

1998

**SENATE
EDUCATION/HIGHER
ED COMMITTEE**

MINUTES

**SENATE EDUCATION/HIGHER EDUCATION
MEMBERSHIP**

SENATOR LESLIE WINNER	CO-CHAIRMAN
SENATOR HOWARD LEE	CO-CHAIRMAN
SENATOR CHARLIE DANNELLY	VICE-CHAIRMAN
SENATOR FLETCHER HARTSELL	VICE-CHAIRMAN
SENATOR DAVID HOYLE	VICE-CHAIRMAN
SENATOR ED WARREN	VICE-CHAIRMAN
SENATOR AUSTIN ALLRAN	RANKING MINORITY MEMBER
SENATOR BETSY COCHRANE	
SENATOR ROY COOPER	
SENATOR WALTER DALTON	
SENATOR JIM FORRESTER	
SENATOR VIRGINIA FOXX	
SENATOR JOHN GARWOOD	
SENATOR WIB GULLEY	
SENATOR HAMILTON HORTON	
SENATOR JEANNE LUCAS	
SENATOR WILLIAM MARTIN OF GUILFORD	
SENATOR BEVERLY PERDUE	
SENATOR WILLIAM PURCELL	
SENATOR ROBERT RUCHO	

**SENATE COMMITTEE ON EDUCATION/HIGHER
EDUCATION**

LIST OF MEETING DATES

May 20, 1998

May 27, 1998

June 3, 1998

June 10, 1998

June 24, 1998

July 15, 1998

July 22, 1998

July 29, 1998

August 5, 1998

August 19, 1998

September 2, 1998

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1997-98 Regular Session

SENATE: EDUCATION / HIGHER EDUCATION

Valid Through 30-NOV-1998

BILL	INTRODUCER	SHORT TITLE	LATEST ACTION ON BILL	IN DATE	OUT DATE
H 11	NICHOLS	SCHOOL SNOW-DAY FLEXIBILITY	*S -REF TO COM ON ED/HIED	02-26-97	
H 78=	ROGERS	SCHOOL ADMINISTRATOR EXEMPTION	R -CH. SL 97-0020	03-13-97	03-26-97
H 87	PRESTON	CENTENNIAL CAMPUS/UMSTEAD EXEMPTION	*R -CH. SL 97-0527	03-11-97	08-11-97
H 88=	PRESTON	STATE BD OF EDUC SUBPOENA	R -CH. SL 97-0325	04-03-97	07-09-97
H 89	PRESTON	NOTIFY SCHOOL/JUV. PROBATION	*S -REF TO COM ON ED/HIED	03-13-97	
H 113	OWENS	ALBEMARLE COLLEGE TRUSTEES	R -CH. SL 97-0012	02-24-97	03-26-97
H 510	FOX	TEACHER CERTIFICATION POLICY	*R -CH. SL 97-0383	03-24-97	07-23-97
H 511	CAPPS	EVOLUTION NOT TAUGHT AS FACT	*S -REF TO COM ON ED/HIED	05-06-97	
H 628	DAVIS D	MILITARY JOB INTERVIEWS	*S -REF TO COM ON ED/HIED	04-21-97	
H 746=	RUSSELL	HIGHER ED. ADMISSION REQUIREMENTS	*R -CH. SL 97-0240	04-14-97	06-05-97
H 769	SHERRILL	DROPOUT PREVENTION/ DRIVERS LICENSE	*R -CH. SL 97-0507	06-02-97	06-26-97
H 945	NESBITT	NURSING SCHOLARS PROGRAM	R -CH. SL 97-0214	04-29-97	05-21-97
H 977	JEFFUS	PARENTS ON SCHOOL IMPROVEMENT TEAMS	*R -CH. SL 97-0159	04-29-97	05-21-97
H1046	SHUBERT	NC PARTNERSHIP AUDIT PROCESS	S -REF TO COM ON ED/HIED	04-28-97	
H1054	RUSSELL	CONFIRM BD. EDUC. APPOINTMENTS-2	R -CH. RES 97-11	05-06-97	05-14-97
H1098	PRESTON	SPECIAL EDUCATION MEDIATION	*R -CH. SL 97-0115	04-30-97	05-14-97
H1099	PRESTON	KINDERGARTEN ENTRY/GIFTED STUDENTS	*R -CH. SL 97-0269	05-06-97	05-14-97
H1099	PRESTON	KINDERGARTEN ENTRY/GIFTED STUDENTS	*R -CH. SL 97-0269	06-10-97	06-11-97
H1142	REDWINE	TUITION WAIVERS/EMERGENCY WORKERS	*R -CH. SL 97-0505	05-06-97	07-10-97
H1152	RAYFIELD	BD. COMM. COLLEGE ELECTION DATE	R -CH. RES 97-10	05-06-97	05-14-97
H1278	BADDOUR	CERTAIN COUNTIES SCH. ACQUISITION-3	*R -CH. SL 98-0033	06-24-98	06-25-98
H1368=	RAYFIELD	COMM. COLL. PURCHASING FLEXIBILITY	R -CH. SL 98-0068	06-04-98	07-15-98
H1371=	YONGUE	PUBLIC SCHOOL PURCHASING FLEXIBILITY	*R -CH. SL 98-0194	06-18-98	08-06-98
H1477=	ARNOLD	ABC'S PLAN FOR DHHS SCHOOLS	*R -CH. SL 98-0131	07-29-98	08-24-98
H1478=	ARNOLD	YEAR-ROUND SCHOOLS TASK FORCE	*R -CH. SL 98-0133	07-09-98	08-20-98
H1487=	ARNOLD	EXTRA DUTIES/NEW TEACHERS	S -REF TO COM ON ED/HIED	07-16-98	
H1541	MITCHELL	COMM. COLL. SALE OF DONATED LAND	*R -CH. SL 98-0072	06-22-98	07-16-98
H1737=	DICKSON	NCSU CENTENNIAL CAMPUS	*R -CH. SL 98-0159	07-01-98	09-02-98
S 4	WINNER	SAFE SCHOOLS ACT OF 1997	*S -RE-REF COM ON APPROP	02-03-97	04-09-97
S 5	WINNER	EDUCATION GOVERNANCE CHANGES	*HF-FAILED 2ND READING	02-03-97	04-24-97

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BOLDDED LINE INDICATES BILL INDEXED AS AFFECTING APPROPRIATIONS.

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S 6	WINNER	REVISE SCHOOL CALENDAR	*S -RE-REF COM ON APPROPR	02-03-97	03-05-97
S 6	WINNER	REVISE SCHOOL CALENDAR	*S -RE-REF COM ON APPROPR	03-06-97	03-06-97
S 19	PERDUE	NO SOCIAL PROMOTIONS PERMITTED	*H -RE-REF COM ON RULES	02-03-97	04-24-97
S 70=	LUCAS	OBSOLETE SCHOOL LAWS	*R -CH. SL 97-0018	02-10-97	02-24-97
S 71=	HARTSELL	LEASE BLDGS FOR SCHOOLS	*R -CH. SL 97-0236	02-10-97	02-24-97
S 72=	DANNELLY	STATE BD OF EDUC SUBPOENA	H -REF TO COM ON EDUCATN	02-10-97	03-26-97
S 83=	LEE	SCHOOL ADMINISTRATOR EXEMPTION	S -REF TO COM ON ED/HIED	02-11-97	
S 88	LEE	UNC BD. GOV. ELECTION	S -ADOPTED	02-11-97	02-12-97
S 196	SHAW R	REMOVE DISRUPTIVE STUDENTS	S -REF TO COM ON ED/HIED	02-20-97	
S 236	BLUST	STUDENT DISCIPLINE/CIVIL IMMUNITY	S -REF TO COM ON ED/HIED	02-25-97	
S 265	LEE	UNC FLEXIBILITY PROCEDURES	*R -CH. SL 97-0071	02-27-97	03-18-97
S 272=	BASNIGHT	EXCELLENT SCHOOLS ACT	*R -CH. SL 97-0221	02-27-97	03-24-97
S 297=	GULLEY W	AMEND CHARTER SCHOOL LAWS	*R -CH. SL 97-0430	03-05-97	04-03-97
S 297=	GULLEY W	AMEND CHARTER SCHOOL LAWS	*R -CH. SL 97-0430	07-07-97	
S 319	PLYLER	NEW COMMUNITY COLLEGE AUTHORIZED	H -REF TO COM ON EDUCATN	03-06-97	03-12-97
S 366	WINNER	REVISE SCHOOL/COUNTY MEDIATION	*R -CH. SL 97-0222	03-11-97	04-14-97
S 369	ODOM	DARE/DART PROGRAM EXPANSION	S -RE-REF COM ON APPROPR	03-18-97	03-31-97
S 415	FOXX	INCENTIVES/COLLEGE WORK IN H.S.	S -RE-REF COM ON APPROPR	03-18-97	03-31-97
S 442	ALLRAN	AMERICAN HISTORY ACT	*R -CH. SL 97-0422	03-20-97	04-28-97
S 457	SHAW R	STUDENTS LEARN CPR	*R -CH. SL 97-0273	03-24-97	04-09-97
S 468	HARTSELL	POSTSECONDARY EDUCATION PROGRAM	S -REF TO COM ON ED/HIED	03-24-97	
S 472=	COCHRANE	HIGHER ED. ADMISSION REQUIREMENTS	S -REF TO COM ON ED/HIED	03-24-97	
S 560=	LEE	EXPAND TECHNOLOGY IN SCHOOLS	S -REF TO COM ON APPROPR	04-01-97	04-07-97
S 587	HARTSELL	SCHOOL PERSONNEL/CLASS EXPERIENCE	*H -REF TO COM ON EDUCATN	04-01-97	04-21-97
S 616	HORTON	LIMIT APPEALS TO SCHOOL BOARDS	*H -RE-REF COM ON EDUCATN	04-01-97	04-30-97
S 640=	RUCHO	COMMUNITY BASED SCHOOL ASSIGNMENTS	S -REF TO COM ON ED/HIED	04-01-97	
S 668=	HOYLE	CPA EDUCATION REQUIREMENTS	*R -CH. SL 97-0284	04-02-97	04-17-97
S 765	DANNELLY	ADEQUATE FUNDING/ALT. SCHOOLS	*R -CH. SL 97-0239	04-29-97	04-30-97
S 889	MARTIN W	STUDY AMERICAN SIGN LANGUAGE	*S -RE-REF COM ON RULES &	06-03-97	07-10-97
S 937	WARREN	UNIV. SUMMER PROGRAM MISSION CHANGE	S -REF TO COM ON ED/HIED	04-17-97	

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S 958	HARTSELL	STUDENTS ELIGIBLE TO ATTEND SCHOOL	*R -CH. SL 97-0271	04-17-97	04-28-97
S 983	DALTON	CLARIFY BD. OF GOV. CONFLICTS	S -REF TO COM ON ED/HIED	04-21-97	
S 995	LUCAS	NOTIFY PARENTS/CLASS-SIZE EXCEPTION	S -REF TO COM ON ED/HIED	04-21-97	
S1011	FOXX	INITIAL ENTRY INTO KINDERGARTEN	*R -CH. SL 97-0204	04-21-97	04-24-97
S1058	KINNAIRD	BOG STUDY	*S -RE-REF COM ON RULES &	04-21-97	04-30-97
S1066	MARTIN W	IDENTIFY/REMEDiate AT-RISK STUDENTS	R -CH. SL 97-0243	04-21-97	04-30-97
S1124=	HARTSELL	TEACHER CERTIFICATION WAIVERS	*R -CH. SL 98-0226	05-14-98	06-10-98
S1125=	LUCAS	MISC. EDUCATION CHANGES	*R -CH. SL 98-0220	05-14-98	08-03-98
S1127=	LEE	PRINCIPALS INCENTIVE FUNDS	S -RE-REF COM ON APPROPR	05-14-98	05-28-98
S1128=	WINNER	TESTING IN SECOND GRADE	*H -RE-REF COM ON RULES	05-14-98	06-24-98
S1129=	WINNER	ABC'S PLAN/PRINCIPALS	*R -CH. SL 98-0059	05-14-98	05-28-98
S1139=	HARTSELL	MISC. CORRECTIONS/G.S.115C-325	*H -PASSED 3RD READING	05-18-98	06-08-98
S1150=	DALTON	AMEND LOCAL SALES TAX	*R -CH. SL 98-0186	05-18-98	06-08-98
S1151=	DALTON	PUBLIC SCHOOL PURCHASING FLEXIBILITY	S -REF TO COM ON ED/HIED	05-18-98	
S1152=	PLYLER	COMMUNITY COLL. TRUSTEE ELIGIBILITY	S -REF TO COM ON ED/HIED	05-18-98	
S1267	KINNAIRD	SCHOOL ACCESS ROADS	S -REF TO COM ON ED/HIED	05-27-98	
S1271=	LEE	ADDITIONAL SCHOOL DAYS PILOT	S -REF TO COM ON ED/HIED	05-27-98	
S1297=	LEE	ENCOURAGE YEAR-ROUND SCHOOLS	S -REF TO COM ON ED/HIED	05-27-98	
S1298= LEE		ABC'S PLAN FOR DHHS SCHOOLS	S -REF TO COM ON ED/HIED	05-27-98	
S1312	ALLRAN	CERTAIN COUNTIES SCH. ACQUISITION-2	*R -CH. SL 98-0201	09-18-98	10-15-98
S1317	LEE	ADDITIONAL SCHOOL DAYS PILOT-2	S -REF TO COM ON ED/HIED	05-27-98	
S1318=	LEE	EXTRA DUTIES/NEW TEACHERS	S -REF TO COM ON ED/HIED	05-27-98	
S1319=	LEE	ENCOURAGE YEAR-ROUND SCHOOLS	S -REF TO COM ON ED/HIED	05-27-98	
S1320= LEE		ABC'S PLAN FOR DHHS SCHOOLS	S -REF TO COM ON ED/HIED	05-27-98	
S1395=	REEVES	UNC SCHOOL ADMIN. PROGRAMS	S -REF TO COM ON ED/HIED	05-27-98	
S1424	HARTSELL	CABARRUS COLL. DEGREE PROGRAMS	*R -CH. SL 98-0204	05-28-98	06-24-98
S1424	HARTSELL	CABARRUS COLL. DEGREE PROGRAMS	*R -CH. SL 98-0204	09-29-98	10-22-98
S1523	WINNER	SUBSTITUTE TEACHER PAY/FUNDS	*S -RE-REF COM ON APPROPR	06-01-98	06-10-98
S1551	GULLEY W	CHARTER SCHOOL BENEFITS	S -RE-REF COM ON PENSIONS	06-04-98	06-25-98
S1583=	REEVES	NCSU CENTENNIAL CAMPUS	S -REF TO COM ON ED/HIED	06-01-98	

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S1594	LEE	TEACHER CERTIFICATION FEES.	*R -CH. SL 98-0167	06-01-98	06-10-98

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History of Bill S1126 (= H1359)

REVISE TEACHER COMP. TESTING

Prime Sponsor: LEE

Introduced: 05/14/1998

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<u>Date</u>	<u>Action</u>
05/14/1998	S REF TO COM ON ED/HIED
05/20/1998	SA COM SUBSTITUTE ADOPTED
05/20/1998	S PLACED ON CAL FOR 05-21
05/21/1998	SA AMEND ADOPTED #1
05/21/1998	S PASSED 2ND & 3RD READING
05/26/1998	H REC FROM SENATE
05/26/1998	H REF TO COM ON EDUCATN
06/02/1998	HA REPTD FAV COM SUBSTITUTE
06/02/1998	H CAL PURSUANT RULE 36(A)
06/03/1998	H PLACED ON CAL FOR 06-03
06/03/1998	HA AMEND ADOPTED #1
06/03/1998	H AMEND FAILED #2
06/03/1998	H PASSED 2ND & 3RD READING
06/04/1998	S REC TO CONCUR H COM SUB
06/04/1998	S PLACED ON CAL FOR 06-04
06/04/1998	S CONCURRED IN H/COM SUB
06/08/1998	S RATIFIED
06/09/1998	S PRES. TO GOV. 06-09
06/09/1998	S SIGNED BY GOV. 06-09
06/09/1998	R CH. SL 98-0005

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History of Bill S1150 (= H1370)

AMEND LOCAL SALES TAX

Prime Sponsor: DALTON

Introduced: 05/18/1998

<u>Date</u>	<u>Action</u>
05/18/1998	S REF TO COM ON ED/HIED
06/08/1998	S REPTD FAV
06/08/1998	S RE-REF COM ON FINANCE
06/23/1998	SA REPTD FAV COM SUBSTITUTE
06/24/1998	S PASSED 2ND & 3RD READING
06/29/1998	H REC FROM SENATE
06/29/1998	H REF TO COM ON FINANCE
07/07/1998	H REPTD FAV
07/07/1998	H CAL PURSUANT RULE 36(A)
10/06/1998	H PLACED ON CAL FOR 10-07
10/07/1998	H PASSED 2ND & 3RD READING
10/08/1998	S RATIFIED
10/12/1998	S PRES. TO GOV. 10-09
10/19/1998	S SIGNED BY GOV. 10-16
10/19/1998	R CH. SL 98-0186

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History of Bill S1139 (= H1426)

MISC. CORRECTIONS/G.S.115C-325

Prime Sponsor: HARTSELL

Introduced: 05/18/1998

<u>Date</u>	<u>Action</u>
05/18/1998	S REF TO COM ON ED/HIED
06/08/1998	SA REPTD FAV COM SUBSTITUTE
06/08/1998	S PLACED ON CAL FOR 06-10
06/10/1998	SA AMEND ADOPTED #1
06/10/1998	S PASSED 2ND & 3RD READING
06/15/1998	H REC FROM SENATE
06/15/1998	H REF TO COM ON EDUCATN
06/18/1998	H ASSIGNED TO ED-PRE&
06/25/1998	HA REPTD FAV COM SUBSTITUTE
06/25/1998	H CAL PURSUANT RULE 36(A)
10/27/1998	H PLACED ON CAL FOR 10-28
10/28/1998	H PASSED 2ND READING
10/29/1998	H PASSED 3RD READING

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History of Bill S1424

CABARRUS COLL. DEGREE PROGRAMS

Prime Sponsor: HARTSELL

Introduced: 05/28/1998

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05/28/1998	S REF TO COM ON ED/HIED
06/24/1998	SA REPTD FAV COM SUBSTITUTE
06/25/1998	S PASSED 2ND & 3RD READING
06/30/1998	H REC FROM SENATE
06/30/1998	H REF TO COM ON WAYS&MNS
07/29/1998	H REPTD FAV
07/29/1998	H CAL PURSUANT RULE 36(A)
07/30/1998	H PLACED ON CAL FOR 08-03
08/03/1998	H WITHDRAWN FROM CAL
08/03/1998	H RE-REF COM ON EDUCATN
08/12/1998	HA REPTD FAV COM SUBSTITUTE
08/12/1998	H CAL PURSUANT RULE 36(A)
09/24/1998	H PLACED ON CAL FOR 09-28
09/28/1998	H PASSED 2ND & 3RD READING
09/29/1998	S REC TO CONCUR H COM SUB
09/29/1998	S REF TO COM ON ED/HIED
10/22/1998	S WITHDRAWN FROM COMM
10/22/1998	S PLACED ON CAL FOR 10-26
10/26/1998	S CONCURRED IN H/COM SUB
10/27/1998	S RATIFIED
10/27/1998	R CH. SL 98-0204

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History of Bill S1128 (= H1358)

TESTING IN SECOND GRADE

Prime Sponsor: WINNER

Introduced: 05/14/1998

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06/24/1998	SA REPTD FAV COM SUBSTITUTE
06/25/1998	S PASSED 2ND & 3RD READING
06/30/1998	H REC FROM SENATE
06/30/1998	H REF TO COM ON EDUCATN
07/15/1998	HA REPTD FAV COM SUBSTITUTE
07/15/1998	H CAL PURSUANT RULE 36(A)
07/28/1998	H PLACED ON CAL FOR 07-29
07/29/1998	H FAILED 2ND READING
07/30/1998	H LAST ACTION RECONSIDERED
07/30/1998	H WITHDRAWN FROM CAL
07/30/1998	H RE-REF COM ON EDUCATN
09/02/1998	HA REPTD FAV COM SUBSTITUTE
09/02/1998	H CAL PURSUANT RULE 36(A)
10/12/1998	H PLACED ON CAL FOR 10-13
10/13/1998	H WITHDRAWN FROM CAL
10/13/1998	H RE-REF COM ON RULES

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History of Bill S1125 (= H1372)

MISC. EDUCATION CHANGES

Prime Sponsor: LUCAS

Introduced: 05/14/1998

<u>Date</u>	<u>Action</u>
05/14/1998	S REF TO COM ON ED/HIED
08/03/1998	SA REPTD FAV COM SUBSTITUTE
08/04/1998	SA AMEND ADOPTED #1
08/04/1998	S PASSED 2ND & 3RD READING
08/06/1998	H REC FROM SENATE
08/06/1998	H REF TO COM ON EDUCATN
08/19/1998	HA REPTD FAV COM SUBSTITUTE
08/19/1998	H CAL PURSUANT RULE 36(A)
10/12/1998	H PLACED ON CAL FOR 10-13
10/13/1998	HA AMEND ADOPTED #1
10/13/1998	H AMEND FAILED #2,3
10/13/1998	HA AMEND ADOPTED #4
10/13/1998	H AMENDMENT WITHDRAWN #5
10/13/1998	H PASSED 2ND READING
10/14/1998	H WITHDRAWN FROM CAL
10/15/1998	H REMOVED FROM CAL
10/15/1998	H RE-REF COM ON APP-EDUC
10/19/1998	HA REPTD FAV COM SUBSTITUTE
10/19/1998	H CAL PURSUANT RULE 36(A)
10/21/1998	H WITHDRAWN FROM CAL
10/21/1998	H RE-REF COM ON APP-EDUC
10/22/1998	HA REPTD FAV COM SUBSTITUTE
10/22/1998	H CAL PURSUANT RULE 36(A)
10/26/1998	H PLACED ON CAL FOR 10-27
10/27/1998	H PASSED 2ND & 3RD READING
10/27/1998	S REC TO CONCUR H COM SUB
10/27/1998	S RE-REF COM ON RULES &
10/27/1998	S WITHDRAWN FROM COMM
10/27/1998	S PLACED ON CAL FOR 10-28
10/28/1998	S FAILED CONCUR IN COM SUB
10/28/1998	S CONF COM APPOINTED
10/28/1998	H CONF COM APPOINTED
10/29/1998	SA CONF REPORT ADOPTED
10/29/1998	H CONF COM REPORTED
10/29/1998	H PLACED ON CAL FOR 10-29
10/29/1998	HA CONF REPORT ADOPTED
10/29/1998	S RATIFIED
10/29/1998	S PRES. TO GOV. 10-30
10/29/1998	S SIGNED BY GOV. 11-05
10/29/1998	R CH. SL 98-0220

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History of Bill H1371 (= S1151)

PUBLIC SCHOOL PURCHASING FLEXIBILITY

Prime Sponsor: YONGUE

Introduced: 05/21/1998

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06/09/1998	H REPTD FAV
06/09/1998	H CAL PURSUANT RULE 36(A)
06/16/1998	H PLACED ON CAL FOR 06-17
06/17/1998	H PASSED 2ND & 3RD READING
06/18/1998	S REC FROM HOUSE
06/18/1998	S REF TO COM ON ED/HIED
08/06/1998	SA REPTD FAV COM SUBSTITUTE
08/10/1998	S WITHDRAWN FROM CAL
08/10/1998	S PLACED ON CAL FOR 08-12
08/12/1998	S WITHDRAWN FROM CAL
08/12/1998	S PLACED ON CAL FOR 08-18
08/18/1998	S PASSED 2ND & 3RD READING
08/24/1998	H REC TO CONCUR S COM SUB
08/24/1998	H PLACED ON CAL FOR 08-25
08/25/1998	H FAILED CONCUR IN COM SUB
09/01/1998	H CONF COM APPOINTED
09/07/1998	S CONF COM APPOINTED
10/08/1998	S CONF COM REPORTED
10/08/1998	S PLACED ON CAL FOR 10-12
10/12/1998	S WITHDRAWN FROM CAL
10/12/1998	S PLACED ON CAL FOR 10-13
10/13/1998	H CONF COM REPORTED
10/13/1998	H PLACED ON CAL FOR 10-14
10/13/1998	SA CONF REPORT ADOPTED
10/14/1998	HA CONF REPORT ADOPTED
10/15/1998	H RATIFIED
10/19/1998	H PRES. TO GOV. 10-16
10/26/1998	H SIGNED BY GOV. 10-24
10/26/1998	R CH. SL 98-0194

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History of Bill H1487 (= S1318)

EXTRA DUTIES/NEW TEACHERS

Prime Sponsor: ARNOLD

Introduced: 05/25/1998

<u>Date</u>	<u>Action</u>
05/25/1998	H REF TO COM ON EDUCATN
07/07/1998	H REPTD FAV
07/07/1998	H CAL PURSUANT RULE 36(A)
07/14/1998	H PLACED ON CAL FOR 07-15
07/15/1998	H PASSED 2ND & 3RD READING
07/16/1998	S REC FROM HOUSE
07/16/1998	S REF TO COM ON ED/HIED

email the NCGA Webmanager

SENATE COMMITTEE
ON EDUCATION/HIGHER EDUCATION

Wednesday, May 20, 1997/8

MINUTES

The Senate Committee on Education/Higher Education met on Wednesday, May 20, 1998, at 10:00 A.M. in Room 414 of the Legislative Office Building. Seventeen of the members of the Committee attended the meeting, including the Co-Chair, Senator Winner, who presided. The pages were Laura Hary from Cary, and Susan Gupton from Louisburg.

Senator Winner introduced Senator Lee to speak on Senate Bill 1126, AN ACT TO REVISE THE TEACHER COMPETENCY TESTING PROVISIONS OF THE EXCELLENT SCHOOLS ACT.

Dr. Richard Thompson, Department of Public Instruction, spoke to the Committee and gave some background information on the Teacher Competency Test.

Dr. Elsie Leake, Department of Public Instruction, spoke to the Committee on the assistance teams. (See Attachment 1).

Senator Forrester moved for a favorable report as to the Proposed Committee Substitute. The Committee voted for a favorable report as to the Proposed Committee Substitute, but unfavorable as to the original bill.

The Committee was adjourned at 11:33 a.m.



Senator Leslie Winner, Co-Chair



Vickie Spears, Committee Clerk



North Carolina General Assembly Legislative Services Office

George R. Hall, Legislative Services Officer
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To: Senators Lee and Winner, cochairs, Senate Education/Higher Education Committee

From: Kory Goldsmith, Committee Counsel *KJA*

Date: May 20, 1998

Re: SB 1126 - Revise Teacher Competency Testing (Proposed Committee Substitute)

Background: In 1997, the General Assembly passed, and the Governor signed into law, The Excellent Schools Act. One of the provisions of the bill required that all certified staff members in a low-performing school that received an assistance team demonstrate their competency by obtaining a passing score on a general knowledge test designated by the State Board of Education. A teacher who does not pass the test will receive up to a semester of course work or training or both provided by a UNC institution or a community college. After the remediation, the teacher must take the test again. If the teacher fails the test a second time, he or she receives another semester of remediation. After the second remediation, the teacher must take the test a third time. If the teacher does not obtain a passing score on the third test, the State Board must begin dismissal proceedings. Beginning with the 1999-2000 school year, the State Board must test all certified staff members in **all** low-performing schools. The State Board also must examine the possibility of testing areas of certification.

Section 1 amends G.S. 115C-105.38A to revise the teacher competency assurance testing. For the 1997-98 school year, only teachers selected by an assistance team would have to take the test. An assistance team would recommend that a staff member take the test if the assistance team had classified the staff member as a Category 3 teacher and the assistance team determines that lack of general knowledge contributed to the Category 3 classification. Beginning with the 1998-99 school year and thereafter, either the principal in a low-performing school or the assistance team assigned to a low-performing school could recommend that a teacher take the general knowledge exam. The principal or assistance team would make that recommendation if they found the teacher's performance is impaired due to a lack of general knowledge. Teachers who do not pass the general knowledge test would receive up to one semester of remediation consisting of either course work, training, or both. After the remediation, the teacher would take the test again. If the teacher failed the test a second time, the State Board must begin dismissal proceedings.

The bill also revises the provisions related to future testing of skills other than a teacher's general knowledge. The State Board is directed to develop a performance assessment for both teaching presentation skills and subject matter knowledge. Beginning with the 1999-2000 school year, the principal assigned to a low-performing school or an assistance team assigned to a low-performing school may recommend that a teacher receive a performance assessment. The recommendation could be made only if the teacher received a below standard or unsatisfactory rating on at least one of the functions of the Teacher Performance Assessment Instrument (or any other evaluation developed by the State Board) and the function is related to presentation skills,

subject matter knowledge, or both. If the teacher receives a below standard rating on the performance assessment, the State Board shall develop and implement a remediation plan which may consist of course work, training, or any other services the State Board determines are appropriate. After the remediation plan is completed, the teacher will receive another performance assessment. If the teacher receives another below standard rating, the local board of education must begin dismissal proceedings. The second below standard rating shall be used as evidence of the teacher's inadequate performance.

Section 2 amends G.S. 115C-325(a)(2a) to reflect that the State Board shall begin dismissal proceedings if a teacher fails the general knowledge exam twice.

Section 3 provides that the State Board shall use funds appropriated to State Aid to Local School Administrative Units, to the Department of Public Instruction, or both to develop the performance assessment.

The act is effective when it becomes law.

NC DEPARTMENT OF PUBLIC INSTRUCTION
School Improvement Division

Assistance Teams Responses

Teaching Skills in the Designated Low-Performing Schools - 1997-98

1. To what extent is the lack of teaching skills a problem:

Significant factor	- 4 schools
One of many factors	- 9 schools
Not a factor	- 2 schools

2. If lack of teaching skills is a factor, which teaching skills are lacking?

Classroom presentation	- 13 schools
Classroom management	- 13 schools
Content knowledge	- 5 schools
General knowledge	- 3 schools

Other contributing factors:

- Lack of strong instructional leadership
- High annual turnover rates
- Constant turnover during the school year
- Lack of a support system to help new or weak teachers
- Lack of long and short term planning skills as an individual or as part of a team
- Lack of knowledge about best practices
- Large number of lateral entry teachers
- Many out-of-field or substitute teachers
- Inequitable treatment within a district

**NC DEPARTMENT OF PUBLIC INSTRUCTION
School Improvement Division**

**SCHOOLS WITH ASSISTANCE TEAMS - PERSONNEL STATISTICS
February 1998**

Category 3 Teachers*	1	Category 3 Teachers	4	Category 3 Teachers	1	Category 3 Teachers	3
Teaching in areas of certification	27	Teaching in areas of certification	18	Teaching in areas of certification	22	Teaching in areas of certification	11
Lateral Entry	0	Lateral Entry	1	Lateral Entry	9	Lateral Entry	8
Teaching out of field	0	Teaching out of field	1	Teaching out of field	1	Teaching out of field	0
Probationary (2-3) years	1	Probationary (2-3) years	6	Probationary (2-3) years	4	Probationary (2-3) years	3
First Year	4	First Year	3	First Year	4	First Year	4
						Other	4
Category 3 Teachers	1	Category 3 Teachers	5	Category 3 Teachers	3	Category 3 Teachers	14
Teaching in areas of certification	26	Teaching in areas of certification	38	Teaching in areas of certification	31	Teaching in areas of certification	25
Lateral Entry	1	Lateral Entry	0	Lateral Entry	2	Lateral Entry	2
Teaching out of field	0	Teaching out of field	0	Teaching out of field	4	Teaching out of field	0
Probationary (2-3) years	5	Probationary (2-3) years	9	Probationary (2-3) years	7	Probationary (2-3) years	7
First Year	1	First Year	4	First Year	10	First Year	11
		Interim	1				
Category 3 Teachers	0	Category 3 Teachers	3	Category 3 Teachers	5	Category 3 Teachers	3
Teaching in areas of certification	13	Teaching in areas of certification	24	Teaching in areas of certification	22	Teaching in areas of certification	38
Lateral Entry	0	Lateral Entry	0	Lateral Entry	0	Lateral Entry	0
Teaching out of field	0	Teaching out of field	0	Teaching out of field	0	Teaching out of field	0
Probationary (2-3) years	12	Probationary (2-3) years	10	Probationary (2-3) years	4	Probationary (2-3) years	5
First Year	1	First Year	2	First Year	3	First Year	5
Category 3 Teachers	5	Category 3 Teachers	2	Category 3 Teachers	1		
Teaching in areas of certification	20	Teaching in areas of certification	26	Teaching in areas of certification	9		
Lateral Entry	2	Lateral Entry	0	Lateral Entry	4		
Teaching out of field	1	Teaching out of field	0	Teaching out of field	0		
Probationary (2-3) years	3	Probationary (2-3) years	6	Probationary (2-3) years	2		
First Year	3	First Year	3	First Year	3		
Other	4			Other	3		

*Category 3 Teachers have one or more *below standard* or *unsatisfactory* ratings on the functions given in the Teacher Performance Appraisal Instrument (TPAI)

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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1

SENATE BILL 1126*

Short Title: Revise Teacher Comp. Testing.

(Public)

Sponsors: Senators Lee, Winner; Dalton, Dannelly, Forrester, Garwood, Hartsell, Hoyle, Jordan, Kinnaid, Lucas, Odom, Phillips, Reeves, Rucho, and Wellons.

Referred to: Education/Higher Education.

May 14, 1998

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

6 The General Assembly of North Carolina enacts:

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

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

9 (a) General Knowledge Test. --

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5 "(2a) Notwithstanding any other provision of this section or any other
6 law, this subdivision shall govern the State Board's dismissal of
7 certified staff members who have engaged in a remediation plan
8 under G.S. ~~115C-105.38A(a)~~ 115C-105.38A(c) but who, after ~~two~~
9 ~~retests~~, one retest, fail to meet the general knowledge standard set
10 by the State Board. The failure to meet the general knowledge
11 standard after ~~two retests~~ one retest shall be substantial evidence of
12 the inadequate performance of the certified staff member.

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

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

VISITOR REGISTRATION SHEET

SENATE EDUCATION/HIGHER EDUCATION COMMITTEE May 20, 1998

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Jay P. Peters	E. EBC
Larry Heckner	Household Financial Group
Gene Arnold	NC House
Bam Smith	Freedom Communications
Dennis Patterson	AP
April Demert	Legislative intern (Sen Odom)
Lana Deapn Klauke	Common Sense Foundation
P. Miller	Miller Co
Harriet Dial	NCAE
Thad Davis	NCAE
Bill Wilson	NCAE

VISITOR REGISTRATION SHEET

SENATE EDUCATION/HIGHER EDUCATION COMMITTEE May 20, 1998

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Mike Quinn	NC State AFL-CIO
Jan Cratts	NCASA
Matt Bronson	Fiscal Research Div.
Catherine Brett	Princeville Montessori School Tarboro NC 27886 Edgecombe County (teacher)
John Wilson	NCAE
John Annis	Public School System of NC
Heslie Brewster	NCCBI
Jim Johnson	FRD
Helen Lipman	Mecklenburg Co.
John J. Kestis	NCFPC
Hal Miller	NCAECT

**NORTH CAROLINA GENERAL ASSEMBLY
SENATE**

EDUCATION/HIGHER EDUCATION COMMITTEE REPORT

Senator Leslie J. Winner, Co-Chair
Senator Howard Lee, Co-Chair

Wednesday, May 20, 1998

SENATOR LESLIE WINNER,

submits the following with recommendations as to passage:

UNFAVORABLE AS TO BILL, BUT FAVORABLE AS TO C.S. BILL

S.B. 1126

Revise Teacher Comp. Testing.

Draft Number: PCS8772

Sequential Referral: None

Recommended Referral: None

Long Title Amended: No

TOTAL REPORTED: 1

Committee Clerk Comment: Senator Winner to sign.

MINUTES

SENATE COMMITTEE ON EDUCATION/HIGHER EDUCATION

Wednesday, May 27, 1998

10:00 a.m.

Room 414, Legislative Office Building

The Senate Committee on Education/Higher Education met on Wednesday, May 27, 1998 at 10:00 a.m. in Room 414 of the Legislative Office Building. Twenty members were in attendance.

Senator Howard Lee presided and called the meeting to order at 10:09 a.m.

SB 1129 ABC/s Plan/Consequences for Principals.

Senator Leslie Winner moved for discussion of the proposed Committee Substitute, (Attachment 1) by the committee.

After comments from members, Senator Lucas sent forth an amendment to modify section e on page 4-5. Further discussion ensued and Senator Lucas withdrew her motion. Senator Martin of Greensboro stated he would work with the bill sponsor and Senator Lucas to clarify section e in order for a floor amendment to be introduced

Speakers (Attachment 2) for this bill addressed concerns and questions from the legislators. The summary of the bill was available to committee members. (Attachment 3) A brief summary from the April 29, 1998, meeting of the Joint Legislative Education Oversight Committee supplied other information. (Attachment 4)

Senator David Hoyle moved an unfavorable report as to original bill but favorable report of the committee substitute. The Committee voted unanimously for this motion. (Committee Report/Attachment 5)

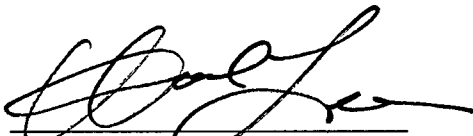
SB 1127 Incentives for Principals/Low Performing Schools

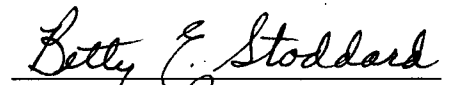
Senator Lucas moved favorable for SB 1127, with re-referral to Appropriations. After comments on the bill, the committee voted favorably in accordance with the motion to re-refer the bill to Appropriations. (Committee Report/Attachment 6) Supplemental information was also made available to committee members. (Attachment 7)

SB 1139 Misc. Corrections/G.S. 115C-325.

This bill was postponed for consideration until an upcoming meeting. (Attachment 8)

The committee adjourned at 10:59 a.m.


Senator Howard N. Lee, Co-Chair.


Betty E. Stoddard, Committee Clerk

SENATE EDUCATION/HIGHER EDUCATION COMMITTEE

AGENDA

Wednesday, May 27, 1998

10 a.m

Room 414

CALL TO ORDER

Senator Lee presiding

BILLS TO BE CONSIDERED

SB 1129	Sen. Winner	ABC's Plan/Consequences for Principals
SB 1127	Sen. Lee	Incentives for Principals/Low-Perf. Schools
SB 1139	Sen. Hartsell	Misc. Corrections/G.S. 115C-325.

ADJOURNMENT

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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1

SENATE BILL 1129*

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

(Public)

Sponsors: Senators Winner, Lee; Dalton, Dannelly, Garwood, Hartsell, Purcell, Reeves, and Rucho.

Referred to: Education/Higher Education.

May 14, 1998

1 A BILL TO BE ENTITLED

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

7 The General Assembly of North Carolina enacts:

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

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

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

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

1 school, and shall allow for written comments. The board shall submit the plan to the
2 State Board within 15 days of the board's vote. The State Board shall review the
3 plan expeditiously and, if appropriate, may offer recommendations to modify the
4 plan. The local board shall consider any recommendations made by the State Board.

5 (b) ~~Each identified low-performing school~~ school that the State Board identifies as
6 low-performing shall provide written notification to the parents of students attending
7 that school. The written notification shall include a statement that the State Board of
8 Education has found that the school has "failed to meet the minimum growth
9 standards, as defined by the State Board, and a majority of students in the school are
10 performing below grade level." This notification also shall include a description of
11 the information about the plan developed under subsection (a1) of this section and a
12 description of any additional steps the school is taking to improve student
13 performance."

14 Section 2. G.S. 115C-105.39(a) reads as rewritten:

15 ~~"(a) Upon the identification of a school as low-performing under this Part, the~~
16 ~~State Board shall proceed under G.S. 115C-325(q)(1) for the dismissal of the~~
17 ~~principal assigned to that school. Within 30 days of the initial identification of a~~
18 ~~school as low-performing, whether by the local school administrative unit under G.S.~~
19 ~~115C-105.37(a1) or by the State Board under G.S. 115C-105.37(a), the superintendent~~
20 ~~shall recommend to the local board one of the following concerning the school's~~
21 ~~principal: (i) the principal should be retained in the same position; (ii) the principal~~
22 ~~should be retained in the same position and a plan for remediation should be~~
23 ~~developed; (iii) the principal should be transferred or demoted; or (iv) the principal~~
24 ~~should be dismissed. The principal shall be retained in the same position without a~~
25 ~~plan for remediation only if the principal was in that position for no more than two~~
26 ~~years before the school is identified as low-performing. The principal shall be~~
27 ~~transferred only to a previously held position in which the principal demonstrated~~
28 ~~success, shall not be transferred to another low-performing school in the local school~~
29 ~~administrative unit, and shall be transferred only if there is a plan to evaluate the~~
30 ~~principal for at least one year after the transfer to assure that the principal does not~~
31 ~~impede student performance at the school to which the principal is transferred. If the~~
32 ~~superintendent intends to recommend demotion or dismissal, then the superintendent~~
33 ~~shall proceed under G.S. 115C-325. Within 15 days of its decision concerning the~~
34 ~~superintendent's recommendation, but no later than September 30, the local board~~
35 ~~shall submit to the State Board a written notice of the action taken and the basis for~~
36 ~~that action. If the State Board does not assign an assistance team to that school, then~~
37 ~~the Board shall take no further action. If the State Board assigns an assistance team~~
38 ~~to the school, then the Board shall proceed under G.S. 115C-325(q)(1)."~~

39 Section 3. G.S. 115C-325(q)(1) reads as rewritten:

40 "(1) ~~Notwithstanding any other provision of this section or any other~~
41 ~~law, the State Board:~~

42 a. ~~Shall suspend with pay a principal who has been assigned to~~
43 ~~a school for more than two years before the State Board~~
44 ~~identifies that school as low-performing and assigns an~~

1 assistance team to that school under Article 8B of this
2 Chapter; and

- 3 b. ~~May suspend with pay a principal who has been assigned to~~
4 ~~a school for no more than two years before the State Board~~
5 ~~identifies that school as low-performing and assigns an~~
6 ~~assistance team to that school under Article 8B of this~~
7 ~~Chapter.~~

8 Upon the receipt of the local board's recommendations as required
9 under G.S. 115C-105.39 concerning the principal in a low-
10 performing school to which the State Board has assigned an
11 assistance team, the State Board shall vote to accept, reject, or
12 modify those recommendations. The local board shall implement
13 any changes the State Board recommends. Notwithstanding any
14 other provision of this section or any other law, the State Board
15 may, at any time, suspend with pay any principal who is assigned
16 to a low-performing school to which an assistance team has been
17 assigned. These principals shall be suspended with pay pending a
18 hearing before a panel of three members of the State Board. The
19 purpose of this hearing, which shall be held within 60 days after
20 the principal is suspended, is to determine whether the principal
21 shall be dismissed. The panel shall order the dismissal of the
22 principal when the State Board receives two consecutive
23 evaluations that include written findings and recommendations
24 regarding that person's inadequate performance from the assistance
25 team. These findings and recommendations shall be substantial
26 evidence of the inadequate performance of the principal. The
27 panel also shall order the dismissal of the principal when it
28 determines from available information, including the findings of
29 the assistance team, that the low performance of the school is due
30 to the principal's inadequate performance. The panel may order
31 the dismissal of the principal when (i) it determines that the school
32 has failed to make satisfactory improvement after the State Board
33 assigned an assistance team to that school; or (ii) the assistance
34 team makes the recommendation to dismiss the principal for one
35 or more grounds established in G.S. 115C-325(e)(1) for dismissal
36 or demotion of a career employee. In all hearings under this
37 subdivision, the burden of proof is on the principal to establish that
38 the factors leading to the school's low performance were not due
39 to the principal's inadequate performance. The panel shall order
40 the dismissal of the principal, at which time the period of
41 suspension with pay shall expire, unless the panel makes a public
42 determination that the principal has established that the factors
43 that led to the identification of the school as low-performing were
44 not due to the inadequate performance of the principal. The State

1 Board shall adopt procedures to ensure that due process rights are
2 afforded to principals under this subsection. Decisions of the panel
3 may be appealed on the record to the State Board, with further
4 right of judicial review under Chapter 150B of the General
5 Statutes."

6 Section 4. This act is effective when it becomes law and applies to
7 principals in schools that the State Board of Education identifies as low-performing
8 after July 1, 1998.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

DRAFT

S

S1129-PCSRH-001.1

PROPOSED COMMITTEE SUBSTITUTE

SENATE BILL 1129

THIS IS A DRAFT 26-MAY-98 17:24:01

ATTENTION: LINE NUMBERS MAY CHANGE AFTER ADOPTION

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

Sponsors:

Referred to: Education/Higher Education

May 14, 1998

1 A BILL TO BE ENTITLED
2 AN ACT TO AMEND THE STATUTES GOVERNING THE CONSEQUENCES FOR
3 PRINCIPALS IN SCHOOLS IDENTIFIED AS LOW-PERFORMING UNDER THE
4 ABC'S PLAN, AND TO REQUIRE LOCAL SCHOOL ADMINISTRATIVE UNITS TO
5 DEVELOP PLANS TO ADDRESS THE NEEDS OF LOW-PERFORMING SCHOOLS.
6 The General Assembly of North Carolina enacts:
7 Section 1. G.S. 115C-105.37 reads as rewritten:
8 "§ 115C-105.37. Identification of low-performing schools.
9 (a) The State Board of Education shall design and implement a
10 procedure to identify low-performing schools on an annual basis.
11 Low-performing schools are those in which there is a failure to
12 meet the minimum growth standards, as defined by the State Board,
13 and a majority of students are performing below grade level.
14 (al) By July 10 of each year, each local school administrative
15 unit shall do a preliminary analysis of test results to determine
16 which of its schools the State Board may identify as low-
17 performing under this section. The superintendent then shall
18 proceed under G.S. 115C-105.39. In addition, within 30 days of
19 the initial identification of a school as low-performing by the
20 local school administrative unit or the State Board, whichever
21 occurs first, the superintendent shall submit to the local board

1 a preliminary plan for addressing the needs of that school.
2 Within 30 days of its receipt of this plan, the local board shall
3 vote to approve, modify, or reject this plan. Before the board
4 makes this vote, it shall make the plan available to the public,
5 including the personnel assigned to that school and the parents
6 and guardians of the students who are assigned to the school, and
7 shall allow for written comments. The board shall submit the
8 plan to the State Board within five days of the board's vote.
9 The State Board shall review the plan expeditiously and, if
10 appropriate, may offer recommendations to modify the plan. The
11 local board shall consider any recommendations made by the State
12 Board.

13 (b) ~~Each identified low-performing school~~ school that the
14 State Board identifies as low-performing shall provide written
15 notification to the parents of students attending that school.
16 The written notification shall include a statement that the State
17 Board of Education has found that the school has "failed to meet
18 the minimum growth standards, as defined by the State Board, and
19 a majority of students in the school are performing below grade
20 level." This notification also shall include ~~a description of the~~
21 ~~information about the plan developed under subsection (a) of~~
22 ~~this section and a description of any additional steps the school~~
23 ~~is taking to improve student performance."~~

24 Section 2. G.S. 115C-105.39(a) reads as rewritten:

25 "(a) ~~Upon the identification of a school as low-performing~~
26 ~~under this Part, the State Board shall proceed under G.S.~~
27 ~~115C-325(q)(1) for the dismissal of the principal assigned to~~
28 ~~that school.~~ Within 30 days of the initial identification of a
29 school as low-performing, whether by the local school
30 administrative unit under G.S. 115C-105.37(a) or by the State
31 Board under G.S. 115C-105.37(a), the superintendent shall
32 recommend to the local board one of the following concerning the
33 school's principal: (i) the principal should be retained in the
34 same position; (ii) the principal should be retained in the same
35 position and a plan for remediation should be developed; (iii)
36 the principal should be transferred or demoted; or (iv) the
37 principal should be dismissed. The principal may be retained in
38 the same position without a plan for remediation only if the
39 principal was in that position for no more than two years before
40 the school is identified as low-performing. The principal shall
41 not be transferred to another principal position unless (i) it is
42 in a school classification in which the principal previously
43 demonstrated success, and (ii) there is a plan to evaluate the
44 principal at least during the year following the transfer to

1 assure the principal does not impede student performance at the
2 school to which the principal is transferred. The principal
3 shall not be transferred to another low-performing school in the
4 local school administrative unit. If the superintendent intends
5 to recommend demotion or dismissal, then the superintendent shall
6 proceed under G.S. 115C-325. Within 15 days of its decision
7 concerning the superintendent's recommendation, but no later than
8 September 30, the local board shall submit to the State Board a
9 written notice of the action taken and the basis for that action.
10 If the State Board does not assign an assistance team to that
11 school, then the State Board shall take no further action. If
12 the State Board assigns an assistance team to the school, then
13 the State Board shall vote to accept, reject, or modify the local
14 board's recommendations. The State Board shall notify the local
15 board of its action within five days. If the State Board rejects
16 or modifies the local board's recommendations and does not
17 recommend dismissal of the principal, the State Board's
18 notification shall include recommended action concerning the
19 principal's assignment or terms of employment. Upon receipt of
20 the State Board's notification, the local board shall implement
21 the State Board's recommendations. If the State Board rejects or
22 modifies the local board's action and recommends dismissal of the
23 principal, the State Board shall proceed under G.S. 115C-
24 325(q)(1)."

25 Section 3. G.S. 115C-325(q)(1) reads as rewritten:

26 "~~(1) Notwithstanding any other provision of this section~~
27 ~~or any other law, the State Board:~~

28 a. ~~Shall suspend with pay a principal who has~~
29 ~~been assigned to a school for more than two~~
30 ~~years before the State Board identifies that~~
31 ~~school as low-performing and assigns an~~
32 ~~assistance team to that school under Article~~
33 ~~8B of this Chapter; and~~

34 b. ~~May suspend with pay a principal who has been~~
35 ~~assigned to a school for no more than two~~
36 ~~years before the State Board identifies that~~
37 ~~school as low-performing and assigns an~~
38 ~~assistance team to that school under Article~~
39 ~~8B of this Chapter.~~

40 ~~The panel shall order the dismissal of the principal, at which~~
41 ~~time the period of suspension with pay shall expire, unless the~~
42 ~~panel makes a public determination that the principal has~~
43 ~~established that the factors that led to the identification of~~

1 ~~the school as low-performing were not due to the inadequate~~
2 ~~performance of the principal.~~

3 Notwithstanding any other provision of this section
4 or any other law, this subdivision governs the
5 State Board's dismissal of principals assigned to
6 low-performing schools to which the Board has
7 assigned an assistance team:

8 a. The State Board through its designee may, at
9 any time, recommend the dismissal of any
10 principal who is assigned to a low-performing
11 school to which an assistance team has been
12 assigned. The State Board through its
13 designee shall recommend the dismissal of any
14 principal when the Board receives from the
15 assistance team assigned to that principal's
16 school two consecutive evaluations that
17 include written findings and recommendations
18 regarding the principal's inadequate
19 performance.

20 b. If the State Board through its designee
21 recommends the dismissal of a principal under
22 this subdivision, the principal shall be
23 suspended with pay pending a hearing before a
24 panel of three members of the State Board.
25 The purpose of this hearing, which shall be
26 held within 60 days after the principal is
27 suspended, is to determine whether the
28 principal shall be dismissed.

29 c. The panel shall order the dismissal of the
30 principal if it determines from available
31 information, including the findings of the
32 assistance team, that the low performance of
33 the school is due to the principal's
34 inadequate performance.

35 d. The panel may order the dismissal of the
36 principal if (i) it determines that the school
37 has not made satisfactory improvement after
38 the State Board assigned an assistance team to
39 that school; and (ii) the assistance team
40 makes the recommendation to dismiss the
41 principal for one or more grounds established
42 in G.S. 115C-325(e)(1) for dismissal or
43 demotion of a career employee.

- 1 e. The panel may order the dismissal of the
2 principal when it determines from available
3 information, not including recommendations of
4 the assistance team, that the low-performance
5 of the school is due to the principal's
6 inadequate performance.
- 7 f. In all hearings under this subdivision, the
8 burden of proof is on the principal to
9 establish that the factors leading to the
10 school's low performance were not due to the
11 principal's inadequate performance. In all
12 hearings under sub-subdivision d. of this
13 subdivision, the burden of proof is on the
14 State Board to establish that the school
15 failed to make satisfactory improvement after
16 an assistance team was assigned to the school
17 and to establish one or more of the grounds
18 established for dismissal or demotion of a
19 career employee under G.S. 115C-325(e)(1).
- 20 g. In all hearings under this subdivision, two
21 consecutive evaluations that include written
22 findings and recommendations regarding that
23 person's inadequate performance from the
24 assistance team are substantial evidence of
25 the inadequate performance of the principal.
- 26 h. The State Board shall adopt procedures to
27 ensure that due process rights are afforded to
28 principals under this ~~subsection~~ subdivision.
29 Decisions of the panel may be appealed on the
30 record to the State Board, with further right
31 of judicial review under Chapter 150B of the
32 General Statutes."

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

Senate Education/Higher Education Committee
Wednesday, May 27, 1998

S.B. 1129 The ABC's Plan/Consequences for Principals

Speakers:

Ann Berlam, Legislative Director
Weaver Rogers, Executive Director
State Board of Education

Ann McColl, Legal Counsel
North Carolina Association of School Administrators

Fred Bartholomew, Assistant Executive Director
Tarheel Association of Principals/Assistant Principals

Leanne Winner, Director of Governmental Relations
North Carolina School Boards Association

John Wilson, Executive Director
North Carolina Association of Educators

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TO: Senators Lee & Winner, Cochairs, Senate Education
FROM: Robin S. Johnson, Committee Counsel *Robin*
DATE: May 27, 1998
RE: Proposed Committee Substitute for S1129 SUMMARY
ABC'S PLAN/CONSEQUENCES FOR PRINCIPALS

BACKGROUND: Under current law, when the State Board assigns an assistance team to a low-performing school, the Board must suspend with pay the principal if he or she has been assigned to that school for at least two years before the school was identified as low-performing. The Board must hold a hearing within 60 days to determine whether to dismiss the principal. The principal must be dismissed unless the principal can establish that the factors leading to the identification of the school as low-performing were not due to his or her inadequate performance. The Board also may follow this procedure for principals assigned to these schools for no more than two years before their identification as low-performing.

The consequences for the other certified staff at these schools are different. The Board must dismiss a certified staff member when that person receives two consecutive negative evaluations from the assistance team assigned to the school. The Board may dismiss a certified staff member when the Board determines the school has failed to make satisfactory progress after an assistance team has been assigned to that school and that team recommends the person be dismissed. There are no provisions allowing the SBE to take comparable action towards principals who remain as principals in low-performing schools that are assigned assistance teams.

EXPLANATION OF PCS: Originally recommended by the Joint Legislative Education Oversight Committee, the PCS Senate Bill 1129 would amend the consequences for principals of schools that are identified as low-performing, including those that are not assigned an assistance team.

1. By July 10, each LEA shall do a preliminary analysis of test results to identify which schools the State Board (SBE) may identify as low-performing.

2. Within 30 days of the LEA's identification of a low-performing school or within 30 days of the SBE's identification of a low-performing school to which it will assign an assistance team, whichever occurs first, the superintendent must make one of following recommendations to the local board concerning the principal of that school:

a. Retain in same position. This is only an option if the principal has been in that position no more than two years.

b. Remain in same position, but with a plan for remediation.

AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER

c. Transfer or demote. The principal cannot be transferred to another low-performing school in that LEA. The principal may be transferred to another principal position only if it is in a school classification (i.e., elementary, middle, or high school) in which the principal previously demonstrated success and the LEA must evaluate the principal at least during the year after the transfer to assure that the principal is not impeding student progress at the new school.

d. Dismiss.

If the superintendent recommends dismissal or demotion, the superintendent must suspend with pay or demote the principal and proceed under G.S. 115C-325 by reporting to the local board. If the local board opts to demote or dismiss the principal, then it must proceed under G.S. 115C-325. If the superintendent recommends retention or transfer, the board must vote to accept, reject, or modify the superintendent's recommendation. Within 15 days of the local board's action, the board must notify the State Board of its action and the basis for its action.

3. If the SBE does not assign an assistance team to the principal's school, the SBE shall take no further action. If the SBE does assign an assistance team to the school, the SBE shall review the local board's decision concerning the principal. The Board must vote to accept, reject, or modify the local board's recommendations. If the State Board rejects or modifies the local board's recommendations and does not recommend dismissal, the State Board must notify the local board of its vote along with recommendations concerning the principal's assignment or terms of employment. The local board must implement any changes the State Board recommends. If the State Board rejects or modifies the local board's recommendations and does recommend dismissal, the State Board shall proceed under G.S. 115C-325(q)(1).

4. The State Board through its designee may, at any time, recommend the dismissal of a principal assigned to a low-performing school to which an assistance team has been assigned. The State Board through its designee shall recommend dismissal if the principal receives two consecutive negative evaluations from the assistance team assigned to the principal's school. If dismissal is recommended, the principal shall be suspended with pay, pending a hearing before a panel of three Board members. The hearing must be held within 60 days of the principal's suspension.

5. The panel must order dismissal if the panel determines from available information, including the findings of the assistance team, that the school's low-performance is due to the principal's inadequate performance.

6. The panel may order dismissal if it determines the school has failed to make satisfactory progress after an assistance team is assigned to that school and the assistance team recommends dismissal for one of the grounds for dismissal or demotion of a career employee under G.S. 115C-325(e)(1). The panel also may order dismissal if it determines from available information, not including the findings of the assistance team, that the school's low-performance is due to the principal's inadequate performance.

7. In all hearings, the burden of proof is on the principal to establish that the factors leading to the school's low performance were not due to the principal's inadequate performance. The burden of proof is on the State Board to establish the school failed

to make satisfactory improvement after the assignment of an assistance team to that school and to establish one or more of the grounds for dismissal or demotion of a career employee.

8. In all hearings, two consecutive negative evaluations from the assistance team are substantial evidence of the principal's inadequate performance.

9. Within 30 days of the initial identification, whether by the LEA or the State Board, of a low-performing school, the local superintendent must submit to the local board a preliminary plan for addressing the needs of that school. Within 30 days of its receipt of this plan, the board shall vote to approve, reject or modify the plan. Before this vote, the board shall make the plan available to the public and must allow for written comments. G.S. 115C-105.37(b) would be amended to require the notification that goes to parents when the State Board identifies a low-performing school to include information about the plan. Within five days of the board's vote, it must submit its plan to the State Board for its review. The State Board shall review plans expeditiously and, if appropriate, offer recommendations to modify them. The local board must consider the SBE's recommendations.

The bill would take effect when it becomes law, and would apply to principals on or after that date.

S1129-SMRH-01B



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TO: Members of Joint Legislative Education Oversight Committee
FROM: Robin S. Johnson, Committee Counsel
DATE: April 29, 1998
RE: Goals for the Dismissal of Principals

These are in no particular order.

1. Principals must be good leaders and managers in all schools, both in the short and long run.
2. Procedures that deal with principal suspension or dismissal should avoid undue disruption or instability in the school.
3. The local board must take responsibility.
4. The procedures must be fair to principals.
5. The State Board is ultimately responsible; therefore, it needs a workable process that provides sufficient evidence for the Board to make a dismissal decision.
6. Good principals must not be discouraged from going to or staying in low-performing schools. Incentives to attract good principals to these schools should be in place.
7. Incompetent principals should not be transferred to other schools or to central office, where they are permitted to continue their incompetence.

98RJ043

**NORTH CAROLINA GENERAL ASSEMBLY
SENATE**

EDUCATION/HIGHER EDUCATION COMMITTEE REPORT

Senator Howard Lee, Co-Chair
Senator Leslie Winner, Co-Chair

Thursday, May 28, 1998

SENATOR LEE,

submits the following with recommendations as to passage:

UNFAVORABLE AS TO BILL, BUT FAVORABLE AS TO C.S. BILL

S.B. 1129	ABC's Plan/Consequences for Principals.
	Draft Number: PCS3600
	Sequential Referral: None
	Recommended Referral: None
	Long Title Amended: No

TOTAL REPORTED: 1

Committee Clerk Comment:

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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1

SENATE BILL 1127*

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

(Public)

Sponsors: Senators Lee, Winner; Dalton, Dannelly, Garwood, Hartsell, Lucas, Odom, Reeves, and Rucho.

Referred to: Education/Higher Education.

May 14, 1998

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

5 The General Assembly of North Carolina enacts:

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

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

**NORTH CAROLINA GENERAL ASSEMBLY
SENATE**

EDUCATION/HIGHER EDUCATION COMMITTEE REPORT

Howard Lee, Co-Chair
Leslie Winner, Co-Chair

Wednesday, May 27, 1998

SENATOR LEE,
submits the following with recommendations as to passage:

FAVORABLE

S.B. 1127	Incentives for Principals/Low-Perf. Schs.
	Sequential Referral: Re-referred Appropriations
	Recommended Referral: None

TOTAL REPORTED: 1

Committee Clerk Comment: This bill is being RE-REFERRED to APPROPRIATIONS

NC DEPARTMENT OF PUBLIC INSTRUCTION
School Improvement Division

PRINCIPALS IN "DESIGNATED" LOW-PERFORMING SCHOOLS
1997-98

SCHOOL	FORMER PRINCIPAL-ABCs	CURRENT PRINCIPAL
1. Allenbrook Elementary Mecklenburg	Suspended - Reinstated (Byron Campbell) - reassigned to a central office position	Cathy Hammond - 1st yr. at Allenbrook - Tenured
2. Arlington Elementary Gaston	James Costner - reassigned to Technical Support Services	Sherry Reynolds - 1st yr. principal Contract
3. Wm. R. Davie Middle Halifax	Suspended - Reinstated	Luticia Lynch - 4th yr. at Davie Tenured
4. Enfield Middle Halifax	Suspended - Reinstated	(Dr.) Robert Moore - 3 yrs. at Enfield - Tenured
5. Pauline Jones Elementary Cumberland	Retained as principal - had served the school one year	Frederick Hill - 2nd yr. at P. Jones Contract
6. Lingerfeldt Elementary Gaston	Gary Evans - transferred Hunter Huss High School in Gaston	Charmaine Crisp - 2nd yr. at Lingerfeldt - Tenured
7. Phillips Sci/Math/Tech Edgecombe	Suspended - Reinstated	Pamela Lyons - 4th yr. principal Tenured
8. Pinkston Street Elementary Vance	Suspended - Returned to LEA Reassigned as a truancy officer by Vance County Schools Superintendent	Celeste Brown - retiring principal who was asked to take the leadership of this school. - Tenured
9. Poe Montessori Magnet Wake	Suspended - Reinstated	Maira O'Conner - 2nd yr. at Poe Tenured
10. Princeville Montessori Edgecombe	Ronnie Daughtry - retired	Nancy Davis - 1st yr. principal Contract
11. Rex-Rennett Elementary Robeson	Retained as principal - had served the school one year	Harold Livingston - 2nd yr at Rex-Rennett - Tenured
12. Shamrock Gardens Elementary Mecklenburg	Suspended - Reinstated (Caroline Graham) - reassigned to a central office position	Kay Tawney - 1st yr. principal Contract
13. Townsend Middle Robeson	Sally Jones - transferred to R.B. Dean Elementary School in Robeson County	(Dr.) Effie McGill - 1st yr. at Townsend - Tenured
14. Union Hill Elementary Guilford	Ray Stinson - retired	Susan Britt - 1st yr. principal Contract
15. Weldon Middle Weldon City	(School was formerly part of the high school - didn't have a principal)	Lydia Harding-Elder - 1st yr principal - Contract

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S

1

SENATE BILL 1139*

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

(Public)

Sponsors: Senators Hartsell, Winner, and Lee.

Referred to: Education/Higher Education.

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 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
23 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 hearing was postmarked within the time provided, the career employee shall not forfeit the right to a board hearing. Within two days after receiving the career employee's request for a board hearing, the superintendent shall request that a transcript of the case manager hearing be made. Within two days of receiving a copy of the transcript, the superintendent shall submit to the board the written recommendation and shall provide a copy of the

1 recommendation to the career employee. The superintendent's
2 recommendation shall state the grounds for the recommendation
3 and shall be accompanied by a copy of the case manager's ~~report~~
4 report and a copy of the transcript of the case manager's hearing."

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

6 "(5) At least ~~40~~ eight days before the hearing, the superintendent shall
7 provide to the career employee a list of witnesses the
8 superintendent intends to present, a brief statement of the nature
9 of the testimony of each witness, and a copy of any documentary
10 evidence the superintendent intends to present."

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

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

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

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



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To: Senators Lee and Winner, cochairs, Senate Education/Higher Education Committee
From: Kory Goldsmith, Committee Counsel
Date: May 26, 1998
Re: SB 1139 - Misc. Corrections/G.S. 115C-325

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 either the superintendent, or the superintendent's designee, may be present 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 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. Section 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-SMRC-001

VISITOR REGISTRATION SHEET

SENATE Education/Higher Education May 27, 1998
 Name of Committee Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Susan Markham	EGHS-LWSC
Leanne Kinner	NCSBA
Law Robert	Parent
Scott High	AP
Hal Miller	NCAECT
Zack Sexton	Speaker's office
Duane Muijen	Research Division
Debbie Harlow	Sen. Lucas (Intern)
Susan Harrison	WCPSS
Butch Gunnells	NCSDA
Janet Pittard	OSBM

VISITOR REGISTRATION SHEET

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Karen Gave	Gov.'s Office
Ann McGee	NCAEA
Harriet Dial	NCAE
Gene Causby	E - EBC
Weaver Rogers	SBE
Ann Belam	SBE
Piper Nieters	SBE
Nivali Patel	Gov.'s Office
Thad Davis	NCAE
Bill Wilson	NCAE
John Wilson	NCAE

SENATE COMMITTEE
ON EDUCATION/HIGHER EDUCATION

Wednesday, June 3, 1998

MINUTES

The Senate Committee on Education/Higher Education met on Wednesday, June 3, 1998, at 10:00 A.M. in Room 414 of the Legislative Office Building. Sixteen of the members of the Committee attended the meeting, including the Co-Chair, Senator Winner, who presided.

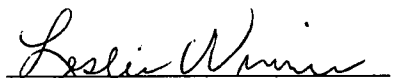
Senator Winner introduced Senator Dalton to speak on Senate Bill 1150, AN ACT TO MAKE PERMANENT THE REQUIREMENT THAT COUNTIES USE PART OF THE TWO HALF-CENT LOCAL SALES TAX PROCEEDS ONLY FOR PUBLIC SCHOOL CAPITAL OUTLAY PURPOSES.

Senator Martin moved for a favorable report on SB1150. The Committee voted for a favorable report on SB1150 and the bill was re-referred to Finance.

The Committee then took up SB1139, 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. Senator Hartsell moved to amend SB1139. The Committee voted to amend SB1139.(See Attachment 1.) Senator Hartsell then explained the bill to the Committee.

The Committee voted unfavorable as to bill, but favorable as to the Committee Substitute on SB1139.

The Committee was adjourned at 11:02 a.m.



Senator Leslie Winner, Co-Chair



Vickie Spears, Committee Clerk

EXPLANATION OF SB 1150

TO: Senators Lee and Winner, Cochairs, Senate Education
FROM: Robin Johnson, Committee Counsel *Robin*
RE: Amend Local Sales Taxes
DATE: June 1, 1998

BACKGROUND: There are three Articles of the Revenue Act that authorize counties to levy local sales and use taxes. Article 39 authorizes a one-cent tax, Article 40 authorizes a half-cent tax, and Article 42 authorizes an additional half-cent tax. Article 40, enacted in 1983, and Article 42, enacted in 1986, each provided that for the first ten fiscal years in which the tax was in effect in a county, the county was required to use a percentage of the tax revenue for public school capital outlay purposes, including retirement of outstanding debt. In 1993, the earmarking was extended for an additional five years.

SUMMARY: SENATE BILL 1150 makes this earmarking permanent. The first earmarking expires this year; the second will expire in 2002. Under the bill, counties will be required to use 30% of the tax revenue from the first half-cent local sales tax (Article 40) and 60% of the tax revenue from the second half-cent local sales tax (Article 42) only for public school capital outlay purposes. In 1985, the General Assembly exempted Burke County from the restriction that 30% of the first half-cent local sales tax must be spent on public school capital outlay purposes. This exemption will remain in effect.

If a county can demonstrate that it does not need the earmarked revenue to meet its public school capital needs, it may petition the Local Government Commission to authorize it to use the money for any public purpose. In making its decision, the Commission must consider not only the public school capital needs but also the other capital needs of the county.

SENATE BILL 1150 also defines public school capital outlay purposes as the term is defined in the School Budget and Fiscal Control Act. The term is defined broadly in this Act to include appropriations for the acquisition of real property and buildings for school purposes as well as the acquisition of furniture, computers, equipment, buses, etc. The Local Government Commission currently interprets the term as it is defined in the School Budget and Fiscal Control Act. Therefore, this clarification of the law will not affect the way counties are currently using the money.

The School Capital Construction Commission recommended similar legislation to the 1996 Session of the 1995 General Assembly. That Commission had spent a considerable amount of time debating the purposes for which this money should be used and decided to make it clear that the money could be used for a variety of school needs.

EFFECTIVE DATE: July 1, 1998

NOTE: This bill needs to be re-referred to the Committee on Finance.

S1150-SMRH-001

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S

1

SENATE BILL 1150*

Short Title: Amend Local Sales Tax.

(Public)

Sponsors: Senators Dalton, Winner, Lee; Ballance, Blust, Hartsell, Jenkins, Jordan, Kinnaird, Lucas, Odom, Phillips, Reeves, Weinstein, and Wellons.

Referred to: Education/Higher Education.

May 18, 1998

1 A BILL TO BE ENTITLED
2 AN ACT TO MAKE PERMANENT THE REQUIREMENT THAT COUNTIES
3 USE PART OF THE TWO HALF-CENT LOCAL SALES TAX PROCEEDS
4 ONLY FOR PUBLIC SCHOOL CAPITAL OUTLAY PURPOSES.
5 The General Assembly of North Carolina enacts:
6 Section 1. G.S. 105-487(a) reads as rewritten:
7 "(a) Except as provided in subsection (e), ~~forty percent (40%) of the revenue~~
8 ~~received by a county from additional one-half percent (1/2%) sales and use taxes~~
9 ~~levied under this Article during the first five fiscal years in which the additional taxes~~
10 ~~are in effect in the county and (c) of this section, thirty percent (30%) of the revenue~~
11 ~~received by a county from these taxes in the next 10 fiscal years in which the taxes~~
12 ~~are in effect in the county~~ additional one-half percent (1/2%) sales and use taxes
13 levied under this Article may be used by the county only for public school capital
14 outlay purposes as defined in G.S. 115C-426(f) or to retire any indebtedness incurred
15 by the county for these purposes."
16 Section 2. G.S. 105-502(a) reads as rewritten:
17 "(a) ~~Sixty percent (60%) of the revenue received by a county under this Article~~
18 ~~during the first 16 fiscal years in which the tax is in effect~~ may be used by the county
19 only for public school capital outlay purposes as defined in G.S. 115C-426(f) or to
20 retire any indebtedness incurred by the county for these purposes during the period
21 beginning five years prior to the date the taxes took effect."
22 Section 3. This act becomes effective July 1, 1998.



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To: Senators Lee and Winner, cochairs, Senate Education/Higher Education Committee
From: Kory Goldsmith, Committee Counsel
Date: May 26, 1998
Re: SB 1139 - Misc. Corrections/G.S. 115C-325

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 either the superintendent, or the superintendent's designee, may be present 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 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. Section 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-SMRC-001

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S

1

SENATE BILL 1139*

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

(Public)

Sponsors: Senators Hartsell, Winner, and Lee.

Referred to: Education/Higher Education.

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 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
23 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 hearing was postmarked within the time provided, the career employee shall not forfeit the right to a board hearing. Within two days after receiving the career employee's request for a board hearing, the superintendent shall request that a transcript of the case manager hearing be made. Within two days of receiving a copy of the transcript, the superintendent shall submit to the board the written recommendation and shall provide a copy of the

1 recommendation to the career employee. The superintendent's
2 recommendation shall state the grounds for the recommendation
3 and shall be accompanied by a copy of the case manager's ~~report~~
4 report and a copy of the transcript of the case manager's hearing."

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

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

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

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

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

20 Section 7. This act is effective when it becomes law. Sections 2, 3, 4,
21 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-ARC-001

Date 27 MAY, 1998

Comm. Sub. []
Amends Title []

Senator Hartsell

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

SIGNED *Walter B. Hartsell*
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

VISITOR REGISTRATION SHEET

SENATE COMMITTEE ON EDUCATION/HIGHER EDUCATION

JUNE 3, 1998

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Kyle Armentrout	NC Senate
Derrick W. Byrd	NCPTA
Susan Markham	EgHS
Willie Dickens	Sen. Cooper
Hal Miller	ORACCT
John A. A. A.	Self
Jane Warsaw	LWDNE
Sindey Baeker	NC Nurse Association
Eric Johnson	ECU School of Nursing
Joanne Schoen	N.C. Nurses Association
Celeste Chilton	Sen. Cooper
J. Rungt	NCAFA

VISITOR REGISTRATION SHEET

SENATE COMMITTEE ON EDUCATION/HIGHER EDUCATION

JUNE 3, 1998

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

John Norris	Public School Forum of NC
Ed Reyer	N.C. Assoc. of G. Comm.
Pete Lewis	DHHS
Loanne Kinner	XICSBA
Ann Belam	SBE
Jan Bratts	NCAEA
Nirali Patel	Gov.'s Office
Garen Gark	Gov's Office
Jann Harris	DHHS
Gene Causby	E - EDC
Harriet Deal	NCAE
John Wilson	NCAE

**NORTH CAROLINA GENERAL ASSEMBLY
SENATE**

EDUCATION/HIGHER EDUCATION COMMITTEE REPORT

Sen. Leslie Winner, Co-Chair

Sen. Howard Lee, Co-Chair

Monday, June 8, 1998

Senator Winner,
submits the following with recommendations as to passage:

FAVORABLE

S.B. 1150 Amend Local Sales Taxes
Sequential Referral: None
Recommended Referral: Finance

UNFAVORABLE AS TO BILL, BUT FAVORABLE AS TO C.S. BILL

S.B. 1139 Misc. Corrections/G.S. 115C-325.
Draft Number: PCS1993
Sequential Referral: None
Recommended Referral: None
Long Title Amended: No

TOTAL REPORTED: 2

Committee Clerk Comment: Senator Winner to sign.

**SENATE COMMITTEE
ON EDUCATION/HIGHER EDUCATION**

**Wednesday, June 10, 1998
10:00 a.m.
Room 414, Legislative Office Building**

MINUTES

The Senate Committee on Education/Higher Education met on Wednesday, June 10, 1998 at 10:00 a.m. in Room 414 of the Legislative Office Building. Seventeen members were in attendance.

Senator Howard Lee presided and called the meeting to order at 10:16 a.m.

SB 1523 Substitute Teacher Pay/Funds.

Senator Winner presented background information on SB 1523 to the committee, using the summary sheet as a review. (Attachment 1)

Senator Cochrane moved for a favorable report as presented. After considerable discussion, Senator Cochrane withdrew her motion. Senator Winner introduced a technical amendment (Attachment 2) in the form of a motion, which was accepted favorably. Senator Cochrane moved for favorable committee report, as amended, with referral to Appropriations. The committee approved this motion. (Committee report/Attachment 3)

SB 1124 Teacher Certification Waivers.

Senator Hartsell presented and explained SB 1124 to the Committee. (Bill summary/Attachment 4) He introduced and explained a technical amendment. (Attachment 5) Senator Foxx made motion to accept the amendment. The Committee voted favorably to accept the proposed amendment. Additional discussion continued, with Dr. Richard Thompson, of DPI, responding to questions about reciprocity with other states. Senator Winner made the motion for an unfavorable report as to the bill, but favorable report as to the committee substitute. The motion passed as stated. (Committee report/Attachment 6)

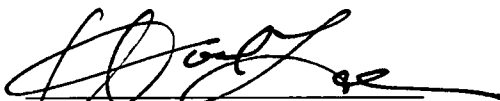
SB 1594 Education Bd. Sets Cert. Fees.

The chair proposed postponing SB 1594 due to time constraints. (Bill summary/Attachment 7) Senator Lucas moved for a favorable report on SB 1594, with a recommended referral to the Finance committee. The Committee voted favorably for this recommended referral to Finance. (Committee report/Attachment 8)

SB 1128 Testing in Grades K-2.

SB 1128 was presented for discussion only. Dr. Harrison of DPI commented on points brought up by the State Board of Education. Other discussion followed.

The committee adjourned at 11:00 a.m.


Senator Howard N. Lee, Co-Chair


Betty E. Stoddard, Committee Clerk

SENATE EDUCATION/HIGHER EDUCATION COMMITTEE

AGENDA

June 10, 1998

10 a.m

Room 414

CALL TO ORDER

Senator Lee president

BILLS TO BE CONSIDERED

SB 1124	Teacher Certification Waivers.	Hartsell, Winner and Lee
SB 1128	Testing in Grades K-2.	Winner and Lee
SB 1523	Substitute Teacher Pay/Funds.	Winner
SB 1594	Education Bd. Sets Cert. Fees.	Lee

ADJOURNMENT

Principal Clerk
Reading Clerk

SENATE
NOTICE OF COMMITTEE MEETING
and

BILL SPONSOR NOTICE

The Senate Committee on **Education/Higher Education** will meet at the following time:

DATE: June 10
TIME: 10 a.m.
ROOM: 414

The following bills or resolutions will be considered:

SB 1124	Teacher Certification Waivers.	Hartsell, Winner and Lee
SB 1128	Testing in Grades K-2.	Winner and Lee
SB 1523	Substitute Teacher Pay/Funds.	Winner
SB 1594	Education Bd. Sets Cert. Fees.	Lee

Senator Howard Lee, Co-Chair
Senator Leslie Winner, Co-Chair

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S

1

SENATE BILL 1523

Short Title: Substitute Teacher Pay.

(Public)

Sponsors: Senators Winner; and Lee.

Referred to: Education/Higher Education.

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. The~~
13 ~~minimum pay for a substitute teacher who holds a teaching~~
14 ~~certificate shall be paid at seventy-five percent (75%) of the daily~~
15 ~~pay rate of an entry-level teacher with an 'A' certificate. The~~
16 ~~minimum pay for a substitute teacher who does not hold a~~
17 ~~teaching certificate shall be paid at sixty percent (60%) of the daily~~
18 ~~pay rate of an entry-level teacher with an 'A' certificate.~~

19 Local board of education may use State funds allocated for
20 substitute teachers to hire full-time substitute teachers.

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

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

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

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



North Carolina General Assembly Legislative Services Office

George R. Hall, Legislative Services Officer
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To: Senators Lee and Winner, Cochairs, Senate Education/Higher Education Committee
From: Sara Kamprath, Legislative Analyst
Date: June 8, 1998
Re: SB 1523 - Substitute Teacher Pay

Background:

Current Substitute Teacher Pay Rates

Certified Educator	\$57
Non-Certified with Effective Teacher Training	\$50
No Training	\$40

Currently, the State Board of Education has a policy that the school systems can't use their allotment for substitutes to hire full-time substitutes.

Section 1 amends G.S. 115C-12(8) to provide that the minimum pay for a substitute teacher with a teaching certificate shall be 75% of the daily pay rate of an entry-level teacher with an 'A' certificate. The minimum pay for a substitute teacher without a teaching certificate shall be 60% of the daily pay rate of an entry-level teacher with an 'A' certificate. 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:

Minimum Proposed Substitute Teacher Pay Rates

With Teaching Certificate	\$78.75
Without Teaching Certificate	\$63.00

Local boards may use State funds allocated for substitute teachers to hire full-time substitute teachers.

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.

S1523-SMRJ-001



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 1523

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

S1523-ARJ-001

Page 1 of 1

Date June 10, 1998

Comm. Sub. ☐
Amends Title ☐

Senator Winner

- 1 moves to amend the bill on page 1, line 19,
- 2 by rewriting the line to read:
- 3 "Local boards may use State funds allocated for".

SIGNED [Signature]
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED ✓

FAILED _____

TABLED _____

**NORTH CAROLINA GENERAL ASSEMBLY
SENATE**

EDUCATION/HIGHER EDUCATION COMMITTEE REPORT

Senator Howard Lee, Co-Chair
Senator Leslie Winner, Co-Chair

Wednesday, June 10, 1998

SENATOR LEE,
submits the following with recommendations as to passage:

FAVORABLE, AS AMENDED

S.B. 1523	Substitute Teacher Pay
	Sequential Referral: Appropriations
	Recommended Referral: None
	Long Title Amended: No

UNFAVORABLE AS TO BILL, BUT FAVORABLE AS TO C.S. BILL

S.B. 1124	Teacher Certification Waivers
	Draft Number: PCS3623
	Sequential Referral: None
	Recommended Referral: None
	Long Title Amended: No

TOTAL REPORTED: 2

Committee Clerk Comment: Senator Lee

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S

1

SENATE BILL 1124*

Short Title: Teacher Certification Waivers.

(Public)

Sponsors: Senators Hartsell, Winner, Lee; Cochrane, Dalton, Garwood, and Rucho.

Referred to: Education/Higher Education.

May 14, 1998

1 A BILL TO BE ENTITLED

2 AN ACT TO ALLOW LOCAL BOARDS OF EDUCATION TO EMPLOY
3 TEACHERS WHO ARE LEGALLY CERTIFICATED IN ANOTHER STATE
4 EVEN THOUGH THEY MAY NOT BE CERTIFICATED IN NORTH
5 CAROLINA.

6 The General Assembly of North Carolina enacts:

7 Section 1. G.S. 115C-105.26(c) reads as rewritten:

8 "(c) The State Board ~~also~~ may grant requests received from local boards for
9 waivers of State laws, rules, or policies that affect the organization, duties, and
10 assignment of central office staff only. However, none of the duties to be performed
11 under G.S. 115C-436 may be waived. The State Board also may grant requests
12 received from local boards for waivers of State laws, rules, or policies governing
13 teacher certification when the boards demonstrate the following: (i) they need to
14 employ teachers who are lawfully certificated in another state; (ii) the certification of
15 these teachers authorizes them to teach the grade or subject matter they will be
16 employed to teach; and (iii) there is a plan to demonstrate the teachers' competence
17 before the boards employ these teachers. Teachers who are employed under a waiver
18 must meet the State Board's requirements for continuing certification."

19 Section 2. This act is effective when it becomes law and expires June 30,
20 2003, except that it remains effective for any teacher employed under this act before
21 July 1, 2003.



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To: Senators Lee and Winner, cochairs, Senate Education/Higher Education Committee

From: Kory Goldsmith, Committee Counsel *KJG*

Date: June 5, 1998

Re: SB 1124 - Teacher Certification Waivers

BACKGROUND: Currently, teachers who are certified to teach in other states must meet our standards before they can be certified to teach in North Carolina. A local board may employ one of these teachers, so long as they apply for State certification. The State Board allows individuals who do not meet our certification standards to receive a provisional teaching certificate. This provisional certificate allows these individuals to teach for one year in order to give them time to meet the requirements.

A limited exception is provided in G.S. 115C-105.26(b), which allows an individual school the opportunity to seek a waiver of the State Board teacher certification requirements. The school must include this request as a part of its school improvement plan. If the local board approves the school improvement plan, then it must submit to the State Board the waiver request, along with an explanation of how the waiver will allow the school to improve student performance.

BILL SUMMARY: The proposed legislation would allow local boards to seek a waiver of the laws and regulations governing teacher certification when the boards demonstrate (i) the need to employ teachers who are lawfully certified in another state, (ii) the teachers' certification authorizes them to teach the grade or subject matter they will be employed to teach, and (iii) a plan to demonstrate the teachers' competence before they are employed. Teachers who are hired under a waiver must meet the State Board's requirements for continuing certification.

The bill would take effect when it becomes law, but would expire five years later on June 30, 2003. The law would remain in effect for teachers employed during these five years.

SI124-SMRC-001



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 1124

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

S1124-ARC-001

Date June 10, 1998

Comm. Sub. [☐
Amends Title [☐

Senator Hartsell

1 moves to amend the bill on page 1, lines 17-18 by rewriting the
2 sentence that begins on line 17 to read:
3 "Teachers receiving teaching certificates under this provision shall
4 be subject to the same requirements for continuing certification and
5 certificate renewal as other certified teachers."
6

SIGNED Hutch L. Hartsell
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED ✓

FAILED _____

TABLED _____

**NORTH CAROLINA GENERAL ASSEMBLY
SENATE**

EDUCATION/HIGHER EDUCATION COMMITTEE REPORT

Senator Howard Lee, Co-Chair
Senator Leslie Winner, Co-Chair

Wednesday, June 10, 1998

SENATOR LEE,

submits the following with recommendations as to passage:

FAVORABLE, AS AMENDED

S.B. 1523	Substitute Teacher Pay	
	Sequential Referral:	Appropriations
	Recommended Referral:	None
	Long Title Amended:	No

UNFAVORABLE AS TO BILL, BUT FAVORABLE AS TO C.S. BILL

S.B. 1124	Teacher Certification Waivers	
	Draft Number:	PCS3623
	Sequential Referral:	None
	Recommended Referral:	None
	Long Title Amended:	No

TOTAL REPORTED: 2

Committee Clerk Comment: Senator Lee

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S

1

SENATE BILL 1594

Short Title: Education Bd. Sets Cert. Fees.

(Public)

Sponsors: Senator Lee.

Referred to: Education/Higher Education.

June 1, 1998

1 A BILL TO BE ENTITLED
2 AN ACT TO AUTHORIZE THE STATE BOARD OF EDUCATION TO SET
3 TEACHER CERTIFICATION FEES.

4 The General Assembly of North Carolina enacts:

5 Section 1. G.S. 115C-296(a) reads as rewritten:

6 "(a) The State Board of Education shall have entire control of certifying all
7 applicants for teaching positions in all public elementary and high schools of North
8 Carolina; and it shall prescribe the rules and regulations for the renewal and
9 extension of all certificates and shall determine and fix the salary for each grade and
10 type of certificate which it ~~authorizes. Provided, that the~~ authorizes. The State Board
11 of Education shall also set the application fee for initial certification, renewal, and
12 extension of all certificates.

13 The State Board of Education shall require each applicant for an initial bachelors
14 degree certificate or graduate degree certificate to demonstrate the applicant's
15 academic and professional preparation by achieving a prescribed minimum score on a
16 standard examination appropriate and adequate for that purpose. The State Board of
17 Education shall make the standard initial certification exam sufficiently rigorous and
18 raise the prescribed minimum score as necessary to ensure that each applicant has
19 adequate academic and professional preparation to teach."

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



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TO: Senators Lee & Winner, Coauthors, Senate Education Committee
FROM: Robin S. Johnson, Committee Counsel *Robin*
DATE: June 8, 1998
RE: **SB 1594: State Board Sets Certification Fees**

BILL SUMMARY: Senate Bill 1594 would amend G.S. 115C-296 to authorize the State Board to set the application fee for teachers' initial certification, certification renewal, and certification extension. The State Board would be required to go through rulemaking to establish these fees. The bill is effective when it becomes law.

BACKGROUND: When a State agency establishes a fee, it is exercising the taxing authority of the State. The law provides that an agency may establish a fee only if a statute sets the exact fee amount or if a statute gives the agency the express authority to set the fee. If a statute gives the agency that authority, then the agency must adopt the fee by going through the rulemaking process. Currently, there is no statute that establishes the fees for certification or that authorizes the State Board to set the fees, even though it is clear from past budget bills that the Board's budget takes into account the receipts from certification fees.

The General Assembly has known about the fees and has approved them each time it has adopted a budget bill since 1975. That year, the State Board adopted a certification fee schedule as the result of recommendations of the Fiscal Research Division, which were "unanimously called for" by both the House and Senate Education Committees during the 1975 Session. It appears as if the 1975 Budget Conference Committee agreed to not make a "reduction in appropriations from increase in receipts from certificates" in the 1975 budget. Subsequent budgets have taken into consideration the receipts from these certification fees. The Board has increased the fees several times since 1975, but has never gone through the State's rulemaking procedure.

If someone were to challenge the Board's authority to establish certification fees, it is possible a court would accept the position that the Board has implied authority to set and increase fees. If the court rejected this theory, however, the consequence would be that the fees are unenforceable.

The bill needs to be re-referred to the Committee on Finance.

S1594-SMRH-001

**NORTH CAROLINA GENERAL ASSEMBLY
SENATE**

EDUCATION/HIGHER EDUCATION COMMITTEE REPORT

Senator Howard Lee, Co-Chair
Senator Leslie Winner, Co-Chair

Wednesday, June 10, 1998

SENATOR LEE,
submits the following with recommendations as to passage:

FAVORABLE

S.B. 1594	Education Bd. Sets Cert. Fees
	Sequential Referral: None
	Recommended Referral: Finance

TOTAL REPORTED: 1

Committee Clerk Comment:

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S

1

SENATE BILL 1128*

Short Title: Testing in Grades K-2.

(Public)

Sponsors: Senators Winner, Lee; Dalton, Dannelly, Garwood, Hartsell, Perdue, Purcell, Reeves, and Rucho.

Referred to: Education/Higher Education.

May 14, 1998

A BILL TO BE ENTITLED

AN ACT TO ALLOW LOCAL BOARDS TO ADMINISTER STANDARDIZED TESTS IN GRADES K-2.

The General Assembly of North Carolina enacts:

Section 1. G.S. 115C-174.11(a) reads as rewritten:

"(a) Assessment Instruments for First and Second Grades. -- The State Board of Education shall adopt and provide to the local school administrative units developmentally appropriate individualized assessment instruments consistent with the Basic Education Program for the first and second grades, rather than standardized tests. Local school administrative units may use these assessment instruments provided to them by the State Board for first and second grade students, and shall not use standardized tests. Local school administrative units also may use valid, age-appropriate standardized tests or assessments in kindergarten and first and second grades so long as they are used for individual student diagnostic or program evaluation purposes. If a test or an assessment is used for individual diagnostic purposes or if the results are placed in a student's record, the school shall provide the results to that student's parent or legal guardian. Local school administrative units are encouraged to notify parents and guardians of students in kindergarten and first and second grades before administering tests or assessments to those students."

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

VISITOR REGISTRATION SHEET

Senate Higher Education

Name of Committee

Wed. June 10, 1998

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Roger Nilters	SBE
Jan Cratt	NCAAA
Stephen J. Deane	NCJCDC
Greg C. Malhot	NCJCDC
Stephanie Summer	NCJCDC
Robert Clausen	NCJCDC
John T. Meredith III	ECU-SOM Doctor of the Day
Jan Ramquist	NCATA
Tannis Nelson	NCPTA
Henry Johnson	DPI
John Wilson	NCAE

VISITOR REGISTRATION SHEET

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

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Robert Ayers	NCAE / McDowell Co.
Sharon Crawford	Assistant Supt. NCAE - McDowell Co. Schools
Frank Ellis	NCAE / Stokes Co. Schools (Supt)
Yvonne Rutledge	Stokes Co. Board of Education
Jerry C. Fowler	Stokes Co. Board of Education
Ann Beaman	SBE
Richard Thompson	DPI
Chris Fitzsimon	Common Sense Foundation
Allison B. Schafer	NCSBA Legal Counsel
Jim Baur	NCDPI

VISITOR REGISTRATION SHEET

Name of Committee

Date

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NAME

FIRM OR AGENCY AND ADDRESS

Janet Pittard	OSBM
Emily Howell	Sen. Basnight's office
Dary Talpott	Chapel Hill Carrboro City Schools
Deane Mugar	Olenwood - 5 th grade teacher
Donna Farmer	Research Division
J. Oliver Smith	Isnon Co. Public School
Ann McEll	Kinston NC 28501
Earl Watson	Lenoir Co Public School
Betsy Wellborn	Kinston N.C 28501
Larry B. Miller	NCAAA
Jo Bigger	Cleveland County
	Wilkes Co.
	Chatham Co.
	Cow. Co. Bd. of Ed.

VISITOR REGISTRATION SHEET

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Molly Griffin	Charlotte-Mecklenburg Board of Education 620 Cherokee Rd Charlotte 28207
Thad Davis	NCAE
ANNICE HOOD	NC PRINCIPAL FELLOW PROGRAM
Nirali Patel	Intern, Gov.'s Office
Sarah Gark	Gov.'s Office
Beth Bevaugh	NCCBT
Sharon Harrison	WCPSS
Lloyd Mowbray	TAPAP
Linda Higgins	Lee Co. Schools
Geni Hayes	Wilkes Co. Board of Ed, Chairman
A. S. Griffin	Bladen County Bd. Edu. Asst.
Linda Rouse Smith	Lenoir County Bd. of Education

VISITOR REGISTRATION SHEET

Name of Committee

Date

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NAME

FIRM OR AGENCY AND ADDRESS

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George Kilton	Cleveland County Bd. of Educ.
Eric Raine	Cleveland County Bd. of Educ.
Wayne Buntin	Sunny Co. Board of Education
Cynthia Senei	Stokes Co. School
Tommy Lucas	Clev. Cty. Bd. of Education
Conni McFadden	Clev. Cty.
Jack Wilkie	Chatham Co. Bd. of Education
Adke Cooper	Chatham Co. Bd. of Education
John Norris	Public School System of NC

SENATE COMMITTEE
ON EDUCATION/HIGHER EDUCATION

Wednesday, June 24, 1998

MINUTES

The Senate Committee on Education/Higher Education met on Wednesday, June 24, 1998, at 10:00 A.M. in Room 414 of the Legislative Office Building. Seventeen of the members of the Committee attended the meeting, including the Co-Chair, Senator Winner, who presided. Pages were Jack Warren from Pitt County and Justin Pullen from Davie County.

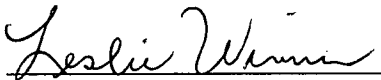
SB1424 Cabarrus College Degree Programs

Senator Hartsell presented a committee substitute for SB1424 which was adopted by the committee. Senator Hartsell explained the bill to the committee. A motion was made by Senator Warren for a favorable report on the bill. A favorable report was carried by the Committee.

SB1128 Testing in Grades K-2

Senator Winner presented a committee substitute for SB1128 which was adopted by the committee. Senator Cooper offered an amendment which was adopted and rolled into a committee substitute. A motion was made by Senator Lucas for an unfavorable report on the original bill, but favorable as to the committee substitute. A favorable report was carried by the Committee.

The Committee was adjourned at 11:04 a.m.



Senator Leslie Winner, Co-Chair



Vickie Spears, Committee Clerk

EDUCATION/HIGHER EDUCATION

AGENDA

June 24, 1998

SB 1128 Testing in Grades K-2. Sen. Winner

SB 1424 Cabarrus Coll./Degree Programs. Sen. Hartsell

DRAFT

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S

D

SENATE BILL 1424
Proposed Committee Substitute S1424-PCSRJ-001
LINE NUMBERS MAY CHANGE AFTER ADOPTION
23-JUN-98 18:46:10

Short Title: Cabarrus Coll./Degree Programs.

(Local)

Sponsors:

Referred to: Education/Higher Education.

May 28, 1998

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE THAT CABARRUS MEMORIAL HOSPITAL MAY AWARD A
3 BACCALAUREATE OR ADVANCED DEGREE TO GRADUATES OF ITS NURSING
4 AND ALLIED HEALTH SCIENCES PROGRAMS AS APPROPRIATE.
5 The General Assembly of North Carolina enacts:
6 Section 1. Section 11 of Chapter 307, Public-Local Laws
7 of 1935 as amended by Chapter 947 of the 1987 Session Laws is
8 amended by rewriting that section to read:
9 "Sec. 11. ~~The executive committee~~ Notwithstanding G.S. 116-15,
10 the Executive Committee of Cabarrus Memorial Hospital may
11 establish and maintain in connection ~~therewith~~ with and as a part
12 of ~~said the hospital a training school for nurses,~~ an educational
13 program for nursing and allied health sciences. The Executive
14 Committee may award an Associate Degree Degree, Baccalaureate
15 Degree, or advanced degree to graduates of the nursing education
16 ~~program~~ or allied health sciences programs as appropriate."
17 Section 2. This act is effective when it becomes law.



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To: Senators Lee and Winner, Coauthors, Senate Education/Higher Education Committee
From: Sara Kamprath, Legislative Analyst
Date: June 24, 1998
Re: Proposed Committee Substitute for SB 1424 - Cabarrus College/Degree Programs
(S1424-PCSRJ-001)

Background: It is the policy of the State that certain nonpublic institutions conducting post-secondary degree activity in the State shall be licensed by the UNC Board of Governors. State licensure fulfills a consumer protection function by protecting the public, including potential students and employers. G.S. 116-15 outlines the minimum standards that an institution must meet in order to be licensed. In 1988, the General Assembly enacted legislation allowing the Executive Committee of Cabarrus Memorial Hospital to award an Associate Degree to graduates of its nursing education program.

Summary: Section 1 amends the charter of Cabarrus Memorial Hospital to provide, notwithstanding G.S. 116-15, that the Executive Committee of the hospital may add an allied health sciences program in addition to the nursing program and award an Associate Degree, Baccalaureate Degree or advanced degree to graduates.

The act is effective when it becomes law.

S1424-SMRJ-001

H. B. 996

CHAPTER 307

AN ACT TO ENABLE CABARRUS COUNTY TO ESTABLISH
AND MAINTAIN A PUBLIC HOSPITAL, TO LEVY A TAX
AND ISSUE BONDS THEREFOR, APPOINT HOSPITAL
TRUSTEES, MAINTAIN A TRAINING SCHOOL FOR
NURSES, ETC.

The General Assembly of North Carolina do enact:

Election called in
Cabarrus County
for establishment
of public hospital.

Bond issue.

Special tax.

Tax for mainte-
nance.

Sale of bonds.

Levy of tax.

Designation of
hospital.

Ballots.

New registration.

Election officials.

Canvassing re-
turns.

SECTION 1. That the Board of County Commissioners of Cabarrus County, North Carolina, by a majority vote of said Board, or upon the petition of two hundred voters of said county, shall, after thirty days notice at the courthouse door and publication in one or more newspapers in said county for thirty days, order an election to be held to determine the will of the people of said county whether there shall be issued and sold bonds to an amount not to exceed one hundred thousand dollars (\$100,000), to bear interest at not exceeding six per cent per annum, and to be payable, both principal and interest, when and where they may decide, and to levy a tax of not exceeding two cents on the one hundred dollar valuation of property, the proceeds of sale of said bonds to be issued to be used in securing lands and erecting or altering buildings and equipping same to be used as a public hospital for said county, and said tax to be levied to pay the interest on said bonds, and to provide a sinking fund therefor to pay said bonds at maturity. The said Board of County Commissioners shall also levy a tax not to exceed two cents on the one hundred dollar valuation of property for the maintenance and upkeep of said hospital. If the majority of the qualified voters at said election shall vote in favor of the issuing of said bonds and the levying of said tax, then said bonds, or such part thereof as the said Board of County Commissioners may determine, shall be issued and sold by said Board. Said tax, or such part thereof as shall be required, shall be levied. The hospital so erected from the sale of said bonds in addition to other hospitalization funds from other sources shall be known as the "Cabarrus County Hospital."

SEC. 2. That at said election, those voters favoring the issuing and sale of bonds and levying of the tax aforesaid shall vote a written or printed ballot, "For Cabarrus County Hospital," and those opposed shall vote a written or printed ballot, "Against Cabarrus County Hospital," and for said election, the County Commissioners shall order a new registration, such registration to be used only for said special election to be governed by the laws of the State, and for said election, the County Commissioners shall appoint registrars and judges of election, and fix a date for making returns of election, at which date, the County Commis-

sioners shall meet and declare and record the qualified voters and the levy of said bonds, and if provided, then the County Commissioners shall provide for the same by said second election at said first election.

SEC. 3. If a major Cabarrus County Hospital, then the County Commissioners, authorized by said election, shall use the proceeds arising from the sale of said bonds, who shall pay the executive committee of the executive committee of the fund in the purchase of central and convenient necessary building or taxes which may be levied to be paid to the Treasurer, who shall keep in two separate accounts the hospital interest and hospital maintenance. The Treasurer shall set apart a part thereof as shall be required to provide the necessary sinking fund for said bonds, and the said Treasurer shall provide satisfactory security, and the accumulation of the same for the best interest of the County, shall be required for the purpose of paying the interest on said bonds, and the said Treasurer shall provide for the sinking fund for said bonds, and the said Treasurer shall pay out the moneys so received upon the order of the County Commissioners, and it shall be the duty of the County to annually levy a tax not exceeding the limit of interest on said bonds, for the payment of said maintenance fund as herein provided.

SEC. 4. The bonds shall mature in not ex-

Rules and regulations.

Treatment of non-residents.

All persons and property subject to rules and regulations laid down.

Hospital incorporated. Powers.

No discrimination allowed as to physicians.

Right of patient to choose physician.

Nurses.

Training school for nurses provided for.

Detention room for insane persons.

such executive committee or such officers as it shall designate for such county public hospital a reasonable compensation for occupancy, nursing, care, medicine, and/or attendance, according to the rules and regulations prescribed by said executive committee. such hospital always being subject to such reasonable rules and regulations as said committee may adopt in order to render the use of said hospital of the greatest benefit to the greatest number; and said executive committee may exclude from the use of such hospital any and all inhabitants and persons who shall willfully violate such rules and regulations; and said committee may extend the privileges and use of such hospital to persons residing outside of Cabarrus County upon such terms and conditions as said executive committee may from time to time by its rules and regulations prescribe.

SEC. 8. When such hospital is established, the physicians, nurses, attendants, the person sick therein, and all persons approaching or coming within the limits of same, and all furniture and other articles used or brought there, shall be subject to such rules and regulations as said executive committee may prescribe.

SEC. 9. That "Cabarrus County Hospital" is hereby declared to be a body corporate, with power to receive and hold gifts, grants, and devises of real and personal property, to sue and be sued, and to do any and all lawful acts necessary to carry out the objects of its creation, and shall possess all other rights and powers usually incident to corporations.

SEC. 10. In the management of such public hospital, no discrimination shall be made against practitioners of any school of medicine or allied occupations recognized by the laws of the State of North Carolina as contained in Chapter one hundred and ten of the Consolidated Statutes, and all such legal practitioners shall have equal privileges in treating patients in such hospital.

The patient shall have the absolute right to employ at his or her own expense, his or her own physician, and, when acting for any patient in such hospital, the physician employed by such patient shall have exclusive charge of the care and treatment of such patient, and nurses therein shall, as to such patient, be subject to the directions of such physicians, subject always to the general rules and regulations as shall be established by the executive committee under the provisions of this Act.

SEC. 11. The executive committee of such county public hospital may establish and maintain in connection therewith and as a part of said public hospital a training school for nurses.

SEC. 12. The said executive committee shall at all times provide a suitable room for the detention and examination of all persons who are brought before the Commissioners of Insanity for such county: *Provided*, that such public hospital is located at or near the county seat.

SEC. 13. The executive committee shall determine whether or not persons for treatment are subjects for compensation for patients themselves.

SEC. 14. This Act shall take effect from and after its passage.

Ratified this the 17th day of June, 1935.

H. B. 1002

CH

AN ACT TO CREATE
COURT

The General Assembly of North Carolina

SECTION 1. That Harvey Chambers be, and they are hereby appointed, for the County of Clay, with effect from the first Monday in June, one thousand nine hundred and thirty-five, or as soon thereafter as they are appointed, and shall continue until the first Monday of the next year, and their successors shall be named as follows:

SEC. 2. That it shall be the duty of the commission to have full, complete, and accurate system for Clay County, and to hold the jury box for the placing of all names within said box, and likewise be charged with the duty of removing from said jury box for jury duty.

SEC. 3. That on the first Monday of the year one thousand and thirty-five, or as soon thereafter as the aforesaid named commission is appointed, the Clerk of the Superior Court shall take their oath of office and conscientiously perform the provisions of this Act with effect from the date of their ability.

SEC. 4. That immediately upon the expiration of their term of office it shall be their duty to revise the list of names, and to perform all the duties now imposed upon the Commissioners of Clay County by Chapter one thousand three hundred and twenty-nine of the Consolidated Statutes.

Chapter 83A of the General Statutes pursuant to G.S. 83A-13(c)(1), or to improvements to real property intended for residential purposes which consist of 12 or fewer residential units."

Sec. 2. This act shall become effective October 1, 1988.

* In the General Assembly read three times and ratified this the 24th day of June, 1988.

H.B. 2196

CHAPTER 947

AN ACT TO ALLOW CABARRUS MEMORIAL HOSPITAL TO
AWARD AN ASSOCIATE DEGREE TO GRADUATES OF ITS
NURSING EDUCATION PROGRAM.

The General Assembly of North Carolina enacts:

Section 1. Section 11 of Chapter 307, Public-Local Laws of 1935 is amended by adding a second sentence to read: "The Executive Committee may award an Associate Degree to graduates of the nursing education program."

Sec. 2. The first sentence of Section 11 of Chapter 307, Public-Local Laws of 1935 is amended by deleting "of such county public hospital", and substituting "Cabarrus Memorial Hospital", and by deleting the word "public" the other time that word appears.

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified this the 24th day of June, 1988.

H.B. 2201

CHAPTER 948

AN ACT TO GRANT THE TOWN OF RUTHERFORDTON
AUTHORITY TO HOLD A REFERENDUM ON ADDING A
PROPERTY TAX LEVY FOR A RECREATIONAL CAPITAL
BUILDING FUND.

The General Assembly of North Carolina enacts:

Section 1. A city may levy a property tax for the purpose of establishing a Recreational Capital Building Fund, not in excess of ten cents (10c) on the one hundred dollar (\$100.00) value of property subject to taxation, subject to a referendum as provided by G.S. 160A-209(e).

Sec. 2. This act is supplemental to any other authority that a city may have under any other act, public, or local, to levy a tax for the purpose set out in Section 1 of this act.

Sec. 3. This act applies to the Town of Rutherfordton only.

Sec. 4. This act is effective upon ratification.

In the General
24th day of June, 198

H.B. 2203

AN ACT RELATING
BONDS TO THE C

The General Assembly

Section 1. G.S.
numbers "thirty thou
words and numbers "

Sec. 2. This ac

Sec. 3. This ac

In the General
24th day of June, 198

H.B. 2207

AN ACT TO AUTH
ROOM OCCUPAN

The General Assembly

Section 1. Of Alamance County, North Carolina, not less than 10 days prior to the date of the hearing pursuant thereto, levy on the gross receipts derived from similar accommodations in any place within the county under G.S. 105-164, the sales tax. This tax shall be levied on the following entities-from

- (1) Nonprofit or
(2) religious or
(3) educational
(4) any business
(b) Collection.

levied under this section shall be a levy of the tax, collected by the county, and the charge for furnishing the same shall be stated and charged separately by the purchaser to the account of the county.

§ 116-15. Licensing of certain nonpublic post-secondary educational institutions.

(a1) The General Assembly of North Carolina in recognition of the importance of higher education and of the particular significance attached to the personal credentials accessible through higher education and in consonance with statutory law of this State making unlawful any "unfair or deceptive acts or practices in the conduct of any trade or commerce," hereby declares it the policy of this State that all institutions conducting post-secondary degree activity in this State that are not subject to Chapter 115 or 115D of the General Statutes, nor some other section of Chapter 116 of the General Statutes shall be subject to licensure under this section except as the institution or a particular activity of the institution may be exempt from licensure by one or another provision of this section.

(a2) Definitions. - As used in this section the following terms are defined as set forth in this subsection:

(1) "Post-secondary degree". - A credential conferring on the recipient thereof the title of "Associate", "Bachelor", "Master", or "Doctor", or an equivalent title, signifying educational attainment based on (i) study, (ii) a substitute for study in the form of equivalent experience or achievement testing, or (iii) a combination of the foregoing; provided, that "post-secondary degree" shall not include any honorary degree or other so-called "unearned" degree.

(2) "Institution". - Any sole proprietorship, group, partnership, venture, society, company, corporation, school, college, or university that engages in, purports to engage in, or intends to engage in any type of post-secondary degree activity.

(3) "Post-secondary degree activity". - Any of the following is "post-secondary degree activity":

a. Awarding a post-secondary degree.

b. Conducting or offering study, experience, or testing for an individual or certifying prior successful completion by an individual of study, experience, or testing, under the representation that the individual successfully completing the study, experience, or testing will be awarded therefor, at least in part, a post-secondary degree.

(4) "Publicly registered name". - The name of any sole proprietorship, group, partnership, venture, society, company, corporation, school, college, or institution that appears as the subject of any Articles of Incorporation, Articles of Amendment, or Certificate of Authority to Transact Business or to Conduct Affairs, properly filed with the Secretary of State of North Carolina and currently in force.

(5) "Board". - The Board of Governors of The University of North Carolina.

(b) Required License. - No institution subject to this section shall undertake post-secondary degree activity in this State, whether through itself or through an agent, unless the institution is

licensed as provided in this section to conduct post-secondary degree activity or is exempt from licensure under this section as hereinafter provided.

(c) Exemption from Licensure. - Any institution that has been continuously conducting post-secondary degree activity in this State under the same publicly registered name or series of publicly registered names since July 1, 1972, shall be exempt from the provisions for licensure under this section upon presentation to the Board of information acceptable to the Board to substantiate such post-secondary degree activity and public registration of the institution's names. Any institution that, pursuant to a predecessor statute to this subsection, had presented to the Board proof of activity and registration such that the Board granted exemption from licensure, shall continue to enjoy such exemption without further action by the Board.

(d) Exemption of Institutions Relative to Religious Education. - Notwithstanding any other provision of this section, no institution shall be subject to licensure under this section with respect to post-secondary degree activity based upon a program of study, equivalent experience, or achievement testing the institutionally planned objective of which is the attainment of a degree in theology, divinity, or religious education or in any other program of study, equivalent experience, or achievement testing that is designed by the institution primarily for career preparation in a religious vocation. This exemption shall be extended to any institution with respect to each program of study, equivalent experience, and achievement test that the institution demonstrates to the satisfaction of the Board should be exempt under this subsection.

(e) Post-secondary Degree Activity within the Military. - To the extent that an institution undertakes post-secondary degree activity on the premises of military posts or reservations located in this State for military personnel stationed on active duty there, or their dependents, the institution shall be exempt from the licensure requirements of this section.

(f) Standards for Licensure. - To receive a license to conduct post-secondary degree activity in this State, an institution shall satisfy the Board that the institution has met the following standards:

(1) That the institution is State-chartered. If chartered by a state or sovereignty other than North Carolina, the institution shall also obtain a Certificate of Authority to Transact Business or to Conduct Affairs in North Carolina issued by the Secretary of State of North Carolina;

(2) That the institution has been conducting post-secondary degree activity in a state or sovereignty other than North Carolina during consecutive, regular-term, academic semesters, exclusive of summer sessions, for at least the two years immediately prior to submitting an application for licensure under this section, or has been conducting with enrolled students, for a like period in this State or some other state or sovereignty, post-secondary educational activity not related to a post-secondary degree; provided, that an institution may be temporarily relieved of this standard under the conditions set forth in subsection (i), below;

(3) That the substance of each course or program of study, equivalent experience, or achievement test is such as may reasonably and adequately achieve the stated objective for which the study, experience, or test is offered or to be certified as successfully completed;

(4) That the institution has adequate space, equipment, instructional materials, and personnel available to it to provide education of good quality;

(5) That the education, experience, and other qualifications of directors, administrators, supervisors, and instructors are such as may reasonably insure that the students will receive, or will be reliably certified to have received, education consistent with the stated objectives of any course or program of study, equivalent experience, or achievement test offered by the institution;

(6) That the institution provides students and other interested persons with a catalog or brochure containing information describing the substance, objectives, and duration of the study, equivalent experience, and achievement testing offered, a schedule of related tuition, fees, and all other necessary charges and expenses, cancellation and refund policies, and such other material facts concerning the institution and the program or course of study, equivalent experience, and achievement testing as are reasonably likely to affect the decision of the student to enroll therein, together with any other disclosures that may be specified by the Board; and that such information is provided to prospective students prior to enrollment;

(7) That upon satisfactory completion of study, equivalent experience, or achievement test, the student is given appropriate educational credentials by the institution, indicating that the relevant study, equivalent experience, or achievement testing has been satisfactorily completed by the students;

(8) That records are maintained by the institution adequate to reflect the application of relevant performance or grading standards to each enrolled student;

(9) That the institution is maintained and operated in compliance with all pertinent ordinances and laws, including rules and regulations adopted pursuant thereto, relative to the safety and health of all persons upon the premises of the institution;

(10) That the institution is financially sound and capable of fulfilling its commitments to students and that the institution has provided a bond as provided in subsection (f1) of this section;

(11) That the institution, through itself or those with whom it may contract, does not engage in promotion, sales, collection, credit, or other practices of any type which are false, deceptive, misleading, or unfair;

(12) That the chief executive officer, trustees, directors, owners, administrators, supervisors, staff, instructors, and employees of the institution have no record of unprofessional conduct or incompetence that would reasonably call into question the overall quality of the institution;

(13) That the student housing owned, maintained, or approved by the institution, if any, is appropriate, safe, and adequate;

(14) That the institution has a fair and equitable cancellation and refund policy; and

(15) That no person or agency with whom the institution contracts has a record of

unprofessional conduct or incompetence that would reasonably call into question the overall quality of the institution.

(f1) (1) A guaranty bond is required for each institution that is licensed. The Board may revoke the license of an institution that fails to maintain a bond pursuant to this subsection.

If the institution has provided a bond pursuant to G.S. 115D-95, the Board may waive the bond requirement under this subsection. The Board may not waive the bond requirement under this subsection if the applicant has provided an alternative to a guaranty bond under G.S. 115D-95(c).

(2) When application is made for a license or license renewal, the applicant shall file a guaranty bond with the clerk of the superior court of the county in which the institution will be located. The bond shall be in favor of the students. The bond shall be executed by the applicant as principal and by a bonding company authorized to do business in this State. The bond shall be conditioned to provide indemnification to any student, or his parent or guardian, who has suffered a loss of tuition or any fees by reason of the failure of the institution to offer or complete student instruction, academic services, or other goods and services related to course enrollment for any reason, including the suspension, revocation, or nonrenewal of an institution's license, bankruptcy, foreclosure, or the institution ceasing to operate.

The bond shall be in an amount determined by the Board to be adequate to provide indemnification to any student, or his parent or guardian, under the terms of the bond. The bond amount for an institution shall be at least equal to the maximum amount of prepaid tuition held at any time during the last fiscal year by the institution. The bond amount shall also be at least ten thousand dollars (\$10,000).

Each application for a license shall include a letter signed by an authorized representative of the institution showing in detail the calculations made and the method of computing the amount of the bond, pursuant to this subdivision and the rules of the Board. If the Board finds that the calculations made and the method of computing the amount of the bond are inaccurate or that the amount of the bond is otherwise inadequate to provide indemnification under the terms of the bond, the Board may require the applicant to provide an additional bond.

The bond shall remain in force and effect until cancelled by the guarantor. The guarantor may cancel the bond upon 30 days notice to the Board. Cancellation of the bond shall not affect any liability incurred or accrued prior to the termination of the notice period.

(g) Review of Licensure. - Any institution that acquires licensure under this section shall be subject to review by the Board to determine that the institution continues to meet the standard for licensure of subsection (f), above. Review of such licensure by the Board shall always occur if the institution is legally reconstituted, or if ownership of a preponderance of all the assets of the institution changes pursuant to a single transaction or agreement or a recognizable sequence of transactions or agreements, or if two years has elapsed since licensure of the institution was granted by the Board.

Notwithstanding the foregoing paragraph, if an institution has continued to be licensed under this section and continuously conducted post-secondary degree activity in this State under the same publicly registered name or series of publicly registered names since July 1, 1979, or for six consecutive years, whichever is the shorter period, and is accredited by an accrediting commission recognized by the Council on Post-Secondary Accreditation, such institution shall be subject to licensure review by the Board every six years to determine that the institution continues to meet the standard for licensure of subsection (f), above. However, should such an institution cease to maintain the specified accreditation, become legally reconstituted, have ownership of a preponderance of all its assets transferred pursuant to a single transaction or agreement or a recognizable sequence of transactions or agreements to a person or organization not licensed under this section, or fail to meet the standard for licensure of subsection (f), above, then the institution shall be subject to licensure review by the Board every two years until a license to conduct post-secondary degree activity and the requisite accreditation have been restored for six consecutive years.

(h) Denial and Revocation of Licensure. - Any institution seeking licensure under the provisions of this section that fails to meet the licensure requirements of this section shall be denied a license to conduct post-secondary degree activity in this State. Any institution holding a license to conduct post-secondary degree activity in this State that is found by the Board of Governors not to satisfy the licensure requirements of this section shall have its license to conduct post-secondary degree activity in this State revoked by the Board; provided, that the Board of Governors may continue in force the license of an institution deemed by the Board to be making substantial and expeditious progress toward remedying its licensure deficiencies.

(i) Regulatory Authority in the Board. - The Board shall have authority to establish such rules, regulations, and procedures as it may deem necessary or appropriate to effect the provisions of this section. Such rules, regulations, and procedures may include provision for the granting of an interim permit to conduct post-secondary degree activity in this State to an institution seeking licensure but lacking the two-year period of activity prescribed by subsection (f)(2), above.

(j) Enforcement Authority in the Attorney General. - The Board shall call to the attention of the Attorney General, for such action as he may deem appropriate, any institution failing to comply with the requirements of this section.

(k) Severability. - The provisions of this section are severable, and, if any provision of this section is declared unconstitutional or invalid by the courts, such declaration shall not affect the validity of the section as a whole or any provision other than the provision so declared to be unconstitutional or invalid.

(1971, c. 1244, s. 1; 1973, c. 1331, s. 3; 1975, c. 268; 1977, c. 563, ss. 1-4; 1979, c. 896, s. 13; 1979, 2nd Sess., c. 1130, s. 1; 1983 (Reg. Sess., 1984), c. 1006; 1989 (Reg. Sess., 1990), c. 824, s. 2; 1997-456, s. 27.)

Editor's Note. - The first paragraph of this section and subsection (a) of this section were

renumbered as subsections (a1) and (a2) pursuant to S.L. 1997-456, s. 27 which authorized the Revisor of Statutes to renumber or reletter sections and parts of sections having a number or letter designation that is incompatible with the General Assembly's computer database.

Chapter 115, referred to in the introductory paragraph, was rewritten by Session Laws 1981, c. 423, s. 1, and has been recodified as Chapter 115C.

Legal Periodicals. - For survey of 1982 law on administrative law, see 61 N.C.L. Rev. 961 (1983).

CASE NOTES

This section expressly authorizes the Board to license only the conferral of degrees, and not teaching. *Nova Univ. v. Board of Governors*, 305 N.C. 156, 287 S.E.2d 872 (1982).

Inherent in the power to license degrees is the power to establish minimum criteria which a North Carolina institution must meet in order to be licensed to grant degrees, and this is sufficient power for the Board to ensure that degrees conferred by North Carolina institutions are backed by curricula meeting the minimum standards of quality prescribed by the Board's regulations. *Nova Univ. v. Board of Governors*, 305 N.C. 156, 287 S.E.2d 872 (1982).

Board Has No Authority to Regulate Out-of-State University. - This section does not authorize the Board of Governors of The University of North Carolina to regulate through a licensing procedure teaching in North Carolina by an out-of-state university when the teaching leads to conferral of academic degrees in Florida and pursuant to Florida law. *Nova Univ. v. Board of Governors*, 305 N.C. 156, 287 S.E.2d 872 (1982).

OPINIONS OF ATTORNEY GENERAL

Review in Less Than Mandatory Six-Year Review Period. - An institution, duly licensed pursuant to this section prior to its 1984 amendment, and falling within the six-year mandatory review exception to the amendment, is subject to review by the board of governors for licensure renewal in less than the mandatory six-year review period. See opinion of Attorney General to Mr. Richard Robinson, Assistant to the President, The University of North Carolina, 56 N.C.A.G. 1 (1986).

DRAFT

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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D

S1128-CSSF-002.1

PROPOSED COMMITTEE SUBSTITUTE

SENATE BILL 1128*

THIS IS A DRAFT 24-JUN-98 08:26:14

ATTENTION: LINE NUMBERS MAY CHANGE AFTER ADOPTION

Short Title: Testing in Second Grade.

(Public)

Sponsors:

Referred to: Education/Higher Education.

May 14, 1998

1 A BILL TO BE ENTITLED
2 AN ACT TO ALLOW LOCAL BOARDS OF EDUCATION TO USE VALID, AGE-
3 APPROPRIATE STANDARDIZED TESTS IN SECOND GRADE.
4 The General Assembly of North Carolina enacts:
5 Section 1. G.S. 115C-174.11(a) reads as rewritten:
6 "(a) Assessment Instruments for First Kindergarten, First
7 Grade, and Second Grades- Grade. -- The State Board of Education
8 shall adopt and provide to the local school administrative units
9 developmentally appropriate individualized assessment instruments
10 consistent with the Basic Education Program for the first and
11 second grades, North Carolina Standard Course of Study for
12 kindergarten, first grade, and second grade, rather than
13 standardized tests. Local school administrative units may use
14 these assessment instruments provided to them by the State Board
15 for first and second grade students, and shall not use
16 standardized tests. kindergarten, first grade, and second grade
17 students. Local boards may use valid, age-appropriate
18 standardized tests in combination with other assessments in

1 second grade so long as they are used for individual student
2 diagnostic or program evaluation purposes. These tests shall not
3 be used for accountability purposes or as a basis for promotion,
4 retention, tracking, or labeling decisions about individual
5 students. If standardized tests or assessments are used for
6 individual diagnostic purposes or if the results are placed in a
7 student's record, the school shall provide the results to that
8 student's parent or legal guardian. Local school administrative
9 units are encouraged to notify parents and guardians of students
10 before administering standardized tests or assessments to those
11 students under this subsection."

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



North Carolina General Assembly
Legislative Services Office

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To: Senators Lee and Winner, Cochairs, Senate Education/Higher Education Committee
From: Dr. Shirley Iorio, Committee Staff
Date: June 24, 1998
Re: Proposed Committee Substitute for SB 1128 Summary
NEW TITLE - Testing in Second Grade

Background: Under current law, the State Board provides to LEAs developmentally appropriate individualized assessment instruments consistent with the Basic Education Program for first and second grades, rather than standardized tests. LEAs **may** use these assessment instruments provided by the State Board, but they **shall not** use standardized tests.

Explanation of PCS:

Section 1: PCS Senate Bill 1128 will allow local boards to use valid, age-appropriate standardized tests in combination with other assessments for individual diagnostic or program evaluation purposes in second grade. If LEAs choose to use standardized tests in second grade, they shall not use the tests for accountability purposes or as a basis for promotion, retention, tracking, or labeling decisions about individual students. If standardized tests or assessments are used for individual diagnostic purposes or if the results are placed in a student's record, the school shall provide the results to the parents or guardian of the student. LEAs are encouraged to notify the parents or guardians of any K-2 student before any such assessments or standardized tests are given.

This act is effective when it becomes law.

VISITOR REGISTRATION SHEET

SENATE COMMITTEE ON EDUCATION/HIGHER EDUCATION

JUNE 24, 1998

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Rper Nixters	SBE
Guy Malhoit	NCEDLAW Project
John Wilson	NCAE
Bill Wilson	NCAE
Carole Smith	Camden County Schools
Jim Cansby	Johnston Co. Schools
DeVan Barbour	Chair., Johnston County Board of Education
Paula A. Hoef.	Covenant with NC's Children
John Harris	Public School Forum
Henry Johnson	DPI
Kathleen Tanner	Sen Lee
Glenn Musant	NTO

VISITOR REGISTRATION SHEET

SENATE COMMITTEE ON EDUCATION/HIGHER EDUCATION

JUNE 24, 1998

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

AUSTIN GARDNER

Rocky Mount Telegram

Thammy Tynes

Nash-Lakey Mount Schools

Janice Davis

Granville Co. Schools

Harold Brewer

Montgomery Co. Schools

Russ Cotton

Pamlico Co. Schools

Stephanie Summerson

NCJCDC

Emily Howell

Sen. Basnight's Office

Diane Wingo

Research

NIRALI PATEL

Intern, Gov.'s Office

Karen Gask

Governor's Office

H. S. Gask Jr.

Wuppie County Schools

Tom McNeal

Caldwell Co. Schools

**NORTH CAROLINA GENERAL ASSEMBLY
SENATE**

EDUCATION/HIGHER EDUCATION COMMITTEE REPORT

Sen. Leslie Winner, Co-Chair
Sen. Howard Lee, Co-Chair

Wednesday, June 24, 1998

SEN. WINNER,
submits the following with recommendations as to passage:

UNFAVORABLE AS TO BILL, BUT FAVORABLE AS TO C.S. BILL

S.B. 1128	Testing in Second Grade	
	Draft Number:	PCS9754
	Sequential Referral:	None
	Recommended Referral:	None
	Long Title Amended:	Yes

S.B. 1424	Cabarrus Coll./Degree Programs.	
	Draft Number:	PCSA874
	Sequential Referral:	None
	Recommended Referral:	None
	Long Title Amended:	No

TOTAL REPORTED: 2

Committee Clerk Comment: Senator Winner to sign.

**SENATE COMMITTEE
ON EDUCATION/HIGHER EDUCATION**

**Wednesday, July 15, 1998
10:00 a.m.
Room 414, Legislative Office Building**

MINUTES

The Senate Committee on Education/Higher Education met on Wednesday, July 15, 1998 at 10:00 a.m. in Room 414 of the Legislative Office Building. Nineteen members were in attendance. Representatives Frank Mitchell and John Rayfield were welcomed as bill sponsors to introduce and explain the House bills on the agenda.

Senator Howard Lee presided and called the meeting to order at 10:15 a.m.

HB 1368 Comm. Coll. Purchasing Flexibility.

Representative Rayfield presented HB 1368. (Bill Summary/Attachment 1) After brief discussion by the Committee, Senator Cochran made the motion for a favorable report for this bill. The Committee passed the motion for a favorable report. (Committee report/Attachment 2)


HB 1541 Community Colleges Land Sales.


Representative Mitchell presented HB 1541. (Bill Summary/Attachment 3) Senator Dannelly proposed the committee substitute. (Attachment 4) Following legislators' comments, Kennon Briggs, Vice President for Business and Finance, Community Colleges, explained that statute takes precedence over donor intent, based on an interpretation from the office of the Attorney General. Senator Cochran moved for a favorable report as to the senate committee substitute bill, but unfavorable as to house committee substitute bill no. 1. The Committee voted to accept the favorable report as moved and recommended. (Committee report/Attachment 5)

SB 1125 Misc. Education Changes.

Senator Lucas introduced SB 1125 (Bill summary/Attachment 6), with amendments being presented by both Senators Winner and Martin (Attachments 7 & 8) to the Committee for consideration and discussion. Due to time constraints, the presiding chair ruled that this bill would be carried over to an upcoming meeting.

The committee adjourned at 11:01 a.m.


Senator Howard N. Lee, Co-Chair


Betty E. Stoddard, Committee Clerk

SENATE EDUCATION/HIGHER EDUCATION COMMITTEE

AGENDA

**July 15, 1998
Wednesday**

**10 a.m
Room 414**

CALL TO ORDER

Senator Lee presiding

BILLS TO BE CONSIDERED

SB 1125	Misc. Education Changes	Senator Lucas
HB 1368	Comm. Coll. Purchasing Flexibility	Rep. Rayfield
HB 1541	Community Colleges Land Sales	Rep. Mitchell

ADJOURNMENT

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

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HOUSE BILL 1368*

Short Title: Comm. Coll. Purchasing Flexibility.

(Public)

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

Referred to: Education.

May 21, 1998

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

4 The General Assembly of North Carolina enacts:

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

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

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

18 "§ 115D-58.14. Purchasing flexibility.

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

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

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

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

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



**North Carolina General Assembly
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To: Senators Lee and Winner, cochairs, Senate Education/Higher Education Committee
From: Kory Goldsmith, Committee Counsel
Date: July 15, 1998
Re: **HB 1368** - Community College Purchasing Flexibility

Section 1 amends G.S. 115D-58.5(b) to provide that community colleges must purchase equipment and supplies under State term contracts except as provided in G.S. 115D-58.14.

Section 2 creates a new section, G.S. 115D-58.14 which provides that a community college may purchase supplies, equipment, and materials from noncertified sources if the college can find the same item for less, including cost of delivery, and the cost of the purchase does not exceed the bid level benchmark. Currently, the bid level benchmark for all community colleges is \$10,000. However, colleges may apply to the Department of Administration to have the benchmark raised to \$25,000. The State Board of Community Colleges and the Department of Administration are directed to develop policies and procedures for monitoring these purchases.

The act would become effective upon becoming law and applies to purchases made on or after that date.

H1368-SMRC-001.1

H1368-SMRC-001.1

**NORTH CAROLINA GENERAL ASSEMBLY
SENATE**

EDUCATION/HIGHER EDUCATION COMMITTEE REPORT

Senator Howard Lee, Co-Chair
Senator Leslie Winner, Co-Chair

Wednesday, July 15, 1998

SENATOR LEE,
submits the following with recommendations as to passage:

FAVORABLE

H.B. 1368	Comm. Coll. Purchasing Flexibility.
	Sequential Referral: None
	Recommended Referral: None

TOTAL REPORTED: 1

Committee Clerk Comment:

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

2

HOUSE BILL 1541
Committee Substitute Favorable 6/15/98

Short Title: Mitchell C.C. Land Sale OK'd.

(Local)

Sponsors:

Referred to:

May 27, 1998

1 A BILL TO BE ENTITLED
2 AN ACT TO ALLOW CERTAIN COMMUNITY COLLEGES TO USE THE
3 PROCEEDS FROM THE SALE OF REAL ESTATE DONATED TO THEM
4 FOR THE PURPOSES INTENDED BY THE DONOR.

5 The General Assembly of North Carolina enacts:

6 Section 1. Notwithstanding the terms of G.S. 115D-15, G.S. 115D-20, or
7 any other provision of law, where a public community college has heretofore or is
8 hereafter given real or personal property upon the condition that the proceeds be
9 used for specific educational purposes, that property may be sold as provided herein.
10 Upon the sale, the proceeds shall be used for the purposes for which they were
11 intended by the donor.

12 Section 2. A community college selling real or personal property
13 donated to it upon the condition that the proceeds be used for a specific educational
14 purpose shall use the sale procedures authorized by Article 12 of Chapter 160A of
15 the General Statutes.

16 Section 3. This act applies only to College of the Albemarle, Johnston
17 Community College, and Mitchell Community College.

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



**North Carolina General Assembly
Legislative Services Office**

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To: Senators Lee and Winner, cochairs, Senate Education/Higher Education Committee

From: Kory Goldsmith, Committee Counsel *KSG*

Date: July 15,, 1998

Re: HB 1541 - Comm. Coll. Sale of Donated Land. (Proposed Committee Substitute)

Section 1 amends G.S. 115D-15 by adding a new subsection that would allow a board of trustees to sell property donated to the college and use the proceeds for the educational purposes specified by the donor. The board of trustees would use the procedures cities and counties use when selling property. Any transaction under this subsection would have to comply with rules adopted by the State Board of Community Colleges.

Current law requires that the proceeds from any sale of property must be used for capital outlay.

Section 2 directs the State Board of Community Colleges to adopt rules to implement this act prior to January 1, 1999.

The act is effective upon becoming law.

The Senate proposed Committee Substitute converts the legislation from a local to a public bill.

H1541-CSRC-001 (Sen. Proposed Committee Substitute)

DRAFT

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

D

H1541-CSRC-001

PROPOSED COMMITTEE SUBSTITUTE

HOUSE BILL 1541

THIS IS A DRAFT 15-JUL-98 08:33:49

ATTENTION: LINE NUMBERS MAY CHANGE AFTER ADOPTION

Short Title: Comm. Coll. Sale of Donated Land.

(Public)

Sponsors:

Referred to:

May 27, 1998

1 A BILL TO BE ENTITLED
2 AN ACT TO ALLOW COMMUNITY COLLEGES TO USE THE PROCEEDS FROM THE
3 SALE OF DONATED PROPERTY FOR SPECIFIC EDUCATIONAL PURPOSES.
4 The General Assembly of North Carolina enacts:
5 Section 1. G.S. 115D-15 reads are rewritten:
6 "§115D-15. Sale, exchange or lease of ~~property~~, property; use of
7 proceeds from donated property.
8 (a) When in the opinion of the board of trustees of any
9 institution organized under ~~the provisions of~~ this Chapter, the
10 use of any ~~property, real or personal~~, real or personal property
11 owned or held by ~~said the~~ board of trustees is unnecessary or
12 undesirable for the purposes of ~~said the~~ institution, the board
13 of trustees, subject to prior approval of the State Board of
14 Community Colleges, may sell, exchange, or lease ~~such the~~
15 property in the same manner as is provided by law for the sale,
16 exchange, or lease of school property by county or city boards of
17 education or in accordance with ~~provisions of~~ G.S. 160A-274. The

1 proceeds of any ~~such~~ sale or lease under this subsection shall be
2 used for capital outlay ~~purposes.~~ purposes.

3 (b) Notwithstanding subsection (a) of this section or any other
4 law and subject to rules adopted by the State Board, if real or
5 personal property is donated to a community college to support a
6 specific educational purpose, the board of trustees may use the
7 proceeds from the sale of the property according to the terms of
8 the donation. The board of trustees shall use the procedures
9 authorized under Article 12 of Chapter 160A of the General
10 Statutes."

11 Section 2. Prior to January 1, 1999, the State Board of
12 Community Colleges shall adopt rules to implement this act.

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

**NORTH CAROLINA GENERAL ASSEMBLY
SENATE**

EDUCATION/HIGHER EDUCATION COMMITTEE REPORT

Senator Howard Lee, Co-Chair
Senator Leslie Winner, Co-Chair

Thursday, July 16, 1998

SENATOR LEE,

submits the following with recommendations as to passage:

**UNFAVORABLE AS TO COMMITTEE SUBSTITUTE BILL NO. 1,
BUT FAVORABLE AS TO SENATE COMMITTEE SUBSTITUTE BILL**

H.B (CS#1)1541

Mitchell C.C. Land Sale. OK'd.

Draft Number:	PCS7499
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	Yes

TOTAL REPORTED: 1

Committee Clerk Comment:

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S

1

SENATE BILL 1125*

Short Title: Misc. Education Changes.

(Public)

Sponsors: Senators Lucas, Winner, Lee; Allran, Dalton, Dannelly, Forrester, Foxx, Gulley, Hoyle, Kinnaird, Martin of Guilford, Rucho, Shaw of Cumberland, and Weinstein.

Referred to: Education/Higher Education.

May 14, 1998

1 A BILL TO BE ENTITLED
2 AN ACT TO IMPLEMENT A RECOMMENDATION OF THE JOINT
3 LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE TO AMEND
4 VARIOUS EDUCATION LAWS.
5 The General Assembly of North Carolina enacts:
6 Section 1. G.S. 115C-102.5(b) reads as rewritten:
7 "(b) The Commission shall consist of the following 18 members:
8 (1) The State Superintendent of Public Instruction or a designee;
9 (2) One representative of The University of North Carolina, appointed
10 by the President of The University of North Carolina;
11 (3) One representative of the North Carolina Community College
12 System, appointed by the President of the North Carolina
13 Community College System;
14 (4) A person with management responsibility concerning information
15 technology related State Government functions, designated by the
16 Secretary of Commerce;
17 (5) Four members appointed by the Governor;
18 (6) Six members appointed by the President Pro Tempore of the
19 Senate two of whom shall be members of the Senate. One of these
20 six members shall be appointed by the President Pro Tempore of
21 the Senate to serve as cochair; and

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

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

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

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

Section 2. G.S. 115C-105.36(b) reads as rewritten:

"(b) The State Board shall establish a procedure to allocate the funds for these awards to the local school administrative units in which the eligible schools are located. Funds shall become available for expenditure July 1 of each fiscal year. Funds shall remain available until November 30 of the subsequent fiscal year for expenditure for:

(1) ~~Awards to the personnel; or~~

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

a. ~~Developed and voted on by the personnel in the same manner that a school improvement plan is approved under G.S. 115C-105.27;~~

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

c. ~~Submitted to and approved by the local board of education.~~

~~The local board shall approve this plan unless the plan involves expenditures of funds that are not for a public purpose or that are otherwise unlawful. for awards to the personnel that are made within 30 days of the local board's receipt of the funds."~~

Section 3. G.S. 115C-244 reads as rewritten:

"§ 115C-244. Assignment of pupils to school buses.

(a) ~~The principal of a school, to which any school bus has been assigned by the superintendent of the schools of the local school administrative unit embracing such school, shall assign to such bus or buses the pupils and employees who may be transported to and from such school upon such bus or buses. The superintendent or superintendent's designee shall assign the pupils and employees who may be transported to and from school upon the bus or buses assigned to each school and shall implement and enforce the plan developed under G.S. 115C-246. No pupil or employee shall be permitted to ride upon any school bus to which such pupil or employee has not been so assigned by the principal, superintendent or~~

1 ~~superintendent's designee, except by the express direction of the principal.~~
2 ~~superintendent or superintendent's designee.~~

3 (b) In the event that the superintendent ~~of any local school administrative unit~~
4 ~~shall assign or superintendent's designee assigns~~ a school bus to be used in the
5 transportation of pupils to two or more schools, the superintendent ~~or~~
6 ~~superintendent's designee~~ shall ~~designate the number of~~ assign the pupils to be
7 transported to and from each ~~such~~ school by ~~such~~ that bus, and the principals of the
8 respective schools shall ~~assign pupils to such buses in accordance with such~~
9 ~~designation.~~ implement and enforce this assignment of pupils.

10 (c) Any pupil enrolled in any school, or the parent or guardian of any such pupil,
11 or the person standing in loco parentis to such pupil, may apply to the principal of
12 such school for transportation of such pupil to and from such school by school bus
13 for the regularly organized school day. ~~Upon application, the principal~~ The principal
14 shall deliver the application to the superintendent or superintendent's designee, who
15 shall assign a pupil to a school bus if the pupil is entitled to school bus transportation
16 under this Article and the rules of the State Board of Education. Such assignment
17 shall be made by the ~~principal~~ superintendent or superintendent's designee so as to
18 provide for the orderly, safe and efficient transportation of pupils to such school and
19 so as to promote the orderly and efficient administration of the school and the health,
20 safety and general welfare of the pupils to be so transported. Assignments of pupils
21 and employees to school buses may be changed by the ~~principal of the school~~
22 superintendent or superintendent's designee as he may from time to time find proper
23 for the safe and efficient transportation of such pupils and employees.

24 (d) The parent or guardian of any pupil enrolled in any school, or the person
25 standing in loco parentis to any such pupil, who shall apply ~~to the principal of such~~
26 ~~school~~ under subsection (c) of this section for the transportation of such pupil to and
27 from such school by school bus, may, if such application is denied, or if such pupil is
28 assigned to a school bus not satisfactory to such parent, guardian, or person standing
29 in loco parentis to such pupil, pursuant to rules and regulations established by the
30 local board of education, apply to such board for such transportation upon a school
31 bus designated in such application, and shall be entitled to a prompt and fair hearing
32 by such board in accordance with the rules and regulations established by it. The
33 majority of such board shall be a quorum for the purpose of holding such hearing
34 and passing upon such application, and the decision of the majority of the members
35 present at such hearing shall be the decision of the board. If, at such hearing, the
36 board shall find that pupil is entitled to be transported to and from such school upon
37 the school bus designated in such application, or if the board shall find that the
38 transportation of such pupil upon such bus to and from such school will be for the
39 best interests of such pupil, will not interfere with the proper administration of such
40 school, or with the safe and efficient transportation by school bus of other pupils
41 enrolled in such school and will not endanger the health or safety of the children
42 there enrolled, the board shall direct that such child be assigned to and transported to
43 such school upon such bus.

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

(f) No employee shall be assigned to or permitted to ride upon a school bus when to do so will result in the overcrowding of such bus or will prevent the assignment to such bus of a pupil entitled to ride thereon, or will otherwise, in the opinion of the ~~principal, superintendent or superintendent's designee~~, be detrimental to the comfort or safety of the pupils assigned to such bus, or to the safe, efficient and proper operation of such bus."

Section 4. G.S. 115C-245 reads as rewritten:

"§ 115C-245. School bus drivers; monitors; safety assistants.

(a) Each local board, which elects to operate a school bus transportation system, shall employ the necessary drivers for such school buses. The drivers shall have all qualifications prescribed by the regulations of the State Board of Education herein provided for and must be at least 18 years old and have at least six months driving experience as a licensed operator of a motor vehicle before employment as a regular or substitute driver, but the selection and employment of each driver shall be made by the local board of education, and the driver shall be the employee of such local school administrative unit. Each local board of education shall assign the bus drivers employed by it to the respective schools within the jurisdiction of such board, and the ~~principal of each such school~~ superintendent or superintendent's designee shall assign the drivers to the school buses to be driven by them. No school bus shall at any time be driven or operated by any person other than the bus driver assigned ~~by such principal~~ to such bus except by the express direction of ~~such principal~~ the superintendent or superintendent's designee or in accordance with rules and regulations of the appropriate local board of education.

(b) The driver of a school bus subject to the direction of the ~~principal~~ superintendent or superintendent's designee shall have complete authority over and responsibility for the operation of the bus and the maintaining of good order and conduct upon such bus, and shall report promptly to the principal any misconduct upon such bus or disregard or violation of the driver's instructions by any person riding upon such bus. The principal may take such action with reference to any such misconduct upon a school bus, or any violation of the instructions of the driver, as he might take if such misconduct or violation had occurred upon the grounds of the school.

(c) The driver of any school bus shall permit no person to ride upon such bus except pupils or school employees assigned thereto or persons permitted by the express direction of the ~~principal~~ superintendent or superintendent's designee to ride thereon.

(d) ~~The principal of a school, to which a school bus has been assigned, may, in his discretion, appoint a monitor for any bus so assigned to such school. The~~ superintendent or superintendent's designee may, in his discretion, appoint a monitor for any bus assigned to any school. It shall be the duty of such monitor, subject to

1 the direction of the driver of the bus, to preserve order upon the bus and do such
2 other things as may be appropriate for the safety of the pupils and employees
3 assigned to such bus while boarding such bus, alighting therefrom or being
4 transported thereon, and to require such pupils and employees to conform to the
5 rules and regulations established by the local board of education for the safety of
6 pupils and employees upon school buses. Such monitors shall be unpaid volunteers
7 who shall serve at the pleasure of the ~~principal~~ superintendent or superintendent's
8 designee.

9 (e) A local board of education may, in its discretion within funds available,
10 employ transportation safety assistants upon recommendation of the principal through
11 the superintendent. The safety assistants thus employed shall assist the bus drivers
12 with the safety, movement, management, and care of children boarding the bus,
13 leaving the bus, or being transported in it. The safety assistant should be either an
14 adult or a certified student driver who is available as a substitute bus driver."

15 Section 5. G.S. 115C-290.8 reads as rewritten:

16 "**§ 115C-290.8. Exemptions from requirements.**

17 (a) The requirements of this Article do not apply to a person who, at any time
18 during the five years preceding January 1, 1998, ~~(i) completed an administrative~~
19 ~~internship as part of an approved graduate program in school administration and~~
20 ~~obtained an active State administrator/supervisor certificate, (ii) was engaged in~~
21 ~~school administration while in possession of an active State administrator/supervisor~~
22 ~~certificate, or (iii) was employed in a North Carolina college or university as an~~
23 ~~instructor while in possession of an active State administrator/supervisor certificate~~
24 ~~and whose major responsibilities included the preparation or supervision of~~
25 ~~individuals enrolled in a public school administration program that meets the public~~
26 ~~school administrator program approval standards set by the State Board.~~ obtained a
27 State administrator/supervisor certificate.

28 (b) The State Board may adopt policies governing the requirements for the
29 certification of individuals who hold a certificate issued in any other state that
30 authorizes them to be employed as school administrators in that state. These policies
31 may exempt some or all of these individuals from the requirements of this Article.

32 (c) A person who is exempt from the requirements of this Article but applies to
33 the Standards Board under this Article shall be subject to the Article."

34 Section 6. G.S. 115C-174.21(b) reads as rewritten:

35 "(b) Competency Testing Program.

36 (1) The State Board of Education shall adopt tests or other
37 measurement devices which may be used to assure that graduates
38 of the public high schools and graduates of nonpublic schools
39 supervised by the State Board of Education pursuant to the
40 provisions of Part 1 of Article 39 of this Chapter possess the skills
41 and knowledge necessary to function independently and
42 successfully in assuming the responsibilities of citizenship.

43 (2) The tests shall be administered annually to all ~~tenth~~ ninth grade
44 students in the public schools. Students who fail to attain the

1 required minimum standard for graduation in the ~~tenth~~ ninth grade
2 shall be given remedial instruction and additional opportunities to
3 take the test up to and including the last month of the twelfth
4 grade. Students who fail to pass parts of the test shall be retested
5 on only those parts they fail. Students in the ~~tenth~~ ninth grade who
6 are enrolled in special education programs or who have been
7 officially designated as eligible for participation in such programs
8 may be excluded from the testing programs.

9 (3) The State Board of Education may develop and validate alternate
10 means and standards for demonstrating minimum competence.
11 These standards, which must be more difficult than the tests
12 adopted pursuant to subdivision (1) of this subsection, may be
13 passed by students in lieu of the testing requirement of subdivision
14 (2) of this subsection.

15 (4) Repealed by Session Laws 1996, Second Extra Session, c. 18, s.
16 18.14."

17 Section 7. This act is effective when it becomes law.

EXPLANATION OF SB 1125 MISCELLANEOUS EDUCATION CHANGES

SECTION 1: This section amends G.S. 102.5(b) to substitute President Pro Tempore for President of the Senate as the person who appoints one of the cochair of the School Technology Commission. Currently, this statute directs the President Pro Tem to appoint six members and the President to appoint a cochair from one of these six.

SECTION 2: This section amends G.S. 115C-105.36(b) to require local boards to make ABC's bonuses to teachers and teacher assistants within 30 days of the boards' receipt of the funds. It also deletes the authority for the teachers and teacher assistants to develop and vote on a plan to use the funds for any other lawful purpose.

SECTIONS 3 & 4: G.S. 115C-244 and G.S. 115C-245 are amended to clarify that the superintendent or superintendent's designee develops the bus assignment plan.

SECTION 5: This section amends G.S. 115C-290.8, which provides the exemptions from the new school administrator exam that went into effect this past January. Since January 1, 1998, current law requires school administrators from other states to take the exam if they want to receive school administrator certification here. Current law also requires individuals who may have received a State administrator/supervisor certificate within the five years before January 1, 1998, but who were not engaged in the business of school administration, to take this exam. At this time, only a few other states are using this exam as a requirement for school administrator certification; however, it is predicted that this will be a rapidly growing trend. Section 5 would exempt from the exam those individuals who obtained a State administrator/supervisor at any time during the five years preceding January 1, 1998, even if they were not engaged in school administration during those years. It also would direct the State Board to adopt policies governing the requirements for certification of out-of-state school administrators.

SECTION 6: This section would amend G.S. 115C-174.11(b) to move the competency test from tenth to ninth grade. Currently, the eighth grade end-of-grade tests are used to identify which students will be required to pass the competency test. Students who fail the competency test are required to receive remedial instruction and additional opportunities to take and pass the exam, up to and including the last month of 12th grade. Many school systems offer early remediation to students who will be required to take the exam; however, some wait until the students take and fail the exam in 10th grade. By moving the exam to ninth grade, there will be an additional year to offer remediation to students who fail the exam.

The bill would take effect when it becomes law.



ATTACHMENT 7
(FOR ORIGINAL, SEE
MINUTES FROM
7-25-98)

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 1125

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

S1125-ARC-001

Date _____, 1998

Comm. Sub. []
Amends Title []

Senator Martin

1 moves to amend the bill on 5, lines 43-44, through page 6, line 4,
2 by rewriting the lines to read as follows:
3 "(2) The tests shall be administered annually to all ~~tenth~~
4 ninth grade students in the public schools. Ninth
5 grade students who fail to attain the required minimum
6 standard for graduation shall be given a second
7 opportunity during the ninth grade to take the test.
8 Students who fail to attain the required minimum
9 standard for graduation in the ~~tenth~~ ninth grade shall
10 be given remedial instruction assistance reasonably
11 calculated to prepare the students to pass the test
12 and additional at least two opportunities annually to
13 take the test up to and including the last month of
14 the twelfth grade. Students who have not passed the
15 test prior to the last month of the twelfth grade
16 shall be provided remedial assistance reasonably
17 calculated to prepare the students to pass the test
18 and also shall be provided two additional
19 opportunities to take the test during the summer
20 following the twelfth grade. Students who have met
21 all other conditions of graduation and who pass the
22 test during the summer after the twelfth grade shall
23 be awarded a diploma by the local board. Students who
24 fail to pass parts of the test shall be retested";
25
26 and on page 6, by rewriting line 17 to read:
27 "Section 7. G.S. 115C-74.11(c) reads as rewritten:
28 (c) Annual Testing Program.



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 1125

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

S1125-ARC-001

Page 2 of ____

- 1 (1) The State Board of Education shall adopt a system of
2 annual testing for grades three through 12. These
3 tests shall be designed to measure progress toward
4 reading, communication skills, and mathematics for
5 grades three through eight, and toward competencies
6 designated by the State Board for grades nine through
7 12. Students who do not pass the tests adopted for
8 eighth grade shall be provided remedial assistance
9 during the ninth grade reasonably calculated to
10 prepare the students to pass the competency test
11 administered under subsection (b) of this section.
12 (2) If the State Board of Education finds that additional
13 testing in grades three through 12 is desirable to
14 allow comparisons with national indicators of student
15 achievement, that testing shall be conducted with the
16 smallest size sample of students necessary to assure
17 valid comparisons with other states.'
18 Section 8. This act is effective when it becomes law."
19

SIGNED William L. Martin
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 1125

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

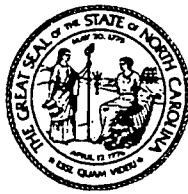
S1125-ARH-005

Date _____, 1998

Comm. Sub. []
Amends Title []

Senator Winner

- 1 moves to amend the bill on page 6, lines 16-17,
2 by inserting between the line the following new sections:
3 "Section 7. G.S. 115C-391(d1) reads as rewritten:
4 '(d1) ~~A local board of education shall~~ The superintendent shall,
5 upon recommendation of the principal, suspend for 365 days any
6 student who brings a weapon, as defined in G.S. 14-269.2(b) and G.S.
7 14-269.2(g), onto school property. The local board of education upon
8 recommendation by the superintendent may modify this suspension
9 requirement on a case-by-case basis that includes, but is not
10 limited to, the procedures established for the discipline of
11 students with disabilities and may also provide, or contract for the
12 provision of, educational services to any student suspended pursuant
13 to this subsection in an alternative school setting or in another
14 setting that provides educational and other services.'
15 Section 8. G.S. 115C-391(d2) reads as rewritten:
16 '(d2) (1) ~~A local board of education shall~~ The superintendent
17 shall, upon recommendation of the principal, remove to
18 an alternative educational setting, as provided in
19 subdivision (4) of this subsection, any student who is
20 at least 13 and who physically assaults and seriously
21 injures a teacher or other school personnel. If no
22 appropriate alternative educational setting is
23 available, then the ~~board shall~~ superintendent shall,
24 upon recommendation of the principal, suspend for no
25 less than 300 days but no more than 365 days any
26 student who is at least 13 and who physically assaults
27 and seriously injures a teacher or other school
28 personnel.
29 (2) ~~A local board of education may~~ The superintendent may,
30 upon recommendation of the principal, remove to an
31 alternative educational setting any student who is at
32 least 13 and who does one of the following:
33 a. Physically assaults a teacher or other adult who
34 is not a student.



NORTH CAROLINA GENERAL ASSEMBLY
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Senate Bill 1125

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(to be filled in by
Principal Clerk)

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- 1 b. Physically assaults another student if the
2 assault is witnessed by school personnel.
3 c. Physically assaults and seriously injures another
4 student.

5 If no appropriate alternative educational setting is available,
6 then the ~~board may~~ superintendent may, upon recommendation of the
7 principal, suspend this student for up to 365 days.

8 (3) For purposes of this subsection, the conduct leading
9 to suspension or removal to an alternative educational
10 setting must occur on school property or at a school-
11 sponsored or school-related activity on or off school
12 property. This subsection shall not apply when the
13 student who is subject to suspension or removal was
14 acting in self-defense. If a teacher is assaulted or
15 injured and as a result a student is suspended or
16 removed to an alternative educational setting under
17 this subsection, then the student shall not be
18 returned to that teacher's classroom unless the
19 teacher consents. If a student is suspended under this
20 subsection, the board may assign the student to an
21 alternative educational setting upon the expiration of
22 the period of suspension.

23 (4) If the ~~local board~~ superintendent removes the student
24 to an alternative educational setting, as provided in
25 subdivision (1) of this subsection, and the conduct
26 leading to the removal occurred on or before the
27 ninetieth school day, the board shall remove the
28 student to that setting for the remainder of the
29 current school year and the first 90 school days in
30 the following school year. If the ~~board~~ superintendent
31 chooses to remove the student to an alternative
32 educational setting, as provided in subdivision (1) of
33 this subsection, and the conduct leading to the
34 removal occurred after the ninetieth school day, the
35 board shall remove the student to that setting for the
36 remainder of the current school year and for the
37 entire subsequent school year. Notwithstanding these
38 requirements, the ~~local board~~ superintendent may
39 authorize a shorter or longer length of time a student
40 must remain in an alternative educational setting if
41 the ~~board~~ superintendent finds this would be more
42 appropriate based upon the recommendations of the
43 principals of the alternative school and the school to
44 which the student will return.

45 Section 9. G.S. 115C-391(e) reads as rewritten:



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1 '(e) A decision of a ~~local board~~ superintendent under subsection
2 (c), ~~(d)~~, (d1), or (d2) of this section may be appealed to the
3 local board of education. A decision of the local board upon this
4 appeal or of the local board under subsection (d) of this section
5 is final and, except as provided in this subsection, is subject to
6 judicial review in accordance with Article 4 of Chapter 150B of the
7 General Statutes. A person seeking judicial review shall file a
8 petition in the superior court of the county where the local board
9 made its decision.'

10 Section 10. G.S. 115C-105.47 is amended by adding the
11 following new subsection:
12 '(d) Nothing in this section shall create a right for a
13 student to be identified or assessed or to receive special services.
14 Local school administrative units, local boards of education,
15 superintendents, and school personnel shall not be liable in a civil
16 action for failure to develop a plan under this section, to address
17 adequately all issues in a plan developed under this section, or to
18 implement effectively a plan developed under this section.'

19 Section 11. G.S. 115C-276(r) reads as rewritten:
20 '(r) To Maintain Student Discipline. -- The superintendent shall
21 maintain student discipline in accordance with Article 27 of this
22 Chapter and shall keep data on each student suspended for more than
23 10 days or expelled. This data shall include the race, gender, and
24 age of each student, the duration of suspension for each student,
25 whether an alternative education was considered or provided for each
26 student, and whether a student had multiple suspensions.'';
27
28 and by renumbering the remaining section accordingly.

SIGNED Leslie Wimer
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____

FAILED _____

TABLED _____

VISITOR REGISTRATION SHEET

Senate Education/Higher Education

7/15/98

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Kay Hagan	305 Meadowbrook Ter Greensboro NC 27408 Candidate - Sen. Guilford Co. Dist. 32
Susan Harrison	WCPSS
Leanne Winnie	NCSBA
Stephanie Summerson	NCJCDC
Gregory Mayhoit	NCJCDC
Tammis Nelson	TCPTA
Nirali Patel	Gov.'s Office
Varex Gann	Gov.'s Office
Harriet Dial	NCAE
John Wilson	NCAE
Phil Albano	DCC

VISITOR REGISTRATION SHEET

Senate Education / Higher Education

7/15/98

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Kennon Briggs	DCC
Percy Richardson, J.	DOA / P & C
Danny Hunt	DCC
Hal Miller	NCACCT
Gene Causby	E - EBC
Aesli Bewacqua	NCCST
R. Paul Wilms	NCHBA
B. Lynne Hamlet	Sen. W
Piper Niblers	SBE
Weaver Rogers	SBE

SENATE COMMITTEE
ON EDUCATION/HIGHER EDUCATION

Wednesday, July 22, 1998

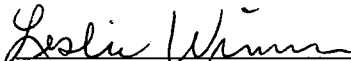
MINUTES

The Senate Committee on Education/Higher Education met on Wednesday, July 22, 1998, at 10:00 A.M. in Room 414 of the Legislative Office Building. Seventeen of the members of the Committee attended the meeting, including the Co-Chair, Senator Winner, who presided. Pages were Kamika McLean of Garner, Sarah McMillan of Raleigh, and Merrill Brinson of Greenville.

SB1125 Misc. Education Changes

Senator Lucas presented and explained the bill to the Committee. Senator Allran sent forth the first amendment. Senators Martin, Winner and Rucho also sent forth amendments. The committee voted and the amendments carried. The bill was not voted on, but it was decided by the committee to be considered again at a future meeting.

The Committee was adjourned at 11:04 a.m.



Senator Leslie Winner, Co-Chair



Vickie Spears, Committee Clerk

**SENATE COMMITTEE ON EDUCATION/HIGHER
EDUCATION**

AGENDA

July 22, 1998

SB 1125 Misc. Education Changes.

Sen. Lucas

EXPLANATION OF SB 1125

MISCELLANEOUS EDUCATION CHANGES

SECTION 1: This section amends G.S. 102.5(b) to substitute President Pro Tempore for President of the Senate as the person who appoints one of the cochair of the School Technology Commission. Currently, this statute directs the President Pro Tem to appoint six members and the President to appoint a cochair from one of these six.

SECTION 2: This section amends G.S. 115C-105.36(b) to require local boards to make ABC's bonuses to teachers and teacher assistants within 30 days of the boards' receipt of the funds. It also deletes the authority for the teachers and teacher assistants to develop and vote on a plan to use the funds for any other lawful purpose.

SECTIONS 3 & 4: G.S. 115C-244 and G.S. 115C-245 are amended to clarify that the superintendent or superintendent's designee develops the bus assignment plan.

SECTION 5: This section amends G.S. 115C-290.8, which provides the exemptions from the new school administrator exam that went into effect this past January. Since January 1, 1998, current law requires school administrators from other states to take the exam if they want to receive school administrator certification here. Current law also requires individuals who may have received a State administrator/supervisor certificate within the five years before January 1, 1998, but who were not engaged in the business of school administration, to take this exam. At this time, only a few other states are using this exam as a requirement for school administrator certification; however, it is predicted that this will be a rapidly growing trend. Section 5 would exempt from the exam those individuals who obtained a State administrator/supervisor at any time during the five years preceding January 1, 1998, even if they were not engaged in school administration during those years. It also would direct the State Board to adopt policies governing the requirements for certification of out-of-state school administrators.

SECTION 6: This section would amend G.S. 115C-174.11(b) to move the competency test from tenth to ninth grade. Currently, the eighth grade end-of-grade tests are used to identify which students will be required to pass the competency test. Students who fail the competency test are required to receive remedial instruction and additional opportunities to take and pass the exam, up to and including the last month of 12th grade. Many school systems offer early remediation to students who will be required to take the exam; however, some wait until the students take and fail the exam in 10th grade. By moving the exam to ninth grade, there will be an additional year to offer remediation to students who fail the exam.

The bill would take effect when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S

1

SENATE BILL 1125*

Short Title: Misc. Education Changes.

(Public)

Sponsors: Senators Lucas, Winner, Lee; Allran, Dalton, Dannelly, Forrester, Foxx, Gulley, Hoyle, Kinnaid, Martin of Guilford, Rucho, Shaw of Cumberland, and Weinstein.

Referred to: Education/Higher Education.

May 14, 1998

1 A BILL TO BE ENTITLED
2 AN ACT TO IMPLEMENT A RECOMMENDATION OF THE JOINT
3 LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE TO AMEND
4 VARIOUS EDUCATION LAWS.

5 The General Assembly of North Carolina enacts:

6 Section 1. G.S. 115C-102.5(b) reads as rewritten:

7 "(b) The Commission shall consist of the following 18 members:

- 8 (1) The State Superintendent of Public Instruction or a designee;
9 (2) One representative of The University of North Carolina, appointed
10 by the President of The University of North Carolina;
11 (3) One representative of the North Carolina Community College
12 System, appointed by the President of the North Carolina
13 Community College System;
14 (4) A person with management responsibility concerning information
15 technology related State Government functions, designated by the
16 Secretary of Commerce;
17 (5) Four members appointed by the Governor;
18 (6) Six members appointed by the President Pro Tempore of the
19 Senate two of whom shall be members of the Senate. One of these
20 six members shall be appointed by the President Pro Tempore of
21 the Senate to serve as cochair; and

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

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

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

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

Section 2. G.S. 115C-105.36(b) reads as rewritten:

"(b) The State Board shall establish a procedure to allocate the funds for these awards to the local school administrative units in which the eligible schools are located. Funds shall become available for expenditure July 1 of each fiscal year. Funds shall remain available until November 30 of the subsequent fiscal year for expenditure for:

(1) ~~Awards to the personnel; or~~

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

a. ~~Developed and voted on by the personnel in the same manner that a school improvement plan is approved under G.S. 115C-105.27;~~

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

c. ~~Submitted to and approved by the local board of education. The local board shall approve this plan unless the plan involves expenditures of funds that are not for a public purpose or that are otherwise unlawful. for awards to the personnel that are made within 30 days of the local board's receipt of the funds."~~

Section 3. G.S. 115C-244 reads as rewritten:

"§ 115C-244. Assignment of pupils to school buses.

(a) ~~The principal of a school, to which any school bus has been assigned by the superintendent of the schools of the local school administrative unit embracing such school, shall assign to such bus or buses the pupils and employees who may be transported to and from such school upon such bus or buses. The superintendent or superintendent's designee shall assign the pupils and employees who may be transported to and from school upon the bus or buses assigned to each school and shall implement and enforce the plan developed under G.S. 115C-246. No pupil or employee shall be permitted to ride upon any school bus to which such pupil or employee has not been so assigned by the principal, superintendent or~~

1 ~~superintendent's designee~~, except by the express direction of the ~~principal~~.
2 ~~superintendent or superintendent's designee~~.

3 (b) In the event that the superintendent ~~of any local school administrative unit~~
4 ~~shall assign or superintendent's designee assigns~~ a school bus to be used in the
5 transportation of pupils to two or more schools, the superintendent ~~or~~
6 ~~superintendent's designee~~ shall ~~designate the number of~~ assign the pupils to be
7 transported to and from each ~~such~~ school by ~~such~~ that bus, and the principals of the
8 respective schools shall ~~assign pupils to such buses in accordance with such~~
9 ~~designation~~. implement and enforce this assignment of pupils.

10 (c) Any pupil enrolled in any school, or the parent or guardian of any such pupil,
11 or the person standing in loco parentis to such pupil, may apply to the principal of
12 such school for transportation of such pupil to and from such school by school bus
13 for the regularly organized school day. ~~Upon application, the principal~~ The principal
14 shall deliver the application to the superintendent or superintendent's designee, who
15 shall assign a pupil to a school bus if the pupil is entitled to school bus transportation
16 under this Article and the rules of the State Board of Education. Such assignment
17 shall be made by the ~~principal~~ superintendent or superintendent's designee so as to
18 provide for the orderly, safe and efficient transportation of pupils to such school and
19 so as to promote the orderly and efficient administration of the school and the health,
20 safety and general welfare of the pupils to be so transported. Assignments of pupils
21 and employees to school buses may be changed by the ~~principal of the school~~
22 superintendent or superintendent's designee as he may from time to time find proper
23 for the safe and efficient transportation of such pupils and employees.

24 (d) The parent or guardian of any pupil enrolled in any school, or the person
25 standing in loco parentis to any such pupil, who shall apply ~~to the principal of such~~
26 ~~school~~ under subsection (c) of this section for the transportation of such pupil to and
27 from such school by school bus, may, if such application is denied, or if such pupil is
28 assigned to a school bus not satisfactory to such parent, guardian, or person standing
29 in loco parentis to such pupil, pursuant to rules and regulations established by the
30 local board of education, apply to such board for such transportation upon a school
31 bus designated in such application, and shall be entitled to a prompt and fair hearing
32 by such board in accordance with the rules and regulations established by it. The
33 majority of such board shall be a quorum for the purpose of holding such hearing
34 and passing upon such application, and the decision of the majority of the members
35 present at such hearing shall be the decision of the board. If, at such hearing, the
36 board shall find that pupil is entitled to be transported to and from such school upon
37 the school bus designated in such application, or if the board shall find that the
38 transportation of such pupil upon such bus to and from such school will be for the
39 best interests of such pupil, will not interfere with the proper administration of such
40 school, or with the safe and efficient transportation by school bus of other pupils
41 enrolled in such school and will not endanger the health or safety of the children
42 there enrolled, the board shall direct that such child be assigned to and transported to
43 such school upon such bus.

1 (e) A decision of a local board under subsection (d) is final and, except as
2 provided in this subsection, is subject to judicial review in accordance with Article 4
3 of Chapter 150B of the General Statutes. A person seeking judicial review shall file a
4 petition in the superior court of the county where the local board made its decision.

5 (f) No employee shall be assigned to or permitted to ride upon a school bus when
6 to do so will result in the overcrowding of such bus or will prevent the assignment to
7 such bus of a pupil entitled to ride thereon, or will otherwise, in the opinion of the
8 ~~principal, superintendent or superintendent's designee~~, be detrimental to the comfort
9 or safety of the pupils assigned to such bus, or to the safe, efficient and proper
10 operation of such bus."

11 Section 4. G.S. 115C-245 reads as rewritten:

12 "**§ 115C-245. School bus drivers; monitors; safety assistants.**

13 (a) Each local board, which elects to operate a school bus transportation system,
14 shall employ the necessary drivers for such school buses. The drivers shall have all
15 qualifications prescribed by the regulations of the State Board of Education herein
16 provided for and must be at least 18 years old and have at least six months driving
17 experience as a licensed operator of a motor vehicle before employment as a regular
18 or substitute driver, but the selection and employment of each driver shall be made
19 by the local board of education, and the driver shall be the employee of such local
20 school administrative unit. Each local board of education shall assign the bus drivers
21 employed by it to the respective schools within the jurisdiction of such board, and the
22 ~~principal of each such school~~ superintendent or superintendent's designee shall assign
23 the drivers to the school buses to be driven by them. No school bus shall at any time
24 be driven or operated by any person other than the bus driver assigned ~~by such~~
25 ~~principal~~ to such bus except by the express direction of ~~such principal~~ the
26 superintendent or superintendent's designee or in accordance with rules and
27 regulations of the appropriate local board of education.

28 (b) The driver of a school bus subject to the direction of the ~~principal~~
29 superintendent or superintendent's designee shall have complete authority over and
30 responsibility for the operation of the bus and the maintaining of good order and
31 conduct upon such bus, and shall report promptly to the principal any misconduct
32 upon such bus or disregard or violation of the driver's instructions by any person
33 riding upon such bus. The principal may take such action with reference to any such
34 misconduct upon a school bus, or any violation of the instructions of the driver, as he
35 might take if such misconduct or violation had occurred upon the grounds of the
36 school.

37 (c) The driver of any school bus shall permit no person to ride upon such bus
38 except pupils or school employees assigned thereto or persons permitted by the
39 express direction of the ~~principal~~ superintendent or superintendent's designee to ride
40 thereon.

41 ~~(d) The principal of a school, to which a school bus has been assigned, may, in his~~
42 ~~discretion, appoint a monitor for any bus so assigned to such school. The~~
43 superintendent or superintendent's designee may, in his discretion, appoint a monitor
44 for any bus assigned to any school. It shall be the duty of such monitor, subject to

1 the direction of the driver of the bus, to preserve order upon the bus and do such
2 other things as may be appropriate for the safety of the pupils and employees
3 assigned to such bus while boarding such bus, alighting therefrom or being
4 transported thereon, and to require such pupils and employees to conform to the
5 rules and regulations established by the local board of education for the safety of
6 pupils and employees upon school buses. Such monitors shall be unpaid volunteers
7 who shall serve at the pleasure of the ~~principal~~ superintendent or superintendent's
8 designee.

9 (e) A local board of education may, in its discretion within funds available,
10 employ transportation safety assistants upon recommendation of the principal through
11 the superintendent. The safety assistants thus employed shall assist the bus drivers
12 with the safety, movement, management, and care of children boarding the bus,
13 leaving the bus, or being transported in it. The safety assistant should be either an
14 adult or a certified student driver who is available as a substitute bus driver."

15 Section 5. G.S. 115C-290.8 reads as rewritten:

16 "**§ 115C-290.8. Exemptions from requirements.**

17 (a) The requirements of this Article do not apply to a person who, at any time
18 during the five years preceding January 1, 1998, ~~(i) completed an administrative~~
19 ~~internship as part of an approved graduate program in school administration and~~
20 ~~obtained an active State administrator/supervisor certificate, (ii) was engaged in~~
21 ~~school administration while in possession of an active State administrator/supervisor~~
22 ~~certificate, or (iii) was employed in a North Carolina college or university as an~~
23 ~~instructor while in possession of an active State administrator/supervisor certificate~~
24 ~~and whose major responsibilities included the preparation or supervision of~~
25 ~~individuals enrolled in a public school administration program that meets the public~~
26 ~~school administrator program approval standards set by the State Board.~~ obtained a
27 State administrator/supervisor certificate.

28 (b) The State Board may adopt policies governing the requirements for the
29 certification of individuals who hold a certificate issued in any other state that
30 authorizes them to be employed as school administrators in that state. These policies
31 may exempt some or all of these individuals from the requirements of this Article.

32 (c) A person who is exempt from the requirements of this Article but applies to
33 the Standards Board under this Article shall be subject to the Article."

34 Section 6. G.S. 115C-174.21(b) reads as rewritten:

35 "(b) Competency Testing Program.

36 (1) The State Board of Education shall adopt tests or other
37 measurement devices which may be used to assure that graduates
38 of the public high schools and graduates of nonpublic schools
39 supervised by the State Board of Education pursuant to the
40 provisions of Part 1 of Article 39 of this Chapter possess the skills
41 and knowledge necessary to function independently and
42 successfully in assuming the responsibilities of citizenship.

43 (2) The tests shall be administered annually to all ~~tenth~~ ninth grade
44 students in the public schools. Students who fail to attain the

1 required minimum standard for graduation in the ~~tenth~~ ninth grade
2 shall be given remedial instruction and additional opportunities to
3 take the test up to and including the last month of the twelfth
4 grade. Students who fail to pass parts of the test shall be retested
5 on only those parts they fail. Students in the ~~tenth~~ ninth grade who
6 are enrolled in special education programs or who have been
7 officially designated as eligible for participation in such programs
8 may be excluded from the testing programs.

9 (3) The State Board of Education may develop and validate alternate
10 means and standards for demonstrating minimum competence.
11 These standards, which must be more difficult than the tests
12 adopted pursuant to subdivision (1) of this subsection, may be
13 passed by students in lieu of the testing requirement of subdivision
14 (2) of this subsection.

15 (4) Repealed by Session Laws 1996, Second Extra Session, c. 18, s.
16 18.14."

17 Section 7. This act is effective when it becomes law.



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 1125

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S1125-ARH-001.2

Date _____, 1998

Comm. Sub. []
Amends Title []

Senator Allran

1 moves to amend the bill on page 6, lines 16-17, by inserting between
2 the lines the following:
3 "Section 7. G.S. 115C-248(a) reads as rewritten:
4 '(a) The superintendent of each local school administrative
5 unit, shall cause each school bus owned or operated by such local
6 school administrative unit to be inspected at least once each ~~30~~ ~~30~~ 40
7 days during the school year for mechanical defects, or other defects
8 which may affect the safe operation of such bus. A report of such
9 inspection, together with the recommendations of the person making
10 the inspection, shall be filed promptly in the office of the
11 superintendent of such local school administrative unit, and a copy
12 thereof shall be forwarded to the principal of the school to which
13 such bus is assigned.'";
14
15 and by renumbering the remaining section accordingly.

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____

FAILED _____

TABLED _____



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 1125

AMENDMENT NO. _____
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Principal Clerk)
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S1125-ARH-002.1

Date _____, 1998

Comm. Sub. [☐
Amends Title [☐

Senator Allran

1 moves to amend the bill on page 6, lines 16-17, by inserting between
2 the lines the following:

3 "Section 7. G.S. 115C-403(b) reads as rewritten:

4 '(b) When any child transfers from one school system to
5 another school system, the receiving school shall, within 30 days of
6 the child's enrollment, obtain the child's record from the school
7 from which the child is transferring. If the child's parent,
8 custodian, or guardian provides a copy of the child's record from
9 the school from which the child is transferring, the receiving
10 school shall, within 30 days of the child's enrollment, request
11 written verification of the school record by contacting the school
12 or institution named on the transferring child's record. Upon
13 receipt of a request, the principal or the principal's designee of
14 the school from which the child is transferring shall not withhold
15 the record or verification for any reason, except as is authorized
16 under the Family Educational Rights and and Privacy Act. Any
17 information received indicating that the transferring child is a
18 missing child shall be reported to the North Carolina Center for
19 Missing Persons.'

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

22 '(i) To Transfer Student Records. -- The principal shall
23 not withhold the transfer of student records, except as is provided
24 in G.S. 115C-403(b).'";



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
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S1125-ARH-002.1

1
2 and by renumbering the remaining section accordingly.

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 1125

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

S1125-ARC-001

Date _____, 1998

Comm. Sub. []
Amends Title []

Senator Martin

1 moves to amend the bill on 5, lines 43-44, through page 6, line 4,
2 by rewriting the lines to read as follows:
3 "(2) The tests shall be administered annually to all ~~tenth~~
4 ninth grade students in the public schools. Ninth
5 grade students who fail to attain the required minimum
6 standard for graduation shall be given a second
7 opportunity during the ninth grade to take the test.
8 Students who fail to attain the required minimum
9 standard for graduation in the ~~tenth~~ ninth grade shall
10 be given remedial ~~instruction~~ assistance reasonably
11 calculated to prepare the students to pass the test
12 and ~~additional~~ at least two opportunities annually to
13 take the test up to and including the last month of
14 the twelfth grade. Students who have not passed the
15 test prior to the last month of the twelfth grade
16 shall be provided remedial assistance reasonably
17 calculated to prepare the students to pass the test
18 and also shall be provided two additional
19 opportunities to take the test during the summer
20 following the twelfth grade. Students who have met
21 all other conditions of graduation and who pass the
22 test during the summer after the twelfth grade shall
23 be awarded a diploma by the local board. Students who
24 fail to pass parts of the test shall be retested";

25
26 and on page 6, by rewriting line 17 to read:

27 "Section 7. G.S. 115C-74.11(c) reads as rewritten:

28 (c) Annual Testing Program.



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 1125

AMENDMENT NO. _____
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Principal Clerk)
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S1125-ARC-001

- 1 (1) The State Board of Education shall adopt a system of
2 annual testing for grades three through 12. These
3 tests shall be designed to measure progress toward
4 reading, communication skills, and mathematics for
5 grades three through eight, and toward competencies
6 designated by the State Board for grades nine through
7 12. Students who do not pass the tests adopted for
8 eighth grade shall be provided remedial assistance
9 during the ninth grade reasonably calculated to
10 prepare the students to pass the competency test
11 administered under subsection (b) of this section.
12 (2) If the State Board of Education finds that additional
13 testing in grades three through 12 is desirable to
14 allow comparisons with national indicators of student
15 achievement, that testing shall be conducted with the
16 smallest size sample of students necessary to assure
17 valid comparisons with other states.'
18 Section 8. This act is effective when it becomes law."
19

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 1125

AMENDMENT NO. _____
(to be filled in by
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S1125-ARC-003

Date _____, 1998

Comm. Sub. []
Amends Title []

Senator Rucho

1 moves to amend the bill on page 6, line 17,
2 by rewriting the line to read:
3 "Section 7. G.S. 115C-333(b) reads are rewritten:
4 '(b) Action Plans. --
5 (1) If a certified employee in a low-performing school
6 receives an unsatisfactory or below standard rating on
7 any function of the evaluation that is related to the
8 employee's instructional duties, the individual or
9 team that conducted the evaluation shall recommend to
10 the superintendent that: (i) the employee receive an
11 action plan designed to improve the employee's
12 performance; or (ii) the superintendent recommend to
13 the local board that the employee be dismissed or
14 demoted. The superintendent shall determine whether
15 to develop an action plan or to recommend a dismissal
16 proceeding. Action plans shall be developed by the
17 person who evaluated the employee or the employee's
18 supervisor unless the evaluation was conducted by an
19 assistance team or an assessment team. If the
20 evaluation was conducted by an assistance team or an
21 assessment team, that team shall develop the action
22 plan in collaboration with the employee's supervisor.
23 Action plans shall be designed to be completed within
24 90 instructional days or before the beginning of the
25 next school year. The State Board shall develop
26 guidelines that include strategies to assist local
27 boards in evaluating certified employees and
28 developing effective action plans within the time



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allotted under this section. Local boards may adopt policies for the development and implementation of action plans or professional development plans for employees who do not require action plans under this section.

(2) Local boards shall adopt policies to require action plans for all certified employees who receive a below standard or unsatisfactory rating on an evaluation.';
Section 8. This act is effective when it becomes law."

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 1125

AMENDMENT NO. _____
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S1125-ARC-004.1

Date _____, 1998

Comm. Sub. []
Amends Title []

Senator Winner

1 moves to amend the bill on page 6, line 17,
2 by rewriting the line to read:

3 "Section 7. G.S. 115C-287.1(b) reads as rewritten:

4 '(b) Local boards of education shall employ school administrators
5 who are ineligible for career status as provided by in G.S. 115C-
6 325(c)(3), upon the recommendation of the superintendent. All
7 contracts between ~~the~~ a school administrator and ~~the~~ a local board
8 of education shall be for two to four years, ending on June 30 of
9 the final 12 months of the contract. In the case of an initial
10 contract between a school administrator and a local board of
11 education, the first year of the contract may be for a period of
12 less than 12 months provided the contract becomes effective on or
13 before September 1. The A local board of education may, with the
14 written consent of the a school administrator, extend, renew, or
15 offer a new school administrator's contract at any time after the
16 first 12 months of the contract so long as the term of the new,
17 renewed, or extended contract does not exceed four years. Rolling
18 annual contract renewals are not allowed. Nothing in this section
19 shall be construed to prohibit the filling of an administrative
20 position on an interim or temporary basis.'

21 Section 8. This act is effective when it becomes law.
22 Section 7 applies to contracts entered into on or after that date."
23

SIGNED _____
Amendment Sponsor

SIGNED _____



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 1125

AMENDMENT NO. _____
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S1125-ARC-004.1

Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 1125

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S1125-ARH-005

Date _____, 1998

Comm. Sub. []
Amends Title []

Senator Winner

1 moves to amend the bill on page 6, lines 16-17,
2 by inserting between the line the following new sections:

3 "Section 7. G.S. 115C-391(d1) reads as rewritten:

4 '(d1) ~~A local board of education shall~~ The superintendent shall,
5 upon recommendation of the principal, suspend for 365 days any
6 student who brings a weapon, as defined in G.S. 14-269.2(b) and G.S.
7 14-269.2(g), onto school property. The local board of education upon
8 recommendation by the superintendent may modify this suspension
9 requirement on a case-by-case basis that includes, but is not
10 limited to, the procedures established for the discipline of
11 students with disabilities and may also provide, or contract for the
12 provision of, educational services to any student suspended pursuant
13 to this subsection in an alternative school setting or in another
14 setting that provides educational and other services.'

15 Section 8. G.s. 115C-391(d2) reads as rewritten:

16 '(d2) (1) ~~A local board of education shall~~ The superintendent
17 shall, upon recommendation of the principal, remove to
18 an alternative educational setting, as provided in
19 subdivision (4) of this subsection, any student who is
20 at least 13 and who physically assaults and seriously
21 injures a teacher or other school personnel. If no
22 appropriate alternative educational setting is
23 available, then the ~~board shall~~ superintendent shall,
24 upon recommendation of the principal, suspend for no
25 less than 300 days but no more than 365 days any
26 student who is at least 13 and who physically assaults
27 and seriously injures a teacher or other school
28 personnel.

29 (2) ~~A local board of education may~~ The superintendent may,
30 upon recommendation of the principal, remove to an
31 alternative educational setting any student who is at
32 least 13 and who does one of the following:
33 a. Physically assaults a teacher or other adult who
34 is not a student.



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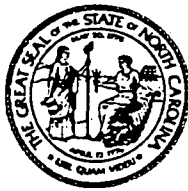
- 1 b. Physically assaults another student if the
2 assault is witnessed by school personnel.
3 c. Physically assaults and seriously injures another
4 student.

5 If no appropriate alternative educational setting is available,
6 ~~then the board may~~ superintendent may, upon recommendation of the
7 principal, suspend this student for up to 365 days.

8 (3) For purposes of this subsection, the conduct leading
9 to suspension or removal to an alternative educational
10 setting must occur on school property or at a school-
11 sponsored or school-related activity on or off school
12 property. This subsection shall not apply when the
13 student who is subject to suspension or removal was
14 acting in self-defense. If a teacher is assaulted or
15 injured and as a result a student is suspended or
16 removed to an alternative educational setting under
17 this subsection, then the student shall not be
18 returned to that teacher's classroom unless the
19 teacher consents. If a student is suspended under this
20 subsection, the board may assign the student to an
21 alternative educational setting upon the expiration of
22 the period of suspension.

23 (4) If the ~~local board~~ superintendent removes the student
24 to an alternative educational setting, as provided in
25 subdivision (1) of this subsection, and the conduct
26 leading to the removal occurred on or before the
27 ninetieth school day, the board shall remove the
28 student to that setting for the remainder of the
29 current school year and the first 90 school days in
30 the following school year. If the ~~board~~ superintendent
31 chooses to remove the student to an alternative
32 educational setting, as provided in subdivision (1) of
33 this subsection, and the conduct leading to the
34 removal occurred after the ninetieth school day, the
35 board shall remove the student to that setting for the
36 remainder of the current school year and for the
37 entire subsequent school year. Notwithstanding these
38 requirements, the ~~local board~~ superintendent may
39 authorize a shorter or longer length of time a student
40 must remain in an alternative educational setting if
41 the ~~board~~ superintendent finds this would be more
42 appropriate based upon the recommendations of the
43 principals of the alternative school and the school to
44 which the student will return.'

45 Section 9. G.S. 115C-391(e) reads as rewritten:



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Principal Clerk)

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- 1 '(e) A decision of a local board superintendent under subsection
2 (c), ~~(d)~~, (d1), or (d2) of this section may be appealed to the
3 local board of education. A decision of the local board upon this
4 appeal or of the local board under subsection (d) of this section
5 is final and, except as provided in this subsection, is subject to
6 judicial review in accordance with Article 4 of Chapter 150B of the
7 General Statutes. A person seeking judicial review shall file a
8 petition in the superior court of the county where the local board
9 made its decision.'
- 10 Section 10. G.S. 115C-105.47 is amended by adding the
11 following new subsection:
12 '(d) Nothing in this section shall create a right for a
13 student to be identified or assessed or to receive special services.
14 Local school administrative units, local boards of education,
15 superintendents, and school personnel shall not be liable in a civil
16 action for failure to develop a plan under this section, to address
17 adequately all issues in a plan developed under this section, or to
18 implement effectively a plan developed under this section.'
- 19 Section 11. G.S. 115C-276(r) reads as rewritten:
20 '(r) To Maintain Student Discipline. -- The superintendent shall
21 maintain student discipline in accordance with Article 27 of this
22 Chapter and shall keep data on each student suspended for more than
23 10 days or expelled. This data shall include the race, gender, and
24 age of each student, the duration of suspension for each student,
25 whether an alternative education was considered or provided for each
26 student, and whether a student had multiple suspensions.'';
27
28 and by renumbering the remaining section accordingly.

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

VISITOR REGISTRATION SHEET

SENATE EDUCATION/HIGHER EDUCATION COMMITTEE

JULY 22, 1998

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Karen Gack	Gov's Office
Ann Belam	SBE
Theresa Payne	DPI
Ann McEll	NCA SA
Oranie Payne	Broughton High School
Jean Harrison	WCPSS
Jan Cratts	NCA SA
Barbara Harris	OSBM
Gene Faeser	Teacher
Dan Hunk	NCCCS

**SENATE COMMITTEE
ON EDUCATION/HIGHER EDUCATION**

**Wednesday, July 29, 1998
10:00 a.m.
Room 414, Legislative Office Building**

MINUTES

The Senate Committee on Education/Higher Education met on Wednesday, July 29, 1998 at 10:00 a.m. in Room 414 of the Legislative Office Building. Twelve members were in attendance.

Senator Howard Lee presided and called the meeting to order at 10:10 a.m.

SB 1125 Misc. Education Changes.

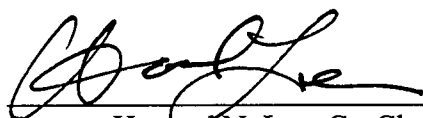
Senator Winner introduced an amendment for the title change and moved adoption for this amendment. The motion carried. Senator Winner further moved for a favorable report as to the committee substitute with an unfavorable report as to the original bill.

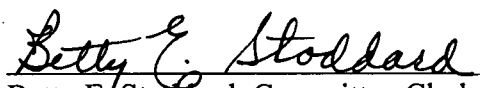
The motion also included giving staff permission to make technical changes to include previously passed amendments, make the amendments fit appropriately as to bill or statutes. The five previously passed amendments to be rolled into a committee substitute were: ARH-003 (Senator Lucas), ARH-005 (Senator Winner), ARC-001 (Senator Martin, as amended by Senator Winner), ARC-004.1 (Senator Winner) and ARC-003 (Senator Rucho, as amended by Senator Winner). (Attachments 2-7)

Senator Allran introduced amendment ARH-002.1. (Attachment 8) Following discussion, Committee counsel Robin Johnson noted that the rules give authority to a superintendent to withdraw a school bus for safety or operational reasons. Senator Allran moved for adoption of this amendment. The committee voted favorably for this amendment. In addition, Senator Allran introduced amendment ARH-001.2. (Attachment 9) Senator Dannelly moved for adoption of this amendment. The committee voted favorably for this amendment.

At the presiding chair's request, Senator Winner restated her above motion: to give staff permission to make technical changes to roll the amendments into a committee substitute and the committee report to be unfavorable as to the original bill but favorable report for the committee substitute. The motion carried unanimously. (Committee report/Attachment 10)

The committee adjourned at 10:24 a.m.


Senator Howard N. Lee, Co-Chair


Betty E. Stoddard, Committee Clerk

SENATE EDUCATION/HIGHER EDUCATION COMMITTEE

AGENDA

**July 29, 1998
Wednesday**

**10 a.m
Room 414**

CALL TO ORDER

Senator Lee presiding

BILLS TO BE CONSIDERED

SB 1125

Misc. Education Changes

Senator Lucas

ADJOURNMENT

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S

1

SENATE BILL 1125*

Short Title: Misc. Education Changes.

(Public)

Sponsors: Senators Lucas, Winner, Lee; Allran, Dalton, Dannelly, Forrester, Foxx, Gulley, Hoyle, Kinnaird, Martin of Guilford, Rucho, Shaw of Cumberland, and Weinstein.

Referred to: Education/Higher Education.

May 14, 1998

- 1 A BILL TO BE ENTITLED
2 AN ACT TO IMPLEMENT A RECOMMENDATION OF THE JOINT
3 LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE TO AMEND
4 VARIOUS EDUCATION LAWS.
5 The General Assembly of North Carolina enacts:
6 Section 1. G.S. 115C-102.5(b) reads as rewritten:
7 "(b) The Commission shall consist of the following 18 members:
8 (1) The State Superintendent of Public Instruction or a designee;
9 (2) One representative of The University of North Carolina, appointed
10 by the President of The University of North Carolina;
11 (3) One representative of the North Carolina Community College
12 System, appointed by the President of the North Carolina
13 Community College System;
14 (4) A person with management responsibility concerning information
15 technology related State Government functions, designated by the
16 Secretary of Commerce;
17 (5) Four members appointed by the Governor;
18 (6) Six members appointed by the President Pro Tempore of the
19 Senate two of whom shall be members of the Senate. One of these
20 six members shall be appointed by the President Pro Tempore of
21 the Senate to serve as cochair; and

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

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

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

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

Section 2. G.S. 115C-105.36(b) reads as rewritten:

"(b) The State Board shall establish a procedure to allocate the funds for these awards to the local school administrative units in which the eligible schools are located. Funds shall become available for expenditure July 1 of each fiscal year. Funds shall remain available until November 30 of the subsequent fiscal year for expenditure for:

(1) ~~Awards to the personnel; or~~

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

a. ~~Developed and voted on by the personnel in the same manner that a school improvement plan is approved under G.S. 115C-105.27;~~

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

c. ~~Submitted to and approved by the local board of education. The local board shall approve this plan unless the plan involves expenditures of funds that are not for a public purpose or that are otherwise unlawful. for awards to the personnel that are made within 30 days of the local board's receipt of the funds.~~

Section 3. G.S. 115C-244 reads as rewritten:

"§ 115C-244. Assignment of pupils to school buses.

(a) ~~The principal of a school, to which any school bus has been assigned by the superintendent of the schools of the local school administrative unit embracing such school, shall assign to such bus or buses the pupils and employees who may be transported to and from such school upon such bus or buses. The superintendent or superintendent's designee shall assign the pupils and employees who may be transported to and from school upon the bus or buses assigned to each school and shall implement and enforce the plan developed under G.S. 115C-246. No pupil or employee shall be permitted to ride upon any school bus to which such pupil or employee has not been so assigned by the principal, superintendent or~~

1 superintendent's designee, except by the express direction of the principal-
2 superintendent or superintendent's designee.

3 (b) In the event that the superintendent ~~of any local school administrative unit~~
4 ~~shall assign or superintendent's designee assigns~~ a school bus to be used in the
5 transportation of pupils to two or more schools, the superintendent or
6 superintendent's designee shall ~~designate the number of~~ assign the pupils to be
7 transported to and from each ~~such~~ school by ~~such~~ that bus, and the principals of the
8 respective schools shall ~~assign pupils to such buses in accordance with such~~
9 ~~designation.~~ implement and enforce this assignment of pupils.

10 (c) Any pupil enrolled in any school, or the parent or guardian of any such pupil,
11 or the person standing in loco parentis to such pupil, may apply to the principal of
12 such school for transportation of such pupil to and from such school by school bus
13 for the regularly organized school day. ~~Upon application, the principal~~ The principal
14 shall deliver the application to the superintendent or superintendent's designee, who
15 shall assign a pupil to a school bus if the pupil is entitled to school bus transportation
16 under this Article and the rules of the State Board of Education. Such assignment
17 shall be made by the principal superintendent or superintendent's designee so as to
18 provide for the orderly, safe and efficient transportation of pupils to such school and
19 so as to promote the orderly and efficient administration of the school and the health,
20 safety and general welfare of the pupils to be so transported. Assignments of pupils
21 and employees to school buses may be changed by the ~~principal of the school~~
22 superintendent or superintendent's designee as he may from time to time find proper
23 for the safe and efficient transportation of such pupils and employees.

24 (d) The parent or guardian of any pupil enrolled in any school, or the person
25 standing in loco parentis to any such pupil, who shall apply ~~to the principal of such~~
26 ~~school~~ under subsection (c) of this section for the transportation of such pupil to and
27 from such school by school bus, may, if such application is denied, or if such pupil is
28 assigned to a school bus not satisfactory to such parent, guardian, or person standing
29 in loco parentis to such pupil, pursuant to rules and regulations established by the
30 local board of education, apply to such board for such transportation upon a school
31 bus designated in such application, and shall be entitled to a prompt and fair hearing
32 by such board in accordance with the rules and regulations established by it. The
33 majority of such board shall be a quorum for the purpose of holding such hearing
34 and passing upon such application, and the decision of the majority of the members
35 present at such hearing shall be the decision of the board. If, at such hearing, the
36 board shall find that pupil is entitled to be transported to and from such school upon
37 the school bus designated in such application, or if the board shall find that the
38 transportation of such pupil upon such bus to and from such school will be for the
39 best interests of such pupil, will not interfere with the proper administration of such
40 school, or with the safe and efficient transportation by school bus of other pupils
41 enrolled in such school and will not endanger the health or safety of the children
42 there enrolled, the board shall direct that such child be assigned to and transported to
43 such school upon such bus.

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

(f) No employee shall be assigned to or permitted to ride upon a school bus when to do so will result in the overcrowding of such bus or will prevent the assignment to such bus of a pupil entitled to ride thereon, or will otherwise, in the opinion of the ~~principal, superintendent or superintendent's designee~~, be detrimental to the comfort or safety of the pupils assigned to such bus, or to the safe, efficient and proper operation of such bus."

Section 4. G.S. 115C-245 reads as rewritten:

"§ 115C-245. School bus drivers; monitors; safety assistants.

(a) Each local board, which elects to operate a school bus transportation system, shall employ the necessary drivers for such school buses. The drivers shall have all qualifications prescribed by the regulations of the State Board of Education herein provided for and must be at least 18 years old and have at least six months driving experience as a licensed operator of a motor vehicle before employment as a regular or substitute driver, but the selection and employment of each driver shall be made by the local board of education, and the driver shall be the employee of such local school administrative unit. Each local board of education shall assign the bus drivers employed by it to the respective schools within the jurisdiction of such board, and the ~~principal of each such school~~ superintendent or superintendent's designee shall assign the drivers to the school buses to be driven by them. No school bus shall at any time be driven or operated by any person other than the bus driver assigned ~~by such principal~~ to such bus except by the express direction of ~~such principal~~ the superintendent or superintendent's designee or in accordance with rules and regulations of the appropriate local board of education.

(b) The driver of a school bus subject to the direction of the ~~principal~~ superintendent or superintendent's designee shall have complete authority over and responsibility for the operation of the bus and the maintaining of good order and conduct upon such bus, and shall report promptly to the principal any misconduct upon such bus or disregard or violation of the driver's instructions by any person riding upon such bus. The principal may take such action with reference to any such misconduct upon a school bus, or any violation of the instructions of the driver, as he might take if such misconduct or violation had occurred upon the grounds of the school.

(c) The driver of any school bus shall permit no person to ride upon such bus except pupils or school employees assigned thereto or persons permitted by the express direction of the ~~principal~~ superintendent or superintendent's designee to ride thereon.

(d) ~~The principal of a school, to which a school bus has been assigned, may, in his discretion, appoint a monitor for any bus so assigned to such school. The~~ superintendent or superintendent's designee may, in his discretion, appoint a monitor for any bus assigned to any school. It shall be the duty of such monitor, subject to

1 the direction of the driver of the bus, to preserve order upon the bus and do such
2 other things as may be appropriate for the safety of the pupils and employees
3 assigned to such bus while boarding such bus, alighting therefrom or being
4 transported thereon, and to require such pupils and employees to conform to the
5 rules and regulations established by the local board of education for the safety of
6 pupils and employees upon school buses. Such monitors shall be unpaid volunteers
7 who shall serve at the pleasure of the ~~principal~~ superintendent or superintendent's
8 designee.

9 (e) A local board of education may, in its discretion within funds available,
10 employ transportation safety assistants upon recommendation of the principal through
11 the superintendent. The safety assistants thus employed shall assist the bus drivers
12 with the safety, movement, management, and care of children boarding the bus,
13 leaving the bus, or being transported in it. The safety assistant should be either an
14 adult or a certified student driver who is available as a substitute bus driver."

15 Section 5. G.S. 115C-290.8 reads as rewritten:

16 "**§ 115C-290.8. Exemptions from requirements.**

17 (a) The requirements of this Article do not apply to a person who, at any time
18 during the five years preceding January 1, 1998, ~~(i) completed an administrative~~
19 ~~internship as part of an approved graduate program in school administration and~~
20 ~~obtained an active State administrator/supervisor certificate, (ii) was engaged in~~
21 ~~school administration while in possession of an active State administrator/supervisor~~
22 ~~certificate, or (iii) was employed in a North Carolina college or university as an~~
23 ~~instructor while in possession of an active State administrator/supervisor certificate~~
24 ~~and whose major responsibilities included the preparation or supervision of~~
25 ~~individuals enrolled in a public school administration program that meets the public~~
26 ~~school administrator program approval standards set by the State Board.~~ obtained a
27 State administrator/supervisor certificate.

28 (b) The State Board may adopt policies governing the requirements for the
29 certification of individuals who hold a certificate issued in any other state that
30 authorizes them to be employed as school administrators in that state. These policies
31 may exempt some or all of these individuals from the requirements of this Article.

32 (c) A person who is exempt from the requirements of this Article but applies to
33 the Standards Board under this Article shall be subject to the Article."

34 Section 6. G.S. 115C-174.21(b) reads as rewritten:

35 "(b) Competency Testing Program.

36 (1) The State Board of Education shall adopt tests or other
37 measurement devices which may be used to assure that graduates
38 of the public high schools and graduates of nonpublic schools
39 supervised by the State Board of Education pursuant to the
40 provisions of Part 1 of Article 39 of this Chapter possess the skills
41 and knowledge necessary to function independently and
42 successfully in assuming the responsibilities of citizenship.

43 (2) The tests shall be administered annually to all ~~tenth~~ ninth grade
44 students in the public schools. Students who fail to attain the

1 required minimum standard for graduation in the ~~tenth~~ ninth grade
2 shall be given remedial instruction and additional opportunities to
3 take the test up to and including the last month of the twelfth
4 grade. Students who fail to pass parts of the test shall be retested
5 on only those parts they fail. Students in the ~~tenth~~ ninth grade who
6 are enrolled in special education programs or who have been
7 officially designated as eligible for participation in such programs
8 may be excluded from the testing programs.

9 (3) The State Board of Education may develop and validate alternate
10 means and standards for demonstrating minimum competence.
11 These standards, which must be more difficult than the tests
12 adopted pursuant to subdivision (1) of this subsection, may be
13 passed by students in lieu of the testing requirement of subdivision
14 (2) of this subsection.

15 (4) Repealed by Session Laws 1996, Second Extra Session, c. 18, s.
16 18.14."

17 Section 7. This act is effective when it becomes law.

EXPLANATION OF SB 1125 MISCELLANEOUS EDUCATION CHANGES

SECTION 1: This section amends G.S. 102.5(b) to substitute President Pro Tempore for President of the Senate as the person who appoints one of the cochairs of the School Technology Commission. Currently, this statute directs the President Pro Tem to appoint six members and the President to appoint a cochair from one of these six.

SECTION 2: This section amends G.S. 115C-105.36(b) to require local boards to make ABC's bonuses to teachers and teacher assistants within 30 days of the boards' receipt of the funds. It also deletes the authority for the teachers and teacher assistants to develop and vote on a plan to use the funds for any other lawful purpose.

SECTIONS 3 & 4: G.S. 115C-244 and G.S. 115C-245 are amended to clarify that the superintendent or superintendent's designee develops the bus assignment plan.

SECTION 5: This section amends G.S. 115C-290.8, which provides the exemptions from the new school administrator exam that went into effect this past January. Since January 1, 1998, current law requires school administrators from other states to take the exam if they want to receive school administrator certification here. Current law also requires individuals who may have received a State administrator/supervisor certificate within the five years before January 1, 1998, but who were not engaged in the business of school administration, to take this exam. At this time, only a few other states are using this exam as a requirement for school administrator certification; however, it is predicted that this will be a rapidly growing trend. Section 5 would exempt from the exam those individuals who obtained a State administrator/supervisor at any time during the five years preceding January 1, 1998, even if they were not engaged in school administration during those years. It also would direct the State Board to adopt policies governing the requirements for certification of out-of-state school administrators.

SECTION 6: This section would amend G.S. 115C-174.11(b) to move the competency test from tenth to ninth grade. Currently, the eighth grade end-of-grade tests are used to identify which students will be required to pass the competency test. Students who fail the competency test are required to receive remedial instruction and additional opportunities to take and pass the exam, up to and including the last month of 12th grade. Many school systems offer early remediation to students who will be required to take the exam; however, some wait until the students take and fail the exam in 10th grade. By moving the exam to ninth grade, there will be an additional year to offer remediation to students who fail the exam.

The bill would take effect when it becomes law.

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

ATTACHMENT 1

(Please type or use ballpoint pen)

EDITION No. 1

H. B. No. _____

S. B. No. 1125

COMMITTEE SUBSTITUTE _____

DATE July 29, 1998

Amendment No. _____

(to be filled in by
Principal Clerk)Rep.) Winner
Sen.) _____1 moves to amend the bill on page 1, lines 2-42 ☒ WHICH CHANGES THE TITLE3 by rewriting the lines to read:4 "AN ACT TO AMEND VARIOUS
5 EDUCATION LAWS."

6 _____

7 _____

8 _____

9 _____

10 _____

11 _____

12 _____

13 _____

14 _____

15 _____

16 _____

17 _____

18 _____

19 _____

SIGNED Debbie WinnieADOPTED ☒ FAILED _____ TABLED _____



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 1125

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

S1125-ARH-003

Date July 29, 1998

Comm. Sub. [☐
Amends Title [☐

Senator Lucas

1 moves to amend the bill on page 5, line 26,
2 by inserting after the word "obtained" the phrase "or renewed".
3

SIGNED Joanne Lucas
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED ✓ FAILED _____ TABLED _____



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 1125

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)
Page 1 of 3

S1125-ARH-005

Date July 29, 1998

Comm. Sub. []
Amends Title []

Senator Winner

- 1 moves to amend the bill on page 6, lines 16-17,
- 2 by inserting between the line the following new sections:
- 3 "Section 7. G.S. 115C-391(d1) reads as rewritten:
- 4 '(d1) ~~A local board of education shall~~ The superintendent shall,
- 5 upon recommendation of the principal, suspend for 365 days any
- 6 student who brings a weapon, as defined in G.S. 14-269.2(b) and G.S.
- 7 14-269.2(g), onto school property. The local board of education upon
- 8 recommendation by the superintendent may modify this suspension
- 9 requirement on a case-by-case basis that includes, but is not
- 10 limited to, the procedures established for the discipline of
- 11 students with disabilities and may also provide, or contract for the
- 12 provision of, educational services to any student suspended pursuant
- 13 to this subsection in an alternative school setting or in another
- 14 setting that provides educational and other services.'
- 15 Section 8. G.S. 115C-391(d2) reads as rewritten:
- 16 '(d2) (1) ~~A local board of education shall~~ The superintendent
- 17 shall, upon recommendation of the principal, remove to
- 18 an alternative educational setting, as provided in
- 19 subdivision (4) of this subsection, any student who is
- 20 at least 13 and who physically assaults and seriously
- 21 injures a teacher or other school personnel. If no
- 22 appropriate alternative educational setting is
- 23 available, then the ~~board shall~~ superintendent shall,
- 24 upon recommendation of the principal, suspend for no
- 25 less than 300 days but no more than 365 days any
- 26 student who is at least 13 and who physically assaults
- 27 and seriously injures a teacher or other school
- 28 personnel.
- 29 (2) ~~A local board of education may~~ The superintendent may,
- 30 upon recommendation of the principal, remove to an
- 31 alternative educational setting any student who is at
- 32 least 13 and who does one of the following:
- 33 a. Physically assaults a teacher or other adult who
- 34 is not a student.



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 1125

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

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Page 2 of 3

- 1 b. Physically assaults another student if the
2 assault is witnessed by school personnel.
3 c. Physically assaults and seriously injures another
4 student.
5 If no appropriate alternative educational setting is available,
6 then the ~~board may~~ superintendent may, upon recommendation of the
7 principal, suspend this student for up to 365 days.
8 (3) For purposes of this subsection, the conduct leading
9 to suspension or removal to an alternative educational
10 setting must occur on school property or at a school-
11 sponsored or school-related activity on or off school
12 property. This subsection shall not apply when the
13 student who is subject to suspension or removal was
14 acting in self-defense. If a teacher is assaulted or
15 injured and as a result a student is suspended or
16 removed to an alternative educational setting under
17 this subsection, then the student shall not be
18 returned to that teacher's classroom unless the
19 teacher consents. If a student is suspended under this
20 subsection, the board may assign the student to an
21 alternative educational setting upon the expiration of
22 the period of suspension.
23 (4) If the ~~local board~~ superintendent removes the student
24 to an alternative educational setting, as provided in
25 subdivision (1) of this subsection, and the conduct
26 leading to the removal occurred on or before the
27 ninetieth school day, the board shall remove the
28 student to that setting for the remainder of the
29 current school year and the first 90 school days in
30 the following school year. If the ~~board~~ superintendent
31 chooses to remove the student to an alternative
32 educational setting, as provided in subdivision (1) of
33 this subsection, and the conduct leading to the
34 removal occurred after the ninetieth school day, the
35 board shall remove the student to that setting for the
36 remainder of the current school year and for the
37 entire subsequent school year. Notwithstanding these
38 requirements, the ~~local board~~ superintendent may
39 authorize a shorter or longer length of time a student
40 must remain in an alternative educational setting if
41 the ~~board~~ superintendent finds this would be more
42 appropriate based upon the recommendations of the
43 principals of the alternative school and the school to
44 which the student will return.'

45 Section 9. G.S. 115C-391(e) reads as rewritten:



NORTH CAROLINA GENERAL ASSEMBLY
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1 '(e) A decision of a local board superintendent under subsection
2 (c), ~~(d)~~, (d1), or (d2) of this section may be appealed to the
3 local board of education. A decision of the local board upon this
4 appeal or of the local board under subsection (d) of this section
5 is final and, except as provided in this subsection, is subject to
6 judicial review in accordance with Article 4 of Chapter 150B of the
7 General Statutes. A person seeking judicial review shall file a
8 petition in the superior court of the county where the local board
9 made its decision.'

10 Section 10. G.S. 115C-105.47 is amended by adding the
11 following new subsection:

12 '(d) Nothing in this section shall create a right for a
13 student to be identified or assessed or to receive special services.
14 Local school administrative units, local boards of education,
15 superintendents, and school personnel shall not be liable in a civil
16 action for failure to develop a plan under this section, to address
17 adequately all issues in a plan developed under this section, or to
18 implement effectively a plan developed under this section.'

19 Section 11. G.S. 115C-276(r) reads as rewritten:

20 '(r) To Maintain Student Discipline. -- The superintendent shall
21 maintain student discipline in accordance with Article 27 of this
22 Chapter and shall keep data on each student suspended for more than
23 10 days or expelled. This data shall include the race, gender, and
24 age of each student, the duration of suspension for each student,
25 whether an alternative education was considered or provided for each
26 student, and whether a student had multiple suspensions.'';

27
28 and by renumbering the remaining section accordingly.

SIGNED Leslie Winne
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED ✓

FAILED _____

TABLED _____



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 1125

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)
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S1125-ARC-001

Date July 29, 1998

Comm. Sub. []
Amends Title []

Senator Martin

- 1 moves to amend the bill on 5, lines 43-44, through page 6, line 4,
2 by rewriting the lines to read as follows:
3 "(2) The tests shall be administered annually to all ~~tenth~~
4 ninth grade students in the public schools. Ninth
5 grade students who fail to attain the required minimum
6 standard for graduation shall be given a second
7 opportunity during the ninth grade to take the test.
8 Students who fail to attain the required minimum
9 standard for graduation in the ~~tenth~~ ninth grade shall
10 be given remedial ~~instruction~~ assistance reasonably
11 calculated to prepare the students to pass the test
12 and ~~additional~~ at least two opportunities annually to
13 take the test up to and including the last month of
14 the twelfth grade. Students who have not passed the
15 test prior to the last month of the twelfth grade
16 shall be provided remedial assistance reasonably
17 calculated to prepare the students to pass the test
18 and also shall be provided two additional
19 opportunities to take the test during the summer
20 following the twelfth grade. Students who have met
21 all other conditions of graduation and who pass the
22 test during the summer after the twelfth grade shall
23 be awarded a diploma by the local board. Students who
24 fail to pass parts of the test shall be retested";
25
26 and on page 6, by rewriting line 17 to read:
27 "Section 7. G.S. 115C-74.11(c) reads as rewritten:
28 '(c) Annual Testing Program.



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
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Principal Clerk)

S1125-ARC-001

Page 2 of 2

- 1 (1) The State Board of Education shall adopt a system of
2 annual testing for grades three through 12. These
3 tests shall be designed to measure progress toward
4 reading, communication skills, and mathematics for
5 grades three through eight, and toward competencies
6 designated by the State Board for grades nine through
7 12. Students who do not pass the tests adopted for
8 eighth grade shall be provided remedial assistance
9 during the ninth grade reasonably calculated to
10 prepare the students to pass the competency test
11 administered under subsection (b) of this section.
12 (2) If the State Board of Education finds that additional
13 testing in grades three through 12 is desirable to
14 allow comparisons with national indicators of student
15 achievement, that testing shall be conducted with the
16 smallest size sample of students necessary to assure
17 valid comparisons with other states.'
18 Section 8. This act is effective when it becomes law."
19

SIGNED W. J. [Signature]
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED ✓

FAILED _____

TABLED _____



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 1125

AMENDMENT NO. _____
(to be filled in by
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S1125-ARC-004.1

Date July 29, 1998

Comm. Sub. []
Amends Title []

Senator Winner

1 moves to amend the bill on page 6, line 17,
2 by rewriting the line to read:
3 "Section 7. G.S. 115C-287.1(b) reads as rewritten:
4 '(b) Local boards of education shall employ school administrators
5 who are ineligible for career status as provided by in G.S. 115C-
6 325(c)(3), upon the recommendation of the superintendent. All
7 contracts between ~~the~~ a school administrator and ~~the~~ a local board
8 of education shall be for two to four years, ending on June 30 of
9 the final 12 months of the contract. In the case of an initial
10 contract between a school administrator and a local board of
11 education, the first year of the contract may be for a period of
12 less than 12 months provided the contract becomes effective on or
13 before September 1. The A local board of education may, with the
14 written consent of the a school administrator, extend, renew, or
15 offer a new school administrator's contract at any time after the
16 first 12 months of the contract so long as the term of the new,
17 renewed, or extended contract does not exceed four years. Rolling
18 annual contract renewals are not allowed. Nothing in this section
19 shall be construed to prohibit the filling of an administrative
20 position on an interim or temporary basis.'
21 Section 8. This act is effective when it becomes law.
22 Section 7 applies to contracts entered into on or after that date."
23

SIGNED Leslie Winner
Amendment Sponsor

SIGNED _____



NORTH CAROLINA GENERAL ASSEMBLY
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Senate Bill 1125

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Committee Chair if Senate Committee Amendment

ADOPTED ✓ FAILED _____ TABLED _____



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Principal Clerk)
Page 1 of 2

S1125-ARC-003

Date July 29, 1998

Comm. Sub. []
Amends Title []

Senator Rucho

1 moves to amend the bill on page 6, line 17,
2 by rewriting the line to read:
3 "Section 7. G.S. 115C-333(b) reads are rewritten:
4 '(b) Action Plans. --
5 (1) If a certified employee in a low-performing school
6 receives an unsatisfactory or below standard rating on
7 any function of the evaluation that is related to the
8 employee's instructional duties, the individual or
9 team that conducted the evaluation shall recommend to
10 the superintendent that: (i) the employee receive an
11 action plan designed to improve the employee's
12 performance; or (ii) the superintendent recommend to
13 the local board that the employee be dismissed or
14 demoted. The superintendent shall determine whether
15 to develop an action plan or to recommend a dismissal
16 proceeding. Action plans shall be developed by the
17 person who evaluated the employee or the employee's
18 supervisor unless the evaluation was conducted by an
19 assistance team or an assessment team. If the
20 evaluation was conducted by an assistance team or an
21 assessment team, that team shall develop the action
22 plan in collaboration with the employee's supervisor.
23 Action plans shall be designed to be completed within
24 90 instructional days or before the beginning of the
25 next school year. The State Board shall develop
26 guidelines that include strategies to assist local
27 boards in evaluating certified employees and
28 developing effective action plans within the time



NORTH CAROLINA GENERAL ASSEMBLY
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S1125-ARC-003

1 allotted under this section. Local boards may adopt
2 policies for the development and implementation of
3 action plans or professional development plans for
4 employees who do not require action plans under this
5 section.
6 (2) Local boards shall adopt policies to require action
7 plans for all certified employees who receive a below
8 standard or unsatisfactory rating on an evaluation.';
9 Section 8. This act is effective when it becomes law."
10
11

SIGNED Robert A. Rucho
Amendment Sponsor /Res

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED ✓ FAILED _____ TABLED _____

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

EDITION No. _____

H. B. No. _____

S. B. No. _____

COMMITTEE SUBSTITUTE _____

DATE July 29, 1998

Amendment No. _____

(to be filled in by
Principal Clerk)

Rep.) Winner

Sen.) amend

1 moves to amend the bill on page 2, line 8

2 () WHICH CHANGES THE TITLE

3 by deleting the word "evaluation." and

4 inserting

5 "evaluation in the event the

6 total board does not recommend

7 superintendent

8 dismissal, demotion, or non-

9 renewal." of a probation

10

11

12

13

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15

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19

SIGNED [Signature]

ADOPTED ✓ FAILED _____ TABLED _____



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 1125

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)
Page 1 of 2

S1125-ARH-002.1

Date July 29, 1998

Comm. Sub. []
Amends Title []

Senator Allran

1 moves to amend the bill on page 6, lines 16-17, by inserting between
2 the lines the following:
3 "Section 7. G.S. 115C-403(b) reads as rewritten:
4 '(b) When any child transfers from one school system to
5 another school system, the receiving school shall, within 30 days of
6 the child's enrollment, obtain the child's record from the school
7 from which the child is transferring. If the child's parent,
8 custodian, or guardian provides a copy of the child's record from
9 the school from which the child is transferring, the receiving
10 school shall, within 30 days of the child's enrollment, request
11 written verification of the school record by contacting the school
12 or institution named on the transferring child's record. Upon
13 receipt of a request, the principal or the principal's designee of
14 the school from which the child is transferring shall not withhold
15 the record or verification for any reason, except as is authorized
16 under the Family Educational Rights and and Privacy Act. Any
17 information received indicating that the transferring child is a
18 missing child shall be reported to the North Carolina Center for
19 Missing Persons.'
20 Section 8. G.S. 115C-288 is amended by adding the
21 following new subsection:
22 '(i) To Transfer Student Records. -- The principal shall
23 not withhold the transfer of student records, except as is provided
24 in G.S. 115C-403(b).'";



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AMENDMENT
Senate Bill 1125

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(to be filled in by
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S1125-ARH-002.1

1
2 and by renumbering the remaining section accordingly.

SIGNED Austin Allan
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED ✓ FAILED _____ TABLED _____



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 1125

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

S1125-ARH-001.2

Date July 29, 1998

Comm. Sub. []
Amends Title []

Senator Allran

- 1 moves to amend the bill on page 6, lines 16-17, by inserting between
2 the lines the following:
3 "Section 7. G.S. 115C-248(a) reads as rewritten:
4 '(a) The superintendent of each local school administrative
5 unit, shall cause each school bus owned or operated by such local
6 school administrative unit to be inspected at least once each 30 38
7 days during the school year for mechanical defects, or other defects
8 which may affect the safe operation of such bus. A report of such
9 inspection, together with the recommendations of the person making
10 the inspection, shall be filed promptly in the office of the
11 superintendent of such local school administrative unit, and a copy
12 thereof shall be forwarded to the principal of the school to which
13 such bus is assigned.'";
14
15 and by renumbering the remaining section accordingly.

SIGNED Arthur Allran
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED ✓

FAILED _____

TABLED _____

**NORTH CAROLINA GENERAL ASSEMBLY
SENATE**

EDUCATION/HIGHER EDUCATION COMMITTEE REPORT

Senator Howard Lee, Co-Chair
Senator Leslie Winner, Co-Chair

Monday, August 03, 1998

SENATOR LEE,
submits the following with recommendations as to passage:

UNFAVORABLE AS TO BILL, BUT FAVORABLE AS TO C.S. BILL

S.B. 1125	Misc. Education Changes
	Draft Number: PCS 9515
	Sequential Referral: None
	Recommended Referral: None
	Long Title Amended: Yes

TOTAL REPORTED: 1

Committee Clerk Comment:

VISITOR REGISTRATION SHEET

Senate Education / Higher Ed

Name of Committee

7/29/98

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME _____

FIRM OR AGENCY AND ADDRESS

NIRALI PATEL

Gov.'s Office

Cann Beilam

SBE

Harriet Diel

NCAE

Bill Wilson

NOTE

SENATE COMMITTEE
ON EDUCATION/HIGHER EDUCATION

Wednesday, August 5, 1998

MINUTES

The Senate Committee on Education/Higher Education met on Wednesday, August 5, 1998, at 10:00 A.M. in Room 414 of the Legislative Office Building. Sixteen of the members of the Committee attended the meeting, including the Co-Chair, Senator Winner, who presided. Pages were Cory Ford of Raleigh and Morgan Crowe of Calypso.

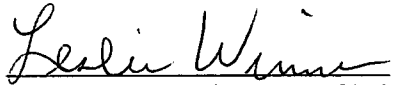
HB 1371 Public School Purchasing Flexibility

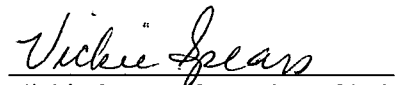
Representative Yongue presented and explained HB 1371 to the Committee. Senator Dalton sent forth an amendment and after considerable discussion, it carried. Senator Cochrane made a motion for a favorable report and the amendment was rolled into a committee substitute. The Committee voted unfavorable as to original bill but favorable as to the committee substitute.

HB1487 Extra Duties/New Teachers

Representative Arnold presented and explained HB1487 to the Committee. The Committee decided to postpone voting on this bill in order to make the changes discussed by the committee in the form of a committee substitute.

The Committee was adjourned at 11:08 a.m.


Senator Leslie Winner, Co-Chair


Vickie Spears, Committee Clerk

EDUCATION/HIGHER EDUCATION

AGENDA

August 5, 1998

HB 1477	ABCs Plan for DHHS Schools	Rep. Arnold
HB 1371	Public Sch. Purchasing Flexibility	Rep. Yongue
HB 1478	Encourage Year-Round School	Rep. Arnold
HB 1487	Extra Duties/New Teachers	Rep. Arnold



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(919) 733-2578

To: Senators Lee and Winner, Coauthors, Senate Education/Higher Education Committee
From: Sara Kamprath, Legislative Analyst
Date: August 3, 1998
Re: **HB 1371 - Public School Purchasing Flexibility**

Background: In 1996, the General Assembly passed legislation directing the State Board of Education to develop a purchasing flexibility pilot program to be implemented in 12 local school administrative units. Those local school units would be allowed to purchase equipment, materials and supplies off the State term contracts if they could find the same item for less than the term contract price, including the cost of delivery, and the cost did not exceed the bid level benchmark. The local school units had to document in writing the cost savings and provide an itemized, annual report to the State Board regarding those savings. The State Board was directed to provide the itemized reports to the Department of Administration. The State Board was authorized to expand the pilot program to additional local school administrative units if it found the pilot program was effective, efficient, and in the best interests of the public schools.

In 1997, the General Assembly raised the bid level benchmark from \$10,000 to no more than \$25,000. Local school administrative units may apply to the Department of Administration to have their benchmark raised.

In 1997, the State Board reported to the Joint Legislative Education Oversight Committee that the pilot programs had been a success and that it recommended expanding the program to all local school administrative units. The State Board also recommended certain changes in the documentation and reporting process. The Department of Administration concurred in the proposed changes.

Section 1 amends G.S. 115C-522.1 by repealing subsection (a) which created the pilot program. It amends subsection (b) to provide that all local school administrative units have the purchasing flexibility. Under the revised law, a local school administrative unit may purchase supplies, equipment, and materials from noncertified sources if the local school unit can find the same item for less, including the cost of delivery, and the cost of the purchase does not exceed the bid level benchmark. The school administrative unit must retain written documentation of the cost savings, but is not required to submit itemized reports to the Department of Administration. Subsection (d) is amended to delete the State Board's duty to submit itemized reports to the Department of Administration. Instead, the Department may request the documentation directly from the local school administrative unit.

Sections 2 and 3 contain conforming changes.

The act would be effective upon becoming law.
H1371-SMRJ-002

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 1371*

Short Title: Pub. Sch. Purchasing Flexibility.

(Public)

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

Referred to: Education.

May 21, 1998

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

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

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

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

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

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

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

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

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

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



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 1371

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

H1371-ALE-01

Date _____, 1998

Comm. Sub. []
Amends Title []

Senator _____

- 1 moves to amend the bill on page 1, line 20,
2 by inserting after the word "same" the language "or substantially
3 equivalent in specifications"; and
4
5
6 on page 2, lines 3-9, by rewriting the lines to read:
7 "(2) The cost of the purchase shall not exceed the bid
8 value benchmark established under G.S. 143-53.1;
9 (3) The local school administrative unit ~~documents in~~
10 ~~writing maintains written documentation of~~ the cost
11 savings; and
12 ~~(4) The local school administrative unit shall provide~~
13 ~~annually by August 15 an itemized report of the cost~~
14 ~~savings to the State Board of Education.~~
15 (5) The local school administrative unit notifies the
16 Department of Administration of any purchases of items
17 it made that are substantially equivalent to and not
18 the same as items under State term contracts."
19
20

SIGNED *Harmon H. Aiken*
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 1487

Short Title: Extra Duties/New Teachers.

(Public)

Sponsors: Representatives Arnold; Preston and Sexton.

Referred to: Education.

May 25, 1998

1 A BILL TO BE ENTITLED

2 AN ACT TO IMPLEMENT THE RECOMMENDATION OF THE LEGISLATIVE
3 STUDY COMMISSION ON PUBLIC SCHOOLS TO DIRECT THE STATE
4 BOARD OF EDUCATION TO ADOPT RULES PRESCRIBING THE
5 EXTRACURRICULAR DUTIES ASSIGNED TO FIRST-YEAR TEACHERS.

6 The General Assembly of North Carolina enacts:

7 Section 1. The State Board of Education shall adopt rules prescribing the
8 type and number of extracurricular duties assigned to first-year teachers beginning
9 with the 1998-99 school year. It is strongly recommended that new teachers be given
10 no extracurricular duty in order to have an opportunity to develop into skilled
11 professionals.

12 Section 2. The State Board of Education shall report to the Legislative
13 Study Commission on Public Schools prior to October 1, 1998, on its progress in
14 implementing this act.

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

VISITOR REGISTRATION SHEET

SENATE EDUCATION/HIGHER EDUCATION COMMITTEE

August 5, 1998

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Ed Regan	N.C.A.C.C.
Jim Blackburn	NC Association of County Commissioners
Josh Kist	NCFR
Ed Little	PTC
John Hearsh	PTC
Martha Glass	DOR
Clifton McTeer	UNC GA
John Wilson	NCAE
Mark W. D.	NCAE
R. Paul Williams	NCHBA
Kyle Amentvank	NC Senate
Maria Lundberg	UNC-TV

VISITOR REGISTRATION SHEET

SENATE EDUCATION/HIGHER EDUCATION COMMITTEE

August 5, 1998

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Ann Belam	SBE
Randy M. Loh	SBE
Peter Lousier	DMHS
Loanne Nunn	NCSBA
SUDAN HARRISON	WCPS
Glenn Morris	Public School System of OK
Gerran Brackham	EGHS
Ann L. Edwards	Christian Union Comm. Pub. Sch. C
Linda Johnson	FRD
Suzanne Williams	NCC
Billy Watkins	Granville Chamber of Commerce

**NORTH CAROLINA GENERAL ASSEMBLY
SENATE**

EDUCATION/HIGHER EDUCATION COMMITTEE REPORT

Sen. Leslie Winner, Co-Chair

Sen. Howard Lee, Co-Chair

Wednesday, August 5, 1998

SEN. WINNER,

submits the following with recommendations as to passage:

UNFAVORABLE AS TO BILL, BUT FAVORABLE AS TO SENATE C.S. BILL

H.B. 1371

Pub. Sch. Purchasing Flexibility

Draft Number: PCS2409

Sequential Referral: None

Recommended Referral: None

Long Title Amended: No

TOTAL REPORTED: 1

Committee Clerk Comment:

Sen. Winner to sign.

**SENATE COMMITTEE
EDUCATION/HIGHER EDUCATION**

**Wednesday, August 19, 1998
10:00 a.m.
Room 414, Legislative Office Building**

MINUTES

The Senate Committee on Education/Higher Education met on Wednesday, August 19, 1998 at 10:00 a.m. in Room 414 of the Legislative Office Building. Fifteen members were in attendance. Representative Gene Arnold, bill sponsor, was welcomed as bill sponsor to introduce and explain the House bills on the agenda.

Senator Howard Lee presided and called the meeting to order at 10:09 a.m.

HB 1477 ABC's Plan for DHHS Schools.

Representative Arnold introduced and explained HB 1477. (Bill summary/Attachment 1) Representative Arnold noted that all funding has been removed from this bill and placed in the budget bill, currently being discussed in the budget committee. Much of the proposed legislation in this bill came following the Public Schools Commission tours to DHHS schools. These Commission toured facilities throughout the state during the 1997-98 interim. The newly established policy proposal applies to each DHHS school. This policy changes were initially carried out within the schools for the blind and hard of hearing. In addition, other changes are in the process of completion subsequent to the Commission's tour and recommendations. Other anticipated modifications and changes are on the projected schedule as to time frame for implementation. Senator Jeanne Lucas made a motion for an amendment. (Attachment 2) The amendment passed.

After committee discussion, Peter Leousis, Assistant Secretary for Human Services, further commented about upcoming revisions to policy for DHHS schools. Mr. Leousis noted that his role includes serving as superintendent of schools for the DHHS. Senator Lee, joined by Representative Arnold, commended the department, Secretary Bruton and Mr. Leousis for their moving forward in response to the concerns of the Public School Commission.

Senator Winner sent forth an amendment (Attachment 3) and moved for adoption. The amendment passed. Senator John Garwood made the motion for approval of the bill as amended, and rolled into a committee substitute, and unfavorable as to the original bill. The motion carried as unfavorable as to original bill, but favorable as to the committee substitute bill. (Committee report/Attachment 4)

Senator Lee, presiding co-chair, again commended Mr. Leousis for putting the schools "on the road" and also commended Representative Arnold for his hard work on behalf of these schools, students attending them and their parents.

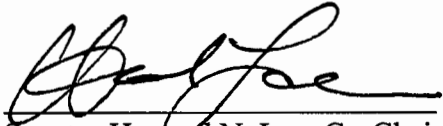
HB 1478 Encourage Year-Round Schools.

Representative Arnold introduced and explained HB 1478. Senator Bob Rucho moved to adopt the proposed committee substitute. (Attachment 5) The committee voted in favor of this committee substitute. Senator Rucho moved for a favorable report as to committee substitute bill but unfavorable as to original bill. The motion carried unanimously. (Committee report/Attachment 6)

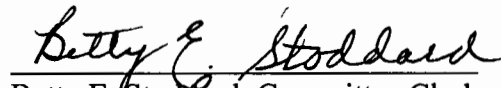
HB 1487 Extra Duties/New Teachers.

Representative Arnold explained that the Department of Public Instruction was working on this particular area, and consequently no legislation is needed.

The committee adjourned at 10:57 a.m.



Senator Howard N. Lee, Co-Chair



Betty E. Stoddard, Committee Clerk

SENATE EDUCATION/HIGHER EDUCATION COMMITTEE

AGENDA

**August 19, 1998
Wednesday**

**10 a.m
Room 414**

CALL TO ORDER

Senator Lee presiding

BILLS TO BE CONSIDERED

HB 1477	ABC's Plan for DHHS Schools.	Rep. Arnold
HB 1478	Encourage Year-Round Schools.	Rep. Arnold
HB 1487	Extra Duties/New Teachers.	Rep. Arnold

ADJOURNMENT

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

3

HOUSE BILL 1477*
Committee Substitute Favorable 7/1/98
Committee Substitute #2 Favorable 7/23/98

Short Title: ABC's Plan for DHHS Schools.

(Public)

Sponsors:

Referred to:

May 25, 1998

1 A BILL TO BE ENTITLED
2 AN ACT TO IMPLEMENT THE RECOMMENDATIONS OF THE LEGISLATIVE
3 COMMISSION ON PUBLIC SCHOOLS TO MAKE CHANGES IN LAWS,
4 POLICIES, AND ADMINISTRATION TO IMPROVE THE QUALITY OF
5 EDUCATION AND SAFETY IN THE STATE RESIDENTIAL SCHOOLS, TO
6 IMPLEMENT THE ABC'S PROGRAM IN THE RESIDENTIAL SCHOOLS, TO
7 AUTHORIZE STUDIES OF ISSUES OF CONCERN TO BLIND AND DEAF
8 STUDENTS, TO REQUIRE AN AUDIT OF THE DIVISION OF SERVICES
9 FOR THE DEAF AND HARD OF HEARING, TO REQUIRE THE
10 DEVELOPMENT OF A THREE-YEAR PLAN TO ADDRESS THE CAPITAL
11 NEEDS OF THE GOVERNOR MOREHEAD SCHOOL AND THE THREE
12 STATE SCHOOLS FOR THE DEAF, AND TO MAKE APPROPRIATIONS TO
13 IMPLEMENT THIS ACT.
14 The General Assembly of North Carolina enacts:
15 Section 1. The Secretary of Health and Human Services shall make
16 changes in the structure and functions of the State residential schools with a view to
17 improving student performance, increasing flexibility and control, and promoting
18 economy and efficiency. The Secretary shall begin with the Governor Morehead
19 School and the three schools for the deaf. The Secretary may, in his discretion, make
20 changes in the structure and functions of the other residential schools. In carrying
21 out the changes, the Secretary shall consider ways to reorder priorities and place
22 greater emphasis on the basics - reading, communication skills, and mathematics - in

1 the areas of staff development, the State testing program, program accreditation, the
2 use of instructional funds, the instructional program, and other components of the
3 education program offered at the residential schools. The Secretary also shall
4 consider the impact the changes will have on the mission of the State's residential
5 schools and the mission of the Department of Health and Human Services as it
6 pertains to the residential schools.

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

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

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

40 The Secretary shall report to the Legislative Commission on Public
41 Schools and to the cochairs of the Appropriation Subcommittee on Health and
42 Human Services of the Senate and the House of Representatives by December 15,
43 1998, on the reduction, elimination, and/or reorganization plan it develops.

1 Section 3. The Secretary of Health and Human Services shall consult
2 with the State Board of Education in its implementation of this act as it pertains to
3 improving the educational programs at the residential schools. The Secretary also
4 shall fully inform and consult with the chairs of the Appropriation Subcommittees on
5 Education and Health and Human Services of the Senate and the House of
6 Representatives on a regular basis as the Secretary carries out his duties under this
7 act.

8 Section 4. If funds are appropriated to the Department of Health and
9 Human Services in the Current Operations Appropriations and Capital Improvement
10 Appropriations Act of 1998 to implement this act, then of these funds the sum of
11 three hundred thousand dollars (\$300,000) for the 1998-99 fiscal year shall be used to
12 contract for outside consultants and assistance to assist the Secretary in carrying out
13 his duties under this act. The Office of State Budget and Management, the State
14 Auditor, and other appropriate State agencies also shall provide consultation as
15 requested by the Secretary as needed to develop the plans set out in this act.

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

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

19 "§ 143B-146.1. Mission of schools; definitions.

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

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

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

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

27 (3) Instructional personnel. -- Principals, assistant principals, teachers,
28 instructional personnel, instructional support personnel, and
29 teacher assistants employed in a residential school.

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

32 (5) Residential school personnel. -- The individuals included in G.S.
33 143B-146.16(a)(2).

34 (6) Schools. -- The residential schools under the control of the
35 Secretary.

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

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

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

40 "§ 143B-146.2. ABC's Program in residential schools.

41 (a) The Governor Morehead School and the three schools for the deaf shall
42 participate in the ABC's Program. The Secretary, in consultation with the General
43 Assembly and the State Board, may designate other residential schools that must
44 participate in the ABC's Program. The primary goal of the ABC's Program is to

1 improve student performance. The Program is based upon an accountability,
2 recognition, assistance, and intervention process in order to hold each participating
3 school, its superintendent, and the instructional personnel accountable for improved
4 student performance in that school.

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

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

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

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

17 (4) Enable assistance teams to make appropriate recommendations.

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

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

23 **"§ 143B-146.3. Annual performance goals.**

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

32 **"§ 143B-146.4. Performance recognition.**

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

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

41 (1) Awards to the personnel; or

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

- a. Developed and voted on by the superintendent and instructional personnel in the same manner that a school improvement plan is approved under G.S. 143B-146.12;
- b. Approved by a majority of the personnel who vote on the plan; and
- c. Submitted to and approved by the Secretary.

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

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

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

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

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

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

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

- (1) Review and investigate all facets of school operations, including instructional and residential, and assist in developing recommendations for improving student performance at that school.
- (2) Evaluate at least semiannually the superintendent and instructional personnel assigned to the school and make findings and recommendations concerning their performance.
- (3) Collaborate with school staff, the Department, and the Secretary in the design, implementation, and monitoring of a plan that, if fully implemented, can reasonably be expected to alleviate problems and improve student performance at that school.
- (4) Make recommendations as the school develops and implements this plan.
- (5) Review the school's progress.

(6) Report, as appropriate, to the Secretary, the State Board, and the parents on the school's progress. If an assistance team determines that an accepted school improvement plan developed under G.S. 143B-146.12 is impeding student performance at a school, the team may recommend to the Secretary that he vacate the relevant portions of that plan and direct the school to revise those portions.

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

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

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

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

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

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

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

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

"§ 143B-146.8. Evaluation of certificated personnel and superintendents; action plans; State Board notification.

(a) Annual Evaluations; Low-Performing Schools. -- The superintendent shall evaluate at least once each year all certificated personnel assigned to a participating school that has been identified as low-performing but has not received an assistance

1 team. The evaluation shall occur early enough during the school year to provide
2 adequate time for the development and implementation of an action plan if one is
3 recommended under subsection (b) of this section. If the employee is a teacher as
4 defined under G.S. 115C-325(a)(6), either the principal or an assessment team
5 assigned under G.S. 143B-146.9 shall conduct the evaluation. If the employee is a
6 school administrator as defined under G.S. 115C-287.1(a)(3), the superintendent shall
7 conduct the evaluation.

8 Notwithstanding this subsection or any other law, the principal shall observe at
9 least three times annually, a teacher shall observe at least once annually, and the
10 principal shall evaluate at least once annually, all teachers who have not attained
11 career status. All other employees defined as teachers under G.S. 115C-325(a)(6)
12 who are assigned to participating schools that are not designated as low-performing
13 shall be evaluated annually unless the Secretary adopts rules that allow specified
14 categories of teachers with career status to be evaluated more or less frequently. The
15 Secretary also may adopt rules requiring the annual evaluation of noncertificated
16 personnel. This section shall not be construed to limit the duties and authority of an
17 assistance team assigned to a low-performing school.

18 The Secretary shall use the State Board's performance standards and criteria
19 unless the Secretary develops an alternative evaluation that is properly validated and
20 that includes standards and criteria similar to those adopted by the State Board. All
21 other provisions of this section shall apply if an evaluation is used other than one
22 adopted by the State Board.

23 (b) Action Plans. -- If a certificated employee receives an unsatisfactory or below
24 standard rating on any function of the evaluation that is related to the employee's
25 instructional duties, the individual or team that conducted the evaluation shall
26 recommend to the superintendent that: (i) the employee receive an action plan
27 designed to improve the employee's performance; or (ii) the superintendent
28 recommend to the Secretary that the employee be dismissed or demoted. The
29 superintendent shall determine whether to develop an action plan or to recommend a
30 dismissal proceeding. The person who evaluated the employee or the employee's
31 supervisor shall develop the action plan unless an assistance team or assessment team
32 conducted the evaluation. If an assistance team or assessment team conducted the
33 evaluation, that team shall develop the action plan in collaboration with the
34 employee's supervisor. Action plans shall be designed to be completed within 90
35 instructional days or before the beginning of the next school year. The State Board,
36 in consultation with the Secretary, shall develop guidelines that include strategies to
37 assist in evaluating certificated personnel and developing effective action plans within
38 the time allotted under this section. The Secretary may adopt policies for the
39 development and implementation of action plans or professional development plans
40 for personnel who do not require action plans under this section.

41 (c) Reevaluation. -- Upon completion of an action plan under subsection (b) of
42 this section, the superintendent or the assessment team shall evaluate the employee a
43 second time. If on the second evaluation the employee receives one unsatisfactory or
44 more than one below standard rating on any function that is related to the

1 employee's instructional duties, the superintendent shall recommend that the
2 employee be dismissed or demoted under G.S. 115C-325. The results of the second
3 evaluation shall constitute substantial evidence of the employee's inadequate
4 performance.

5 (d) State Board Notification. -- If the Secretary dismisses an employee for any
6 reason except a reduction in force under G.S. 115C-325(e)(1)l., the Secretary shall
7 notify the State Board of the action, and the State Board annually shall provide to all
8 local boards of education the names of those individuals. If a local board hires one
9 of these individuals, that local board shall proceed under G.S. 115C-333(d).

10 (e) Civil Immunity. -- There shall be no liability for negligence on the part of the
11 Secretary or the State Board, or their employees, arising from any action taken or
12 omission by any of them in carrying out this section. The immunity established by
13 this subsection shall not extend to gross negligence, wanton conduct, or intentional
14 wrongdoing that would otherwise be actionable. The immunity established by this
15 subsection is waived to the extent of indemnification by insurance, indemnification
16 under Articles 31A and 31B of Chapter 143 of the General Statutes, and to the extent
17 sovereign immunity is waived under the Tort Claims Act, as set forth in Article 31 of
18 Chapter 143 of the General Statutes.

19 (f) Evaluation of Superintendents. -- Each year the Secretary shall evaluate the
20 superintendents.

21 **"§ 143B-146.9. Assessment teams.**

22 The State Board shall develop guidelines for the Secretary to use to create
23 assessment teams. The Secretary shall assign an assessment team to every low-
24 performing school that has not received an assistance team. The Secretary shall
25 ensure that assessment team members are trained in the proper administration of the
26 employee evaluation used in the participating schools. If service on an assessment
27 team is an additional duty for an employee of a local school administrative unit or an
28 employee of a residential school, the Secretary may pay the employee for that
29 additional work.

30 Assessment teams shall:

- 31 (1) Conduct evaluations of certificated personnel in low-performing
32 schools;
- 33 (2) Provide technical assistance and training to principals and
34 superintendents who conduct evaluations of certificated personnel;
- 35 (3) Develop action plans for certificated personnel; and
- 36 (4) Assist principals and superintendents in the development and
37 implementation of action plans.

38 **"§ 143B-146.10. Development of performance standards and criteria for certificated**
39 **personnel.**

40 The State Board, in consultation with the Secretary, shall revise and develop
41 uniform performance standards and criteria to be used in evaluating certificated
42 personnel, including school administrators. These standards and criteria shall include
43 improving student achievement, employee skills, and employee knowledge. The
44 standards and criteria for school administrators also shall include building-level gains

1 in student learning and effectiveness in providing for school safety and enforcing
2 student discipline. The Secretary shall develop guidelines for evaluating
3 superintendents. The guidelines shall include criteria for evaluating a
4 superintendent's effectiveness in providing safe schools and enforcing student
5 discipline.

6 **"§ 143B-146.11. School calendar.**

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

12 **"§ 143B-146.12. Development and approval of school improvement plans.**

13 (a) In order to improve student performance, each participating school shall
14 develop a school improvement plan that takes into consideration the annual
15 performance goal for that school that is set by the State Board under G.S. 143B-146.3.
16 The superintendent, instructional personnel, and residential life personnel assigned to
17 that school, and a minimum of five parents of children enrolled in the school shall
18 constitute a school improvement team to develop a school improvement plan to
19 improve student performance.

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

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

- 34 (1) A plan for the use of funds that may be made available to the
35 school by the Secretary to meet the goals for that school under the
36 ABC's Program and to implement the school improvement plan.
37 (2) A comprehensive plan to encourage parent involvement.
38 (3) A safe school plan designed to provide that the school is safe,
39 secure, and orderly, that there is a climate of respect in the school,
40 and that appropriate personal conduct is a priority for all students
41 and all residential school personnel. This plan shall include
42 components similar to those listed in G.S. 115C-105.47(b).

43 (d) Support among affected staff members is essential to successful implementation
44 of a school improvement plan to address improved student performance at that

1 school. The superintendent of the school shall present the proposed school
2 improvement plan to all of the instructional personnel assigned to the school for their
3 review and vote. The vote shall be by secret ballot. The superintendent shall submit
4 the school improvement plan to the Secretary only if the proposed school
5 improvement plan has the approval of a majority of the instructional personnel who
6 voted on the plan.

7 (e) The Secretary shall accept or reject the school improvement plan. The
8 Secretary shall not make any substantive changes in any school improvement plan
9 that the Secretary accepts. If the Secretary rejects a school improvement plan, the
10 Secretary shall state with specificity the reasons for rejecting the plan; the school
11 improvement team may then prepare another plan, present it to the instructional
12 personnel assigned to the school for a vote, and submit it to the Secretary to accept
13 or reject. Within 60 days after the initial submission of the school improvement plan
14 to the Secretary, the Secretary shall accept the plan or shall designate a person to
15 work with the school improvement team to resolve the disagreements. If there is no
16 resolution within 30 days, then the Secretary may develop a school improvement plan
17 for the school; however, the General Assembly urges the Secretary to utilize the
18 school's proposed school improvement plan to the maximum extent possible when
19 developing this plan.

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

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

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

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

37 **"§ 143B-146.13. School technology plan.**

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

43 The Information Resources Management Commission shall assist the Secretary in
44 developing the parts of the plan related to its technological aspects, to the extent that

resources are available to do so. The Department of Public Instruction shall assist the Secretary in developing the instructional and technological aspects of the plan.

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

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

"§ 143B-146.14. Dispute resolution; appeals to Secretary.

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

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

"§ 143B-146.15. Duty to report certain acts to law enforcement.

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

"§ 143B-146.16. Residential school personnel criminal history checks.

(a) As used in this section:

- (1) 'Criminal history' means a county, state, or federal criminal history of conviction of a crime, whether a misdemeanor or a felony, that indicates the employee (i) poses a threat to the physical safety of students or personnel, or (ii) has demonstrated that he or she does not have the integrity or honesty to fulfill his or her duties as school personnel. Such crimes include the following North Carolina crimes contained in any of the following Articles of Chapter 14 of the General Statutes: Article 5A, Endangering Executive and Legislative Officers; Article 6, Homicide; Article

7A, Rape and Kindred Offenses; Article 8, Assaults; Article 10, Kidnapping and Abduction; Article 13, Malicious Injury or Damage by Use of Explosive or Incendiary Device or Material; Article 14, Burglary and Other Housebreakings; Article 15, Arson and Other Burnings; Article 16, Larceny; Article 17, Robbery; Article 18, Embezzlement; Article 19, False Pretense and Cheats; Article 19A, Obtaining Property or Services by False or Fraudulent Use of Credit Device or Other Means; Article 20, Frauds; Article 21, Forgery; Article 26, Offenses Against Public Morality and Decency; Article 26A, Adult Establishments; Article 27, Prostitution; Article 28, Perjury; Article 29, Bribery; Article 31, Misconduct in Public Office; Article 35, Offenses Against the Public Peace; Article 36A, Riots and Civil Disorders; Article 39, Protection of Minors; and Article 60, Computer-Related Crime. Such crimes also include possession or sale of drugs in violation of the North Carolina Controlled Substances Act, Article 5 of Chapter 90 of the General Statutes, and alcohol-related offenses such as sale to underage persons in violation of G.S. 18B-302 or driving while impaired in violation of G.S. 20-138.1 through G.S. 20-138.5. In addition to the North Carolina crimes listed in this subdivision, such crimes also include similar crimes under federal law or under the laws of other states.

(2) 'Residential school personnel' means any:

- a. Employee of a residential school whether full time or part time, or
- b. Independent contractor or employee of an independent contractor of a residential school, if the independent contractor carries out duties customarily performed by residential school personnel,

whether paid with federal, State, local, or other funds, who has significant access to students in a residential school. Residential school personnel includes substitute teachers, driver training teachers, bus drivers, clerical staff, houseparents, and custodians.

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

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

(c) The Department of Justice shall provide to the Secretary the criminal history from the State and National Repositories of Criminal Histories of any applicant for a residential school personnel position in a residential school. The Secretary shall require the person to be checked by the Department of Justice to (i) be fingerprinted

1 and to provide any additional information required by the Department of Justice to a
2 person designated by the Secretary, or to the local sheriff or the municipal police,
3 whichever is more convenient for the person, and (ii) sign a form consenting to the
4 check of the criminal record and to the use of fingerprints and other identifying
5 information required by the repositories. The Secretary shall consider refusal to
6 consent when making employment decisions and decisions with regard to
7 independent contractors.

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

9 (d) The Secretary shall review the criminal history it receives on a person. The
10 Secretary shall determine whether the results of the review indicate that the
11 employee (i) poses a threat to the physical safety of students or personnel, or (ii) has
12 demonstrated that he or she does not have the integrity or honesty to fulfill his or her
13 duties as residential school personnel and shall use the information when making
14 employment decisions and decisions with regard to independent contractors. The
15 Secretary shall make written findings with regard to how it used the information
16 when making employment decisions and decisions with regard to independent
17 contractors.

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

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

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

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

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

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

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

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

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

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

1 Within 30 days of any dismissal under this subdivision, a
2 certificated staff member may request a hearing before a panel of
3 three members designated by the Secretary of Health and Human
4 Services. The Secretary shall adopt procedures to ensure that due
5 process rights are afforded to certificated staff members
6 recommended for dismissal under this subdivision. Decisions of the
7 panel may be appealed on the record to the Secretary, with further
8 right of judicial review under Chapter 150B of the General
9 Statutes.

10 (3) The Secretary of Health and Human Services or the
11 superintendent of a residential school may terminate the contract
12 of a school administrator dismissed under this subsection. Nothing
13 in this subsection shall prevent the Secretary from refusing to
14 renew the contract of any person employed in a school identified
15 as low-performing under Part 3A of Article 3 of Chapter 143B of
16 the General Statutes.

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

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

22 Section 7. G.S. 115C-102.5(b) reads as rewritten:

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

- 24 (1) The State Superintendent of Public Instruction or a designee;
25 (2) One representative of The University of North Carolina, appointed
26 by the President of The University of North Carolina;
27 (3) One representative of the North Carolina Community College
28 System, appointed by the President of the North Carolina
29 Community College System;
30 (4) A person with management responsibility concerning information
31 technology related State Government functions, designated by the
32 Secretary of Commerce;
33 (5) Four members appointed by the Governor;
34 (6) Six members appointed by the President Pro Tempore of the
35 Senate two of whom shall be members of the Senate. One of these
36 six members shall be appointed by the President of the Senate to
37 serve as cochair; ~~and~~
38 (7) Six members appointed by the Speaker of the House of
39 Representatives two of whom shall be members of the House of
40 Representatives. One of these six members shall be appointed by
41 the Speaker of the House of Representatives to serve as ~~cochair~~.
42 cochair; and
43 (8) The Secretary of Health and Human Services or a designee.

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

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

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

11 Section 8. G.S. 115C-296(d) reads as rewritten:

12 "(d) The State Board shall adopt rules to establish the reasons and procedures for
13 the suspension and revocation of certificates. The State Board shall revoke the
14 certificate of a teacher or school administrator if the State Board receives notification
15 from a local board or the Secretary of Health and Human Services that a teacher or
16 school administrator has received an unsatisfactory or below standard rating under
17 G.S. 115C-333(d). In addition, the State Board may revoke or refuse to renew a
18 teacher's certificate when:

19 (1) The Board identifies the school in which the teacher is employed
20 as low-performing under ~~G.S. 115C-105.37~~, G.S. 115C-105.37 or
21 G.S. 143B-146.5; and

22 (2) The assistance team assigned to that school ~~under G.S.~~
23 ~~115C-105.38~~ makes the recommendation to revoke or refuse to
24 renew the teacher's certificate for one or more reasons established
25 by the State Board in its rules for certificate suspension or
26 revocation.

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

30 Section 9. G.S. 115C-105.31 reads as rewritten:

31 "**§ 115C-105.31. Creation of the Task Force on School-Based Management.**

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

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

- 35 (1) The Superintendent of Public Instruction;
- 36 (2) One member of the State Board of Education, one parent of a
37 public school child, and two at-large members appointed by the
38 State Board of Education;
- 39 (3) Two members of the Senate appointed by the President Pro
40 Tempore of the Senate;
- 41 (4) Two members of the House of Representatives appointed by the
42 Speaker of the House of Representatives;
- 43 (5) One member of a local board of education appointed by the
44 President Pro Tempore of the Senate after receiving

- 1 recommendations from The North Carolina State School Boards
2 Association, Inc.;
- 3 (6) One member of a local board of education appointed by the
4 Speaker of the House of Representatives after receiving
5 recommendations from The North Carolina State School Boards
6 Association, Inc.;
- 7 (7) One local school superintendent appointed by the President Pro
8 Tempore of the Senate after receiving recommendations from the
9 North Carolina Association of School Administrators;
- 10 (8) One local school superintendent appointed by the Speaker of the
11 House of Representatives after receiving recommendations from
12 the North Carolina Association of School Administrators;
- 13 (9) One school principal appointed by the President Pro Tempore of
14 the Senate after receiving recommendations from the Tar Heel
15 Association of Principals/Assistant Principals and the Division of
16 Administrators of the North Carolina Association of Educators;
- 17 (10) One school principal appointed by the Speaker of the House of
18 Representatives after receiving recommendations from the Tar
19 Heel Association of Principals/Assistant Principals and the Division
20 of Administrators of the North Carolina Association of Educators;
- 21 (11) One school teacher appointed by the President Pro Tempore of the
22 Senate after receiving recommendations from the North Carolina
23 Association of Educators, Inc., the North Carolina Federation of
24 Teachers, and the Professional Educators of North Carolina, Inc.;
- 25 (12) One school teacher appointed by the Speaker of the House of
26 Representatives after receiving recommendations from the North
27 Carolina Association of Educators, Inc., the North Carolina
28 Federation of Teachers, and the Professional Educators of North
29 Carolina, Inc.;
- 30 (13) One representative of business and industry appointed by the
31 Governor;
- 32 (14) One representative of institutions of higher education appointed by
33 the Board of Governors of The University of North Carolina; ~~and~~
- 34 (15) One county commissioner appointed by the State Board of
35 Education after receiving recommendations from the North
36 Carolina Association of County ~~Commissioners~~ Commissioners;
37 and
- 38 (16) The Secretary of Health and Human Services or the Secretary's
39 designee.
- 40 Members of the Task Force shall serve for two-year terms.
- 41 All members of the Task Force shall be voting members. Vacancies in the
42 appointed membership shall be filled by the officer who made the initial
43 appointment. The Task Force on School-Based Management shall select a member of
44 the Task Force to serve as chair of the Task Force.

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

3 (b) The Task Force shall:

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

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

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

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

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

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

26 Section 10. (a) The Secretary of Health and Human Services shall adopt
27 policies and offer training opportunities to ensure that personnel who provide direct
28 services to children in the three State schools for the deaf become proficient in sign
29 language within two years of their initial date of employment or within two years of
30 the effective date of this act, whichever occurs later. This subsection shall not apply
31 to preschool personnel in any oral, auditory, or cued speech preschool.

32 (b) The Department of Public Instruction, the Board of Governors of
33 The University of North Carolina, and the State Board of Community Colleges shall
34 offer and communicate the availability of professional development opportunities,
35 including those to improve sign language skills, to the personnel assigned to the
36 State's residential schools, particularly the Governor Morehead School and the three
37 schools for the deaf.

38 (c) The Board of Governors of The University of North Carolina and the
39 State Board of Community Colleges shall study methods to assure that faculty
40 members teaching American Sign Language are highly qualified and competent. The
41 Board of Governors and the State Board of Community Colleges shall report their
42 findings and recommendations prior to March 1, 1999, to the Appropriations
43 Subcommittees on Education and on Health and Human Services of the House of
44 Representatives and Senate.

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

5 Section 12. The Secretary of Health and Human Services shall contract
6 for the design of a longitudinal study of deaf and hard-of-hearing children to assess
7 communication methods used and student performance.

8 Section 13. The Commission for Health Services shall adopt temporary
9 and permanent rules to include newborn hearing screening in the Newborn Screening
10 Program established under G.S. 130A-125.

11 Section 14. The State Board of Education, in consultation with the
12 Secretary of Health and Human Services, shall evaluate the certification requirements
13 for teachers at the State schools for the deaf and the Governor Morehead School in
14 light of the specific educational needs of those schools. In particular, the State Board
15 shall determine whether these teachers should hold (i) certificates to authorize them
16 to teach students with specific disabilities, (ii) certificates authorizing them to teach a
17 specific grade level or subject matter, or (iii) dual certificates, particularly at the high
18 school level. The State Board shall revise any policies, rules, or regulations if
19 considered appropriate, and shall report to the Legislative Commission on Public
20 Schools by December 15, 1998, on the results of its evaluation under this section and
21 any changes it proposes.

22 Section 15. The State Auditor shall conduct a fiscal audit of the Division
23 of Services for the Deaf and Hard of Hearing, Department of Health and Human
24 Services, and the use of current operations funds appropriated to that Division
25 beginning with the 1996-97 fiscal year and the use of capital funds appropriated to
26 that Division beginning with the 1995-96 fiscal year. The Auditor shall report to the
27 General Assembly by March 1, 1999, on the results of this audit.

28 Section 16. The Governor Morehead School and the three schools for
29 the deaf shall each prioritize its capital needs in a three-year plan. These schools
30 shall give first priority to bringing their facilities up to code and to supporting
31 instructional programs so as to improve student academic performance. The schools
32 shall submit their three-year plans to the Secretary. The Secretary shall prioritize the
33 needs of these four schools and shall submit to the General Assembly a three-year
34 plan to address those needs.

35 Section 17. The Secretary of Health and Human Services shall adopt
36 policies to ensure that students of the residential schools are given priority to residing
37 in the independent living facilities on each school's campus. Wilson
- m'line
- g'bro

38 Section 18. The Secretary of Health and Human Services shall provide
39 statewide teacher supplements for the teachers in the residential schools based on five
40 percent (5%) of their State salaries in order to recognize the teachers' levels of
41 education and years of experience. The Director of the Budget shall transfer from
42 the Reserve for Compensation Increase for fiscal year 1998-99 all funds necessary for
43 these supplements, including funds for the employer's retirement and social security
44 contributions.

1 Section 19. If funds are appropriated to the Department of Health and
2 Human Services in the Current Operations Appropriations and Capital Improvement
3 Appropriations Act of 1998 to implement this act, then of these funds the Secretary
4 may spend up to nine hundred thousand dollars (\$900,000) for the 1998-99 fiscal year
5 to provide funds for assistance teams to be assigned to the Governor Morehead
6 School and to the three schools for the deaf.

7 Section 20. This act becomes effective July 1, 1998, only if funds are
8 appropriated for the 1998-99 fiscal year to implement this act. Part 3A of Article 3 of
9 Chapter 143B of the General Statutes, as established in Section 5 of this act, applies
10 to kindergarten through eighth grade in the three schools for the deaf and in the
11 Governor Morehead School beginning with the 1999-2000 school year. The Secretary
12 of Health and Human Services, in consultation with the General Assembly and the
13 State Board of Education, shall recommend beginning dates of applicability for the
14 remaining grades in those four schools and for the other residential schools,
15 particularly those operated by the Division of Youth Services. School improvement
16 plans required under Section 5 of this act shall be developed during the 1998-99
17 school year and shall be implemented by the beginning of the 1999-2000 school year.



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TO: Senators Lee and Winner, Cochairs, Senate Education
FROM: Robin S. Johnson, Committee Counsel
DATE: August 4, 1998
RE: **SUMMARY: H1477 – 3rd Edition**
ABC'S PLAN FOR DHHS SCHOOLS

HOUSE BILL 1477 is recommended by the Legislative Commission on Public Schools:

Section 1: Directs Secretary of Health and Human Services (Secretary) to make changes in the structure and functions of residential schools, beginning with Governor Morehead and the three State schools for the deaf. Changes must emphasize the basics in connection with the education program offered at the four schools. Secretary must report to Public School Study Commission and cochairs of Senate and House Appropriations subcommittees on Health and Human Services by November 1, 1998, and November 1, 1999. Reports must include proposed legislation necessary to implement changes.

Section 2: Directs Secretary to change the administrative organization and mission of these four residential schools and of DHHS as they pertain to those four schools. Secretary may extend this administrative reorganization to other residential schools. Sets the following goals: (i) 50% decrease in employee positions currently assigned to DHHS for the purpose of providing assistance to, management of, or education programs in the residential schools; (ii) 50% decrease in residential school employee positions currently filled by administrators or supervisors; and (iii) 50% redirection, by January 1, 1999, to the instructional programs in the four residential schools of DHHS budget related to those schools. Secretary must report to Legislative Commission on Public Schools and cochairs of Senate and House Appropriations subcommittees on Health and Human Services by December 15, 1998, on the reorganization and redirection of funds.

Section 3: Directs Secretary to consult with State Board in implementation of this act and to fully inform and consult with cochairs of Senate and House Appropriations Subcommittees on Education and Health and Human Services.

Section 4: If funds are appropriated in the Budget Bill to implement this act, DHHS may use \$300,000 to contract for outside consultants and assistance to help the Secretary carry out his duties under this act. The State Auditor and OSBM are directed to provide consultation as requested by the Secretary.

Section 5: This section establishes "Part 3A. Education Programs in Residential Schools".

G.S. 143B-146.1: States mission of General Assembly concerning the residential school and defines terms.

G.S. 143B-146.2: Requires Governor Morehead and three State schools for the Deaf to participate in ABC's Program. Authorizes Secretary, in consultation with State Board and General Assembly, to designate other residential schools that must participate. Directs State Board to adopt guidelines to implement ABC's Program. Directs Secretary to provide maximum flexibility to participating schools in their use of funds.

G.S. 143B-146.3: Directs State Board to set annual performance standards for each participating school.

G.S. 143B-146.4: Provides that superintendent, principals, assistant principals, teachers, instructional personnel, instructional support personnel, and teacher assistants are eligible for ABC's bonus when their school meets or exceeds goal set by State Board. Same option as in public schools that allows these individuals to vote to spend the money in accordance with a plan.

G.S. 143B-146.5: Requires State Board to design and implement a plan to identify low-performing schools on an annual basis. Low-performing schools are those in which there is a failure to meet the minimum growth standards, as set by the Board, and a majority of students are performing below grade level. (This is the same definition that is used in the public schools.) Requires low-performing schools to notify parents when so identified.

G.S. 143B-146.6: Authorizes State Board to assign assistance teams to low-performing schools. Teams have same duties as when assigned to a public school, except they will report to the Secretary as well as to the State Board.

G.S. 143B-146.7: Requires Secretary to dismiss superintendent when school is identified as low-performing, unless he finds that the superintendent has established that the factors leading to this identification were not due to the superintendent's inadequate performance. Dismissal will be done in accordance with State Personnel Act, which requires just cause and provides for a 15-day advance notice and the opportunity to appeal if superintendent claims there was no just cause for the dismissal. Consequences for certificated instructional personnel are the same as for those in public schools. This includes the requirements of dismissal after two negative evaluations by the assistance team and the competency test and subsequent remediation. This section also requires the Secretary to dismiss any non-certificated instructional personnel when he receives two negative evaluations from the assistance team. The Secretary may dismiss these individuals when he determines the school has failed to make satisfactory improvement after an assistance team was assigned to it and the assistance team recommends dismissal based on a reason that constitutes just cause for dismissal under the State Personnel Act. Dismissal of non-certificated personnel also will be done in accordance with the State Personnel Act.

G.S. 143B-146.8: Requires all residential schools, including those that are not participating in the ABC's Program, to adopt a school calendar with a minimum of 180 instructional days and 1000 instructional hours covering at least nine calendar months. A school must consult with parents, personnel, and the local school administrative unit in which it is located when it develops its calendar.

G.S. 143B-146.9: Requires the residential schools that are participating in the ABC's Program to develop and implement a school improvement plan. Initial

plans shall be developed during the 1998-99 school year and shall be implemented by the beginning of the 1999-2000 school year. Each school improvement plan is to be developed by a team consisting of the superintendent, at least 5 parents (two of whom may be school employees), and instructional personnel, and residential life personnel assigned to the school. Parents must be elected by parents, and those who are not employees must receive travel and subsistence expenses and may, if appropriate, receive a stipend. The plan must include strategies to improve student performance. These strategies include a plan for the use of funds made available by the Secretary to meet the school's ABC's goals, a comprehensive plan to encourage parental involvement, and a safe school plan that includes components similar to those required for public schools (these would allow for rewards to superintendents, if money is made available for that purpose). Development and approval of school improvement plans are the same as for public school plans. Schools must develop their plans during the 1998-99 school year and must implement them the following school year.

G.S. 143B-146.10: Directs Secretary to develop, by December 15, 1998, a school technology plan for all the residential schools. The plan must meet the requirements of the State school technology plan and will be developed and approved in the same manner that local school plans are.

G.S. 143B-146.11: Requires Secretary to establish a procedure to resolve disputes between the schools and parents or guardians. An appeal must be available to the Secretary or his designee.

G.S. 143B-146.12: Requires the superintendents of the residential schools to report to local law enforcement specific criminal acts when the superintendents have personal knowledge or actual notice from school personnel that an enumerated criminal act occurred on school property.

G.S. 143B-146.13: Directs the Secretary to require an applicant for a residential school personnel position to be checked for criminal history before the applicant is offered an unconditional job. Applicants shall not be required to pay for these record checks. Residential school may employ an applicant conditionally while the Secretary is checking the person's criminal history and making a decision based on the results. The Secretary must provide to the State Board any criminal history he receives on a person who is certificated or licensed by the Board. The Board must then review the history and determine whether to revoke the person's certificate or license.

Section 6: Amends G.S. 115C-325 to add a new subsection (p1) to provide for the Secretary's dismissal of certificated instructional personnel in low-performing residential schools.

Section 7: Amends G.S. 115C-102.5(b) to add the Secretary to the members of the State School Technology Commission.

Section 8: Amends G.S. 115C-296 to authorize the State Board of Education to revoke the certificate of a teacher or administrator of a residential school upon notification from the Secretary of Health and Human Services.

Section 9: Amends G.S. 115C-105.31 to add the Secretary to the members of the Task Force on School-Based Management under the State Board of Education.

Section 10: Subsection (a) requires the Secretary to adopt policies and offer training opportunities to ensure that personnel who provide direct services to children in the three schools for the deaf become proficient in sign language within two years of employment or implementation of this act, whichever occurs last. This subsection does not apply to preschool personnel in any oral, auditory, or cued speech preschool. Subsection (b) directs DPI, the Board of Governors, and the State Board of Community Colleges to offer and communicate the availability of professional development opportunities to residential school personnel. Subsection (c) directs the Board of Governors and the State Board of Community Colleges to study methods to assure that faculty who teach American Sign Language are highly qualified and competent. These Boards must report to the Appropriations Subcommittees on Education and Health and Human Services by March 1, 1999, on this study.

Section 11: Directs the Board of Governors to assess the accessibility of programs for deaf and blind students. Report to General Assembly by December 1, 1998.

Section 12: Directs Secretary to contract for the design of a longitudinal study of deaf and hard of hearing children to assess communication methods used and student performance.

Section 13: Directs the Commission for Health Services to adopt rules to include newborn hearing screening in the Newborn Screening Program under G.S. 130A-125.

Section 14: Directs the State Board, in consultation with the Secretary, to evaluate the certification requirements for the DHHS teachers in light of the specific educational needs at the residential schools. The Board must determine what types of certificates these teachers should hold and if dual certificates are appropriate. The Board must revise its policies, rules, and regulations if appropriate and must report to the Commission on Public Schools by December 15, 1998.

Section 15: Directs the State Auditor to conduct a fiscal audit of the Division of Services for the Deaf and Hard of Hearing and to report to the General Assembly by March 1, 1999, on the results of this audit.

Section 16: Directs the Governor Morehead School and the three schools for the deaf to prioritize their capital needs in a three-year plan. They must submit their plans to the Secretary, who will prioritize the needs of these schools and submit to the General Assembly a three-year plan to address them.

Section 17: Directs the Secretary to adopt policies to ensure that students of residential schools are given priority for independent living facilities.

Section 18: Directs the Secretary to provide a 5% Statewide teacher supplement to the 668 teachers in all the DHHS schools. The average teacher salary in DHHS is approximately \$35,600 per year. A 5% supplement would be approximately \$1780 per teacher. (The average statewide teacher supplement is \$1,727.) The funds would come from the Reserve for Compensation Increase for fiscal year 1998-99.

Section 19: If the Budget Bill appropriates funds implement this act, then the Secretary is authorized to expend up to \$900,000 for FY 1998-99 to provide assistance teams to be assigned to four schools.

Section 20: Act becomes effective July 1, 1998, only if the Budget Bill appropriates the funds to implement it. The ABC's Program would apply to grades K-8 in the Governor Morehead School and the three schools for the deaf, beginning with the

1999-00 school year. This would mean that their baselines would be set at the end of the 1998-99 school year, and their personnel would be subject to rewards and penalties at the end of the following school year. The Secretary of Health and Human Services, in consultation with the General Assembly and the State Board of Education shall recommend beginning dates of applicability for the remaining grades in those four schools and for other residential schools.

H1477-SMRH-002

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

H. B. No. 1477DATE August 19, 1998

S. B. No. _____

Amendment No. _____

(to be filled in by
Principal Clerk)

Rep.)

Sen.)

Jeanne Lucasmoves to amend the bill on page 8, line 19by adding after "Secretary" the following
"or the Secretary's designee"

SIGNED

Jeanne H. Lucas / besADOPTED ☒FAILED ☐TABLED ☐



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 1477

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)
Page 1 of 4

H1477-ARH-005

Date August 19, 1998

Comm. Sub. []
Amends Title [X]
Third Edition

Senator Winn

- 1 moves to amend the bill on page 1, line 9, by inserting the word
- 2 "AND" after the word "HEARING,";
- 3
- 4 and on page on 1, lines 12-13, by rewriting the lines to read:
- 5 "STATE SCHOOLS FOR THE DEAF.";
- 6
- 7 and on page 5, lines 14-15, by inserting between the lines the
- 8 following:
- 9 "(a) By July 10 of each year, the Secretary shall do a
- 10 preliminary analysis of test results to determine which
- 11 participating schools the State Board may identify as low-performing
- 12 under this section. The Secretary then shall proceed under G.S.
- 13 143B-146.7. In addition, within 30 days of the initial
- 14 identification of a school as low-performing by the Secretary or the
- 15 State Board, whichever occurs first, the Secretary shall develop a
- 16 preliminary plan for addressing the needs of that school. Before
- 17 the Secretary adopts this plan, the Secretary shall make the plan
- 18 available to the residential school personnel and the parents and
- 19 guardians of the students of the school, and shall allow for written
- 20 comments. Within five days of adopting the plan, the Secretary
- 21 shall submit the plan to the State Board. The State Board shall
- 22 review the plan expeditiously and, if appropriate, may offer
- 23 recommendations to modify the plan. The Secretary shall consider
- 24 any recommendations made by the State Board."
- 25
- 26 and on page 6, lines 13-18, by rewriting the lines to read:



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 1477

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)
Page 2 of 4

H1477-ARH-005

1 "(a) Within 30 days of the initial identification of a school as
2 low-performing, whether by the Secretary under G.S. 143B-146.5(a1)
3 or by the State Board under G.S. 143B-146.5(a), the Secretary shall
4 take one of the following actions concerning the school's
5 superintendent: (i) decide whether the superintendent should be
6 retained in the same position, (ii) decide whether the
7 superintendent should be retained in the same position and a plan of
8 remediation should be developed, (iii) decide whether the
9 superintendent should be transferred, or (iv) proceed under the
10 State Personnel Act to dismiss or demote the superintendent. The
11 superintendent may be retained in the same position without a plan
12 for remediation only if the superintendent was in that position for
13 no more than two years before the school is identified as low-
14 performing. The superintendent shall not be transferred to another
15 position unless (i) it is in a superintendent position in which the
16 superintendent previously demonstrated at least 2 years of success,
17 (ii) there is a plan to evaluate and provide remediation to the
18 superintendent for at least one year following the transfer to
19 assure the superintendent does not impede student performance at the
20 school to which the superintendent is being transferred; and (iii)
21 the parents of the students at the school to which the
22 superintendent is being transferred are notified. The
23 superintendent shall not be transferred to another low-performing
24 school. The Secretary may, at any time, proceed under the State
25 Personnel Act for the dismissal of any superintendent who is
26 assigned to a low-performing school to which an assistance team has
27 been assigned. The Secretary shall proceed under the State
28 Personnel Act for the dismissal of the any superintendent when the
29 Secretary receives from the assistance team assigned to that school
30 two consecutive evaluations that include written findings and
31 recommendations regarding the superintendent's inadequate
32 performance. The Secretary shall order the dismissal of the
33 superintendent if the Secretary determines from available
34 information, including the findings of the assistance team, that the
35 low performance of the school is due to the superintendent's
36 inadequate performance. The Secretary may order the dismissal of
37 the superintendent if (i) the Secretary determines that the school
38 has not made satisfactory improvement after the State Board assigned



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 1477

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)
Page 3 of 4

H1477-ARH-005

- 1 an assistance team to that school; and (ii) the assistance team
2 makes the recommendation to dismiss the superintendent. The
3 Secretary may order the dismissal of a superintendent before the
4 assistance team assigned to the superintendent's school has
5 evaluated that superintendent if the Secretary determines from other
6 available information that the low performance of the school is due
7 to the superintendent's inadequate performance. The burden of proof
8 is on the superintendent to establish that the factors leading to
9 the school's low performance were not due to the superintendent's
10 inadequate performance. The burden of proof is on the Secretary to
11 establish that the school failed to make satisfactory improvement
12 after an assistance team was assigned to the school. Two
13 consecutive evaluations that include written findings and
14 recommendations regarding that person's inadequate performance from
15 the assistance team are substantial evidence of the inadequate
16 performance of the superintendent. Within 15 days of the
17 Secretary's decision concerning the superintendent, but no later
18 than September 30, the Secretary shall submit to the State Board a
19 written notice of the action taken and the basis for that action.";
20
21 and on page 6, line 19, by rewriting the line to read:
22 "(b) At any time after the State Board identifies a school as
23 low-performing under";
24
25 and on page 6, line 22, by rewriting the line to read:
26 "(c) At any time after the State Board identifies a school as
27 low-performing under";
28
29 and on page 6, line 35, by adding after the word "identified" the
30 following phrase:
31 "by the State Board";
32
33 and on page 19, lines 38-44, by deleting those lines, and by
34 renumbering the remaining sections.



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 1477

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)
Page 4 of 4

H1477-ARH-005

SIGNED Leslie Wimer
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED ✓ FAILED _____ TABLED _____

**NORTH CAROLINA GENERAL ASSEMBLY
SENATE**

EDUCATION/HIGHER EDUCATION COMMITTEE REPORT

Senator Howard Lee, Co-Chair
Senator Leslie Winner, Co-Chair

Monday, August 24, 1998

SENATOR LEE,

submits the following with recommendations as to passage:

UNFAVORABLE AS TO BILL, BUT FAVORABLE AS TO SENATE C.S. BILL

H.B. 1477	ABC's Plan for DHHS Schools.
	Draft Number: PCS 1613
	Sequential Referral: None
	Recommended Referral: None
	Long Title Amended: Yes

TOTAL REPORTED: 1

Committee Clerk Comment:

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 1478*

Short Title: Encourage Year-Round Schools.

(Public)

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.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

D

HOUSE BILL 1478*

Proposed Senate Committee Substitute H1478-PCSRJ-001.1

LINE NUMBERS MAY CHANGE AFTER ADOPTION

19-AUG-98 09:16:21

Short Title: Year-Round Schools Task Force.

(Public)

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

Referred to: Education.

May 25, 1998

1 A BILL TO BE ENTITLED
2 AN ACT TO DIRECT THE DEPARTMENT OF PUBLIC INSTRUCTION TO STUDY
3 AND MAKE RECOMMENDATIONS REGARDING THE REMOVAL OF THE BARRIERS
4 THAT PREVENT LOCAL BOARDS OF EDUCATION FROM PROVIDING YEAR-
5 ROUND SCHOOLS.
6 The General Assembly of North Carolina enacts:
7 Section 1. The Department of Public Instruction shall
8 form a task force to identify the barriers that prevent local
9 boards of education from providing year-round schools for all
10 grade levels. In addition, the task force shall identify ways
11 that local boards of education or the State Board of Education
12 could minimize or remove those barriers. The task force shall
13 report the results of its study, including any proposed changes
14 to existing laws, rules or policies, to the State Board of
15 Education and the Joint Legislative Oversight Committee prior to
16 May 15, 1999. The task force shall terminate upon reporting its
17 results. The State Board of Education shall disseminate the
18 results of the study to local boards of education no later than
19 June 15, 1999.
20 Section 2. This act is effective when it becomes law.

**NORTH CAROLINA GENERAL ASSEMBLY
SENATE**

EDUCATION/HIGHER EDUCATION COMMITTEE REPORT

Senator Howard Lee, Co-Chair
Senator Leslie Winner, Co-Chair

Thursday, August 20, 1998

SENATOR LEE,
submits the following with recommendations as to passage:

UNFAVORABLE AS TO BILL, BUT FAVORABLE AS TO SENATE C.S. BILL

H.B. 1478	Encourage Year-Round Schools.	
	Draft Number:	PCS 3179
	Sequential Referral:	None
	Recommended Referral:	None
	Long Title Amended:	Yes

TOTAL REPORTED: 1

Committee Clerk Comment:

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 1487

Short Title: Extra Duties/New Teachers.

(Public)

Sponsors: Representatives Arnold; Preston and Sexton.

Referred to: Education.

May 25, 1998

1 A BILL TO BE ENTITLED
2 AN ACT TO IMPLEMENT THE RECOMMENDATION OF THE LEGISLATIVE
3 STUDY COMMISSION ON PUBLIC SCHOOLS TO DIRECT THE STATE
4 BOARD OF EDUCATION TO ADOPT RULES PRESCRIBING THE
5 EXTRACURRICULAR DUTIES ASSIGNED TO FIRST-YEAR TEACHERS.

6 The General Assembly of North Carolina enacts:

7 Section 1. The State Board of Education shall adopt rules prescribing the
8 type and number of extracurricular duties assigned to first-year teachers beginning
9 with the 1998-99 school year. It is strongly recommended that new teachers be given
10 no extracurricular duty in order to have an opportunity to develop into skilled
11 professionals.

12 Section 2. The State Board of Education shall report to the Legislative
13 Study Commission on Public Schools prior to October 1, 1998, on its progress in
14 implementing this act.

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



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To: Senator Winner
From: Sara Kamprath, Legislative Analyst
Re: **PCS for H1487 Extra Duties/New Teachers**

I am attaching the proposed committee substitute for HB 1487 Extra Duties/New Teachers for your review.

In the Excellent Schools Act, the legislature directed the State Board to develop and distribute guidelines to help local boards to support new teachers, including extracurricular duties. In the March 1998 report to Education Oversight on the development of a mentor program, the State Board strongly recommended that new teachers be assigned no more than 1 extracurricular assignment. DPI is bringing this recommendation to the State Board for discussion at its September meeting and the recommendation will be voted on at the October meeting. This may change what you want to do with the proposed committee substitute.

Please let me know about any changes that you want for the proposed committee substitute.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

D

HOUSE BILL 1487

Proposed Senate Committee Substitute H1487-PCSRJ-001

LINE NUMBERS MAY CHANGE AFTER ADOPTION

13-AUG-98 08:20:53

Short Title: Extra Duties/New Teachers.

(Public)

Sponsors: Representatives Arnold; Preston and Sexton.

Referred to: Education.

May 25, 1998

1 A BILL TO BE ENTITLED

2 AN ACT TO DIRECT THE STATE BOARD OF EDUCATION TO ADOPT GUIDELINES
3 PRESCRIBING THE EXTRACURRICULAR DUTIES ASSIGNED TO FIRST-YEAR
4 TEACHERS.

5 The General Assembly of North Carolina enacts:

6 Section 1. The State Board of Education shall adopt
7 guidelines concerning the type and number of extracurricular
8 duties assigned to first-year teachers beginning with the 1999-
9 2000 school year. It is strongly recommended that no new teacher
10 be required to perform any extracurricular duty in order to have
11 time to learn and grow into a capable professional.

12 Section 2. The State Board of Education shall report to
13 the Joint Legislative Education Oversight Commission prior to
14 November 15, 1998, on its progress in implementing this act.

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

VISITOR REGISTRATION SHEET

Senate Education / Higher Ed

Name of Committee

8/19/98

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
<u>John Rustin</u>	<u>NCFPC</u>
<u>John Bratt</u>	<u>NCASA</u>
<u>Gene Causby</u>	<u>E - EBC</u>
<u>E. Manheimer</u>	<u>Bill Drafting</u>
<u>June Brotherton</u>	<u>UNC - GA / NC State</u>
<u>W. H. Dunn</u>	<u>TAP / AP</u>
<u>Kyle Armstrong</u>	<u>NC Senate</u>
<u>Ann Harris</u>	<u>Public School Forum of NC</u>
<u>Alicia Gregory</u>	<u>Poyner & Spruill</u>
<u>Peter Jensen</u>	<u>DHHS</u>
<u>Ann Belam</u>	<u>SBE</u>

VISITOR REGISTRATION SHEET

Senate Education/Higher Education

Name of Committee

8/19/98
Date

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME _____

FIRM OR AGENCY AND ADDRESS

Harriet Dial

NCAE

Bill Wilson

NCAE

Had Daise

NCE

SENATE COMMITTEE
ON EDUCATION/HIGHER EDUCATION

Wednesday, September 2, 1998

MINUTES

The Senate Committee on Education/Higher Education met on Wednesday, September 2, 1998, at 10:00 A.M. in Room 414 of the Legislative Office Building. Sixteen of the members of the Committee attended the meeting, including the Co-Chair, Senator Winner, who presided. Pages were Kelly Hill and Sara Thompson from Chocowinity and Paul Suffern from Chapel Hill.

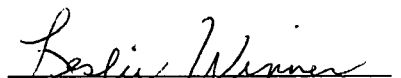
HB 1737 N.C. University Centennial Campus

Chancellor Mary Ann Fox of N. C. State University presented and explained the bill to the committee. Dr. Charles Moreland of N. C. State University gave some background information on the Centennial Campus to the Committee. Mr. Charlie Lefler, Associate Vice-Chancellor for Facilities, gave a brief presentation on what buildings were already on the Centennial Campus.

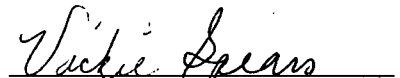
Senator Eric Reeves, who had a companion bill in the Senate, spoke to the Committee in favor of the bill.

Senator Hartsell moved for a favorable report on the bill. The vote carried and the bill was sent to Appropriations and then to finance.

The Committee was adjourned at 11:08 a.m.



Senator Leslie Winner, Co-Chair



Vickie Spears, Committee Clerk

EDUCATION/HIGHER EDUCATION

AGENDA

September 2, 1998

HB 1737

**N. C. University
Centennial Campus**

Rep. Dickson

NORTH CAROLINA GENERAL ASSEMBLY

LEGISLATIVE FISCAL NOTE

BILL NUMBER: HB 1737 (Second Edition)

SHORT TITLE: NCSU Centennial Campus

SPONSOR(S): Rep. Dickson

FISCAL IMPACT

Yes () No (X) No Estimate Available ()

FY 1998-99 FY 1999-00 FY 2000-01 FY 2001-02 FY 2002-03

REVENUES (see ASSUMPTIONS AND METHODOLOGY)

PRINCIPAL DEPARTMENT(S) &

PROGRAM(S) AFFECTED: North Carolina State University, UNC Board of Governors

EFFECTIVE DATE: This act is effective when it becomes law.

BILL SUMMARY: The bill does the following: 1) expands the Centennial Campus at North Carolina State University to include the College of Veterinary Medicine and surrounding land, 2) clarifies that the UNC Board of Governors shall designate what real estate and facilities comprise the Centennial Campus, 3) deletes the 40 year limit on land and building leases at Centennial Campus, 4) allows the UNC Board of Governors to approve leases of buildings on the Centennial Campus for periods of 10 years or less without Council of State approval, 5) exempts Centennial Campus real estate transactions from service charges that are made to the State Land Fund, 6) establishes that a lease or rental of land owned by the state may not exceed a period of 99 years, and 7) instructs agencies to consult with the Joint Legislative Commission on Governmental Operations upon the sale or the receipt of a gift of land valued at \$25,000 or more.

ASSUMPTIONS AND METHODOLOGY:

State Land Fund

Section 4 of the bill exempts the Centennial Campus from paying a service charge to the State Land Fund for each of its lease, rental, or easement transactions. There is no fiscal impact from this change, because the Centennial Campus has never paid any fees to the Fund. The bill simply

removes a conflict between two statutes. G.S. 146-30 requires that a service charge be paid for all land or lease transactions, while G.S. 116-36.5 requires that all moneys from development of the Centennial Campus shall go into the Centennial Campus Trust Fund.

Property Tax

The bill has the potential to remove additional land and structures from the property tax rolls in Wake County if the UNC Board of Governors uses the power granted in section 2 of the bill to expand the Centennial Campus to noncontiguous land not currently owned by NC State University. However, under current law, the county could recoup its tax loss in several ways. First, if the Campus land is leased at below market value to a private firm, then the leased land can be taxed. Second, if a private firm leases land from the campus at market value and builds its own building, then Wake county may levy property tax only on the building and its furnishings and equipment. Third, if a private firm leases the land and building from the Campus, then only the furnishings and equipment will be subject to property tax.

FISCAL RESEARCH DIVISION 733-4910

PREPARED BY: Richard Bostic

APPROVED BY:



DATE: August 31, 1998



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To: Senators Lee and Winner, Cochairs, Senate Education/Higher Education Committee
From: Sara Kamprath, Legislative Analyst
Date: August 24, 1998
Re: HB 1737 NCSU Centennial Campus (Second Edition)

Current Law	Proposed Changes to Current Law under HB 1737 (by Section)
Centennial Campus means the real property and appurtenant facilities designated by the UNC Board of Governors.	Section 2 amends the definition of Centennial Campus in G.S. 116-198.33(4) to specifically include the following properties in addition to all other real property and appurtenant facilities designated by the UNC Board of Governors: (1) the College of Veterinary Medicine (2) the University Club (3) the Agricultural Turf Grass Management Program (4) the former Dix Hospital properties and other contiguous parcels of property The designated properties do not have to be contiguous with the Centennial Campus.
G.S. 146-27 provides that every sale, lease or rental of State-owned land or land owned by a State agency shall be made by the Department of Administration and then approved by the Governor and Council of State. G.S. 143-341(4) provides that the Department of Administration has the authority to make all leases and rentals of State-owned buildings or buildings owned by a State agency with the approval of the Governor and Council of State.	Section 3 amends G.S. 116-198.34(5) by deleting the 40 year limit on land and building leases at Centennial Campus. Further, rental agreements for space in buildings on Centennial Campus made for 10 years or less do not require the approval of the Governor and the Council of State but are subject to approval by the UNC Board of Governors. All other acquisitions and dispositions made under this subdivision are subject to G.S. 143-341 and Chapter 146. Adds G.S. 116-198.34(8a) to clarify that the UNC Board of Governors has the authority to designate the real property and appurtenant facilities that are part of Centennial Campus.

Current Law	Proposed Changes to Current Law under HB 1737 (by Section)
<p>G.S. 146-30 requires that the service charge from any lease of State land shall go into the State Land Fund. However, G.S. 116-36.5 requires that all funds from the development of the Centennial Campus shall go into the Centennial Campus Trust Fund.</p>	<p>Section 4 amends G.S. 146-30 by adding a new subsection to provide that no service charge shall be deducted and paid into the State Land Fund from the proceeds of any lease of State lands designated as part of the Centennial Campus.</p>
<p>G.S. 146-27 does not provide a limit on the length of the lease or rental of land owned by the State.</p>	<p>Section 5 amends G.S. 146-27 to provide that a lease or rental of land owned by the State may not exceed 99 years.</p>

House Bill 1737 would take effect when it becomes law.

The bill needs to be referred to the Senate Finance Committee.

H1737-SMRJ-001

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

2

HOUSE BILL 1737*
Committee Substitute Favorable 6/17/98

Short Title: NCSU Centennial Campus.

(Public)

Sponsors:

Referred to:

June 1, 1998

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE THAT THE CENTENNIAL CAMPUS AT NORTH
3 CAROLINA STATE UNIVERSITY INCLUDES THE COLLEGE OF
4 VETERINARY MEDICINE, TO CLARIFY THAT THE BOARD OF
5 GOVERNORS HAS THE AUTHORITY TO DESIGNATE THE REAL ESTATE
6 AND APPURTENANT FACILITIES THAT COMPRISE THE CENTENNIAL
7 CAMPUS AT NORTH CAROLINA STATE UNIVERSITY, TO MODIFY THE
8 AUTHORITY OF THE BOARD OF GOVERNORS WITH REGARD TO
9 CERTAIN TYPES OF DISPOSITIONS OF CENTENNIAL CAMPUS
10 PROPERTY, TO EXEMPT CERTAIN REAL ESTATE TRANSACTIONS ON
11 THE CENTENNIAL CAMPUS FROM PAYMENT OF THE STATE LAND
12 SERVICE CHARGE, AND TO LIMIT THE NUMBER OF YEARS STATE
13 PROPERTY CAN BE LEASED TO NINETY-NINE YEARS.

14 The General Assembly of North Carolina enacts:

15 Section 1. G.S. 116-36.5 reads as rewritten:

16 "§ 116-36.5. Centennial Campus trust fund.

17 All moneys received through development of the Centennial Campus of North
18 Carolina State University at Raleigh, from whatever source, including the net
19 proceeds from the lease or rental of Centennial Campus real property, shall be placed
20 in a special, continuing, and nonreverting trust fund having the sole and exclusive use
21 for further development of the Centennial Campus, including its operational
22 development. This fund shall be treated in the manner of institutional trust funds as
23 provided in G.S. 116-36.1. This fund shall be deemed an additional and alternative

1 method of funding the Centennial Campus and not an exclusive one. For purposes
2 of this section the term 'Centennial Campus' ~~shall mean that real property and~~
3 ~~appurtenant facilities designated by the Board as part of the Centennial Campus of~~
4 ~~North Carolina State University at Raleigh. is defined by G.S. 116-198.33(4).~~ To the
5 extent that any general, special, or local law is inconsistent with this section, it is
6 declared inapplicable to this section."

7 Section 2. G.S. 116-198.33(4) reads as rewritten:

8 "(4) The term 'Centennial Campus' ~~shall mean~~ means all of the
9 following properties:

- 10 a. The real property and appurtenant facilities bounded by
11 Blue Ridge Road, Hillsborough Street, Wade Avenue, and
12 Interstate 440 that are the sites of the College of Veterinary
13 Medicine, the University Club, and the Agricultural Turf
14 Grass Management Program.
15 b. The real property and appurtenant facilities that are the
16 former Dix Hospital properties and other contiguous parcels
17 of property that are adjacent to Centennial Boulevard.
18 c. All other that real property and appurtenant facilities
19 designated by the Board of Governors as part of the
20 Centennial Campus of the Institution. Campus. The
21 properties designated by the Board of Governors do not
22 have to be contiguous with the Centennial Campus to be
23 designated as part of that Campus."

24 Section 3. G.S. 116-198.34 reads as rewritten:

25 "**§ 116-198.34. General powers of Board of Governors.**

26 ~~The Board is authorized, subject to the requirements of this Article:~~ may exercise
27 any one or more of the following powers:

- 28 (1) To determine the location and character of any project or projects,
29 and to acquire, construct, and provide the same, and to maintain,
30 repair, and operate, and to enter into contracts for the
31 management, lease, use, or operation of all or any portion of any
32 project or projects and any existing ~~facilities;~~ facilities.
33 (2) To issue revenue bonds as hereinafter provided to pay all or any
34 part of the cost of any project or projects, and to fund or refund
35 the ~~same;~~ same.
36 (3) To fix and revise from time to time and charge and collect rates,
37 fees, rents, and charges for the use of, and for the services
38 furnished by, all or any portion of any project or ~~projects;~~ projects.
39 (4) To establish and enforce, and to agree through any resolution or
40 trust agreement authorizing or securing bonds under this Article to
41 make and enforce, rules and regulations for the use of and services
42 rendered by any project or projects and any existing facilities, to
43 provide for the maximum use of any project or projects and any
44 existing ~~facilities;~~ facilities.

- (5) To acquire, hold, lease, and dispose of real and personal property in the exercise of its powers and the performance of its duties hereunder and to lease all or any part of any project or projects and any existing facilities ~~for such period or periods of years, not exceeding 40 years,~~ upon such terms and conditions as the Board determines, subject to the provisions of ~~G.S. 143-341;~~ G.S. 143-341 and Chapter 146 of the General Statutes.

Notwithstanding G.S. 143-341 and Chapter 146 of the General Statutes, a disposition by easement, lease, or rental agreement of space in any building on the Centennial Campus made for a period of 10 years or less shall not require the approval of the Governor and the Council of State. All other acquisitions and dispositions made under this subdivision are subject to the provisions of G.S. 143-341 and Chapter 146 of the General Statutes.

- (6) To employ consulting engineers, architects, attorneys, accountants, construction and financial experts, superintendents, managers, and such other employees and agents as may be necessary in its judgment in connection with any project or projects and existing facilities, and to fix their ~~compensation;~~ compensation.

- (7) To make and enter into all contracts and agreements necessary or incidental to the performance of its duties and the execution of its powers under this ~~Article;~~ Article.

- (8) To receive and accept from any federal, State, or other public agency and any private agency, person or other entity donations, loans, grants, aid, or contributions of any money, property, labor, or other things of value for any project or projects, and to agree to apply and use the same in accordance with the terms and conditions under which the same are ~~provided; and~~ provided.

- (8a) To designate the real property and appurtenant facilities to be included as part of the Centennial Campus.

- (9) To do all acts and things necessary or convenient to carry out the powers granted by this Article."

Section 4. G.S. 146-30 is amended by adding a new subsection to read:

"(b1) Notwithstanding the other provisions of this section, no service charge into the State Land Fund shall be deducted from or levied against the proceeds of any disposition by lease, rental, or easement of State lands that are designated as part of the Centennial Campus as defined by G.S. 116-198.33(4). All net proceeds of those dispositions are governed by G.S. 116-36.5."

Section 5. G.S. 146-27 reads as rewritten:

"§ 146-27. The role of the Department of Administration in sales, leases, and rentals.

(a) General. -- Every sale, lease, rental, or gift of land owned by the State or by any State agency shall be made by the Department of Administration and approved by the Governor and Council of State; ~~provided that if the proposed disposition is a~~

1 ~~sale or gift of land with an appraised value of at least twenty-five thousand dollars~~
2 ~~(\$25,000), the sale or gift shall not be made until after consultation with the Joint~~
3 ~~Legislative Commission on Governmental Operations. State. A lease or rental of~~
4 ~~land owned by the State may not exceed a period of 99 years. The Department of~~
5 ~~Administration may initiate proceedings for sales, leases, rentals, and gifts of land~~
6 ~~owned by the State or by any State agency.~~
7 (b) Large Disposition. -- If a proposed disposition is a sale or gift of land with an
8 appraised value of at least twenty-five thousand dollars (\$25,000), the sale or gift shall
9 not be made until after consultation with the Joint Legislative Commission on
10 Governmental Operations."

11 Section 6. This act is effective when it becomes law.

VISITOR REGISTRATION SHEET

SENATE EDUCATION/HIGHER EDUCATION COMMITTEE

September 1, 1998

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

June Beckett	UNC-GA / NCSU Ag Bn
Kathy Hart	NC State Univ.
Oscar Fletcher	NC State
Lisa Piercy	Capital Group
Taker Gark	Gov.'s Office
Gene Causby	E-EBE
Hal Miller	DEACCT
Ruth Sappie	NCDOT
CLAUDE E. MCKINNEY	NC STATE UNIVERSITY'S CENTENNIAL CAMPUS
JOE HENDERSON	STATE PROPERTY OFFICE
Marilyn Blaw	DOA
Lloyd Thrawel	TAP/AP

**NORTH CAROLINA GENERAL ASSEMBLY
SENATE**

EDUCATION/HIGHER EDUCATION COMMITTEE REPORT

Sen. Leslie Winner, Co-Chair

Sen. Howard Lee, Co-Chair

CORRECTED REPORT

Wednesday, September 02, 1998

SEN. WINNER,

submits the following with recommendations as to passage:

FAVORABLE

H.B. (CS) 1737

NCSU Centennial Campus

Sequential Referral:

Appropriations

Recommended Referral: Finance

TOTAL REPORTED: 1

Committee Clerk Comment:

Sen. Winner to sign.