TO ENCOURAGE LOCAL BOARDS OF EDUCATION TO PROVIDE YEAR-ROUND SCHOOLS.

Introduced by Representative(s)

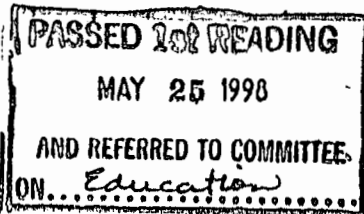
Arnold

*W. Tolson*

*W. Tolson*

*Justus*

Principal Clerk's Use Only



The Committee Subcommittee on

EDUCATION

refers

Pre-School, Elementary and Secondary

Rep. Russell & Rep. Shubert

For the Committee

Referred to Committee/Subcommittee

on Pre-School, Elementary & Sec. Ed

JUN 3 '98

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 1478\*

Short Title: Encourage Year-Round Schools.

(Public)

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Sponsors: Representatives Arnold; Hurley, Justus, and Watson.

---

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 ENCOURAGE LOCAL  
4 BOARDS OF EDUCATION TO PROVIDE YEAR-ROUND SCHOOLS.  
5 The General Assembly of North Carolina enacts:  
6 Section 1. G.S. 115C-47(11) reads as rewritten:  
7 "(11) To Determine the School Calendar. -- Local boards of education  
8 shall determine the school calendar under G.S. 115C-84.2. Local  
9 boards of education are encouraged to provide at least one year-  
10 round school in each local school administrative unit for each  
11 grade span according to how the school system is organized under  
12 G.S. 115C-74. Local boards of education shall report to the State  
13 Board of Education the establishment of any year-round school  
14 under this subdivision."  
15 Section 2. This act becomes effective July 1, 1998.

**1998 PERMANENT SUBCOMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

FOR RECOMMENDING BILLS TO STANDING COMMITTEE OR TO THE FLOOR OF THE HOUSE  
The following report(s) from permanent sub committee(s) is/are presented:

By Representative(s) Capps for the Permanent Subcommittee on Preschool, Elementary and Secondary Education of the Standing Committee on EDUCATION.

- ☐ Committee Substitute for  
H.B. 1478 ☐ A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE  
RECOMMENDATION OF THE LEGISLATIVE STUDY COMMISSION ON PUBLIC SCHOOLS  
TO ENCOURAGE LOCAL BOARDS OF EDUCATION TO PROVIDE YEAR-ROUND SCHOOLS.

REPORTED TO THE STANDING COMMITTEE ON EDUCATION

---

**RECOMMENDED ACTION:**

- ☐ With a favorable recommendation.
- ☐ With a favorable recommendation and recommend that the bill be re-referred to the Committee on
- ☐ With a favorable recommendation, as amended.
- ☐ With a favorable recommendation, as amended, and recommend that the bill be re-referred to the Committee on
- ☐ With an unfavorable recommendation.
- ☐ With a favorable recommendation as to proposed committee substitute bill which changes the title, unfavorable as to original bill.
- ☐ With a favorable recommendation as to proposed House committee substitute bill, which changes the title, unfavorable as to Senate committee substitute bill.
- ☐ Without prejudice.
- ☐ Other recommended action: \_\_\_\_\_

---

WITH APPROVAL OF STANDING COMMITTEE CHAIR FOR REPORT TO BE MADE DIRECTLY TO THE FLOOR OF THE HOUSE:

Rep. Shubert and Russell for the Standing Committee on EDUCATION.

s/ Ken H. Shubert  
B. Russell

- ☒ With a favorable report.
- ☐ With a favorable report, as amended.
- ☐ 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 referred to the Committee on .)
- ☐ And having received a unanimous vote in committee, be placed on the Consent Calendar.  
(PUBLIC BILLS ONLY)

3/25/98

# PUBLIC BILL

*Ed Hupwed*

Proposed Committee Substitute For

S.B. 1139

SESSION LAW \_\_\_\_\_

*JD H 1426*

## A BILL TO BE ENTITLED

AN ACT TO IMPLEMENT THE RECOMMENDATION OF THE JOINT LEGISLATIVE EDUCATION  
OVERSIGHT COMMITTEE TO MAKE TECHNICAL, CONFORMING, AND CLARIFYING CHANGES  
TO G.S. 115C-325.

Introduced by Senator(s)

*Hartseel*

Principal Clerk's Use Only

Committee Substitute  
Adopted  
Pursuant to Rule 45.1

JUN 9 1998

RECEIVED

JUN 11 1998

PLACED ON CALENDAR FOR

*6/10/98*

PASSED 1st READING

JUN 15 1998

AND REFERRED TO COMMITTEE  
ON *Education*

The Committee/Subcommittee on

EDUCATION

refers

the bill to *Pre-School*

*Elementary & Secondary*

*Rep Russell & Shube*

For the Committee

Referred to Committee/Subcommittee

on *Pre-School, Elementary &*

*Secondary* JUN 18 '98

PASSED 2nd & 3rd  
READINGS

*49-0 (v)*

JUN 10 1998

ORDERED SENT TO  
HOUSE OF REPRESENTATIVE

*Fax*  
FLOOR

AMENDMENT NO. *1*

JUN 10 1998

*Adopted 49-0*

*Janet Pruitt*

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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SENATE BILL 1139\*  
Education/Higher Education Committee Substitute Adopted 6/8/98  
Third Edition Engrossed 6/10/98

Short Title: Misc. Corrections/G.S. 115C-325.

(Public)

Sponsors:

Referred to:

May 18, 1998

1 A BILL TO BE ENTITLED  
2 AN ACT TO IMPLEMENT THE RECOMMENDATION OF THE JOINT  
3 LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE TO MAKE  
4 TECHNICAL, CONFORMING, AND CLARIFYING CHANGES TO G.S. 115C-  
5 325.  
6 The General Assembly of North Carolina enacts:  
7 Section 1. G.S. 115C-325(c)(1) reads as rewritten:  
8 "(c) (1) Election of a Teacher to Career Status. -- Except as otherwise  
9 provided in subdivision (3) of this subsection, when a teacher has  
10 been employed by a North Carolina public school system for four  
11 consecutive years, the board, near the end of the fourth year, shall  
12 vote upon whether to grant the teacher career status. The board  
13 shall give the teacher written notice of that decision by June 15. If  
14 a majority of the board votes to grant career status to the teacher,  
15 and if it has notified the teacher of the decision, it may not rescind  
16 that action but must proceed under the provisions of this section  
17 for the demotion or dismissal of a teacher if it decides to terminate  
18 the teacher's employment. If a majority of the board votes against  
19 granting career status, the teacher local board shall not ~~teach~~  
20 employ the person as a teacher in that local school administrative  
21 unit beyond the current school term. during the next school year.  
22 Notwithstanding this subdivision, during the following year a local

board may reconsider the vote against granting career status if the board determines that circumstances have changed and it is in the best interest of the local school administrative unit to grant career status to the teacher. If the board fails to vote on granting career status:

- a. It shall not reemploy the teacher for a fifth consecutive year;
- b. As of June 16, the teacher shall be entitled to one month's pay as compensation for the board's failure to vote upon the issue of granting career status; and
- c. The teacher shall be entitled to an additional month's pay for every 30 days after June 16 that the board fails to vote upon the issue of granting career status."

Section 2. G.S. 115C-325(h)(3) reads as rewritten:

"(3) Within the 14-day period after receipt of the notice, the career employee may file with the superintendent a written request for either (i) a hearing on the grounds for the superintendent's proposed recommendation by a case manager or (ii) a hearing within ~~five~~ 10 days before the board on the superintendent's recommendation. If the career employee requests an immediate hearing before the board, he forfeits his right to a hearing by a case manager. If no request is made within that period, the superintendent may file his recommendation with the board. The board, if it sees fit, may by resolution (i) reject the superintendent's recommendation or (ii) accept or modify the superintendent's recommendation and dismiss, demote, reinstate, or suspend the employee without pay. If a request for review is made, the superintendent shall not file his recommendation for dismissal with the board until a report of the case manager is filed with the superintendent."

Section 3. G.S. 115C-325(j)(3) reads as rewritten:

"(3) At the hearing the career employee and the ~~superintendent~~ superintendent, or the superintendent's designee, shall have the right to be present and to be heard, to be represented by counsel and to present through witnesses any competent testimony relevant to the issue of whether grounds for dismissal or demotion exist or whether the procedures set forth in G.S. 115C-325 have been followed."

Section 4. G.S. 115C-325(j1)(1) reads as rewritten:

"(1) Within two days after receiving the superintendent's notice of intent to recommend the career employee's dismissal to the board, the career employee shall decide whether to request a hearing before the board and shall notify the superintendent, in writing, of the decision. If the career employee can show that the request for a

1 hearing was postmarked within the time provided, the career  
2 employee shall not forfeit the right to a board hearing. Within two  
3 days after receiving the career employee's request for a board  
4 hearing, the superintendent shall request that a transcript of the  
5 case manager hearing be made. Within two days of receiving a  
6 copy of the transcript, the superintendent shall submit to the board  
7 the written recommendation and shall provide a copy of the  
8 recommendation to the career employee. The superintendent's  
9 recommendation shall state the grounds for the recommendation  
10 and shall be accompanied by a copy of the case manager's ~~report~~  
11 report and a copy of the transcript of the case manager hearing."

12 Section 5. G.S. 115C-325(j3)(5) reads as rewritten:

13 "(5) At least ~~10~~ eight days before the hearing, the superintendent shall  
14 provide to the career employee a list of witnesses the  
15 superintendent intends to present, a brief statement of the nature  
16 of the testimony of each witness, and a copy of any documentary  
17 evidence the superintendent intends to present."

18 Section 6. G.S. 115C-325(o) reads as rewritten:

19 "(o) Resignation; Nonrenewal of Contract. -- A teacher, career or probationary,  
20 should not resign without the consent of the superintendent unless he has given at  
21 least 30 days' notice. If the teacher does resign without giving at least 30 days' notice,  
22 the board may request that the State Board of Education revoke the teacher's  
23 certificate for the remainder of that school year. A copy of the request shall be placed  
24 in the teacher's personnel file.

25 A probationary teacher whose contract will not be renewed for the next school  
26 year shall be notified of this fact by June ~~4~~ 15."

27 Section 7. This act is effective when it becomes law. Sections 2, 3, 4,  
28 and 5 apply to proceedings initiated on or after that date.





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**TO:** Representative Capps, Chair, House Education Subcommittee on Preschool,  
Elementary & Secondary  
**FROM:** Robin S. Johnson, Committee Counsel  
**DATE:** June 24, 1998  
**RE:** SUMMARY: S 1139 (3<sup>RD</sup> Ed.) -- Misc. Corrections/G.S. 115C-325

**BACKGROUND:** Last year, the General Assembly enacted the Excellent Schools Act, which made significant changes to G.S. 115C-325, which governs the employment and dismissal of teachers and school administrators. These changes reduced almost by half the time it takes to dismiss an employee, abolished the Professional Review Commission (PRC) as well as the procedure that allowed a teacher to request that the PRC review the superintendent's recommendation of dismissal, substituted case manager hearings, revised procedural and evidentiary requirements, created a new procedure for the demotion of a career school administrator, and added one year to the number of years required to obtain career status. House Bill 1426 is a recommendation of the Joint Legislative Education Oversight Committee to make technical, conforming, and clarifying changes to G.S. 115C-325 to address concerns that have arisen as a result of the changes made in the Excellent Schools Act.

**SUMMARY:** Section 1 amends G.S. 115C-325 (c)(1) to clarify that if a local board votes to deny career status to a teacher, the local board cannot employ that person as a teacher during the next school year. However, the local board may reconsider, at any time during the next year, its vote against granting career status if it finds circumstances have changed and it is in the unit's best interest to grant career status. ***This language is different from the introduced version of the bill, which is a companion to HB 1426. HB 1426 prohibits the board's re-employment of a teacher when the board votes to deny career status to him or her.*** In both versions, the teacher may seek employment and be hired by another local school administrative unit.

**Section 2** amends G.S. 115C-325 (h)(3) to increase from 5 to 10 the number of days within which a local board must hold a hearing if a teacher opts to request a hearing directly before the local board of education. This change does not apply to proceedings that involve a case manager. This change is necessary due to another provision in the statute that directs the local board to provide the teacher with all documentary evidence 7 days prior to the hearing.

**Section 3** amends G.S. 115C-325(j)(3) to clarify that the superintendent may name a designee to take the superintendent's place at the case manager hearing.

**Section 4** amends G.S. 115C-325(j1)(1) to build in time for the superintendent to obtain a transcript of the case manager hearing prior to holding the board hearing. Under current law, the superintendent must arrange to have the case manager hearing recorded. However, in an effort to reduce costs, there is no requirement to have the case manager hearing transcribed unless the teacher requests an appeal to the local board. Under the proposed legislation, the superintendent would have two days after receiving the transcript to submit a recommendation to the local board.

**Section 5** amends G.S. 115C-325(j3)(5) to decrease, from 10 days to 8 days, the amount of time within which the superintendent must submit the list of witnesses that will be called at a board hearing when there has been a reduction in force. This change is necessary due to another provision in the statute that requires the local board to hold the hearing within 10 days of receiving the teacher's request.

**Section 6** amends G.S. 115C-325(o) to change the date when a local board must inform teachers whether their probationary contract will be renewed. The change, from June 1 to June 15, makes this provision consistent with the date when local boards must inform teachers whether they have been granted career status.

**The act is effective when it becomes law. Sections 2, 3, 4, and 5 (which involve the timelines and procedures for dismissal proceedings) will apply to proceedings initiated on or after the effective date.**

*S1139-SMRH-001*

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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SENATE BILL 1139\*  
Education/Higher Education Committee Substitute Adopted 6/8/98  
Third Edition Engrossed 6/10/98  
Proposed House Committee Substitute S1139-PCS9755-RH001

Short Title: Misc. Corrections/G.S. 115C-325.

(Public)

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Sponsors:

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Referred to:

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May 18, 1998

1 A BILL TO BE ENTITLED  
2 AN ACT TO IMPLEMENT THE RECOMMENDATION OF THE JOINT  
3 LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE TO MAKE  
4 TECHNICAL, CONFORMING, AND CLARIFYING CHANGES TO G.S. 115C-  
5 325; AND TO AMEND THE EXPANDED COMPREHENSIVE SEX  
6 EDUCATION PROGRAM.  
7 The General Assembly of North Carolina enacts:  
8 Section 1. G.S. 115C-325(c)(1) reads as rewritten:  
9 "(c) (1) Election of a Teacher to Career Status. -- Except as otherwise  
10 provided in subdivision (3) of this subsection, when a teacher has  
11 been employed by a North Carolina public school system for four  
12 consecutive years, the board, near the end of the fourth year, shall  
13 vote upon whether to grant the teacher career status. The board  
14 shall give the teacher written notice of that decision by June 15. If  
15 a majority of the board votes to grant career status to the teacher,  
16 and if it has notified the teacher of the decision, it may not rescind  
17 that action but must proceed under the provisions of this section  
18 for the demotion or dismissal of a teacher if it decides to terminate  
19 the teacher's employment. If a majority of the board votes against  
20 granting career status, the teacher shall not teach in that local

1 school administrative unit beyond the current school term. If the  
2 board fails to vote on granting career status:

- 3 a. It shall not reemploy the teacher for a fifth consecutive year;  
4 b. As of June 16, the teacher shall be entitled to one month's  
5 pay as compensation for the board's failure to vote upon the  
6 issue of granting career status; and  
7 c. The teacher shall be entitled to an additional month's pay  
8 for every 30 days after June 16 that the board fails to vote  
9 upon the issue of granting career status."

10 Section 2. G.S. 115C-325(h)(3) reads as rewritten:

- 11 "(3) Within the 14-day period after receipt of the notice, the career  
12 employee may file with the superintendent a written request for  
13 either (i) a hearing on the grounds for the superintendent's  
14 proposed recommendation by a case manager or (ii) a hearing  
15 within ~~five~~ 10 days before the board on the superintendent's  
16 recommendation. If the career employee requests an immediate  
17 hearing before the board, he forfeits his right to a hearing by a case  
18 manager. If no request is made within that period, the  
19 superintendent may file his recommendation with the board. The  
20 board, if it sees fit, may by resolution (i) reject the superintendent's  
21 recommendation or (ii) accept or modify the superintendent's  
22 recommendation and dismiss, demote, reinstate, or suspend the  
23 employee without pay. If a request for review is made, the  
24 superintendent shall not file his recommendation for dismissal with  
25 the board until a report of the case manager is filed with the  
26 superintendent."

27 Section 3. G.S. 115C-325(j)(3) reads as rewritten:

- 28 "(3) At the hearing the career employee and the ~~superintendent~~  
29 superintendent, or the superintendent's designee, shall have the  
30 right to be present and to be heard, to be represented by counsel  
31 and to present through witnesses any competent testimony relevant  
32 to the issue of whether grounds for dismissal or demotion exist or  
33 whether the procedures set forth in G.S. 115C-325 have been  
34 followed."

35 Section 4. G.S. 115C-325(j1)(1) reads as rewritten:

- 36 "(1) Within two days after receiving the superintendent's notice of  
37 intent to recommend the career employee's dismissal to the board,  
38 the career employee shall decide whether to request a hearing  
39 before the board and shall notify the superintendent, in writing, of  
40 the decision. If the career employee can show that the request for a  
41 hearing was postmarked within the time provided, the career  
42 employee shall not forfeit the right to a board hearing. Within two  
43 days after receiving the career employee's request for a board  
44 hearing, the superintendent shall request that a transcript of the

1 case manager hearing be made. Within two days of receiving a  
2 copy of the transcript, the superintendent shall submit to the board  
3 the written recommendation and shall provide a copy of the  
4 recommendation to the career employee. The superintendent's  
5 recommendation shall state the grounds for the recommendation  
6 and shall be accompanied by a copy of the case manager's ~~report.~~  
7 report and a copy of the transcript of the case manager hearing."

8 Section 5. G.S. 115C-325(j3)(5) reads as rewritten:

9 "(5) At least ~~10~~ eight days before the hearing, the superintendent shall  
10 provide to the career employee a list of witnesses the  
11 superintendent intends to present, a brief statement of the nature  
12 of the testimony of each witness, and a copy of any documentary  
13 evidence the superintendent intends to present."

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15 "(o) Resignation; Nonrenewal of Contract. -- A teacher, career or probationary,  
16 should not resign without the consent of the superintendent unless he has given at  
17 least 30 days' notice. If the teacher does resign without giving at least 30 days' notice,  
18 the board may request that the State Board of Education revoke the teacher's  
19 certificate for the remainder of that school year. A copy of the request shall be placed  
20 in the teacher's personnel file.

21 A probationary teacher whose contract will not be renewed for the next school  
22 year shall be notified of this fact by June ~~1~~ 15."

23 Section 6.1. G.S. 115C-81(e1)(8) reads as rewritten:

24 "(8) Students may receive information about where to obtain  
25 contraceptives ~~and abortion referral services~~ only in accordance  
26 with a local board's policy regarding parental consent. A student  
27 may receive information about where to obtain abortion referral  
28 services only with the written consent of that student's parent or  
29 guardian. Any instruction concerning the use of contraceptives or  
30 prophylactics shall provide accurate statistical information on their  
31 effectiveness and failure rates for preventing pregnancy and  
32 sexually transmitted diseases, including Acquired Immune  
33 Deficiency Syndrome (AIDS), in actual use among adolescent  
34 populations and shall explain clearly the difference between risk  
35 reduction and risk elimination through abstinence."

36 Section 7. This act is effective when it becomes law. Sections 2, 3, 4,  
37 and 5 apply to proceedings initiated on or after that date.



NORTH CAROLINA GENERAL ASSEMBLY  
AMENDMENT  
Senate Bill 1139

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

S1139-ALO-002

Date \_\_\_\_\_, 1998

Comm. Sub. [☐  
Amends Title [yes]  
Third Edition

Representative Decker

- 1 moves to amend the bill on page 1, line 5,  
2 by rewriting the line to read:  
3 "325, AND TO AMEND THE EXPANDED COMPREHENSIVE SEX EDUCATION PROGRAM  
4 IN ORDER TO REMOVE ABORTION REFERRAL SERVICES FROM THE PROGRAM."  
5  
6 and further amends on page 3, line 26,  
7 by adding between lines 26 and 27; the following:  
8 "Section 6.1 G.S. 115C-81(e1)(8) reads as rewritten:  
9 (8) Students may receive information about where to obtain  
10 contraceptives and ~~abortion referral services~~ only in  
11 accordance with a local board's policy regarding  
12 parental consent. Any instruction concerning the use  
13 of contraceptives or prophylactics shall provide  
14 accurate statistical information on their  
15 effectiveness and failure rates for preventing  
16 pregnancy and sexually transmitted diseases, including  
17 Acquired Immune Deficiency Syndrome (AIDS), in actual  
18 use among adolescent populations and shall explain  
19 clearly the difference between risk reduction and risk  
20 elimination through abstinence."

SIGNED \_\_\_\_\_  
Amendment Sponsor

SIGNED \_\_\_\_\_  
Committee Chair if Senate Committee Amendment

ADOPTED \_\_\_\_\_

FAILED \_\_\_\_\_

TABLED \_\_\_\_\_

**1998 PERMANENT SUBCOMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

FOR RECOMMENDING BILLS TO STANDING COMMITTEE OR TO THE FLOOR OF THE HOUSE  
The following report(s) from permanent sub committee(s) is/are presented:

By Representative(s) Capps for the Permanent Subcommittee on Preschool, Elementary and Secondary Education of the Standing Committee on EDUCATION.

☒ Committee Substitute for

**S.B. 1139**

☐ A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE  
RECOMMENDATION OF THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE  
TO MAKE TECHNICAL, CONFORMING, AND CLARIFYING CHANGES TO G.S. 115C-325.

REPORTED TO THE STANDING COMMITTEE ON ~~EDUCATION~~

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**RECOMMENDED ACTION:**

- ☐ With a favorable recommendation.
- ☐ With a favorable recommendation and recommend that the bill be re-referred to the Committee on
- ☐ With a favorable recommendation, as amended.
- ☐ With a favorable recommendation, as amended, and recommend that the bill be re-referred to the Committee on
- ☐ With an unfavorable recommendation.
- ☐ With a favorable recommendation as to proposed committee substitute bill which changes the title, unfavorable as to original bill.
- ☐ With a favorable recommendation as to proposed House committee substitute bill, which changes the title, unfavorable as to Senate committee substitute bill.
- ☐ Without prejudice.
- ☐ Other recommended action: \_\_\_\_\_

---

WITH APPROVAL OF STANDING COMMITTEE CHAIR FOR REPORT TO BE MADE DIRECTLY  
TO THE FLOOR OF THE HOUSE:

Rep. Shubert and Russell for the Standing Committee on EDUCATION.

s/ Fern H. Shubert  
C. Russell

- ☐ With a favorable report.
- ☐ With a favorable report, as amended.
- ☒ With a favorable report as to committee substitute bill (# HOV 32), ☒ which changes the title, unfavorable as to original bill (Senate Committee Substitute Bill # SEN 11) (and recommendation that the committee substitute bill (# SEN 11) be referred to the Committee on \_\_\_\_\_).
- ☐ And having received a unanimous vote in committee, be placed on the Consent Calendar.  
(PUBLIC BILLS ONLY)

3/25/98

H.B. 1426

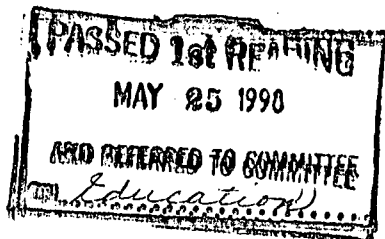
SESSION LAW \_\_\_\_\_

**A BILL TO BE ENTITLED**

AN ACT TO IMPLEMENT THE RECOMMENDATION OF THE JOINT LEGISLATIVE EDUCATION  
OVERSIGHT COMMITTEE TO MAKE TECHNICAL, CONFORMING, AND CLARIFYING CHANGES  
TO G.S. 115C-325.

Introduced by Representative(s)	Arnold	Preston	<i>Amey</i>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Principal Clerk's Use Only



The Committee Subcommittee on  
EDUCATION  
the Bill to Subcommittee Pre-School,  
Elementary and Secondary  
Rep. Russell & Rep. Shubert  
For the Committee

Referred to Committee/Subcommittee  
on Pre-School, Elementary & Sec. Ed.  
JUN 03 1998



GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 1426\*

Short Title: Misc. Corrections/G.S. 115C-325.

(Public)

Sponsors: Representatives Arnold, Preston; and Hurley.

Referred to: Education.

May 25, 1998

- 1 A BILL TO BE ENTITLED  
2 AN ACT TO IMPLEMENT THE RECOMMENDATION OF THE JOINT  
3 LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE TO MAKE  
4 TECHNICAL, CONFORMING, AND CLARIFYING CHANGES TO G.S. 115C-  
5 325.  
6 The General Assembly of North Carolina enacts:  
7 Section 1. G.S. 115C-325(c)(1) reads as rewritten:  
8 "(c) (1) Election of a Teacher to Career Status. --Except as otherwise  
9 provided in subdivision (3) of this subsection, when a teacher has  
10 been employed by a North Carolina public school system for four  
11 consecutive years, the board, near the end of the fourth year, shall  
12 vote upon whether to grant the teacher career status. The board  
13 shall give the teacher written notice of that decision by June 15. If  
14 a majority of the board votes to grant career status to the teacher,  
15 and if it has notified the teacher of the decision, it may not rescind  
16 that action but must proceed under the provisions of this section  
17 for the demotion or dismissal of a teacher if it decides to terminate  
18 the teacher's employment. If a majority of the board votes against  
19 granting career status, the teacher shall not teach in that local  
20 school administrative unit beyond the current school term. If the  
21 board fails to vote on granting career status:  
22 a. It shall not reemploy the teacher for a fifth consecutive year;



NORTH CAROLINA GENERAL ASSEMBLY  
AMENDMENT  
House Bill 1426

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

H1426-ARH-001

Date \_\_\_\_\_, 1998

Comm. Sub. ☐  
Amends Title ☐

Representative \_\_\_\_\_

- 1 moves to amend the bill on page 3, line 4,  
2 by deleting the word "manager's" and by substituting the word  
3 "manager".

SIGNED \_\_\_\_\_  
Amendment Sponsor

SIGNED \_\_\_\_\_  
Committee Chair if Senate Committee Amendment

ADOPTED \_\_\_\_\_ FAILED \_\_\_\_\_ TABLED \_\_\_\_\_



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**TO:** Representative Capps, Chair, House Education Subcommittee on Preschool, Elementary & Secondary  
**FROM:** Robin S. Johnson, Committee Counsel  
**DATE:** June 16, 1998  
**RE:** SUMMARY: H 1426 Misc. Corrections/G.S. 115C-325

**BACKGROUND:** Last year, the General Assembly enacted the Excellent Schools Act, which made significant changes to G.S. 115C-325, which governs the employment and dismissal of teachers and school administrators. These changes reduced almost by half the time it takes to dismiss an employee, abolished the Professional Review Commission (PRC) as well as the procedure that allowed a teacher to request that the PRC review the superintendent's recommendation of dismissal, substituted case manager hearings, revised procedural and evidentiary requirements, created a new procedure for the demotion of a career school administrator, and added one year to the number of years required to obtain career status. House Bill 1426 is a recommendation of the Joint Legislative Education Oversight Committee to make technical, conforming, and clarifying changes to G.S. 115C-325 to address concerns that have arisen as a result of the changes made in the Excellent Schools Act.

**SUMMARY:** **Section 1** amends G.S. 115C-325 (c)(1) to clarify that if a local board votes to deny career status to a teacher, that teacher may not be re-employed by that local school administrative unit. The teacher may seek employment and be hired by another local school administrative unit.

**Section 2** amends G.S. 115C-325 (h)(3) to increase from 5 to 10 the number of days within which a local board must hold a hearing if a teacher opts to request a hearing directly before the local board of education. This change does not apply to proceedings that involve a case manager. This change is necessary due to another provision in the statute that directs the local board to provide the teacher with all documentary evidence 7 days prior to the hearing.

**Section 3** amends G.S. 115C-325(j)(3) to clarify that the superintendent may name a designee to take the superintendent's place at the case manager hearing.

**Section 4** amends G.S. 115C-325(j1)(1) to build in time for the superintendent to obtain a transcript of the case manager hearing prior to holding the board hearing. Under current law, the superintendent must arrange to have the case manager hearing recorded. However, in an effort to reduce costs, there is no requirement to have the case manager hearing transcribed unless the teacher requests an appeal to the local

board. Under the proposed legislation, the superintendent would have two days after receiving the transcript to submit a recommendation to the local board.

**Section 5** amends G.S. 115C-325(j3)(5) to decrease, from 10 days to 8 days, the amount of time within which the superintendent must submit the list of witnesses that will be called at a board hearing when there has been a reduction in force. This change is necessary due to another provision in the statute that requires the local board to hold the hearing within 10 days of receiving the teacher's request.

**Section 6** amends G.S. 115C-325(o) to change the date when a local board must inform teachers whether their probationary contract will be renewed. The change, from June 1 to June 15, makes this provision consistent with the date when local boards must inform teachers whether they have been granted career status.

**The act is effective when it becomes law. Sections 2, 3, 4, and 5 (which involve the timelines and procedures for dismissal proceedings) will apply to proceedings initiated on or after the effective date.**