1999-2000

HOUSE EDUCATION COMMITTEE

MINUTES

MEMBERSHIP LIST

HOUSE EDUCATION COMMITTEE – 1999-2000

REPRESENTATIVE	LEG. ASST.	PHONE#	ROOM #
WARNER, Alex	Ann Stancil	3-5853	1206
YONGUE, Doug	Jenny Umstead	3-5821	1303
ADAMS, Alma	Troy Williams	3-5902	542
ALEXANDER, Martha	Ann Faust	3-7208	2121
ALLEN, Gordon	Lillie Pearce	3-5662	530
ARNOLD, Gene	Nancy Kirby	3-5806	1420
BONNER, Donald	Lucy Johnson	3-5803	1313
BOYD-MCINTYRE, Flossie		3-5905	507
BRIDGEMAN, John	Joyce Langdon	5-3007	419A
CANSLER, Lanier	Barbara Cansler	3-5605	1209
COX, Leslie	Ferebee Stainback	3-5827	1221
CRAWFORD, Jim	Linda Winstead	3-5824	1301
DEDMON, Andy	Donna Abu Harb	3-5732	2213
DOCKHAM, Jerry	Joanna Mills	3-5822	1106
EDWARDS, Zeno	Jo Hinton	3-5906	637
FOX, Stan	Mary Capps	3-5757	1217
GILLESPIE, Mitch	Bonnie Jones	3-5987	1201
GOODWIN, Wayne	Kirsten Younts	3-4838	502
GULLEY, Jim	Lucille Carter	3-5860	1307
HAIRE, Phillip	Sara Jane Lennard	5-3005	419B
HENSLEY, Bob	Margie Penven	3-5780	610
HIATT, William	Edna Pearce	3-5862	1008
HORN, Jim	Alice Sharpe	3-5849	503
INSKO, Verla	Pat Baker	3-5775	1323
JARRELL, Mary	Edna Collar	3-5749	2219
JEFFUS, Maggie	Mary Lee Robinson	3-5191	1013
JUSTUS, Larry	Carolyn Justus	3-5958	640
KINNEY, Ted	Eryn Gee	3-5758	2123
LUEBKE, Paul	Norma Bowen	3-7663	529
MCALLISTER, Mary	Annecia Norwood	3-5959	638
MCCOMBS, Eugene	Suzanne Erskine	3-5881	514
MCLAWHORN, Marian	Shelby Jeffryes	5-3017	417B
MCMAHAN, Ed	Sharon Cram	3-5661	1019
MELTON, Max	Gerry Durant	3-5784	633
MICHAUX, Mickey	Anne Peele	3-5772	1325
MOORE, Richard	Susan Burleson	3-5746	1220
MORGAN, Richard	Dixie Epps	5-3011	418B
NESBITT, Martin	Jan Lee	3-5956	2204
NYE, Ed	Jo Bobbitt	3-5477	639
OLDHAM, Pete	Delta Prince	5-3026	403

MEMBERSHIP (cont.)

HOUSE EDUCATION COMMITTEE – 1999-2000

REPRESENTATIVE	LEG. ASST.	PHONE#	ROOM #.
OWENS, Bill	Judy Veorse	3-0010	632
RAYFIELD, John	Gail Musser	3-5823	1305
RUSSELL, Carolyn	Susan Brothers	5-0873	1213
SAUNDERS, Drew	Ruth Fish	3-5776	1219
SEXTON, Wayne	Debbie Turner	3-5974	506
SHERRILL, Wilma	Rosa Kelley	5-4466	602
SMITH, Ronnie	Jane Bass	3-5773	2223
THOMAS, Scott	Dianne Dagenhart	3-5863	404
THOMPSON, Gregg	Edna Sykes	3-5828	1002
TOLSON, Joe	Gayle Christian	5-3024	402
TUCKER, Russell	Surena Henderson	5-3015	417C
WALEND, Trudi	Jayne Walend	5-3012	418A
WARREN, Edith	Nancy Willis	5-3019	417A
WARWICK, Nuram	Carolyn Honeycutt	5-3003	419C
WOMBLE, Larry	Phyllis Cameron	3-5777	537

1999 - 2000
HOUSE EDUCATION COMMITTEE
CHAIRS AND VICE CHAIR



Rep. Alex Warner
Cochair



Rep. Doug Yongue
Cochair



Rep. Maggie Jeffus
Vice Chair

EDUCATION/Community Colleges
Membership



Rep. Tolson
Chairman



Rep. Bridgeman
Vice Chairman



Rep. McLawhorn
Vice Chairman



Rep, Crawford



Rep. Dedmon



Rep. Dockham



Rep. Gillespie



Rep. Goodwin



Rep. McCombs



Rep. Oldham



Rep. Rayfield



Rep. Saunders



Rep. Sexton



Rep. Smith



Rep. Thomas

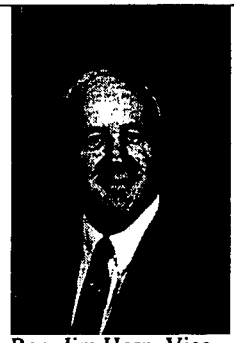


Rep. Womble

1999 Education Sub-Committee
Pre-School, Elementary and Secondary Education


Rep. Donald Bonner, Chair


Rep. Richard Moore, Chair


Rep. Jim Horn, Vice-Chair


Rep. O. Max Melton, Vice Chair


Rep. Russell Tucker, Vice-Chair


Rep. Gordon Allen


Rep. Lanier Cansler


Rep. Leslie Cox


Rep. Zeno Edwards, Jr.


Rep. Jim Gulley


Rep. Bill Hiatt


Rep. Ted Kinney


Rep. Paul Luebke


Rep. Mary McAllister


Rep. Edd Nye

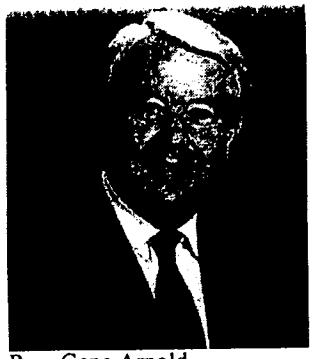

Rep. Carolyn Russell


Rep. Wilma Sherrill


Rep. Trudi Walend


Rep. Edith Warren


Rep. Nurham Warwick



Rep. Gene Arnold



Rep. Mary Jarrell



Rep. Maggie Jeffus

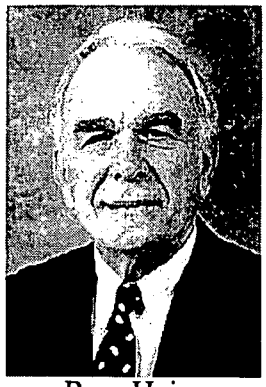


Rep. Martin Nesbitt

Universities



Rep. Verla Insko
Chair



Rep. Haire
Vice Chair



Rep. Adams



Rep. Alexander



Rep. Boyd-
McIntyre



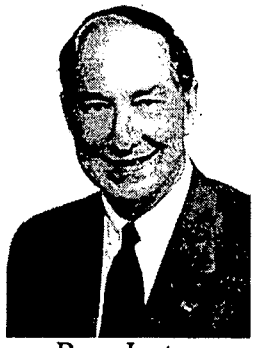
Rep. Crawford



Rep. Fox



Rep. Hensley



Rep. Justus



Rep. McMahan



Rep. Michaux



Rep. Morgan



Rep. Owens



Rep. Thompson

ATTENDANCE

HOUSE EDUCATION COMMITTEE

DATES	3/2	3/4	3/11	3/18	3/25	3/30	4/8	4/8		4/13	4/13	4/15	4/20	4/20	
ADAMS, Alma					✓		✓	✓	D		✓	✓	✓		
ALEXANDER, Martha	✓	Ex	Ex	✓	✓		✓	✓	D	✓	✓	✓		✓	
ALLEN, Gordon	✓				✓	✓	✓	✓	D	✓					
ARNOLD, Gene	✓		✓	✓	✓	✓	✓	✓	R	✓	✓	✓	✓	✓	
BONNER, Donald	✓	✓		✓	✓	✓	✓	✓	D	✓	✓	✓	✓	✓	
BOYD-MCINTYRE, Flossie	✓		✓	✓		✓		✓	D			✓			
BRIDGEMAN, John	✓	✓	✓	✓	✓	✓	✓		D	✓	✓	✓	✓	✓	
CANSLER, Lanier	✓	✓		✓	✓	✓	✓	✓	R	✓	✓	✓	✓	✓	
COX, Leslie	✓	✓	✓	✓	✓	✓	✓	✓	D	✓	✓	✓	✓	✓	
CRAWFORD, Jim	✓		✓	✓	✓	✓	✓	✓	D	✓	✓	✓	✓		
DEDMON, Andy															
DOCKHAM, Jerry		✓	✓					✓	R	ey		✓	✓		
EDWARDS, Zeno	✓	✓	✓	✓	✓		✓	✓	D	✓	✓	✓	✓	✓	
FOX, Stan	✓	✓	Ex	✓	✓	✓	✓	✓	D	✓	✓	✓	✓	✓	
GILLESPIE, Mitch	✓	✓	✓	✓	✓	✓	✓	✓	R	✓			✓	✓	
GOODWIN, Wayne	✓	✓		✓	✓	✓	✓	✓	D	ey	ey	ey	✓	✓	
GULLEY, Jim	✓	✓	✓	✓	✓		✓	✓	R	✓	✓	✓	✓	✓	
HAIRE, Phillip		✓		✓	✓		✓	✓	D	✓	✓	✓	✓	✓	
HENSLEY, Bob		✓		✓	✓	✓	✓	✓	D	✓	✓	✓	✓		
HIATT, William	✓	✓	✓	✓			✓	✓	R		✓	✓	✓	✓	
HORN, Jim	✓		✓	✓	✓	✓	✓	✓	D	✓	✓	✓	✓	✓	
INSKO, Verla	✓	✓		✓	✓	✓	✓			✓	✓	✓		✓	
JARRELL, Mary	✓	✓	✓	✓	✓	✓	✓			✓	✓	✓	✓	✓	
JEFFUS, Maggie	✓	✓		✓	✓	✓	✓	✓	D	✓	✓	✓	✓	✓	
JUSTUS, Larry	✓	✓	✓	✓						✓	✓	✓	✓	✓	
KINNEY, Ted	✓	✓		✓	✓	✓		✓	D	✓	✓		✓	✓	

ATTENDANCE

HOUSE EDUCATION COMMITTEE

DATES	3/2	3/4	3/11	3/18	3/25	3/30	4/6	4/8		4/12	4/13	4/15	4/20	4/20	
LUEBKE, Paul		✓		✓	✓	✓		✓	D	ey	✓	✓		✓	
MCALLISTER, Mary			✓	✓	✓		✓	✓	D	✓	✓	✓	✓		
MCCOMBS, Eugene	✓	✓	✓	✓	✓	✓	✓	✓	R		✓	✓	✓		
MCLAWHORN, Marian	✓	✓	✓	✓	✓	✓	✓	✓	D	✓	✓	✓	✓	✓	
MCMAHAN, Ed	✓	✓	✓			✓	✓	✓	R		✓	✓	✓		
MELTON, Max						✓	✓	✓	D	✓	✓	✓	✓	✓	
MICHAUX, Mickey	✓	✓		✓	✓	✓	✓	✓	D		✓	✓	✓	✓	
MOORE, Richard	✓		✓	✓	✓	✓	✓	✓	D	✓	✓	✓	✓	✓	
MORGAN,Richard				✓											
NESBITT, Martin					✓	✓	✓	✓	D	ey	✓	✓			
NYE, Ed	✓		✓	✓	✓	✓	✓	✓	D	✓		✓	✓	✓	
OLDHAM, Pete	✓	✓	Ex	✓	✓	✓	✓			✓		✓	✓	✓	
OWENS, Bill	✓	✓	✓			✓		✓	D		✓	✓			
RAYFIELD, John	✓	Ex	✓	✓	✓	✓	✓	✓	R	✓	✓	✓	✓	✓	
RUSSELL, Carolyn	✓	✓	✓	✓	✓	✓	✓	✓	R		✓	✓	✓	✓	
SAUNDERS, Drew		✓	✓		✓			✓	D			✓	✓	✓	
SEXTON, Wayne		✓		✓	✓		✓			✓		✓	✓	✓	
SHERRILL, Wilma	✓			✓	✓		✓	✓	R	✓	✓	✓	✓	✓	
SMITH, Ronnie	✓	✓	✓		✓	✓		✓	D	✓	✓	✓	✓	✓	
THOMAS, Scott		✓	✓	✓	✓	✓	✓	✓	D	✓	✓	✓	✓	✓	
THOMPSON, Gregg	✓	✓	✓	✓				✓	R		✓	✓	✓		
TOLSON, Joe	✓	✓	✓	✓	✓	✓	✓	✓	D	ey	✓	✓	✓	✓	
TUCKER, Russell	✓	✓	✓	✓	✓	✓	✓		R	✓	✓	✓	✓	✓	
WALEND, Trudi	✓	✓	✓	✓	✓	✓	✓	✓	R		✓	✓	✓		
WARREN, Edith	✓	✓	✓	✓	✓	✓	✓	✓	D	✓	✓	✓	✓	✓	
WARWICK, Nuram	✓	✓	✓	✓		ey	✓				✓	✓		✓	
~~WOMBLE, Larry~~															

ATTENDANCE

HOUSE EDUCATION COMMITTEE

DATES	3/2	3/4	3/11	3/18	3/25	3/30	4/6	4/8		4/12	4/13	4/15	4/20	4/20 night
WOMBLE, Larry	✓	✓	✓	✓	✓	✓		✓	D	✓	✓	✓	✓	✓
WARNER, Alex Co-Chair	✓	✓	✓	✓	✓	✓	✓	✓	D	✓	✓	✓	✓	✓
YONGUE, Doug CO-Chair	✓	✓	EX	✓	✓	✓	✓	✓	D	✓	✓	✓	✓	✓
Pete Cunningham						✓	✓	✓	D			✓	✓	✓

ATTENDANCE

HOUSE EDUCATION COMMITTEE

DATES	4/22	4/23	4/27	5/11	5/13	5/18	5/20	5/25	6/60	6/22	6/29	7/9	7/13		
ADAMS, Alma		✓	✓	✓		✓	✓			✓	✓	✓			
ALEXANDER, Martha		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	ex	✓		
ALLEN, Gordon	✓	✓		✓	✓			✓	✓	✓		✓			
ARNOLD, Gene	✓	✓	✓	✓	✓		✓	✓	✓	✓	✓	✓	✓		
BONNER, Donald	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	ex			
BOYD-MCINTYRE, Flossie		✓		ex	✓		✓			✓	.	✓			
BRIDGEMAN, John	✓	✓	✓		✓		✓	✓	✓	✓	✓	✓	✓		
CANSLER, Lanier		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓			
COX, Leslie	✓	✓	✓		✓	✓	✓	✓	✓		✓	✓	✓		
CRAWFORD, Jim	✓		✓	✓	✓	✓		✓	✓	✓	✓	✓			
DEDMON, Andy		✓		✓											
DOCKHAM, Jerry	✓	✓	✓						✓						
EDWARDS, Zeno	✓		✓	✓	✓	✓		✓	✓	✓	✓	✓	✓		
FOX, Stan	✓	✓	✓	✓	✓		✓	✓	✓	✓	ex	✓	✓		
GILLESPIE, Mitch	✓	✓		✓	✓	✓	✓	✓			✓	✓			
GOODWIN, Wayne		✓	✓	✓	✓	✓		✓	✓	✓	✓	✓	✓		
GULLEY, Jim	✓	✓		.	✓	✓	✓	✓	✓	✓	✓	✓	✓		
HAIRE, Phillip	✓	✓	✓	ex	ex	✓	✓	✓	✓	✓	✓	✓	✓		
HENSLEY, Bob	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓				
HIATT, William	✓	✓	✓	✓	✓	✓		✓		✓	✓	✓	✓		
HORN, Jim	✓	✓	✓	✓	✓			✓	✓	✓	✓	✓	✓		
INSKO, Verla	✓	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		
JARRELL, Mary	✓		✓	✓	✓	✓	✓	✓		✓	✓		✓		
JEFFUS, Maggie	✓	✓	✓	ex	✓		✓	✓	✓	✓	✓	✓	✓		
JUSTUS, Larry		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	.	✓		
KINNEY, Ted				✓					✓						

ATTENDANCE

HOUSE EDUCATION COMMITTEE

DATES	4/22	4/23	4/27	5/11	5/13	5/18	5/20	5/25	6/1	6/2	6/29	7/9	7/13		
LUEBKE, Paul		✓				✓		✓	✓	✓			✓		
MCALLISTER, Mary			✓		✓	✓	✓	✓	✓	✓	✓	✓			
MCCOMBS, Eugene	✓	✓	✓	✓	✓	✓			✓	✓	✓	✓	✓		
MCLAWHORN, Marian	✓	✓		✓	✓	✓	✓	✓	✓	✓		✓	✓		
MCMAHAN, Ed	✓	✓		✓	✓			✓	✓				✓		
MELTON, Max	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓		
MICHAUX, Mickey	✓	✓		✓		✓	✓	✓	✓	✓	✓				
MOORE, Richard	✓	✓	✓	✓	✓			✓	✓	✓		✓	✓		
MORGAN,Richard															
NESBITT, Martin	✓		✓	✓	✓		✓	✓	✓	✓	✓	✓	✓		
NYE, Ed	✓	✓		✓	✓		✓	✓	✓	✓	✓	✓	✓		
OLDHAM, Pete	✓	✓	✓	✓	✓	✓			✓			✓	✓		
OWENS, Bill	✓	✓		✓						✓		✓			
RAYFIELD, John	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		
RUSSELL, Carolyn	✓	✓	✓	✓			✓	✓	✓	✓	✓	✓	✓		
SAUNDERS, Drew	✓	✓			✓		✓				✓	✓	✓		
SEXTON, Wayne	✓	✓	✓	✓						✓	✓	✓			
SHERRILL, Wilma	✓	✓	✓	✓	✓		✓	✓	✓	✓	✓	✓	✓		
SMITH, Ronnie	✓	✓	✓		✓	✓	✓	✓		✓		✓	✓		
THOMAS, Scott		✓		✓	✓	✓	✓	✓	✓	✓	✓	✓			
THOMPSON, Gregg	✓	✓		✓	✓	✓		✓	✓	✓	✓	✓	✓		
TOLSON, Joe	✓	✓	✓	✓	✓	✓	✓		✓	✓	✓	✓	✓		
TUCKER, Russell	✓	✓	✓	✓	✓		✓	✓	✓	✓					
WALEND, Trudi		✓	✓	✓	✓		✓	✓		✓	✓	✓			
WARREN, Edith	✓	✓	✓	✓	✓	✓		✓	✓	✓	✓	✓	✓		
WARWICK, Nuram	✓		✓		✓	✓	✓	✓	✓	✓					
~~WOMBLE, Larry~~															

ATTENDANCE

HOUSE EDUCATION COMMITTEE

DATES	4/22	4/23	4/27	5/11	5/13	5/15	5/20	5/25	6/10	6/03	6/29	9/9	9/13		
WOMBLE, Larry	✓	✓			✓	✓	✓	✓	✓	✓	✓		✓		
WARNER, Alex Co-Chair	✓	✓	✓	ex	✓	✓	✓	✓	✓	✓	✓	ex	ex		
YONGUE, Doug CO-Chair	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		
Cunningham		✓							F	✓	✓	✓	✓		

ATTENDANCE

HOUSE EDUCATION COMMITTEE

2000

DATES	5/23	6/6	6/20	6/27	7/6										
ADAMS, Alma	✓	✓			✓										
ALEXANDER, Martha	✓	✓		✓	✓										
ALLEN, Gordon	✓	✓	✓												
ARNOLD, Gene	✓	✓		✓	✓										
BONNER, Donald	✓	✓		✓	✓										
BOYD-MCINTYRE, Flossie					✓										
BRIDGEMAN, John	✓	✓	✓	✓	✓										
CANSLER, Lanier	✓	✓	✓		✓										
COX, Leslie	✓	✓		✓											
CRAWFORD, Jim	✓	✓	✓	✓	✓										
DEDMON, Andy															
DOCKHAM, Jerry															
EDWARDS, Zeno	✓	✓	✓	✓	✓										
FOX, Stan	✓			✓	✓										
GILLESPIE, Mitch	✓	✓			✓										
GOODWIN, Wayne	✓	✓	✓	✓	✓										
GULLEY, Jim	✓	✓		✓	✓										
HAIRE, Phillip		✓	✓		✓										
HENSLEY, Bob	✓	✓	✓	✓	✓										
HIATT, William	✓	✓	✓												
HORN, Jim	✓	✓	✓	✓	✓										
INSKO, Verla	✓				✓										
JARRELL, Mary	✓	✓		✓	✓										
JEFFUS, Maggie	✓	✓	✓	✓	✓										
JUSTUS, Larry	✓	✓		✓	✓										
KINNEY, Ted	✓														

ATTENDANCE

HOUSE EDUCATION COMMITTEE

DATES	5/23	6/6	6/20	6/27	7/6										
LUEBKE, Paul	✓	✓		✓	✓										
MCALLISTER, Mary															
MCCOMBS, Eugene	✓	✓	✓	✓	✓										
MCLAWHORN, Marian	✓	✓		✓	✓										
MCMAHAN, Ed	✓														
MELTON, Max	✓			✓	✓										
MICHAUX, Mickey					✓										
SOSSAMON, Leonard		✓	✓	✓	✓										
MORGAN,Richard															
NESBITT, Martin															
NYE, Edd		✓	✓	ea	✓										
OLDHAM, Pete	✓	✓	✓		✓										
OWENS, Bill	✓	ea	✓	ea	✓										
RAYFIELD, John	✓	✓	✓	✓	✓										
RUSSELL, Carolyn	✓	✓		✓	✓										
SAUNDERS, Drew	✓				✓										
SEXTON, Wayne	✓	✓		✓											
SHERRILL, Wilma	✓	✓	✓	✓	✓										
SMITH, Ronnie	✓			✓	✓										
THOMAS, Scott	✓	✓			✓										
THOMPSON, Gregg	✓	✓		✓	✓										
TOLSON, Joe	✓	✓	✓		✓										
TUCKER, Russell	✓	✓		✓											
WALEND, Trudi	✓	✓			✓										
WARREN, Edith	✓	✓		✓	✓										
WARWICK, Nuram	✓	✓		✓											

(WOMBLE, Terry)

ATTENDANCE

HOUSE EDUCATION COMMITTEE

DATES	5/23	6/6	6/20	6/27	7/6										
WOMBLE, Larry	✓	✓	✓	✓	✓										
WARNER, Alex Co-Chair	✓	✓		✓	✓										
YONGUE, Doug Co-Chair	✓	✓	✓	✓	✓										
West, Roger	✓	✓	✓	✓	ey										

NORTH CAROLINA GENERAL ASSEMBLY

COMMITTEE SUMMARY REPORT

1999-2000 Biennium — HOUSE: EDUCATION — Valid Through 27-JUL-1999

BILL	INTRODUCER	SHORT TITLE	LATEST ACTION ON BILL	IN DATE	OUT DATE
H 23	**WARNER**	**COMM. COLLEGE SCHOLARSHIP PROGRAM**	***H -ASSIGNED TO APP-EDUC**	**02-16-99**	**03-15-99**
H 72	MCALLISTER	UNC TUITION/MILITARY STUDENTS	*H -RE-ASSIGNED TO APP-EDUC	02-15-99	04-23-99
H 127=	GULLEY J	COMMUNITY-BASED SCHOOL ASSIGNMENTS	H -REPTD TO EDUCATN	02-23-99	
H 216	PRESTON	EVALUATE CHARTER SCHOOLS	*R -CH. SL 99-0027	03-02-99	03-18-99
H 244	MCLAWHORN	STUDENT ON COMM., COLL. BOARD	*R -CH. SL 99-0061	03-04-99	04-14-99
H 260	BAREFOOT	COMMUNITY COLLEGE TECH. CHANGES	R -CH. SL 99-0084	03-04-99	04-15-99
H 273	THOMAS	MODIFY COMM. COLLEGE BD. MEMBERSHIP	H -REPTD TO EDUCATN	03-04-99	
H 274=	WARNER	ASST. PRINCIPAL PROVISIONAL CERT	H -PRES. TO GOV. 07-20	03-04-99	03-22-99
H 293	BRIDGEMAN	PROPRIETARY SCH./CIVIL PENALTIES	*H -CONF COM APPOINTED	03-04-99	04-14-99
H 355=	**MOSLEY**	**SEAT BELTS ON NEW SCHOOL BUSES**	***H -RE-ASSIGNED TO APP-EDUC**	**03-08-99**	**04-12-99**
H 395	RAYFIELD	COMM. COLLEGE SALARIES	H -RE-ASSIGNED TO ED-COMM	03-11-99	
H 469=	MCMAHAN	BONUS CLARIFIED/MECKLENBURG SCHOOLS	H -RE-REF COM ON LOCGOVI	03-17-99	04-12-99
H 477=	JEFFUS	COMMUNITY COLLEGE CAMPUS POLICE	R -CH. SL 99-0068	03-17-99	04-07-99
H 517=	MOORE R	STOP THREATS/ACTS OF SCHOOL VIOLENCE	*R -CH. SL 99-0257	03-22-99	04-27-99
H 598=	ALEXANDER	SCHOOL PERFORMANCE GOAL PILOT PROG.	H -REF TO COM ON EDUCATN	03-25-99	
H 790	GULLEY J	REVIEW OF COURT ORDERS BY SCHOOL BID	H -REF TO COM ON EDUCATN	04-01-99	
H 848	COLE	NO CHARTER SCHOOL DEADLINE/ROCKINGHA	*S -RE-REF COM ON RULES &	04-01-99	04-14-99
H 963	DAUGHTRY	FINISH SMART	HF-REPTD UNFAV	04-12-99	04-23-99
H 967=	GRADY	CHARTER SCHOOL TESTING REQUIREMENTS	S -REF TO COM ON ED/HIED	04-13-99	04-20-99
H1016=	JEFFUS	SCHOOL EMPLOYEE RETIREMENT CREDIT	*H -RE-REF COM ON APPROP	04-13-99	04-21-99
H1031	MOORE R	COMPENSATE TEACHER ACTING AS SUB	H -REF TO COM ON EDUCATN	04-14-99	
H1036	CAPPS	TEACHING OF EVOLUTION	HF-REPTD UNFAV	04-14-99	04-22-99
H1046	THOMPSON	CELL PHONES/PAGERS IN SCHOOLS	*S -REF TO COM ON ED/HIED	04-14-99	04-26-99
H1086	WOOD	CAPACITY FOR NEW SCHOOLS CAPPED	H -REF TO COM ON EDUCATN	04-15-99	
H1101	**CANSLER**	**ABC BONUSES FOR NONCERT. EMPLOYEES**	**H -RE-ASSIGNED TO APP-EDUC**	**04-15-99**	**04-27-99**
H1107	GARDNER	CREDIT CARD SOLICITATION/COLLEGES	*S -REF TO COM ON ED/HIED	04-15-99	04-23-99
H1148	MICHAUX	SCHOOL PROMOTION STANDARDS POSTPONED	H -ASSIGNED TO APP-EDUC	04-15-99	04-22-99
H1150	JEFFUS	SCH. IMPROVEMENT TEAM REPS ELECTED	R -CH. SL 99-0271	04-15-99	04-23-99
H1151=	JEFFUS	SCHOOL TEAM AUTHORITY/SCH. CALENDAR	H -ASSIGNED TO ED-PRE&	04-15-99	
H1152=	JEFFUS	DUTY FREE PERIOD/ALL TEACHERS	H -REF TO COM ON EDUCATN	04-15-99	

NOTES- = AFTER BILL NUMBER SHOWS THAT BILL IS IDENTICAL, AS INTRODUCED, TO ANOTHER BILL.
* AFTER NUMBERS INDICATES THAT TEXT OF BILL WAS ALTERED BY ACTION ON THE BILL.
BOLDED LINE INDICATES BILL INDEXED AS AFFECTING APPROPRIATIONS.

NORTH CAROLINA GENERAL ASSEMBLY

COMMITTEE SUMMARY REPORT

1999-2000 Biennium HOUSE: EDUCATION Valid Through 27-JUL-1999

BILL	INTRODUCER	SHORT TITLE	LATEST ACTION ON BILL	IN DATE	OUT DATE
H1154	MICHAUX	WEAPONS AT SCHOOL/LAW CLARIFIED	*H -PRES. TO GOV. 07-15	04-15-99	04-26-99
H1167	MOORE R	LATERAL ENTRY SIMPLIFIED	*R -CH. SL 99-0108	04-15-99	04-26-99
H1172	BLUE	CERTAIN GIFT CERTS. DO NOT ESCHEAT	H -REF TO COM ON EDUCATN	04-15-99	
H1178	ELLIS	COMPETENCY TEST/LOW-PERFORMING SCHOO	H -REF TO COM ON EDUCATN	04-15-99	
H1182	BAREFOOT	ALLOCATIONS FOR ADM GROWTH IN SCHOOL	H -REF TO COM ON EDUCATN	04-15-99	
H1187	HUNTER	COMMUNICATION DEVICES ON SCHOOL BUSE	R -CH. SL 99-0275	04-15-99	04-23-99
H1267	BOYD-MCINTYRE	TEACHER HARASSMENT PROTECTION	*H -PRES. TO GOV. 07-13	04-15-99	04-26-99
H1379=	WARWICK	NO COST TO TEACHER FOR PERSONAL LEAV	H -REF TO COM ON EDUCATN	04-29-99	
H1392	**MOORE R**	**TEACHER ASS'T SALARY SCHEDULE FUNDS-**	**H -REF TO COM ON EDUCATN**	**04-29-99**	
H1436	**BOYD-MCINTYRE**	**TEXTBOOK COMMISSION CHANGES/FUNDS**	***H -RE-REF COM ON APPROP**	**04-29-99**	**05-24-99**
H1440	**MOSLEY**	**DRIVER SAFETY ED/STUDY/FUNDS**	***H -RE-REF COM ON APPROP**	**04-29-99**	**05-19-99**
S 95	LEE	MODIFY C.C. & UNC BD MEMBERSHIP	*H -RE-REF COM ON RULES	04-07-99	05-24-99
S 225=	DALTON	ASS'T PRINCIPAL PROVISIONAL CERT	*R -CH. SL 99-0030	03-23-99	04-07-99
S 338	HARTSELL	SCHOOL PERSONNEL/CLASSROOM EXPER.	*H -REF TO COM ON EDUCATN	04-27-99	
S 795	DALTON	CC BD. ELECTION	R -CH. RES 99-09	04-27-99	05-10-99
S 898	DALTON	SCHOOL PERSONNEL LAW CHANGES	R -CH. SL 99-0096	04-27-99	05-11-99
S 942	MARTIN W	IMPLEMENTATION OF STUDENT STANDARDS	R -CH. SL 99-0317	05-03-99	06-29-99
S 977=	CARTER	SCHOOL TEAM AUTHORITY/SCH. CALENDAR	*S -PRES. TO GOV. 07-19	04-28-99	07-07-99
S1075	RAND	SPECIAL NEEDS FUNDING/TRANSPORTATION	R -CH. SL 99-0117	04-28-99	05-11-99
S1093=	GARROU	DUTY FREE PERIOD/ALL TEACHERS	*R -CH. SL 99-0163	04-29-99	05-25-99
S1099	CARTER	ALTERNATIVE SCHOOLS WITHIN SCHOOLS	*S -PRES. TO GOV. 07-20	04-28-99	07-14-99

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MINUTES

HOUSE EDUCATION COMMITTEE

MARCH 2, 1999

The meeting was called to order by Co-chair Representative Douglas Yongue. (The attendance sheet is attached.)

Rep. Yongue: The first order of business was the introduction of staff and members of the committee. Co-chair Yongue commented that the seating assignments were not sacred. If you are sitting beside of someone you don't particularly like for some reason or other (laughter) you just feel free when you come in to pick up your name tag and take it with you to a better seat, that's all we ask you to do.

Rep. Warner: After the introductions were made Co-chair Warner responded that philosophically, over the course of this biennial we can agree that we may disagree of many things. We'll conduct the business of the state as up and honest and forthright as we possibly can do and we'll run a good committee and after looking over the membership of this committee, I could not ask for any better caliber of personnel to serve on this committee. We come from many diverse backgrounds, and I think we are going to have some very positive things to come out of this committee.

Rep. Warner: We have State Superintendent Mike Ward and State Board of Education Chairman Phil Kirk. They will give a briefing of Social Promotions. (Attached are copies of the handouts presented by Mike Ward and Phil Kirk.) After the presentations were made, the committee brought questions forth.

Rep. Womble: Mr. Kirk, is it my understanding you do support charter schools? What I have heard in the last few days is that there is a possibility of a district being declared a charter district?

Mr. Ward: About a year ago, Don Martin, your superintendent in your district, and a member of the legislature, came to me and said they would like to have a study done by the legislature on the pros and cons of declaring a whole school system a charter LEA. That did not happen by the last session of the legislature . I now have been contacted by the people in Wake County about getting the whole Wake County system declared a charter LEA system. I've asked the department to do some research on whether that would require legislative action or whether that would be something the State Board could do and also the pros and cons of that. So it is something that has been mentioned to me by two counties. I don't feel like I know enough about it to give you a real firm opinion on it. It sounds like it would make sense to maybe try one place, so that's where we are on that. I don't have a closed mind on it at all. We'll be gathering additional information on that.

Rep. Arnold: Is it time because of the catalyst of social promotions to go to 200 days required in school, and have we thrown an extra ordinary burden on teachers because of the senior project and portfolio development?

Mike Ward: We believe it is definitely time to consider longer time in school. At least on a targeted basis for youngsters who need it. I don't know if we uniformly need 200 days. I'm pretty sure we need a lot of extra time for youngsters who are not yet at proficiency. We have done some cost estimates around 15 additional days of instruction, for example, for every youngster in grades three through eight not yet in proficiency. We believe that could be a useful model, or we could use some strategies like class size reduction in reading and math. But it's time to increase the teacher/student contact for the students who are not yet at proficiency. Anytime you make changes and add anything; you're gong to get a bunch of whining and complaining why it can't be done. But we have over 100 high schools that are doing the senior projects. We have a lot of schools that are doing portfolios. That's why we're going to hear directly from teachers this afternoon. You heard a lot of complaints about the ABC's. We are going to look at it more objectively than I sound.

Rep. Yongue: Recognized Rep. Arnold.

Rep. Arnold: Based on comments we heard from Superintendent Ward, in the past it's been done, and I would like to have you think about appointing a bipartisan committee to work with the Department of Public Instruction to draft legislation to extend the school year. It would then become committee legislation as oppose to an individual's legislation. If you would, please entertain that.

Rep. Yongue: Noted. Meeting adjourned.

Rep. Alex Warner

Rep. Doug Yongue

Ann Stancil, Committee Clerk

STUDENT PROMOTION STANDARDS

THE GOALS

- To improve student achievement
- To increase the number of students performing on grade-level (proficient)

THE PROCESS

- Providing focused intervention (assistance)
- Holding students, parents, principals, teachers and other educators accountable

THE OUTCOME

- Better prepared students
- The elimination of the need for social promotion

Higher Standards & Student Accountability Are Responding To...

- Student Academic Needs
- Parent Desires
- Educator Concerns
- Community Expectation (Business, Higher Education, General Public)
- General Statute 115C-12

The Law

(G.S. 115C-12)

"The Board shall develop a plan to implement high school exit exams, grade-level student proficiency benchmarks for academic courses required for admission to constituent institutions, institutions of the University of North Carolina and student proficiency benchmarks for the knowledge and skills necessary to enter the workforce."

Philosophy

- Higher student/teacher expectations and standards result in higher student achievement.
- Every student in North Carolina should be provided "an opportunity to receive a sound, basic education."
- Workplace skills are critical for students.
- Intervention for students not meeting the present or future higher standard is a must.

PROMOTION STANDARDS
(4 Gateways)

Gateway #1 (Grade 3)

- Proficiency Level III or IV on 3rd Grade End-of-Grade Test in Mathematics and Reading. (Timeline: 2001-2002)

Gateway #2 (Grade 5)

- Proficiency Level III or IV on 5th Grade End-of-Grade Test in Mathematics and Reading. The 4th Grade Writing Test will serve as an indicator of proficiency. Locally developed and scored writing samples will help determine promotion. (Timeline: 2000-2001)

Gateway #3 (Grade 8)

- Proficiency Level III or IV on 8th Grade End-of-Grade Test in Mathematics and Reading. The 7th Grade Writing Test will serve as an indicator of proficiency. Locally developed and scored writing samples will help determine promotion. (Timeline: 2001-2002)

PROMOTION STANDARDS
(4 Gateways)

Gateway #4 (Grade 12)

- Meeting existing standard of **local** and **state graduation requirements** (courses, attendance, etc.).

- Proficiency on Computer Skills Test. (Timeline: Graduating Class of 2001)

- Passing score on an **Exam of Essential Skills**: Second semester of Junior Year. (Timeline: Graduating Class of 2003)

- Completion of a **Senior Project**. (Timeline: To Be Determined) 100 schools participating

- Completion of a **Portfolio** to document performance in six competency areas. (Timeline: To Be Determined)

EXIT EXAM (Gateway 4)

Competencies to Measure

♦ Communication	♦ Using Numbers and Data
♦ Problem Solving	♦ Processing Information
Teamwork, Using Technology and Writing Assessed Elsewhere	

Content to Measure

English/ Reading/ Grammar	**Mathematics** (through Algebra I)	**Other Content Areas** (Science & Social Studies)

Proposed Statewide Student Promotion Standards

Key Points

1. Three administrations of end-of-grade tests for students below grade level (p. 1, 2, 3, 4)

2. Appeals process for teachers and parents (p. 1, 2, 3, 4)

3. Short-term and focused intervention (assistance) given to students (p. 1, 2, 3, 5)

4. Personalized education plans for students below grade level (p. 1, 2, 3, 5)

5. Limitation of two retentions at grades K-8 as result of policy (p. 4)

6. Parent agreements required (p. 5)

Proposed Statewide Student Promotion Standards

Key Points

7. Reporting of students promoted without being at grade level and students who moved across levels of performance (p. 6)

8. Considerations for students with disabilities – continued discussion (p 7, 8)

9. Considerations for students with Limited English Proficiency – continued discussion (p 8, 9)

10. Students given multiple opportunities to pass Exit Exam of Essential Skills and Computer Skills Tests - cut scores on each (p. 4)

11. Senior Project and Portfolio requirements still under discussion (p. 4)

Proposed Statewide Student Promotion Standards

SBE Policy Reference
and ID No. O1A108

(Note: Bold type represents current policy in ID No. O1A108)

North Carolina Statewide Promotion Standards ~~Competency~~ Requirements

Grade-level Proficiency Guidelines

The following grade-level promotion standards ~~**proficiency guidelines**~~ **are based on a belief in the need to provide early and ongoing assistance to students who need it. Our aim must be that all students have the reading and mathematics skills critical for participating in and benefiting from high school curricula in core academic and vocational areas.**

Standards

Elementary

Gateway 1.

In addition to meeting local promotion requirements, students in grade 3 shall demonstrate proficiency by having test scores at Level III or above on end-of-grade tests in both reading and mathematics. Students scoring at Level III or above shall be promoted to grade 4 unless determined otherwise by the school principal and teacher(s).

For students not scoring at Level III or above on the reading and mathematics tests, the school district must follow these procedures to determine if students should otherwise be promoted:

1. Students scoring below Level III on an end-of-grade test are given a second test within seven days from the receipt of test results. The second administration must be preceded by intervention or remediation provided for the students.
2. Students scoring below Level III on an end-of-grade after the second test administration may receive waivers from this policy based on their status as students with disabilities or students of limited English proficiency. Teachers may request an appeal by providing documentation showing that students are performing at grade level. Documentation may include
   a. Student work samples
   b. Other test data
   c. Other information that verifies that a student in on grade level

3. Parents or teachers may appeal after the second end-of-grade test administration.
4. For those students not receiving a waiver, a third administration of the end-of-grade test must be given after focused intervention of a time period that is instructionally sound (i.e., summer school).
5. Students still below Level III are retained with the exceptions stated under Gateway 3, Section 5a and 5b or in the sections related to children with disabilities and students of limited English proficiency.

An appeals committee, composed of teachers, principals, and parent representation from other schools, will make determination of giving waivers, based on documentation presented by teachers or parents on behalf of the students.

The effective date is **2001-02.**

Gateway 2.

In addition to meeting local promotion requirements, students in grade 5 shall demonstrate proficiency by having test scores at Level III or above on end-of -grade tests in both reading and mathematics. Additionally, the grade 4 writing test shall be used as a screen to determine whether students are making adequate progress in developing writing skills. If a student has not scored at or above proficiency level of 2.5 on the grade 4 writing test, the school must provide intervention and assistance to develop writing skills. The principal and teacher(s) will use locally developed and scored writing samples during grade 5 to determine if students have made adequate progress in order to be promoted to grade 6.

Students scoring at Level III or above on reading and mathematics and making progress in writing shall be promoted to grade 6 unless determined otherwise by the school principal and teacher(s).

For students not scoring at Levels III or above on the reading and mathematics test and not making adequate progress in developing writing skills, the school district must follow these procedures to determine if students should otherwise be promoted:

1. Students scoring below Level III on an end-of-grade test are given a second test within seven days from the receipt of test results. The second administration must be preceded by intervention or remediation provided for the students.
2. Students scoring below Level III on an end-of-grade after the second test administration may receive waivers from this policy based on their status as students with disabilities or students of limited English proficiency. Teachers may reequest an appeal by providing documentation showing that students are performing at grade level. Documentation may include
    a. Student work samples
    b. Other test data
    c. Other information that verifies that a student in on grade level

3. Parents or teachers may appeal after the second end-of-grade test administration.

4. For those students not receiving a waiver, a third administration of the end-of-grade test must be given after focused intervention of a time period that is instructionally sound (i.e., summer school).
5. Students still below Level III are retained with the exceptions stated under Gateway 3, Section 5a and 5b or in the sections related to children with disabilities and students of limited English proficiency.

An appeals committee, composed of teachers, principals, and parent representation from other schools, will make determination of giving waivers, based on documentation presented by teachers or parents on behalf of the students.

The effective date is **2000-01.**

Middle School--Gateway 3

In addition to meeting local promotion requirements, students in grade 8 shall demonstrate proficiency by having test scores at Levels III or above on end-of -grade test in both reading and mathematics. Additionally, the grade 7 writing test shall be used as a screen to determine whether students are making adequate progress in developing writing skills. If a student has not scored at or above proficiency level of 2.5 on the grade 7 writing test, the school must provide intervention and assistance to develop writing skills. The principal and teacher(s) will use locally developed and scored writing samples during grade 8 to determine if students have made adequate progress to be promoted to grade 9.

Students scoring at Level III or above in reading and mathematics and making adequate progress in writing shall be promoted to the grade 9 unless determined otherwise by the school principal and teacher(s).

For students not scoring at Levels III or above on the reading and mathematics test and not making adequate progress in developing writing skills, the school district must follow these procedures to determine if students should otherwise be promoted:

1. Students scoring below Level III on an end-of-grade test are given a second test within seven days from the receipt of test results. The second administration must be preceded by intervention or remediation provided for the students.
2. Students scoring below Level III on an end-of-grade after the second test administration may receive waivers from this policy based on their status as students with disabilities or students of limited English proficiency. Teachers may request an appeal by providing documentation showing that students are performing at grade level. Documentation may include
    a. Student work samples
    b. Other test data
    c. Other information that verifies that a student in on grade level
3. Parents or teachers may appeal after the second end-of-grade test administration.
4. For those students not receiving a waiver, a third administration of the end-of-grade test must be given after focused intervention of a time period that is instructionally sound (i.e., summer school).

5. Students still below Level III are retained with the exceptions listed below or in sections related to students with disabilities and students of limited English proficiency.
    a. Students in K-5 may not be retained more than once as a result of this policy.
    b. Students in grades 6-8 may not be retained more than once in 6-8 or more than twice in K-8 as a result of this policy.

An appeals committee, composed of teachers, principals, and parent representation from other schools, will make determination of giving waivers, based on documentation presented by teachers or parents on behalf of the students.

The effective date is **2001-02.**

High School--Gateway 4

Students must meet the following requirements to receive a North Carolina high school diploma.

1. Existing local and state graduation requirements
2. A passing score on an exit exam of essential skills. Students may take this exam in the spring of the students' 11th grade year **(Effective date: Graduating Class of 2003).**
3. Passing score on computer skills test **(Effective date: Graduating Class of 2001).**
4. Completion of a senior project by the end of grade 12. The Department of Public Instruction will develop guidelines to help schools assess senior projects. The evaluation of this project will be the responsibility of the school. (Effective date: _____)
5. Completion of a portfolio. As a minimum, portfolio shall include a resume, evidence of work demonstrating competence in communication, use of numbers and data, problem solving, technology use, teamwork, and information processing. The Department of Public Instruction will develop guidelines for school districts to use in identifying portfolio content. (Effective date: _____)

High School--Recognition

Any student receiving specified scores on English Language Arts and mathematics tests shall be eligible for an advanced diploma. An advanced diploma exempts students from remediation at a North Carolina public university or community college. This designated score is an additional requirement for the North Carolina Scholars Program.

The effective date is_____.

Local Promotion Procedures

Each local board of education shall develop local procedures for determining promotion. As a minimum, local procedures shall include the following aspects:

- local promotion standards at grades 3, 5, 8 and high school graduation
- adherence to state graduation requirements

- limits as to the number of times students may be retained in grade spans of K-3, 4-6, and 7-8
- notification and involvement of parents
- agreement of parental expectations signed by parents or guardians
- opportunities for retesting at least two times
- individual intervention plans, strategies, and opportunities
- appeals process for students having passing grades and meeting local promotion standards, but not scoring at Level III or above on reading and mathematics tests.
- membership on appeals committee
- role of teacher in presenting documentation of students' work
- personalized education plans for students not at Levels III or above on end-of-grade and end-of-course tests
- portfolios

Other Promotion Considerations

~~1.~~ ~~**Standard**~~

~~For students in grades 3 through 8, the standard for grade-level proficiency shall be a test score at Level III or above on end-of-grade tests in reading and mathematics. In Grades 4-12, students should be identified who are not performing up to grade level expectations.~~

1. **Intervention**

School districts shall provide focused intervention to all students not meeting statewide promotion standards ~~demonstrating grade-level proficiency.~~ Such intervention shall involve extended instructional opportunities which are different and supplemental and which are specifically designed to improve these students' performance to grade level proficiency. Students not meeting statewide promotion standards must have personalized education plans with the following components:

- diagnostic evaluation
- intervention strategies
- monitoring strategies

Strategies may include but are not limited to alternative learning models, special homework, smaller classes, tutorial sessions, extended school day, Saturday school, modified instructional programs, parental involvement, summer school instruction, or retention.

2. **Promotion and Retention Decisions**

Promotion or retention decisions shall be made according to local policy and discretion, but must include statewide promotion standards at grades 3, 5,8 and high school ~~**take into account**~~

~~test score and other information which may indicate a student's grade level proficiency.~~ At a minimum, each local board of education shall adopt procedures to ensure that students are treated fairly. The policy must recognize the statutory authority of the principal to make promotion decisions.

3. **Reporting**

The Department of Public Instruction shall provide a mechanism for LEAs and schools to report annually their progress in increasing the number of students who meet the standard for grade-level promotion. Percentages of students above grade-level proficiency and those who have moved from Level I to Level II shall be used to compare progress from year to year. Annually, local boards of education must report to the State Board of Education the following information:

- number and percentage of students promoted by school who did not score at Level III or above on the designated tests at gateways 1, 2, and 3.
- number and percentage of students who have moved across achievement levels in reading and mathematics at gateways 1, 2, and 3.

~~Graduation Proficiency~~

~~5~~4. **Standardized Transcript**

The NC standardized high school transcript certifies a level of proficiency in high school courses through both grades and test scores. Test scores should be recorded on the standardized transcript.

In order to inform parents and students of student progress, beginning with the 1995-96 school year, the transcript shall be issued to students at the end of each year.

~~2. Reading and Mathematics Proficiency~~

~~Beginning with the graduating class of 1998, students who did not achieve grade-level proficiency in Reading and Mathematics at the end of the eighth grade will receive focused extended instructional opportunities which are different from and supplemental to regular high school corses work and which are specifically designed to improve these students' performance to at least eighth-grade level proficiency.~~

~~Only students who have achieved grade level proficiency on the eighth-grade tests, in addition to meeting all other state and local requirements, will receive diplomas.~~

~~Therefore, beginning with the 1994-95 ninth-grade class, the End-of-Grade Grade 8 Tests in Reading and Mathematics will be the North Carolina Competency Tests. Passing scores will~~

~~be attainment of at least Level III on each test.~~

~~The Department of Public Instruction will conduct studies to validate the eight-grade Reading and Mathematics EOG Tests and cut scores for Level III as a requirement for high school graduation.~~

~~3~~5. **EOC Test Scores**

End-of-Course test results should* be used as part of the student's final grade. Beginning with the 1995-96 school year, local school systems should set policies regarding the use of End-of Course test results in assigning final grades.

Students with Disabilities

1. To the extent possible, all students with disabilities shall participate in the statewide promotion standards for elementary, middle, and high school levels.

2. Students with disabilities may be exempted from the statewide promotion standards by the Individualized Education Program Team, including the principal, if it is determined by the team that the students do not have the ability to participate in the State Standard Course of Study and the Statewide Assessment Program. Exempted students will not receive a diploma, but may receive a certificate of achievement or graduation certificate.

3. If a student with a disability does not meet proficiency standards for promotion at grade 3 by the end of the first year of retention, the Individualized Education Program Team, including the principal, shall determine promotion or retention of the student.

4. If a student with a disability does not meet proficiency standards for promotion at grade 5 by the end of the first year of retention, the Individualized Education Program Team, including the principal, shall determine promotion or retention of the student.

5. Grade 8 students with disabilities unless exempted by the Individualized Education Program Team, shall participate in the end-of-grade tests. If a student does not meet proficiency standards for promotion at grade 8 and has already been retained two or more times, the Individualized Education Team, including the principal, shall determine promotion or retention.

**APA Policy 16NCAC6D.0305 changed "should" to "shall," effective November 1, 1997.*

6. Students above grade eight, unless exempted by the Individualized Education Program Team, shall participate in state-mandated promotion requirements. If a student does not meet proficiency expected of students by the end of grade twelve and has already been retained two or more times, the Individualized Education Program Team, including the principal, shall determine graduation or retention.

7. All interventions/remediation and other opportunities, benefits and resources, including funding for student promotion standards, that are made available to students without disabilities shall be made available to students with disabilities who participate in the student promotion standards. *All services offered are in addition to the special education services provided to the student.*

Students of Limited English Proficiency

Students of Limited English Proficiency must meet the same standards as all students. However, in accordance with federal law, English language proficiency cannot be the factor that determines that a student has not met performance standards at each gateway. Therefore, the following guidelines must be used:

1. Students who are exempt from statewide testing in accordance with the *Guidelines for Testing Students with Limited English Proficiency* will also be exempt from the test standard for passage through each of the gateways. Instead, an instructional portfolio containing documentation of the students' English language proficiency and progress in all academic areas should be submitted to a local committee of teachers and administrators to determine if students are ready to be promoted to the next level.

Gateways 1, 2, and 3

2. Once limited English proficient students are no longer eligible for exemption from statewide testing, they may be eligible for a waiver up to two additional years. They may receive a waiver from the test standard at the gateway students first encounter if their English language proficiency is below Superior in reading and writing. (See *Guidelines for Testing Students with Limited English Proficiency.*) A local committee of teachers and administrators must examine the students' instructional portfolios to determine that:

    - the students' English language proficiency is the cause of their inability to perform at grade level on the required test.
    - documentation indicates that the students are making adequate progress in all academic areas to be promoted to the next level.

However, school districts must provide focused intervention for these students since they have not met statewide promotion standards. This intervention shall involve extended, supplemental instructional opportunities which include assistance in the development of English language proficiency. These students must have personalized education plans with the following components:

- diagnostic evaluation
- intervention strategies
- monitoring strategies

3. Limited English proficient students must meet the same standards as all students for high school graduation. (Gateway 4)

HB 1148

Student Accountability Standards

Review of Impact on the Public School Fund

➢ Additional Remediation Resources

- An increase in funding per student
- Remediation items included in the State Board's Expansion Budget request.

➢ Cost for Intervention and Professional Development

- Additional time for instruction
- Smaller class sizes
- Additional funds for professional development.

➢ Retention

- An increase in the retention of students (estimated to be between 3% and 6%) in grades 3, 5, and 8
  - The standards for **Grade 3** will be implemented in **2001-02**.
    - Students retained in 2001-02 will impact ADM in 2011-12.
    - A 4% increase in retention would be 4,218 students and increase funding needs in 2011-12 by $14.6 million.
  - The standards for **Grade 5** will be implemented in **2000-01**.
    - Students retained in 2000-01 will impact ADM in 2008-09.
    - A 4% increase in retention would be 4,000 students and increase funding needs in 2008-09 by $13.8 million.
  - The standards for **Grade 8** will be implemented in **2001-02**.
    - Students retained in 2001-02 will impact ADM in 2006-07.
    - A 4% increase in retention would be 3,800 students and increase funding needs in 2006-07 by $13.3 million.
  - The standards for **Graduation from High School** will be implemented with the graduating class of **2002-03** (FY 1999-2000 ninth graders).
    - The impact of students not passing the exit exam is not expected to have a significant impact on ADM.

April 13, 1999

PS 152

Student Accountability Standards
Estimated Additional Funding Needed

Estimated FY 1999-2000 Student Population	Additional Funding per Student	Total Estimated Funding
1,268,870	$36	$45.7 million

This estimate is based on conversations with eight local school districts that have implemented student accountability standards. Each LEA had reviewed their funding sources and categories to determine what existing funds could be redirected to assist the implementation of the higher standards. The State Board's policy will require additional resources for the required writing standards and the high school accountability standards that are not currently in place in any LEA. These additional requirements and the need for additional resources to expand intervention (remediation) and professional development were anticipated to increase costs by approximately $36 per student. These funds would supplement the funds that the LEAs can redirect from their existing budgets.

April 13, 1999

PS 153



Public Schools of North Carolina

North Carolina Department of Public Instruction

STATE PUBLIC SCHOOL FUND EXPANSION BUDGET REQUEST (Selected Items)
For 1999 - 2001 Biennium

High Student Performance	Cost
ABCs	
NC *HELPS*	$ 24 million
provide additional resources to schools that did not meet their growth expectations	
3 By 3	54 million
provide additional resources to ensure that all 3rd graders are performing at or above grade level	
School Assistance Teams	5 million
fully fund assistance teams for low-performing schools (cost in 1997-98 $4.3 million)	
Testing Program	1.5 million
expand program to cover cost of Computer Skills, HS Exit Exam, Alternate Assessments and inflationary increases	
Children with Special Needs	25 million
improve quality of education for children with special needs	
Limited Proficiency in English	10 million
expand services to children with limited proficiency in English	
Safe and Orderly Schools	
At-Risk Student Services/Alternative Schools	34 million
increase allotment for alternative school programs, school resource officers and other support personnel	
Total State Public School Fund Expansion Request	**$ 153.5 million**

PS 154

Student Accountability Standards

April 13, 1999 Version

Examples of Intervention Cost:

Increase Instructional Days
For Students Performing Below Grade Level:
Estimated cost for an additional instructional day (beyond 180) ... **$ 3.3 million**
Cost to Add up to15 Instructional Days .....**$48.8 million**

Or

Reduce Class Size
For Students Performing Below Grade Level in Math and Reading:
$86.8 million. Estimated cost to reduce class size so one teacher will teach fifteen students who are performing below grade level in reading and math classes.

Additional Funding for Staff Development:

An additional day of employment for all teachers and instructional support personnel for professional development would cost $16.7 million. In FY 1998-1999, $12.5 million is budgeted to pay teachers for up to six days of vacation that they were not allowed to take during the school year. In FY 1997-98, there were 4 days available. Of the $8.5 million budget, $2 million was expended.

Or

Establish eight regional teams to serve as master trainers and coaches for teachers. Each regional team would conduct a one-week training program for four groups of 30 teachers each for three weeks a month. The training would concentrate on diagnosing student needs, developing and implementing effective instructional strategies, and continuous assessment of students who have not met student promotion standards. Estimated cost: $14.3 million.

Student Accountability Standards

April 13, 1999 Version

Potential Resources:

Based on Increases in the Governor's Continuation Budget:

- $13 million in At-Risk Services/Alternative Schools.
- $7.6 million in NCHELPS (total recurring budget increased by $4.9 million).
- $78,000 in staff development (total: $11.3 million – includes Assistance Teams).
- $4 million for 89.5 additional Instructional Support positions could be used for teachers.
- $3.2 million for middle school teachers to work with 6th graders that failed the 5th grade end-of-grade reading and/or math test.

Total: $27.9 million.

Based on Governor's Expansion Budget:

- $7.8 million for all third graders to be at grade level in reading and math (3 by 3).

Federal Resources (New Programs):

- $24.7 million to reduce class size.
- $7 to $15 million for staff development to improve reading.
- $17 million for Workforce Investment Act to target economically disadvantaged youth (high school students) with multiple barriers to graduation and employment.

Total: $31.7 to $56.7 million.

- *Proposed $600 million nation wide for 21st Century Community Learning Centers (Currently $200 million): After School Programs (LEA applies, competitive).*

Federal Programs Continuing Programs:

- $4 to $5 million in Goals 2000 resources might be available.
- Several federal grants have funding set aside for competitive projects.
- Title I can be used for remediation programs ... $146.8 million.
- Title VI can be used for remediation programs ... $8.8 million.
- Dwight D. Eisenhower is a staff development program ... $6.1 million.

Total: $166 million.

Sales Tax Refunds to Local Education Agencies (LEAs):

Effective July 1999, LEAs will be able to request a refund for all sales taxes paid from State, local, and federal resources. Federal resources must be returned to the federal grant from which they were paid; however, local and State refunds will not be restricted to a specific program.

Total: $15 million.

Administrative Outreach:

The North Carolina School Boards Association (NCSBA) is in the process of identifying resources that may flow to a local school system from federal Medicaid funding. The program is titled Administrative Outreach and may distribute at least $20 per average daily membership (ADM) to each LEA ($25 million). The reimbursement could be as much as $30 per ADM.

Total: $25 to $38 million.

Proposed Statewide
Student Accountability Standards

SBE Policy Reference
and ID No. O1A108
APA Policy 16CAC6D.0305
(Note: Bold type represents current policy in ID No. O1A108)

North Carolina Statewide Student Accountability Standards ~~Competency~~ Requirements

Grade-level Proficiency Guidelines

The following grade-level student accountability standards **~~proficiency guidelines~~ are based on a belief in the need to provide early and ongoing assistance to students who need it. Our aim must be that all students have the reading and mathematics skills critical for participating in and benefiting from high school curricula in core academic and vocational areas.**

Standards

Elementary

Gateway 1.

In addition to meeting local promotion requirements, students in grade 3 shall demonstrate proficiency by having test scores at Level III or above on end-of-grade tests in both reading and mathematics. Students scoring at Level III or above and meeting all local promotion requirements shall be promoted to grade 4 unless determined otherwise by the school principal, in consultation with teacher(s). See sections, "Review Procedures," "Students with Disabilities" and "Students of Limited English Proficiency" for additional information, pages 3 and 8.

The effective date is **2001-02.**

Gateway 2.

In addition to meeting local promotion requirements, students in grade 5 shall demonstrate proficiency by having test scores at Level III or above on end-of-grade tests in both reading and mathematics. Additionally, the grade 4 writing assessment shall be used as a screen to determine whether students are making adequate progress in developing writing skills. If a student has not scored at or above proficiency level 2.5 on the grade 4 writing assessment, the school shall provide intervention and assistance to develop writing skills. The principal and teacher(s) shall

use locally developed and scored writing samples during grade 5 to determine if students have made adequate progress in order to be promoted to grade 6.

Students scoring at Level III or above on reading and mathematics, meeting all local promotion standards, and making adequate progress in writing shall be promoted to grade 6, unless determined otherwise by the school principal, in consultation with teacher(s). See sections, "Review Procedures," "Students with Disabilities" and "Students of Limited English Proficiency" for additional information, pages 3 and 8.

The effective date is **2000-01**.

Middle School–Gateway 3

In addition to meeting local promotion requirements, students in grade 8 shall demonstrate proficiency by having test scores at Level III or above on an end-of-grade test in both reading and mathematics. Additionally, the grade 7 writing assessment shall be used as a screen to determine whether students are making adequate progress in developing writing skills. If a student has not scored at or above proficiency level 2.5 on the grade 7 writing assessment, the school shall provide intervention and assistance to develop writing skills. The principal and teacher(s) shall use locally developed and scored writing samples during grade 8 to determine if students have made adequate progress to be promoted to grade 9.

Students scoring at Level III or above on reading and mathematics, meeting all local promotion standards, and making adequate progress in writing shall be promoted to grade 9 unless determined otherwise by the school principal, in consultation with teacher(s). See sections, "Review Procedures," "Students with Disabilities" and "Students of Limited English Proficiency" for additional information, pages 3 and 8.

The effective date is **2001-02**.

High School–Gateway 4

Students shall meet the following requirements to receive a North Carolina high school diploma.

1. Existing local and state graduation requirements

2. A passing score on an exit exam of essential skills. Students shall take this exam in the spring of the students' 11th grade year **(Effective date: Graduating Class of 2003).**

3. A passing score on computer skills test **(Effective date: Graduating Class of 2001).**

See sections, "Review Procedures," "Students with Disabilities" and "Students of Limited English Proficiency" for additional information, pages 3 and 8.

High School–Diploma Recognition

Any student receiving specified scores on English language arts and mathematics parts of the exit exams shall be eligible for recognition given as a part of the North Carolina Scholars Program. These specified scores are in addition to the existing North Carolina Scholars Program requirements.

The effective date is for the graduating class or 2003.

Review Procedures–Student Accountability

Each school district shall follow these procedures for students not meeting gateway standards:

Elementary

Gateway 1.

For students not scoring at Level III or above on the reading and mathematics tests, the school district shall follow these procedures to determine if students are performing at grade level and able to succeed at the next grade:

1. Students scoring below Level III on an end-of-grade test are given a second test within a reasonable time from the receipt of test results. Parents may request that their child be excused from the second administration of the test. In this case, the parents and child accept participation in focused intervention.

2. Teachers or parents may request a promotion for students scoring below Level III on an end-of-grade test after the second or third test administration. Teachers shall provide documentation of the students' performance during a review process.

   Documentation may include:
   a. Student work samples
   b. Other test data
   c. Information supplied by parents
   d. For students with disabilities, information that is included in the individualized education program (IEP).

e. Other information that verifies that a student is at grade level. (Students with disabilities shall be at grade level or be making adequate progress to meet requirements at upper elementary levels.)

3. Students who are not promoted after the second or third administration of the test shall be given focused intervention of a time period that is instructionally sound. Strategies may include, but are not limited to, alternative learning models, special homework, smaller classes, tutorial sessions, extended school day, Saturday school, modified instructional programs, parental involvement, summer school instruction, or retention.

A committee shall be appointed to review student waiver requests. This committee, composed of teachers and principals from other schools or the central office staff, shall make recommendations to the student's principal about whether the student should be promoted to the next grade. This recommendation is based on documentation presented by teachers on behalf of the student. Special education personnel ~~and the student's parent(s) shall be on the committee if a student with a disability is being considered for a waiver.~~ shall be on the cmte if a student w/ a disability is being considered for a waiver. Parents of any student being considered have the right to non-voting participation & to speak on behalf of their child.

Gateway 2.

For students not scoring at Level III or above on the reading and mathematics tests and not making adequate progress in developing writing skills, the school district shall follow these procedures to determine if students are performing at grade level and able to succeed at the next grade.

1. Students scoring below Level III on an end-of-grade test are given a second test within a reasonable time from the receipt of test results. Parents may request that their child be excused from the second administration of the test. In this case, the parents and child accept participation in focused intervention.

2. Teachers or parents may request a promotion for students scoring below Level III on an end-of-grade test after the second or third test administration. Teachers shall provide documentation of the students' performance during a review process.

   Documentation may include:
   a. Student work samples
   b. Other test data
   c. Information supplied by parents
   d. For students with disabilities, information that is included in the individualized education program (IEP).
   e. Other information that verifies that a student is at grade level. (Students with disabilities shall be at grade level or be making adequate progress to meet requirements at upper elementary levels.)

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tutorial sessions, extended school day, Saturday school, modified instructional programs, parental involvement, summer school instruction, or retention.

A committee shall be appointed to review student waiver requests. This committee, composed of teachers and principals from other schools or the central office staff, shall make recommendations to the student's principal about whether the student should be promoted to the next grade. This recommendation is based on documentation presented by teachers on behalf of the student. Special education personnel and the student's parent(s) shall be on the committee if a student with a disability is being considered for a waiver.

Middle School --Gateway 3

For students not scoring at Level III or above on the reading and mathematics tests and not making adequate progress in developing writing skills, the school district shall follow these procedures to determine if students are performing at grade level and able to succeed at the next grade.

1. Students scoring below Level III on an end-of-grade test are given a second test within a reasonable time from the receipt of test results. Parents may request that their child be excused from the second administration of the test. In this case, the parents and child accept participation in focused intervention.

2. Teachers or parents may request a promotion for students scoring below Level III on an end-of-grade test after the second or third test administration. Teachers shall provide documentation of the students' performance during a review process.

   Documentation may include:
   a. Student work samples
   b. Other test data
   c. Information supplied by parents
   d. For students with disabilities, information that is included in the individualized education program (IEP).
   e. Other information that verifies that a student is at grade level. (Students with disabilities shall be at grade level or be making adequate progress to meet requirements at grade 9.)

3. Students who are not promoted after the second or third administration of the test shall be given focused intervention of a time period that is instructionally sound. Strategies may include, but are not limited to, alternative learning models, special homework, smaller classes, tutorial sessions, extended school day, Saturday school, modified instructional programs, parental involvement, summer school instruction, or retention.

A committee shall be appointed to review student waiver requests. This committee, composed of teachers and principals from other schools or the central office staff, shall make recommendations to the student's principal about whether the student should be promoted to the next grade. This recommendation is based on documentation presented by teachers on behalf of the student. Special education personnel and the student's parent(s) shall be on the committee if a student with a disability is being considered for a waiver.

Local Accountability Procedures

Promotion or ~~retention~~ decisions shall be made according to local policy and discretion, but shall include statewide student accountability standards at grades 3, 5, 8 and high school ~~take into account test score and other information which may indicate a student's grade level proficiency.~~ At a minimum, each local board of education shall adopt procedures to ensure that students are treated fairly. The policy shall recognize the statutory authority of the principal to make promotion decisions.

Local boards of education policies shall be consistent with statewide student accountability policies. The policies should include: notification and involvement of parents and agreement of parental expectations signed by parents or guardians.

~~1. Standard~~

~~For students in grades 3 through 8, the standard for grade-level proficiency shall be a test score at Level III or above on end-of-grade tests in reading and mathematics. In Grades 4-12, students should be identified who are not performing up to grade level expectations.~~

1. **Intervention**

School districts shall provide focused intervention to all students not meeting statewide student accountability standards ~~demonstrating grade-level proficiency.~~ Such intervention shall involve extended instructional opportunities which are different and supplemental and which are specifically designed to improve ~~these~~ students' performance to grade level proficiency. Students not promoted shall have personalized education plans with the following components:

- diagnostic evaluation
- intervention strategies
- monitoring strategies

Strategies may include, but are not limited to, alternative learning models, special homework, smaller classes, tutorial sessions, extended school day, Saturday school, modified instructional programs, parental involvement, summer school instruction, or retention.

2. **Reporting**

The Department of Public Instruction shall provide a mechanism for LEAs and schools to report annually their progress in increasing the number of students who meet the standard for grade-level promotion. Percentages of students above grade-level proficiency and those who have moved from Level I to Level II shall be used to compare progress from year to year. Annually, local boards of education shall report the following information by race, ethnicity, exceptionality, and socio-economic status to the State Board of Education:

a. number and percent of students promoted by school who did not score at Level III or above on the designated tests at gateways 1, 2, and 3.
b. number and percent of students who have moved across achievement levels in reading and mathematics at gateways 1, 2, and 3.

~~Graduation Proficiency~~

3. **Standardized Transcript**

The NC standardized high school transcript certifies a level of proficiency in high school courses through both grades and test scores. Test scores should be recorded on the standardized transcript.

In order to inform parents and students of student progress, beginning with the 1995-96 school year, the transcript shall be issued to students at the end of each year.

~~2. Reading and Mathematics Proficiency~~

~~Beginning with the graduating class of 1998, students who did not achieve grade-level proficiency in Reading and Mathematics at the end of the eighth grade will receive focused extended instructional opportunities which are different from and supplemental to regular high school corses work and which are specifically designed to improve these students' performance to at least eighth-grade level proficiency.~~

~~Only students who have achieved grade level proficiency on the eighth-grade tests, in addition to meeting all other state and local requirements, will receive diplomas.~~

~~Therefore, beginning with the 1994-95 ninth-grade class, the End-of-Grade 8 Tests in Reading and Mathematics will be the North Carolina Competency Tests. Passing scores will be attainment of at least Level III on each test.~~

~~The Department of Public Instruction will conduct studies to validate the eight-grade Reading and Mathematics EOG Tests and cut scores for Level III as a requirement for high school graduation.~~

4. **EOC Test Scores**

End-of-Course test results should* be used as part of the student's final grade. Beginning with the 1995-96 school year, local school systems should set policies regarding the use of End-of Course test results in assigning final grades.

**APA Policy 16NCAC6D.0305 changed "should" to "shall," effective November 1, 1997.*

Students with Disabilities

1. To the extent possible, all students with disabilities shall participate in the statewide student accountability standards for elementary, middle, and high school levels.

2. Students with disabilities may be exempted from the statewide student accountability promotion standards by the Individualized Education Program Team, including the principal or school district representative, if it is determined by the team that the students do not have the ability to participate in the State Standard Course of Study. However, they shall be enrolled in a functional curriculum and demonstrate acceptable outcomes on alternate assessments. These students may receive a certificate of achievement or graduation certificate.

3. All interventions/remediation and other opportunities, benefits and resources that are made available to students without disabilities shall be made available to students with disabilities who participate in the student promotion standards. All services offered are in addition to the special education services provided to the student.

Students of Limited English Proficiency

Students of limited English proficiency shall meet the same standards as all students. However, in accordance with federal law, English language proficiency cannot be the factor that determines that a student has not met performance standards at each gateway. Therefore, the following guidelines must be used:

1. Students who are exempt from statewide testing in accordance with the *Guidelines for Testing Students with Limited English Proficiency* shall also be exempt from the test standard for passage through each of the gateways. Instead, an instructional portfolio containing documentation of the students' English language proficiency and progress in all academic areas shall be submitted to a local committee of teachers and administrators to determine if students are ready to be promoted to the next level.

MINUTES

HOUSE EDUCATION COMMITTEE MEETING

March 4, 1999

The meeting was called to order by Co-Chair Representative Douglas Yongue. For a list of those in attendance, please see attendance sheet.

The first order of business was **HOUSE BILL 23, COMMUNITY COLLEGE SCHOLARSHIP PROGRAM,** introduced by Representative Alex Warner. Rep. Warner was called upon to explain the bill. (See copy of bill, and memo from Research Staff on House Bill 23 for detailed explanation of the bill.) Before discussion on the bill, Rep.Warner presented an amendment, which was strictly a technical amendment and did not affect the contents. The amendment was seconded by Rep. Bonner and passed. (See copy of amendment) Rep.Warner stated the language was loose enough so that if any student made serious mistakes along the way and they can be rehabilitated, then it was up to the board to make any exceptions to the qualifications and also left in provisions for those over the age of twenty-one.

After some discussion Rep. Michaux was recognized for a question. Rep.Michaux questioned language on Page 2, Section 2 of the bill concerning qualifications for the scholarship. He stated that if a person had been convicted of a DWI with point .08 alcohol level, then as he understands it the person would not be eligible. Rep. Warner reiterated that the Board would have the authority to make exceptions. Rep. Warner pointed out that Page 2, Section 3 took care of Rep. Michaux's concerns.

Rep.Womble asked if Rep. Warner would be opposed to saying "convicted of any or repeated DWI offenses." Rep. Womble stated he would hate to see a student not eligible because of one mistake. Rep. Warner again stated that the language left it up to the board to make exceptions if the case warranted. Rep. Womble asked what would be the average cost of these grants for the applicant. Rep. Warner stated that the total appropriation was for $19 million. Rep. Womble said he did support the bill.

Rep. Tolson stated that he had a question about why it was limited to a two-year associate degree. He stated that those housewives, who are trying to better their lives, might not be interested in going to college or pursuing an associate degree. In that case, she or others may be interested in a vocation goal, for example, cosmetology, which is a one-year vocation course. Rep. Tolson stated that it seemed to him the bill would not be reaching the majority of people eligible if the grant were only for a two-year associate degree. Rep. Tolson asked if Rep. Warner would be acceptable to adding "vocational program". Representative Warner stated that if that were a technical oversight in the bill he would not be opposed to including that language. Representative Tolson then moved to amend the bill on Page 1, line 13, by deleting the word "degree", and substituting "degree or vocational curriculum program".

Rep. Moore questioned the section on using juvenile court records in a legal manner. He asked if the individuals aged out of the juvenile age should those records be used as an indicator. Rep. Warner stated that on Page 3, Section 2, Disclosure of Information would address Rep. Moore's concerns on use and destruction of records. Rep. Warner stated that they wanted to be sure that anything they used would be compliance with the confidentiality laws. Rep. Warner stated that the record would be destroyed and not seen or used by anyone except the determining committee. Rep. Warner stated that they were trying to identify those who wanted to go to school. Rep. Moore wanted to know if the recipients are required to maintain a certain GPA. Rep. Warner stated that would be up to the Board.

Rep. Haire stated he was having some difficulty with the exclusion on page 2 which Rep. Michaux and Rep.Womble referenced. Rep. Haire stated it is against the law to even have one beer if you are under age 21. As he sees it, if convicted of this, the student is not eligible, however, if that same student commits a misdemeanor other than one related to alcohol, that student would be eligible. He is concerned with that distinction. Rep. Haire asked if Rep. Warner might want to re-visit that particular section of the bill. Rep. Warner stated he did not, but that anyone who wanted to send forth an amendment could do so.

Rep. Warwick said he planned to vote for the bill. He is concerned, however, about eligibility age. Rep. Warner restated that there are two age ranges in the bill and that the board reviews exceptions. Rep. Warwick, wanted to relate back to Page 2, Section 1 and 2, section a,b,c, referring to money. Rep. Warwick wanted to know if the money amounts are fairly consistent with other federal programs of this type. Rep. Warner stated that those sections might have to be altered based on poverty guidelines changing since this bill was drafted last session. Rep. Warwick wanted to know about a student who has to drop out due to financial reasons, and then wants to be re-instated. Is that student going to be eligible? Rep. Warner stated this bill would not apply to that student. Rep. Warwick said that might be something they need to come back and address later.

Rep. Luebke had a question for staff. He wanted to know if a student was in the associate program, received a grant and then in third semester decided to transfer to a full college would that be a penalty? Staff stated that these grants are for a community college and if a student transfers out, they are no longer eligible. Rep. Luebke asked about students who move into the area from other states, have graduated from high school, and established residence in the state; since a requirement is graduation from a NC high school. The idea is to make it available to NC residents and anyone who wants to establish their residence in NC will be eligible to apply. Rep. Luebke asked if the qualification on Page 2, line (1) b is necessary. Rep. Warner stated he did not see it that way. Rep. Luebke asked staff to comment. Staff member Kori Goldsmith stated that the requirements are in addition to being a resident for tuition purposes. Rep. Luebke requested an amendment be prepared to take out the wording on Page 2, line (1) b.

Rep. Tolson moved to accept the amendment. Brief discussion followed. Rep. Sexton agreed with the bill. He stated he thought this bill was very important and that vocational and technical students should not be left out.

A decision was made to continue discussion on the bill and amendment at the next meeting scheduled for March 11, 1999.

The meeting was then adjourned.

Representative Douglas Y. Yongue
Co-Chairman

Representative Alex Warner
Co-Chairman

Jenny Umstead, Committee Assistant

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 23

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

H23-ARC-001 Page 1 of __

Date_____,1999

Comm. Sub. [ ]
Amends Title [ ]

Rep. Warner

moves to amend the bill on page 2, line 1, by deleting the words "an accredited" and substituting the word "a";

and on page 2, line 11, by inserting after the word "upon" the word "the";

and on page 2, line 11, by deleting the word "by" and substituting the word "of".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

EDITION No. 1

H. B. No. 23 DATE _____

S. B. No. _____ Amendment No. _____
(to be filled in by Principal Clerk)

COMMITTEE SUBSTITUTE _____

Rep.) Tolson
)
Sen.)

moves to amend the bill on page 1, line 13

( ) WHICH CHANGES THE TITLE

by deleting the word "degree," and substituting "degree or vocational program." curriculum

made a

SIGNED _____

ADOPTED _____ FAILED _____ TABLED _____

PRINCIPAL CLERK'S OFFICE (FOR ENGROSSMENT)

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H 1

HOUSE BILL 23

Short Title: Comm. College Scholarship Program. (Public)

Sponsors: Representatives Warner; Allen, Baddour, Gillespie, Hunter, Hurley, Jeffus, Justus, Kinney, Luebke, Morris, Redwine, Smith, Wainwright, Wood, and Wright.

Referred to: Rules, Calendar and Operations of the House.

February 4, 1999

A BILL TO BE ENTITLED

AN ACT TO IMPROVE EDUCATIONAL OPPORTUNITIES FOR NORTH CAROLINIANS ATTENDING COMMUNITY COLLEGES.

The General Assembly of North Carolina enacts:

Section 1. Chapter 115D of the General Statutes is amended by adding a new Article 1A to read:

"ARTICLE 1A.

"The Community College Education Improvement Program.

"**§ 115D-11.1. The Education Improvement Program.**

(a) Grants. -- The State Board of Community Colleges shall develop and implement the Education Improvement Program to provide grants for tuition and mandatory fees for eligible persons who enroll in a community college and pursue an associate degree. The State Board shall make determinations of eligibility to receive grants. In no event shall a grant exceed the total cost of tuition and mandatory fees charged by a community college. The State Education Assistance Authority shall administer the funding of the grants.

(b) Eligibility. -- The State Board may award Education Improvement Program grants based on availability of funds. The following are eligibility and other requirements:

(1) Applicants must:

a. Be a resident for tuition purposes under G.S. 116-143.1;

b. Be a graduate of an accredited North Carolina high school or hold a recognized equivalent diploma or certificate received in North Carolina;

c. Be found to be in financial need, as provided in subsection (c) of this section.

(2) Applicants must not have been convicted of any felony or any alcohol or controlled substance related offense, or adjudicated delinquent for acts that would constitute a violation of those offenses if committed by an adult.

(3) Notwithstanding subdivision (2) of subsection (b) of this section and upon recommendation by the President of the Community College System, the State Board may determine that an applicant is eligible to receive a grant if the State Board determines that the applicant has been fully rehabilitated and is otherwise eligible. Upon direction by the State Board, the President or the President's designee may request juvenile court records under G.S. 7B-3102 for the purpose of determining eligibility. The President or the President's designee shall follow the procedures in G.S. 115D-11.2 in order to protect the confidentiality of any records received under G.S. 7B-3102.

(4) The State Board shall adopt rules specifying the criteria a student must meet in order to continue to be eligible to receive Education Improvement Program grants.

(c) Financial Need.

(1) All applicants for an Education Improvement Program grant must apply for federal Title IV student financial assistance. If the applicant is eligible for a Pell Grant of an amount less than the total amount of community college tuition and mandatory fees, the amount of the State grant shall be equal to the difference between the total amount of tuition and mandatory fees and the Pell Grant amount.

(2) An applicant who is under 21 years of age and who is ineligible for a Pell Grant shall be found to be in financial need for purposes of an Education Improvement Program grant if:

a. The applicant's custodial parent or guardian has one dependent child under the age of 21, and the adjusted gross income of the family for the tax year immediately preceding the determination of financial need is less than thirty thousand dollars ($30,000).

b. The applicant's custodial parent or guardian has two dependent children under the age of 21, and the annual adjusted gross income of the family for the tax year immediately preceding the determination of financial need is less than thirty-five thousand dollars ($35,000).

c. The applicant's custodial parent or guardian has three or more dependent children under the age of 21, and the annual adjusted gross income of the family for the tax year immediately preceding the determination of financial need is less than forty thousand dollars ($40,000).

(3) Notwithstanding subdivision (2) of subsection (c) of this section, the State Board may adopt rules that define special circumstances under which an applicant who is under 21 years of age has otherwise demonstrated financial need.

(4) The State Board shall adopt rules for determining the financial need of applicants who are over 21 years of age and are not eligible to receive a Pell Grant.

"**§ 115D-11.2. Use of juvenile court information.**

(a) Confidential Records. -- The following shall be confidential records, are not public records as defined under G.S. 132-1, and shall not be made a part of the applicant's official student record:

(1) Any request for juvenile records made by the President or the President's designee under G.S. 115D-11.1(b)(3).

(2) Any juvenile records received by the President or the President's designee under G.S. 7B-3102.

(b) Storage, Use, and Destruction of Records. -- Immediately upon receipt of any juvenile records, the President or the President's designee shall maintain these documents in a safe, locked record storage that is separate from the applicant's other records. Documents received under G.S. 7B-3102 shall be used only to determine whether an applicant may be eligible to receive an Education Improvement Program grant. The President or the President's designee shall shred, burn, or otherwise destroy all juvenile records and all information gained from examination of juvenile records when the State Board no longer needs the information to determine an applicant's eligibility for an Education Improvement Program grant. In no case shall the President or the President's designee make a copy of these documents and in no case shall the President or the President's designee share the records with a community college."

Section 2. Article 31 of Chapter 7B of the General Statutes is amended by adding a new section to read:

"**§ 7B-3102. Disclosure of information to determine eligibility for Education Improvement Program grants.**

Notwithstanding G.S. 7B-3000, upon receipt of a written request under G.S. 115D-11.1(b)(3), the chief juvenile court counselor shall deliver any existing juvenile court records, as defined in G.S. 7B-3000, to the President of the North Carolina Community College System or the President's designee. The President or the President's designee shall handle any records received under this section in accordance with G.S. 115D-11.2. Documents received under this provision shall be used only to determine whether an applicant is eligible to receive a Community College Education Improvement Program grant."

Section 3. Article 23 of Chapter 116 of the General Statutes is amended by adding a new section to read:

"**§ 116-209.26. Education Improvement Program grants.**

(a) In addition to all other powers and duties under this Article, the Authority shall administer the funding for the Education Improvement Program grants awarded by the State Board of Community Colleges under G.S. 115D-11.1.

(b) In order to accomplish the purposes of this section, the Authority may:

(1) In consultation with the State Board of Community Colleges, adopt rules to implement the funding of the Education Improvement Program.

(2) Receive from the General Fund or other sources those funds the General Assembly may authorize to cover, in addition to any other available funds, the costs of tuition and mandatory fees required to be paid to eligible students under G.S. 115D-11.1 for the coming academic year.

(3) Seek, accept, and expend funds from any source, including private business, industry, foundations, and other groups as well as any federal or other governmental funding available for this purpose."

Section 4. There is appropriated from the General Fund to the State Board of Community Colleges the sum of nineteen million six thousand nine hundred eighteen dollars ($19,006,918) for the 2000-2001 fiscal year. These funds shall be used primarily to provide grants beginning with the 2000-2001 academic year. The State Board of Community Colleges shall allocate funds to the Education Assistance Authority according to a schedule of allocation it establishes.

Section 5. This act becomes effective July 1, 1999.

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TO: Representative Warner and Representative Yongue, Cochairs, House Education
FROM: Dr. Shirley Iorio, Committee Staff
DATE: March 4, 1999
RE: **HB 23. Community College Scholarship Program**

Summary:
Section 1 adds a new Article 1A, The Community College Education Improvement Program, which amends chapter 115D of the General Statutes. The State Board of Community Colleges is required to provide grants for tuition and fees to eligible students pursuing an associate degree at a community college. The State Board shall determine eligibility for grants. The grants shall not exceed the total cost of tuition and fees charged by a community college. The State Education Assistance Authority shall administer the funding of the grants.

Eligibility: To be eligible for a grant, an applicant must:

1. be a North Carolina resident for tuition purposes;
2. be a graduate of a North Carolina high school or hold an equivalent North Carolina diploma or certificate;
3. be in financial need; and
4. not have been convicted of any felony or any alcohol or controlled substance related offense, or adjudicated delinquent for acts that would constitute a violation of those offenses if committed by an adult.

The State Board may, upon recommendation by the President of the Community College System, determine that an applicant with a felony conviction listed in (4) above or who has been adjudicated a delinquent as listed in (4) above is eligible for a grant if the applicant has been fully rehabilitated and otherwise eligible for the grant. The President or the President's designee, upon direction by the State Board, may request juvenile court records to determine eligibility, and must follow the statutory procedures to protect the confidentiality of any records received.

The State Board is directed to adopt rules specifying criteria for determining continued eligibility for the Education Improvement Program grants.

Determining Financial Need:

1. All applicants must apply for federal Title IV student financial assistance. If a Pell Grant is awarded for an amount less than the total amount for the community college tuition and fees, the Education Improvement Program grant will make up the difference.
2. If an applicant is under 21 years of age and ineligible for a Pell grant, the applicant shall be found to be in financial need if the custodial parent or guardian:

- has one dependent child under 21 and an annual adjusted gross income of less than $30,000;
- has two dependent children under 21 and an annual adjusted gross income of less than $35,000; or
- has three or more dependent children under 21 and an annual adjusted gross income of less than $40,000.

However, the State Board may adopt rules that define special circumstances when an applicant under 21 years of age has otherwise demonstrated financial need.

The State Board is directed to adopt rules for determining the financial need of applicants who are over 21 years of age and ineligible for a Pell Grant.

Use of Juvenile Court Information:

1. The following are confidential records, are not public records, and shall not be made a part of the applicant's official student record:
   - Any request for juvenile records made by the President or the President's designee.
   - Any juvenile records received by the President or the President's designee.
2. Any juvenile records received shall be maintained in a safe, locked record storage that is separate from the applicant's other records.
3. Documents received shall be used only to determine whether an applicant may be eligible to receive an Education Improvement Program grant.
4. All juvenile records and all information gained from examining such records must be destroyed when the State Board no longer needs the information to determine an applicant's eligibility for a grant.
5. In no case shall the President or the President's designee make a copy of these documents or share the records with a community college.

Section 2 requires the chief juvenile court counselor to deliver, upon receipt of a written request, any existing juvenile court records to the President of the Community College System or the President's designee. Any records received shall be handled as described above. Documents received under this provision shall be used only to determine whether an applicant is eligible to receive a grant.

Section 3 requires the State Education Assistance Authority to administer the funding of the grants. The Authority may adopt rules to implement the funding of the Education Improvement Program, receive the funds authorized by the General Assembly to cover the costs for tuition and fees for the coming academic year, and seek, accept, and expend funds from any other sources that are available.

Section 4 appropriates from the General Fund to the State Board of Community Colleges $19,006,918 for the 2000-2001 fiscal year. The funds will be used primarily to provide grants beginning with the 2000-2001 academic year. The State Board of Community Colleges shall allocate the funds to the Education Assistance Authority based on a schedule it establishes.

This act becomes **effective July 1, 1999**.

This bill must be **rereferred to Appropriations**.

VISITOR REGISTRATION SHEET

Education — Name of Committee

3-4-99 — Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK.

	NAME	FIRM OR AGENCY AND ADDRESS
1.)	Matt Osborne	AOC
2.)	Harriet Dial	NCAE
3.)	Bill Nelson	NCAE
4.)	Barbara Gillespie	Guest
5.)	Rob Holliday	Legislative Intern - Reps Luebke
6.)	[illegible]	NCCC
7.)	Hal Miller	NCASCT
8.)	Elizabeth Grossnickle	OSBM
9.)	Tim McDonald	NCAICU
10.)		
11.)		
12.)		
13.)		
14.)		
15.)		

MINUTES FOR HOUSE EDUCATION COMMITTEE MEETING

THURSDAY, MARCH 11, 1999

The meeting was called to order by Vice-Chair Representative Maggie Jeffus. Committee members in attendance were: Representatives Alexander (excused), Arnold, Boyd-McIntyre, Bridgeman, Cansler, Cox, Crawford, Dockham, Edwards, Fox (excused), Gillespie, Gulley, Hiatt, Horn, Jarrell, Justus, McAllister, McCombs, McLawhorn, McMahan, Moore, Nye, Oldham (excused), Owens, Rayfield, Russell, Saunders, Smith, Thomas, Thompson, Tolson, Tucker, Walend, Warner, Warren, Warwick, Womble and Yongue (excused).

At the last meeting, a decision was made to continue discussion on **HB 23, *COMMUNITY COLLEGE SCHOLARSHIP PROGRAM.*** Today a committee substitute for HB 23, C*ommunity College Scholarship Program* was put before the committee.

Rep. Jeffus: Asked for the committee substitute to be adopted for discussion purposes.

Rep. Womble: Made a motion to adopt the committee substitute for discussion.

Rep. Jeffus: Asked Rep. Alex Warner to discuss the bill.

Rep. Warner: Asked staff attorney Kory Goldsmith to explain some of the changes that were recommended by Reps. Tolson, Michaux, Luebke, and others.

Kory Goldsmith: Recommended on page 1, lines 14 and 15, to read as, "persons who enroll in a community college and pursue a curriculum program for an associate degree, a diploma or certificate." (The original bill was limited to an associate degree.) On page 2, lines 9-13, (the original bill required a person to have a high school diploma or the equivalent.) This has been rewritten for a person to be a high school graduate or have a recognized diploma/certificate or otherwise meet the requirements of a curriculum program that does not require a high school diploma. There are some community college programs that do not require the individual to be a high school graduate. Finally, lines 16-18, (the original bill disqualified applicants who are convicted of a felony or any controlled substance or alcohol related offence.) This change limits it only to individuals who have been convicted of a felony. This covers felonies, judicated delinquent for acts that would constitute a felony if committed by an adult. It also incorporates the technical changes that were offered in an amendment at the very beginning of last week's committee meeting and finally, the original bill title did not include appropriation funds. On page 1, lines 3 and 4, the title has been amended to reflect that this is an appropriations bill.

Rep. Womble: Asked if on page 2, line 6, regarding the old bill, "applicants must not have been convicted of any felony or any alcohol or substance control". Am I to assume

that the "any alcohol or substance control" has been removed from the committee substitute?

Rep. Warner: Answered yes.

Rep. Moore: Moved for a favorable report at the appropriate time.

Rep. Jarrell: Asked how would a person that wanted to go to a community college just to learn a trade or skill; how he would come under this, would he be able to apply for a grant, does he have to have a GED, what would the requirements be?

Rep. Warner: Answered that the language previously written primarily addressed the two-year associate degree program. Rep. Tolson pointed out to us that many of the vocational programs that were available were only one-year. So we went back and added the language for the vocational programs such as welding, automotive mechanics, or the equivalent.

Rep. Tolson: Commented that this bill now includes anyone that wants to enroll at a community college for any program other than continuing education. That is the other division that is not covered.

Rep. Warner: Commented it would be on a need basis. The person would apply for the grant and have to qualify for it. Seeing the need there, the board (community college) would determine if the person was qualified for the scholarship.

Rep. Jarrell: Asked if the person wanted to enroll in a aeronautics program, furniture making or whatever, would that person qualify for this grant?

Rep. Warner: Answered yes

Rep. Moore: Moved for a favorable report for the proposed committee substitute, unfavorable to the original bill, and with the recommendation that it be re-referred to appropriations. The motion passed.

Meeting adjourned.

Alex Warner
Rep. Alex Warner, Co-Chair

Doug Yongue
Rep. Doug Yongue, Co-Chair

Ann Stancil
Ann Stancil, Committee Assistant

1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **Warner and Yongue** for the Committee on **EDUCATION**.

☐ Committee Substitute for
H.B. 23 A BILL TO BE ENTITLED AN ACT TO IMPROVE EDUCATIONAL OPPORTUNITIES FOR NORTH CAROLINIANS ATTENDING COMMUNITY COLLEGES.

☐ With a favorable report.

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

☐ With a favorable report, as amended.

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

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

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

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

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

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

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

☐ Without prejudice.

☐ With an indefinite postponement report.

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

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

2/24/99

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H D

HOUSE BILL 23
Proposed Committee Substitute H23-PCS7052-RC

Short Title: Comm. College Scholarship Program. (Public)

Sponsors:

Referred to:

February 4, 1999

A BILL TO BE ENTITLED

AN ACT TO IMPROVE EDUCATIONAL OPPORTUNITIES FOR NORTH CAROLINIANS ATTENDING COMMUNITY COLLEGES AND TO APPROPRIATE FUNDS TO IMPLEMENT THE EDUCATION IMPROVEMENT PROGRAM.

The General Assembly of North Carolina enacts:

Section 1. Chapter 115D of the General Statutes is amended by adding a new Article 1A to read:

"ARTICLE 1A.

"The Community College Education Improvement Program.

"**§ 115D-11.1. The Education Improvement Program.**

(a) Grants. -- The State Board of Community Colleges shall develop and implement the Education Improvement Program to provide grants for tuition and mandatory fees for eligible persons who enroll in a community college and pursue a curriculum program for an associate degree, a diploma, or a certificate. The State Board shall make determinations of eligibility to receive grants. In no event shall a grant exceed the total cost of tuition and mandatory fees charged by a community college. The State Education Assistance Authority shall administer the funding of the grants.

(b) Eligibility. -- The State Board may award Education Improvement Program grants based on availability of funds. The following are eligibility and other requirements:

(1) An applicant must:

a. Be a resident for tuition purposes under G.S. 116-143.1.
b. Be a high school graduate, hold a recognized equivalent diploma or certificate, or otherwise meet the requirements of a curriculum program that does not require a high school diploma or its equivalent.
c. Be found to be in financial need, as provided in subsection (c) of this section.

(2) An applicant must not have been convicted of any felony or adjudicated delinquent for acts that would constitute a felony if committed by an adult.

(3) Notwithstanding subdivision (2) of subsection (b) of this section and upon the recommendation of the President of the Community College System, the State Board may determine that an applicant is eligible to receive a grant if the State Board determines that the applicant has been fully rehabilitated and is otherwise eligible. Upon direction by the State Board, the President or the President's designee may request juvenile court records under G.S. 7B-3102 for the purpose of determining eligibility. The President or the President's designee shall follow the procedures in G.S. 115D-11.2 in order to protect the confidentiality of any records received under G.S. 7B-3102.

(4) The State Board shall adopt rules specifying the criteria a student must meet in order to continue to be eligible to receive Education Improvement Program grants.

(c) Financial Need.

(1) All applicants for an Education Improvement Program grant must apply for federal Title IV student financial assistance. If the applicant is eligible for a Pell Grant of an amount less than the total amount of community college tuition and mandatory fees, the amount of the State grant shall be equal to the difference between the total amount of tuition and mandatory fees and the Pell Grant amount.

(2) An applicant who is under 21 years of age and who is ineligible for a Pell Grant shall be found to be in financial need for purposes of an Education Improvement Program grant if one of the following applies:

a. The applicant's custodial parent or guardian has one dependent child under the age of 21, and the adjusted gross income of the family for the tax year immediately preceding the determination of financial need is less than thirty thousand dollars ($30,000).
b. The applicant's custodial parent or guardian has two dependent children under the age of 21, and the annual adjusted gross income of the family for the tax year

immediately preceding the determination of financial need is less than thirty-five thousand dollars ($35,000).

c. The applicant's custodial parent or guardian has three or more dependent children under the age of 21, and the annual adjusted gross income of the family for the tax year immediately preceding the determination of financial need is less than forty thousand dollars ($40,000).

(3) Notwithstanding subdivision (2) of subsection (c) of this section, the State Board may adopt rules that define special circumstances under which an applicant who is under 21 years of age has otherwise demonstrated financial need.

(4) The State Board shall adopt rules for determining the financial need of applicants who are over 21 years of age and are not eligible to receive a Pell Grant.

"**§ 115D-11.2. Use of juvenile court information.**

(a) Confidential Records. -- The following shall be confidential records, are not public records as defined under G.S. 132-1, and shall not be made a part of the applicant's official student record:

(1) Any request for juvenile records made by the President or the President's designee under G.S. 115D-11.1(b)(3).

(2) Any juvenile records received by the President or the President's designee under G.S. 7B-3102.

(b) Storage, Use, and Destruction of Records. -- Immediately upon receipt of any juvenile records, the President or the President's designee shall maintain these documents in a safe, locked record storage that is separate from the applicant's other records. Documents received under G.S. 7B-3102 shall be used only to determine whether an applicant may be eligible to receive an Education Improvement Program grant. The President or the President's designee shall shred, burn, or otherwise destroy all juvenile records and all information gained from examination of juvenile records when the State Board no longer needs the information to determine an applicant's eligibility for an Education Improvement Program grant. In no case shall the President or the President's designee make a copy of these documents and in no case shall the President or the President's designee share the records with a community college."

Section 2. Article 31 of Chapter 7B of the General Statutes is amended by adding a new section to read:

"**§ 7B-3102. Disclosure of information to determine eligibility for Education Improvement Program grants.**

Notwithstanding G.S. 7B-3000, upon receipt of a written request under G.S. 115D-11.1(b)(3), the chief juvenile court counselor shall deliver any existing juvenile court records, as defined in G.S. 7B-3000, to the President of the North Carolina Community College System or the President's designee. The President or the President's designee shall handle any records received under this section in accordance with G.S. 115D-11.2. Documents received under this provision shall be

used only to determine whether an applicant is eligible to receive a Community College Education Improvement Program grant."

Section 3. Article 23 of Chapter 116 of the General Statutes is amended by adding a new section to read:

"**§ 116-209.26. Education Improvement Program grants.**

(a) In addition to all other powers and duties under this Article, the Authority shall administer the funding for the Education Improvement Program grants awarded by the State Board of Community Colleges under G.S. 115D-11.1.

(b) In order to accomplish the purposes of this section, the Authority may:

(1) In consultation with the State Board of Community Colleges, adopt rules to implement the funding of the Education Improvement Program.

(2) Receive from the General Fund or other sources those funds the General Assembly may authorize to cover, in addition to any other available funds, the costs of tuition and mandatory fees required to be paid to eligible students under G.S. 115D-11.1 for the coming academic year.

(3) Seek, accept, and expend funds from any source, including private business, industry, foundations, and other groups as well as any federal or other governmental funding available for this purpose."

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GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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Sponsors: Representatives Warner; Allen, Baddour, Gillespie, Hunter, Hurley, Jeffus, Justus, Kinney, Luebke, Morris, Redwine, Smith, Wainwright, Wood, and Wright.

Referred to: Rules, Calendar and Operations of the House.

February 4, 1999

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(1) Applicants must:

a. Be a resident for tuition purposes under G.S. 116-143.1;

b. Be a graduate of an accredited North Carolina high school or hold a recognized equivalent diploma or certificate received in North Carolina;

c. Be found to be in financial need, as provided in subsection (c) of this section.

(2) Applicants must not have been convicted of any felony or any alcohol or controlled substance related offense, or adjudicated delinquent for acts that would constitute a violation of those offenses if committed by an adult.

(3) Notwithstanding subdivision (2) of subsection (b) of this section and upon recommendation by the President of the Community College System, the State Board may determine that an applicant is eligible to receive a grant if the State Board determines that the applicant has been fully rehabilitated and is otherwise eligible. Upon direction by the State Board, the President or the President's designee may request juvenile court records under G.S. 7B-3102 for the purpose of determining eligibility. The President or the President's designee shall follow the procedures in G.S. 115D-11.2 in order to protect the confidentiality of any records received under G.S. 7B-3102.

(4) The State Board shall adopt rules specifying the criteria a student must meet in order to continue to be eligible to receive Education Improvement Program grants.

(c) Financial Need.

(1) All applicants for an Education Improvement Program grant must apply for federal Title IV student financial assistance. If the applicant is eligible for a Pell Grant of an amount less than the total amount of community college tuition and mandatory fees, the amount of the State grant shall be equal to the difference between the total amount of tuition and mandatory fees and the Pell Grant amount.

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"**§ 115D-11.2. Use of juvenile court information.**

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(2) Any juvenile records received by the President or the President's designee under G.S. 7B-3102.

(b) Storage, Use, and Destruction of Records. -- Immediately upon receipt of any juvenile records, the President or the President's designee shall maintain these documents in a safe, locked record storage that is separate from the applicant's other records. Documents received under G.S. 7B-3102 shall be used only to determine whether an applicant may be eligible to receive an Education Improvement Program grant. The President or the President's designee shall shred, burn, or otherwise destroy all juvenile records and all information gained from examination of juvenile records when the State Board no longer needs the information to determine an applicant's eligibility for an Education Improvement Program grant. In no case shall the President or the President's designee make a copy of these documents and in no case shall the President or the President's designee share the records with a community college."

Section 2. Article 31 of Chapter 7B of the General Statutes is amended by adding a new section to read:

"**§ 7B-3102. Disclosure of information to determine eligibility for Education Improvement Program grants.**

Notwithstanding G.S. 7B-3000, upon receipt of a written request under G.S. 115D-11.1(b)(3), the chief juvenile court counselor shall deliver any existing juvenile court records, as defined in G.S. 7B-3000, to the President of the North Carolina Community College System or the President's designee. The President or the President's designee shall handle any records received under this section in accordance with G.S. 115D-11.2. Documents received under this provision shall be used only to determine whether an applicant is eligible to receive a Community College Education Improvement Program grant."

Section 3. Article 23 of Chapter 116 of the General Statutes is amended by adding a new section to read:

"**§ 116-209.26. Education Improvement Program grants.**

(a) In addition to all other powers and duties under this Article, the Authority shall administer the funding for the Education Improvement Program grants awarded by the State Board of Community Colleges under G.S. 115D-11.1.

(b) In order to accomplish the purposes of this section, the Authority may:

(1) In consultation with the State Board of Community Colleges, adopt rules to implement the funding of the Education Improvement Program.

(2) Receive from the General Fund or other sources those funds the General Assembly may authorize to cover, in addition to any other available funds, the costs of tuition and mandatory fees required to be paid to eligible students under G.S. 115D-11.1 for the coming academic year.

(3) Seek, accept, and expend funds from any source, including private business, industry, foundations, and other groups as well as any federal or other governmental funding available for this purpose."

Section 4. There is appropriated from the General Fund to the State Board of Community Colleges the sum of nineteen million six thousand nine hundred eighteen dollars ($19,006,918) for the 2000-2001 fiscal year. These funds shall be used primarily to provide grants beginning with the 2000-2001 academic year. The State Board of Community Colleges shall allocate funds to the Education Assistance Authority according to a schedule of allocation it establishes.

Section 5. This act becomes effective July 1, 1999.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H 2

HOUSE BILL 23
Committee Substitute Favorable 3/15/99

Short Title: Comm. College Scholarship Program. (Public)

Sponsors:

Referred to:

February 4, 1999

A BILL TO BE ENTITLED

AN ACT TO IMPROVE EDUCATIONAL OPPORTUNITIES FOR NORTH CAROLINIANS ATTENDING COMMUNITY COLLEGES AND TO APPROPRIATE FUNDS TO IMPLEMENT THE EDUCATION IMPROVEMENT PROGRAM.

The General Assembly of North Carolina enacts:

Section 1. Chapter 115D of the General Statutes is amended by adding a new Article 1A to read:

"ARTICLE 1A.

"The Community College Education Improvement Program.

"**§ 115D-11.1. The Education Improvement Program.**

(a) Grants. -- The State Board of Community Colleges shall develop and implement the Education Improvement Program to provide grants for tuition and mandatory fees for eligible persons who enroll in a community college and pursue a curriculum program for an associate degree, a diploma, or a certificate. The State Board shall make determinations of eligibility to receive grants. In no event shall a grant exceed the total cost of tuition and mandatory fees charged by a community college. The State Education Assistance Authority shall administer the funding of the grants.

(b) Eligibility. -- The State Board may award Education Improvement Program grants based on availability of funds. The following are eligibility and other requirements:

(1) An applicant must:

a. Be a resident for tuition purposes under G.S. 116-143.1.
b. Be a high school graduate, hold a recognized equivalent diploma or certificate, or otherwise meet the requirements of a curriculum program that does not require a high school diploma or its equivalent.
c. Be found to be in financial need, as provided in subsection (c) of this section.

(2) An applicant must not have been convicted of any felony or adjudicated delinquent for acts that would constitute a felony if committed by an adult.

(3) Notwithstanding subdivision (2) of subsection (b) of this section and upon the recommendation of the President of the Community College System, the State Board may determine that an applicant is eligible to receive a grant if the State Board determines that the applicant has been fully rehabilitated and is otherwise eligible. Upon direction by the State Board, the President or the President's designee may request juvenile court records under G.S. 7B-3102 for the purpose of determining eligibility. The President or the President's designee shall follow the procedures in G.S. 115D-11.2 in order to protect the confidentiality of any records received under G.S. 7B-3102.

(4) The State Board shall adopt rules specifying the criteria a student must meet in order to continue to be eligible to receive Education Improvement Program grants.

(c) Financial Need.

(1) All applicants for an Education Improvement Program grant must apply for federal Title IV student financial assistance. If the applicant is eligible for a Pell Grant of an amount less than the total amount of community college tuition and mandatory fees, the amount of the State grant shall be equal to the difference between the total amount of tuition and mandatory fees and the Pell Grant amount.

(2) An applicant who is under 21 years of age and who is ineligible for a Pell Grant shall be found to be in financial need for purposes of an Education Improvement Program grant if one of the following applies:

a. The applicant's custodial parent or guardian has one dependent child under the age of 21, and the adjusted gross income of the family for the tax year immediately preceding the determination of financial need is less than thirty thousand dollars ($30,000).
b. The applicant's custodial parent or guardian has two dependent children under the age of 21, and the annual adjusted gross income of the family for the tax year

immediately preceding the determination of financial need is less than thirty-five thousand dollars ($35,000).

c. The applicant's custodial parent or guardian has three or more dependent children under the age of 21, and the annual adjusted gross income of the family for the tax year immediately preceding the determination of financial need is less than forty thousand dollars ($40,000).

(3) Notwithstanding subdivision (2) of subsection (c) of this section, the State Board may adopt rules that define special circumstances under which an applicant who is under 21 years of age has otherwise demonstrated financial need.

(4) The State Board shall adopt rules for determining the financial need of applicants who are over 21 years of age and are not eligible to receive a Pell Grant.

"**§ 115D-11.2. Use of juvenile court information.**

(a) Confidential Records. -- The following shall be confidential records, are not public records as defined under G.S. 132-1, and shall not be made a part of the applicant's official student record:

(1) Any request for juvenile records made by the President or the President's designee under G.S. 115D-11.1(b)(3).

(2) Any juvenile records received by the President or the President's designee under G.S. 7B-3102.

(b) Storage, Use, and Destruction of Records. -- Immediately upon receipt of any juvenile records, the President or the President's designee shall maintain these documents in a safe, locked record storage that is separate from the applicant's other records. Documents received under G.S. 7B-3102 shall be used only to determine whether an applicant may be eligible to receive an Education Improvement Program grant. The President or the President's designee shall shred, burn, or otherwise destroy all juvenile records and all information gained from examination of juvenile records when the State Board no longer needs the information to determine an applicant's eligibility for an Education Improvement Program grant. In no case shall the President or the President's designee make a copy of these documents and in no case shall the President or the President's designee share the records with a community college."

Section 2. Article 31 of Chapter 7B of the General Statutes is amended by adding a new section to read:

"**§ 7B-3102. Disclosure of information to determine eligibility for Education Improvement Program grants.**

Notwithstanding G.S. 7B-3000, upon receipt of a written request under G.S. 115D-11.1(b)(3), the chief juvenile court counselor shall deliver any existing juvenile court records, as defined in G.S. 7B-3000, to the President of the North Carolina Community College System or the President's designee. The President or the President's designee shall handle any records received under this section in accordance with G.S. 115D-11.2. Documents received under this provision shall be

used only to determine whether an applicant is eligible to receive a Community College Education Improvement Program grant."

Section 3. Article 23 of Chapter 116 of the General Statutes is amended by adding a new section to read:

"**§ 116-209.26. Education Improvement Program grants.**

(a) In addition to all other powers and duties under this Article, the Authority shall administer the funding for the Education Improvement Program grants awarded by the State Board of Community Colleges under G.S. 115D-11.1.

(b) In order to accomplish the purposes of this section, the Authority may:

(1) In consultation with the State Board of Community Colleges, adopt rules to implement the funding of the Education Improvement Program.

(2) Receive from the General Fund or other sources those funds the General Assembly may authorize to cover, in addition to any other available funds, the costs of tuition and mandatory fees required to be paid to eligible students under G.S. 115D-11.1 for the coming academic year.

(3) Seek, accept, and expend funds from any source, including private business, industry, foundations, and other groups as well as any federal or other governmental funding available for this purpose."

Section 4. There is appropriated from the General Fund to the State Board of Community Colleges the sum of nineteen million six thousand nine hundred eighteen dollars ($19,006,918) for the 2000-2001 fiscal year. These funds shall be used primarily to provide grants beginning with the 2000-2001 academic year. The State Board of Community Colleges shall allocate funds to the Education Assistance Authority according to a schedule of allocation it establishes.

Section 5. This act becomes effective July 1, 1999.

VISITOR REGISTRATION SHEET

Education 3-11-99

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY
1. Matt Osborne	AOC
2. Thad Daise	NCAE
3. Karen Gark	Gov's Office
4. Bill Wilson	NCAE
5. Lloyd Tyson	TWC/AD
6. Ken Starr	
7. Gene Causby	NCSFSA
8. John Cyrus	N.C. State Grange
9. Jerry Van Eerbeek	PENC
10. J Crutchfield	NCASA
11. Kay Michaels	PPOD
12. Hal Miller	NCACCT
13. Suzanne Williams	NCCCS
14.	
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17.	
18.	
19.	
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21.	

MINUTES

HOUSE EDUCATION COMMITTEE

MARCH 18, 1999

The meeting was called to order by Co-Chairman Representative Douglas Yongue. For a list of those in attendance, please see attendance sheet.

The first order of business was **HOUSE BILL 216, EVALUATE CHARTER SCHOOLS,** sponsored by Representative Jean Preston. Representative Preston was called upon to explain the bill which originated in the Education Oversight Committee. (See copy of bill, bill summary).

Representative Womble made several favorable comments about the bill and stated that he supported the bill. Representative Jeffus also was favorable to the bill and asked if charter schools would remain the same during the study. Representative Preston stated that everything would remain the same. Sixty-four already in effect would receive the full three year evaluation, those just approved would receive a two year evaluation, and those approved for the year 2002 would receive a one year evaluation. Representative Arnold and Sherrill also had favorable comments about the bill. Representative Russell stated that she hopes the study will look at parental involvement in charter schools and hopes that the public school system might benefit from this study.

After further discussion, Representative Moore moved for a favorable report seconded by Representative Jarrell and the motion passed. (See committee reporting report form.)

The second order of business was **HOUSE BILL 274, AMEND THE LAW REGARDING CERTIFICATION OF ASSISTANT PRINCIPALS,** introduced by Representative Alex Warner. (See attached copy of bill and bill summary). Representative Warner was called upon for an explanation of the bill.

A committee substitute was introduced, and Representative Warner moved to put the committee substitute on the floor for discussion. The committee substitute mainly provided technical corrections and added more language to the bill. Representative Warner stated that this bill gives some flexibility to local boards in hiring assistant principals with provisional certificates. Representative Jeffus asked how the assistant principals hired with provisional certificates would be paid. The Chair called on Anne Berlam with the Department of Public Instruction who stated that the pay would be based on the assistant principal salary schedule. Some discussion ensued among other members as to whether someone with a provisional certificate just starting out, would be paid at the same salary grade as someone who held a regular assistant principal's certificate just starting out. Representative Warner stated that someone with a provisional certificate just beginning would be paid at the lower level of the salary grade. Representative Warner stated that this bill allows the local board to request through the State Board of

Education the authority to hire someone with a provisional certificate. The State Board would have to approve the request.

Representative Russell then asked staff to get figures on the number of shortages that exists for assistant principals. Representative Russell then asked if the committee might consider an amendment to tighten up language so that "local politics" would not be a factor in hiring or not hiring someone with a provisional certificate. Representative Warner stated that was not needed since the State Board would have approval.

After more discussion, Representative McAllister moved for a favorable report for the committee substitute, unfavorable as to the original bill. The motion passed with Representative Russell casting a dissenting vote. (See committee reporting form.)

The meeting was then adjourned.

Representative Douglas Y. Yongue
Co-Chairman

Representative Alex Warner
Co-Chairman

Jenny Umstead, Committee Assistant

1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **YONGUE AND WARNER** for the Committee on **EDUCATION**.

☐ Committee Substitute for
H.B. 216 A BILL TO BE ENTITLED AN ACT TO IMPLEMENT A RECOMMENDATION OF THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE TO DIRECT THE STATE BOARD OF EDUCATION TO EXTEND ITS REVIEW AND EVALUATION OF CHARTER SCHOOLS.

☒ With a favorable report.

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

☐ With a favorable report, as amended.

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

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

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

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

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

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

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

☐ Without prejudice.

☐ With an indefinite postponement report.

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

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

2/24/99

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H 1

HOUSE BILL 216

Short Title: Evaluate Charter Schools. (Public)

Sponsors: Representative Preston.

Referred to: Education.

March 2, 1999

A BILL TO BE ENTITLED

AN ACT TO IMPLEMENT A RECOMMENDATION OF THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE TO DIRECT THE STATE BOARD OF EDUCATION TO EXTEND ITS REVIEW AND EVALUATION OF CHARTER SCHOOLS.

The General Assembly of North Carolina enacts:

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

"(c) The State Board of Education shall review and evaluate the educational effectiveness of the charter school approach authorized under this Part and the effect of charter schools on the public schools in the local school administrative unit in which the charter schools are located. The Board shall report no later than January 1, 2002, to the Joint Legislative Education Oversight Committee with recommendations to modify, expand, or terminate that approach. The Board shall base its recommendations on the following information:

(1) The current and projected impact of charter schools on the delivery of services by the public schools.

(2) Student academic progress in the charter schools as measured, where available, against the academic year immediately preceding the first academic year of the charter schools' operation.

(3) Best practices resulting from charter school operations.

Analysis of this information shall be the predominant factor in determining whether the number of charter schools should be increased and the conditions under which any increase or continued operation should occur. If the analysis indicates

demonstrable, substantial success, the General Assembly may consider expanding the number of charter schools that may be established."

Section 2. This act becomes effective July 1, 1999.

HOUSE BILL 216:
Evaluate Charter Schools

BILL ANALYSIS

Committee:	House Education	**Introduced by:**	Representative Preston
Date:	March 18, 1999	**Summary by:**	Robin S. Johnson
Version:	1st Edition		Committee Counsel

SUMMARY: Recommended by the Joint Legislative Education Oversight Committee (Ed Oversight), House Bill 216 would direct the State Board of Education to continue for three years its evaluation of charter schools based on an analysis of the schools' impact on the delivery of services by traditional public schools, student progress in charter schools, and best practices coming out of charter schools. The Board's evaluation must include a determination and recommendation to Ed Oversight as to whether to increase the number of charter schools, to modify the program, or to terminate the program. The Board may recommend an expansion of the number of charter schools only if its analysis shows "demonstrable, substantial success" of the program. The Board must report to Ed Oversight by January 1, 2002. The bill would take effect July 1, 1999.

BACKGROUND: In 1996, the General Assembly enacted the charter schools law, which has been amended several times since then. There currently are 64 charter schools, with a statewide cap of 100. (Attempts to remove the cap have met with resistance by a number of legislators.) The original authorizing legislation directed the State Board to review charter schools based on an analysis of the information that is listed in the bill. The Board made its second and final report to Ed Oversight in January. At that time the Board explained it was unable to make recommendations about the program because insufficient time has passed since its creation. The Board recommended a three-year continuation of its review of the program.

Attached is a summary of the Board's January report to Ed Oversight.

H216-SMRH-001

TAB 1 – Executive Summary

TAB 2 – Recommendations Regarding Charter Schools for SBE Discussion: These are the Board's recommendations to Ed Oversight in January: (i) extend time for evaluation of charter schools – proposing a 3-year timeline; (ii) pursue controlled growth until full evaluation is completed by maintaining cap of 100 schools; (iii) require schools to have a year of planning or give schools one year to meet legislative requirements, such as certification requirements; and (iv) maintain Board's policy that charter schools are to have ethnic representation within range of individual schools of the residing LEA.

TAB 3 – Some Emerging Issues/Trends/Lessons Presented at November 1998 SBE meeting: (i) This is the first year of a completely new program. It will probably take several years to "know the true 'lessons' of charter schools"; (ii) the transition from Year 1 to Year 2 is dramatic; (iii) it is helpful for schools to organize around a distinctive mission; (iv) the issue of leadership and administration needs more study; (v) most charter schools believe they are vehicles for district-wide change; LEAs are less convinced; (vi) feelings about charter schools among LEAs range from support to hostility; and (vii) these schools may be thought of as representing a physical or philosophical community.

TAB 4 – Additional Evaluation Information for Charter Schools Requested by the State Board: (i) proposed evaluation timeline for charter schools – minimum should be three years from opening of the first charter schools; better would be five years from initial year; (ii) annual funding of $200,000 for evaluation is needed; and (iii) service to Exceptional Children – Audits will begin this year. The Board also discussed excess costs to LEAs and DPI as a result of charter schools and concluded: (i) impact on LEAs is not uniform; (ii) SBE-proposed policy to adjust the impact of State allotment reductions on LEA would have cost $6,571,737 in 1998-99; (iii) excess administrative time for LEAs caused by charter school ranges from no change to some change; and (iv) State Office of Management and Budget is studying DPI's administrative requirements to meet the needs of charter schools – to be completed by January 1999

TAB 5 – Charter School Evaluation Synthesis: Reports I, II, and III: (i) 1997-98 charter schools are in a unique historical context; (ii) most are arranged around distinctive mission or vision; (iii) two general purposes were identified for most schools --to offer a better educational alternative, offering good instruction, a moral setting, and small classes, and to serve a population perceived to be inadequately served in other public schools; (iv) administrative skills needed for 1st year charter school are complex; (v) charter schools' characteristics include – smaller schools; smaller classes; personalized instruction; students who are disproportionately Black compared to LEAs where located; salaries lower than public schools; and high level of parental involvement; (vi) implementation issues – time to put program in place; procuring adequate facility and capital funding; transportation especially for schools serving low-income students or a large geographic area; lack of district support; leadership skills; adequate faculty; paperwork and reporting; distraction from instruction; outside support; (vii) impact on and Relationships with Local School Districts – majority have limited or no contact with each other; not much change in LEAs due to the schools' existence; no change in racial diversity of LEA; LEAs' greatest concern is fiscal impact; and (viii) selected Promising Practices

TAB 6 – Selected Characteristics of Charter Schools, Programs, Students, and Teachers 1997-98: Report I of Charter Schools Evaluation (12/98): (i) inaugural year presented special challenges to the charter schools; (ii) charter schools did not do as well as other public schools on ABC's results; however, they exceeded other public schools' percentage of schools of excellence; (iii) charter schools are smaller than other public schools and than charter schools in national study sample; they serve broad range of grades; class size and student-teacher ratio are smaller than other public schools; (iv) they are extremely diverse in types of programs and instruction; (v) they report extensive parent involvement; (vi) board size

ranges from 3-26 members; about ½ had 10 or fewer; and (vii) students are disproportionately Black compared to their LEAs.

TAB 7 – First Year's Impact of North Carolina Charter Schools on Local Education Agencies and Their Schools 1997-98: Report II of the Charter Schools Evaluation (12/98): This report is based on survey of superintendents of 24 LEAs with inaugural year charter schools and 30 of 33 charter school directors by Rita O'Sullivan, Barry Nagle, Kelly Spence and Chris Haynes, UNC-G. The report found that the impact, after one year, is inconclusive.

TAB 8 – Charter Schools Case Studies Cross-Site Analysis 1997-98: Report III of the Charter Schools Evaluation (12/98): Consisted of case studies of 10 of the first-year charter schools by George Noblit, UNC-CH, using four-member teams. These studies were designed to understand the purposes of charter schools, emerging implementation issues, resources available to the schools, best practices that schools have to offer, school outcomes, schools' hopes for the future. The findings included: (i) purposes are varied; (ii) implementation issues include: time for start-up; adequacy of facility; transportation; lack of LEA support and negative media attention; turnover in leadership and teachers; and paperwork and travel time; (iii) resources include: support of LEA; board leadership; parents; caring teachers; DPI training; outside support; supplemental funding from other entities; (iv) no consistent set of best practices concerning curricula and instruction; best practices included diagnostic testing; common schedule across grade levels; schoolwide discipline policies; bonuses tied to evaluations; strong moral emphases; safe and orderly environments; reduced class size; (v) the schools are committed to fulfilling their distinctive missions; (vi) they are still in the process of implementing their missions and have political, pragmatic, and fiscal issues to overcome if they are to fully implement them.

1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **WARNER AND YONGUE** for the Committee on **EDUCATION**.

☐ Committee Substitute for
H.B. 274 A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW REGARDING CERTIFICATION OF ASSISTANT PRINCIPALS

☐ With a favorable report.

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

☐ With a favorable report, as amended.

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

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

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

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

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

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

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

☐ Without prejudice.

☐ With an indefinite postponement report.

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

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

2/24/99

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H 2

HOUSE BILL 274*
Committee Substitute Favorable 3/22/99

Short Title: Ass't Principal Provisional Cert./AB. (Public)

Sponsors:

Referred to:

March 4, 1999

A BILL TO BE ENTITLED

AN ACT TO AMEND THE LAW REGARDING CERTIFICATION AND EMPLOYMENT OF ASSISTANT PRINCIPALS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 115C-284(c) reads as rewritten:

"(c) The State Board of Education shall have entire control of certifying all applicants for supervisory and professional positions in all public elementary and high schools of North Carolina; and it shall prescribe the rules and regulations for the renewal and extension of all certificates, and shall determine and fix the salary for each grade and type of certificate which it authorizes. The State Board of Education shall require each applicant for an initial certificate or graduate certificate, other than an applicant who is qualified under Article 19A of this Chapter, to demonstrate ~~his~~ the applicant's academic and professional preparation by achieving a prescribed minimum score at least equivalent to that required by the Board on November 30, 1972, on a standard examination appropriate and adequate for that purpose. If the Board shall specify the National Teachers Examination for this purpose, the required minimum score shall not be lower than that which the Board required on November 30, 1972. The Board may not require an applicant who is qualified under Article 19A of this Chapter to take an additional exam to demonstrate academic competence. The Board shall not issue provisional certificates for ~~principals and assistant principals.~~ principals.

The Board shall issue a one-year provisional assistant principal's certificate to an employee of a local board only if (i) the local board determines there is a shortage of

persons who hold or are qualified to hold a principal's certificate, and (ii) the employee enrolls in an approved program leading to a masters degree in school administration before the provisional certificate expires. The Board shall extend the provisional certificate for a total of no more than two additional years while the employee is completing the program."

Section 2. G.S. 115C-289(b) reads as rewritten:

"(b) All persons employed as assistant principals in State-allotted positions, or as assistant principals in full-time positions regardless of funding source, in the public schools of the State or in schools receiving public funds, shall, in addition to other applicable requirements, be required either to hold or be qualified to hold a principal's certificate or a provisional assistant principal's certificate in compliance with applicable law and in accordance with the regulations of the State Board of Education. It shall be unlawful for any board of education to employ or keep in service any assistant principal who neither holds nor is qualified to hold a principal's certificate or a provisional assistant principal's certificate in compliance with applicable law and in accordance with the regulations of the State Board of Education. Persons who hold a provisional assistant principal's certificate and who are employed as assistant principals shall be employed under G.S. 115C-287.1(h)."

Section 3. G.S. 115C-287.1 is amended by adding a new subsection to read:

"(h) An individual who holds a provisional assistant principal's certificate and who is employed as an assistant principal under G.S. 115C-284(c) shall be considered a school administrator for purposes of this section. Notwithstanding subsection (b) of this section, a local board may enter into one-year contracts with a school administrator who holds a provisional assistant principal's certificate. If the school administrator held career status as a teacher in the local school administrative unit prior to being employed as an assistant principal and the State Board for any reason does not extend the school administrator's provisional assistant principal's certificate, the school administrator shall retain career status as a teacher unless the school administrator voluntarily relinquished that right or is dismissed or demoted under G.S. 115C-325. Nothing in this subsection or G.S. 115C-284(c) shall be construed to require a local board to extend or renew the contract of a school administrator who holds a provisional assistant principal's certificate."

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

HOUSE BILL 274:
Ass't Principal Provisional Cert./AB

BILL ANALYSIS

Committee:	House Education	**Introduced by:**	Representative Warner
Date:	March 18, 1999	**Summary by:**	Shirley Iorio, PhD
Version:	PCS for 1st Edition H274-CSRC-001		Education Policy Analyst

SUMMARY OF ORIGINAL BILL: This bill allows the State Board of Education to issue a one-year provisional certificate for an assistant principal only if:

- *the local board finds that there is a shortage of persons with a principal's certificate; and*
- *the person enrolls in an approved masters degree program in school administration during that year.*

The State Board can extend the provisional certificate for no more than 2 years while the employee is completing the masters program.

SUBSTANTIVE CHANGES FROM THE ORIGINAL BILL:

- *Changes the title by adding the words "AND EMPLOYMENT" so that the title now reads AN ACT TO AMEND THE LAW REGARDING CERTIFICATION AND EMPLOYMENT OF ASSISTANT PRINCIPALS.*
- *Adds a sentence at the end of Section 2 that requires individuals who hold a provisional assistant principal's certificate and are employed as an assistant principal to be employed under the new subsection (h) to G.S. 115C-287.1.*
- *Section 3. Adds a new subsection (h) to G.S. 115C-287.1. Subsection (h) makes it clear that individuals who hold a provisional assistant principal's certificate are considered school administrators. It permits a local board to enter into one-year contracts with a school administrator who holds a provisional assistant principal's certificate. If, for any reason, the State Board does not extend a school administrator's provisional assistant principal's certificate and if an individual had career status as a teacher before receiving a provisional assistant principal's certificate, an individual retains career status as a teacher unless the person voluntarily relinquishes that right or is dismissed or demoted.*

CURRENT LAW: G.S. 115C-284(c) prohibits the State Board of Education from issuing provisional certificates for principals and assistant principals. G.S. 115C-289(b) requires assistant principals either to hold or be qualified to hold a principal's certificate. G.S. 115C-287.1(b) requires that all contracts between the school administrator and the local board of education be for a minimum of 2 years.

BILL ANALYSIS: The State Board of Education requested this bill. The Board reports that some local superintendents cannot find qualified individuals to fill assistant principal positions. This bill gives the local boards the flexibility they need to fill the assistant principal vacancies. The local board must find that there is a shortage of qualified people with principals certification before a provisional certificate can be issued.

BACKGROUND: In 1987 legislation was enacted which required assistant principals to meet the certification requirements applicable to principals, and made it unlawful for school systems to employ or keep in service any assistant principal who did not hold or was not qualified to hold a principals certificate.

In 1991, legislation was enacted which prohibited the State Board of Education from issuing provisional certificates for principals and assistant principals.

Since 1987, there has been an effort on the part of the General Assembly to maintain the highest quality principal and assistant principal training programs. For example, the UNC Board of Governors was directed to develop and implement a competitive proposal process to reduce school administrator training programs within the constituent institutions of UNC to no more than seven. Additional money was appropriated to expand the Principals' Executive Program (PEP) at Chapel Hill, to provide the program at additional sites around the State, and to offer the program for assistant principals. The Principal Fellows Program was established to provide a two-year scholarship loan to persons eligible to complete a full-time program in school administration. There are other examples of the General Assembly's commitment to quality programs and rigorous standards for school administrators.

HPCS274-SMSF-001

VISITOR REGISTRATION SHEET

Education — March 18, 99

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

	NAME	FIRM OR AGENCY
1.	Cathie Latta	NCPTA
2.	GLEN D LANG	CARY
3.	DALE ROCK	N.C. Pediatric Society
4.	Paula A. Wolf	Covenant W/ NC's Children
5.	C. Medlin	" "
6.	Harriet Dial	NCAE
7.	Bill Wilson	NCAE
8.	Morgan Vance Bennett	NCCFTF
9.	Priscilla Taylor	
10.	Hal Miller	NCACCT
11.	Rob Holliday	Intern - Rep. Luebke
12.	Fannie K.B. Williams	Senior Leader Duke University, L.T. Case Program
13.	EDDIE CALDWELL	Education: Everybody's Business Coalition
14.	Leanne Winner	NCSBA
15.	Norman George	National Heritage Academies
16.	Liz Morey	Healthy Start Academy
17.	Jeannette Knaack	
18.		
19.		
20.		
21.		

MINUTES OF THE HOUSE EDUCATION COMMITTEE MEETING
THURSDAY, MARCH 25, 1999

The meeting was called to order by Co-Chair Representative Alex Warner. Attachment follows of committee members present.

Co-chairman Warner recognized Rep. Jane Mosley to explain HB 355, ***Seat Belts on New School Buses.*** There was a video shown from CNN news that was recently done on this issue. Dr. Loyd Hey, an orthopedic surgeon at Duke University, Barbara Lang, North Carolina Coalition for School Bus Safety and Kathy Latter, North Carolina PTA were present to speak.

The bill amends G.S. 115c-240, to require that all school buses purchased by the state after July 1, 1999 be equipped with seat belts for all passengers. To cover the cost of this proposal the bill would need to appropriate $1.9 million from the general fund to the sate Board of Education to over the cost of adding seat belts to the buses. A Summary and House Proposed Committee Substitute is attached.

There were several questions from the members regarding the seat belt issue.

Rep. Cansler: Why are so many safety organizations (names attached) opposed to this bill?

Rep. Mosley: You will have to ask them. I'm not sure why they are taking the opposing position. DPI has said to me that they are waiting on the study to be completed. I think that our children's safety is much more important than waiting for the study to be completed. National Transportation Safety Board Chairman Jim Hall said, "I personally think it is our turn now to step up to the plate on this issue.

Rep. Cansler: So, a lot of the organizations are currently conducting studies...the question that comes to mind, I certainly understand what our position is, what the surgeon has said. Prior to the studies being completed, which may change all of their minds, or may come out with data that shows that perhaps there could be more injuries, maybe less survere...I don't disagree with what you are trying to do at all. I just want to make sure that we don't miss something is the process that is trying to avoid potential injuries that we don't create a lot more injures, maybe not as serious in the process. That's my concern, after seeing this list.

Rep. Mosley: Right, I hope that some of those people will speak out that do oppose it and tell us why and then we can weigh the differences.

Rep. Edwards: Some talk about little seats for little children, are these being considered in lieu of seat belts? Next question, Local Boards of Education expenditures of $87,000, is that a total statewide or is that an average per school unit?

Rep. Mosley: This is not pertaining to infant seats on school buses. Next, the cost for seat belts for new buses would be approximately $1, 606.00 per bus.

After much discussion, meeting adjourned.

House Bill 355 will be continued at the next meeting.

Rep. Alex Warner, Co-chair

Rep. Doug Yongue, Co-chair

Ann Stancil, Legislative Asst.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H 1

HOUSE BILL 355

Full Committee

Short Title: Seat Belts on New School Buses. (Public)

Sponsors: Representatives Mosley; Wainwright and Luebke.

Referred to: Education, if favorable, Appropriations.

March 8, 1999

A BILL TO BE ENTITLED

AN ACT TO REQUIRE ALL SCHOOL BUSES AND SCHOOL ACTIVITY BUSES PURCHASED AFTER JULY 1, 1999, TO BE EQUIPPED WITH SEAT BELTS AND TO APPROPRIATE FUNDS TO EQUIP NEW SCHOOL BUSES WITH SEAT BELTS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 115C-47(24) reads as rewritten:

"(24) Purchase of Activity Buses with Local Capital Outlay Tax Funds. -- Local boards of education ~~are authorized to~~ may purchase activity buses with local capital outlay tax funds, and ~~are authorized to~~ may maintain these buses in the county school bus garage. Reimbursement to the State Public School Fund shall be made for all maintenance ~~cost~~ costs including labor, gasoline and oil, repair parts, tires and tubes, antifreeze, etc. Labor cost reimbursements and local funds may be used to employ additional mechanics so as to insure that all activity buses owned and operated by local boards of education are maintained in a safe mechanical condition. ~~The State Board of Education shall inspect each activity bus and recommend to the board whether the bus should be replaced but replacements will be determined by the local board of education. Such replacement~~ Replacement units for activity buses shall be financed with local funds. Activity buses purchased after July 1, 1999, shall be equipped with seat belts for all passengers."

Section 2. G.S. 115C-240(c) reads as rewritten:

"(c) The State Board of Education shall from time to time adopt ~~such~~ any rules and regulations with reference to the construction, equipment, color, and maintenance of school buses, the number of pupils who may be permitted to ride at the same time upon any bus, and the age and qualifications of drivers of school buses ~~as~~ that it ~~shall deem~~ deems to be desirable for the purpose of promoting safety in the operation of school buses. No school bus shall be operated for the transportation of pupils unless ~~such~~ that bus is constructed and maintained as prescribed in ~~such~~ the applicable regulations and is equipped with adequate heating facilities, a standard signaling device for giving due notice that the bus is about to make a turn, an alternating flashing stoplight on the front of the bus, an alternating flashing stoplight on the rear of the bus, and ~~such~~ any other warning devices, fire protective equipment and first aid supplies as may be prescribed for installation ~~upon such~~ on the buses by ~~the regulation of~~ rules issued by the State Board of Education. All buses purchased after July 1, 1999, shall be equipped with seat belts for all passengers."

Section 3. There is appropriated from the General Fund to the State Board of Education the sum of one million nine hundred thousand dollars ($1,900,000) for the 1999-2000 fiscal year to equip all school buses purchased after July 1, 1999, with seat belts for passengers.

Section 4. This act becomes effective July 1, 1999.

NORTH CAROLINA GENERAL ASSEMBLY

LEGISLATIVE FISCAL NOTE

BILL NUMBER: HB355

SHORT TITLE: Seat Belts on New School Buses

SPONSOR(S): Representative Mosley

FISCAL IMPACT

Yes (X) **No ( )** **No Estimate Available ( )**

	FY 1999-00	FY 2000-01	FY 2001-02	FY 2002-03	FY 2003-04
REVENUES					
EXPENDITURES					
Based on SBE request	$1,943,260	$738,760	$1,649,362	$1,693,895	$1,739,630
Governor's Continuation	$1,341,010	$1,341,010	$1,649,362	$1,693,895	$1,739,630
Local Boards of Education	$87,600	$87,600	$89,965	$92,394	$94,889

POSITIONS: None

PRINCIPAL DEPARTMENT(S) & PROGRAM(S) AFFECTED: State Board of Education, State Public School Fund. Local school boards.

EFFECTIVE DATE: July 1, 1999

BILL SUMMARY: Amends G.S. 115C-47(24) and G.S. 115C-240(c) as title indicates, and appropriates $1,900,000 for 1999-2000 from General Fund to State Board of Education as title indicates. Requires local boards of educatio to purchase activity buses equipped with seat belts, and the State Board of Education to purchase all regular school buses with seat belts.

ASSUMPTIONS AND METHODOLOGY:

Possible school bus purchase options 1999-2001 biennium.

State Board of Education request FY1999-00 - 1,120 buses and FY2000-01 460 buses.

Governor's recommended Continuation Budget - FY1999-00 835 and FY2000-01 835 buses.

Activity bus purchases - 100 statewide.

Cost for seat belts on new buses - $1,606 for 66 passenger buses and $876 for 36 passenger buses.

Assume 2.7% inflation in costs and 1,000 bus purchases per year in FY2001-2002 through 2003-2004 .

TECHNICAL CONSIDERATIONS:

FISCAL RESEARCH DIVISION
733-4910
PREPARED BY: James D. Johnson

APPROVED BY: Tom Covington



DATE: Thursday, March 25, 1999

SEAT BELTS IN SCHOOL BUSES

Listed below are the leading reasons to pass the seat belt law.

* Seat belt use saves lives and reduces the occurrence of injuries. Various studies indicate that if just one-half of all school children on buses were using seat belts, the number of injuries and deaths would be reduced by 20%. Logic suggests that with 100% utilization, as many as 40% of all fatalities and injuries could be avoided.

Many children are injured in non-crash events, sudden stops and turns. Seatbelts would prevent these injuries.

* Driver distraction is a major cause of school bus accidents. In NY and NJ where seat belt laws are in place, behavior has improved drastically. Safety belts keep children in position and prevent them from standing in the aisle and moving about.

Seat belt use makes the school bus driver's job easier. They alone are responsible for the behavior of about 60 students. Students, who are belted in, show better behavior and are safer than an unrestrained child.

*Seat belts on school buses reinforce a life long habit of buckling up. By not providing seat belts, we are demonstrating a negative form of education. This negative training carries over to our family car, leaving our children defenseless against their number one killer; the automobile crash.

Organizations with Announced Positions About Seat Belts on Large School Buses

Advocates:

Many organizations believe that seat belts should be required on large school buses to maximize occupant protection. Among the organizations advocating the installation of seat belts in school buses with GVWRs greater than 10,000 lb., and the year in which they adopted the position, are the following:

- American Academy of Pediatrics, 1984
- American Academy of Orthopaedic Surgeons, 1992
- American College of Emergency Physicians, 1987
- American Medical Association, 1987
- Cable News Network (CNN), 1998
- Great Britain, 1998
- National Coalition for Seatbelts on School Buses (NCSSB)
- National Parent Teacher Association (PTA), 1985, 1998
- New Jersey Institute of Technology, 1989
- Physicians for Automotive Safety, 1980
- Society for Adolescent Medicine, 1985
- State of New Jersey, 1992
- State of New York, 1987
-

Opponents:

Meanwhile, many other organizations believe that large school buses should not be equipped with seat belts to maximize occupant protection. Among the organizations opposing the installation of 2-point, lap-belt seat belts in school buses with GVWRs greater than 10,000 lb., and the year in which they adopted the position, are the following:

- 10th National Conference on School Transportation, 1985
- Florida Dept. of Education, Pupil Transportation Unit, 1997
- National Academy of Sciences, Transportation Research Board, 1989
- National Association for Pupil Transportation
- National Association of State Directors of Pupil Transportation Services, 1995
- National Highway Traffic Safety Administration, 1997
- National Safety Council, 1986
- National School Transportation Association, 1984
- National Transportation Safety Board
- New Hampshire School Transportation Association
- New York Association for Pupil Transportation
- Ontario School Bus Operators Association, 1995
- Province of Ontario Ministry of Transportation
- Student Transportation Association of Massachusetts
- Thomas Built Buses, Inc.
- Transport Canada

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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H355-CSRJ-001
HOUSE PROPOSED COMMITTEE SUBSTITUTE
HOUSE BILL 355
THIS IS A DRAFT 25-MAR-99 09:06:36
ATTENTION: LINE NUMBERS MAY CHANGE AFTER ADOPTION

Short Title: Seat Belts on New School Buses. (Public)

Sponsors:

Referred to: Education, if favorable, Appropriations.

March 8, 1999

A BILL TO BE ENTITLED

AN ACT TO REQUIRE ALL SCHOOL BUSES AND SCHOOL ACTIVITY BUSES PURCHASED AFTER JULY 1, 1999, TO BE EQUIPPED WITH SEAT BELTS AND TO APPROPRIATE FUNDS TO EQUIP NEW SCHOOL BUSES WITH SEAT BELTS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 115C-47(24) reads as rewritten:

"(24) Purchase of Activity Buses with Local Capital Outlay Tax Funds. -- Local boards of education ~~are authorized to~~ may purchase activity buses with local capital outlay tax funds, and ~~are authorized to~~ may maintain these buses in the county school bus garage. Reimbursement to the State Public School Fund shall be made for all maintenance ~~cost~~ costs including labor, gasoline and oil, repair parts, tires and tubes, antifreeze, etc. Labor cost reimbursements and local funds may be used to employ additional mechanics so as to insure that all activity buses owned and operated by local boards of education are maintained in a

safe mechanical condition. Replacement units for activity buses shall be financed with local funds. Activity buses purchased after July 1, 1999, shall be equipped with seat belts for all passengers."

Section 2. G.S. 115C-240(c) reads as rewritten:

"(c) The State Board of Education shall from time to time adopt ~~such~~ any rules and regulations with reference to the construction, equipment, color, and maintenance of school buses, the number of pupils who may be permitted to ride at the same time upon any bus, and the age and qualifications of drivers of school buses ~~as~~ that it ~~shall deem~~ deems to be desirable for the purpose of promoting safety in the operation of school buses. No school bus shall be operated for the transportation of pupils unless ~~such~~ that bus is constructed and maintained as prescribed in ~~such~~ the applicable regulations and is equipped with adequate heating facilities, a standard signaling device for giving due notice that the bus is about to make a turn, an alternating flashing stoplight on the front of the bus, an alternating flashing stoplight on the rear of the bus, and ~~such~~ any other warning devices, fire protective equipment and first aid supplies as may be prescribed for installation ~~upon such~~ on the buses by ~~the regulation of~~ rules issued by the State Board of Education. All buses purchased after July 1, 1999, shall be equipped with seat belts for all passengers."

Section 3. There is appropriated from the General Fund to the State Board of Education the sum of one million nine hundred thousand dollars ($1,900,000) for the 1999-2000 fiscal year to equip all school buses purchased after July 1, 1999, with seat belts for passengers.

Section 4. This act becomes effective July 1, 1999.

HOUSE BILL 355:
Seat Belts on New School Buses

BILL ANALYSIS

Committee:	House Education	**Introduced by:**	Representative Mosley
Date:	March 18, 1999	**Summary by:**	Sara Kamprath
Version:	First Edition		Education Policy Analyst

SUMMARY:

House Bill 355 would require all school buses and school activity buses purchased after July 1, 1999 to be equipped with seat belts for all passengers. The bill appropriates $1.9 million for the 1999-2000 fiscal year to the State Board of Education for that purpose.

BACKGROUND: The National Highway Traffic Safety Administration issued federal standards targeting the safety of school buses that became effective April 1, 1977. Federal Motor Vehicle Safety Standards (FMVSS) 222 does not require the installation of seat belts for the passengers on new school buses with gross vehicle weight ratings of greater than 10,000 pounds, the standard large school bus. Only 2 states, New York and New Jersey, have enacted legislation to require lapbelts on large school buses and only New Jersey mandates their use. In 1997, 16 states introduced legislation requiring seat belts on large buses but none of the bills were enacted. At the federal level, Representative Gary Ackerman introduced House Resolution 56 on January 6, 1999. This bill prohibits the manufacture, sale, delivery, or importation of any bus designed to transport more than 15 passengers, including the driver, that is not equipped with seat belts.

BILL ANALYSIS:

Section 1 of the bill amends the powers and duties of local boards of education as set out in G.S. 115C-47. Under existing law, local boards are authorized to purchase activity buses with local tax funds. The bill requires that all activity buses purchased after July 1, 1999 be equipped with seat belts for all passengers. Section 1 also makes a technical change to properly incorporate a change that was enacted in the 1993 Session.

Section 2 of the bill amends the authority and duties of the State Board of Education as set out in G.S. 115C-240. Under current law, the State Board is authorized to adopt rules and regulations regarding school buses used to transport pupils. This bill provides that all buses purchased after July 1, 1999 shall be equipped with seat belts for passengers.

Section 3 of the bill appropriates $1.9 million to equip all school buses purchased after July 1, 1999 with seat belts. The act would become effective July 1, 1999.

Note: The bill was serially referred; if given a favorable report by this Committee, it will be referred to Appropriations.

H355-SMRJ-001

Seat Belts on School Buses

Pros

- Based on the proponents' interpretation of available crash-test and case-study data, seat belts provide improved crash protection and are especially beneficial in side-impacts and rollovers that compartmentalization is not designed to handle.
- In a crash, seat belts will reduce the probability of death and the severity of injuries.
- Seat belts keep students in their seats and can provide a reduction in injuries to out-of-position students.
- Seat belt use can improve passenger behavior and lessen distractions to bus drivers.
- Seat belt use in school buses will provide a carry-over effect helping to remind students to use seat belts in cars.
- Cost is nominal

Cons

- The majority of school bus-related deaths and injuries do not result from crashes. More children are killed in the danger zone around the school bus and as pedestrians going to and from the school bus stop than as passengers inside the bus. Most school bus-related deaths are to occupants of other vehicles.
- Based on the opponents' interpretation of available crash-test and case study data on less severe crashes, seat belts are harmful and decrease crash protection because a body can jackknife over the belts and send the person's head into the back of the seat in front of them.
- Collisions that result in death or serious injury are often catastrophic crashes involving large trucks or trains where seat belts would not help.

- If the bus caught on fire or was submerged in water, then the evacuation could be hampered if the students are still belted in their seats.
- Installation of seat belts does not guarantee use. Drivers would need to monitor seat belt use and the distraction to school bus drivers would be increased.
- Buses are shared by different schools and used by children of varying sizes so it might be difficult to assure a correct fit for all students
- There is no data to indicate that seat belts would reduce fatalities or injuries
- Compartmentalization has demonstrated that it works over the past two decades
- Funds spent on seal belt installation would be better spent on other safety measures.
- There is no evidence that the use of seat belts in school buses will provide a carry-over effect helping to remind students to use seat belts in cars.
- Injuries can result when seat belts are used as weapons or when children catch their fingers in the seat belts or trip over the seat belts
- The energy of the impact during a collision is absorbed throughout the mass of the bus and therefore lessens the crash force felt by the passengers. Buses weigh 8-10 times more than cars.
- Buses generally travel slower than cars and are highly regulated as to how fast they can travel.
- Children sit above the impact zone where cars typically hit school buses.

Sources: UNC Highway Safety Research Center, School Transportation News (based on their review of opponents' and proponents' position papers and websites)

Infants

- *Birth to 20 lbs., height to 27".*
- *Rear facing operation only.*
- *2 slots for harness adjustment.*
- *Adjustable front harness.*
- *Durable, flame retardant upholstered cushion cleans easily.*
- *Includes restraining belt with dual tension adjusters.*

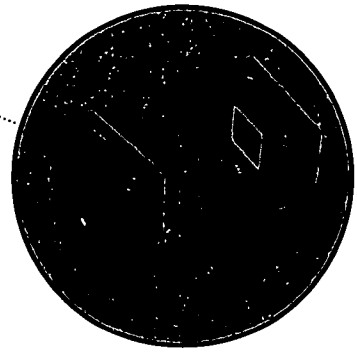
Restraining Seat

- *Thomas FMVSS 222 Side Rail Mount.*
- *Reinforced brackets for added support.*
- *Available in all compatible colors and styles.*



Toddlers

- *Between 20 and 40 lbs.*
- *Front facing operation only.*
- *2 slots for harness adjustment.*
- *5-point Harness System with soft bellows.*
- *Fixed lower stabilizer bar.*
- *Durable, flame retardant upholstered cushion cleans easily.*
- *Includes restraining belt with dual tension adjusters.*



- *Special dual seat belt sockets for MOMS Child Carrier buckles.*

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FACTS CONCERNING SEAT BELTS ON NEW SCHOOL BUSES

In N.C. alone there are around 1,000 bus accidents per year; resulting in 1,000 injuries and 1-3 deaths.

N.C. spends at least $1.8 million per year on the medical costs from these injuries. That does not take into account property damage and law suits.

The state of N.C. buys around 1,000 buses a year at approximately $50,000 a piece. Seat belts would add around $2,000 to the total cost of a bus, or $36.00 a child. We now spend $50 million per year on new buses, adding belts would only change that number to $52 million. Buses last 13-14 years.

N.Y., N.J. and 300 districts in the U.S. have seat belts on their buses. These states report 90% compliance in the student use of the belts.

The National PTA just passed a resolution, supporting a federal law requiring seat belts on all new buses. The National PTA represents 6 million parents. The resolution passed 713 to 228.

The National Transportation Safety Board is now advocating for shoulder belts on all commercial buses and school buses. Not true a report will come out soon.

Buses are equipped with color-coded retractable seat belts. These belts cannot be used as weapons and can be easily removed by students.

The number one cause of an accident is driver distraction. Students on buses with seat belts show improved behavior, and are less likely to cause a distraction.

Children belted in during an accident remain conscious and have a better chance of quick evacuation.

Physicians believe that it is very unlikely that any injury would occur due to the use of a seat belt. If the impact of the accident were severe enough to cause injury, then the passenger would likely be dead without a belt.

By not providing seat belts, we are demonstrating a negative form of education. This negative training carries over to our family car, leaving our children defenseless against their number one killer; the automobile crash.

This legislation is supported by the National PTA, N.C. State PTA, N.C. Academy of Pediatrics, N.C. Insurance Commissioner, American Medical Assoc., American Academy of Pediatrics, Center for Automobile Safety, Physicians for Auto Safety, and numerous others.

There are similar bills being considered in the U.S. Congress, in California and in Connecticut.

Barbara Lang- N.C. Coalition for Seat Belts on School Buses 851-1817

Injury Data from the N.C. Highway Safety Research Center

Injuries are categorized according to severity. "A" being the worst, debilitating, "B" being broken bones, sprains etc. and "C" which would be bumps bruises and cuts. A dollar amount is placed on the injury for medical cost. This is a state average of the cost of injuries per year in N.C.

Type of Injury	Average Injuried	$ Spent for injury	Total Cost
Fatality	1	$16,000	$16,000
Type A injury	4 children	$20,000	$80,000
Type B injury	27 children	$ 4,209	$113,643
Type C injury	778 children	$ 2,126	$1,654,028
			$1,864,603

I have 3 children that ride a bus to school every day. It has always concerned me that there are no seat belts on school buses, but the issue really hit home when my 6 year old daughter was involved in a bus wreck 4 years ago. I have been studying the facts every since then.

In 1967, more than 30 years ago, a crash test study was done by UCLA . The study recommended compartmentalization as the top safety priority. It also called for seat belts on school buses. But the government abandoned seat belts under industry pressure. The corporate school bus lobby, National School Transportation Assos., effectively persuaded the government to back down from requiring seat belts on all buses.

Compartmentalization was implemented in 1977. It is a seat design meant to keep children from being thrown around the bus. The seat back in front of a child is padded and the seat is designed to bend in a crash to help cushion the child. This works well in a head-on collision or a rear end collision. But it does little to protect a child from a roll over accident or from side hits. 2/3rds of the deaths and 2/3rds of the worst injuries happen when a bus is hit from the side or in a roll over type accident. As I saw first hand compartmentalization doesn't work at all when a bus turns on its side.

CNN did and extensive study last year after a rash of accidents that resulted in several deaths and many debilitating injuries. They found that the occurrence of injuries seems to be on the rise. In 1996, Nationwide there was 13,000 injuries to school students. In North Carolina alone there were 919 accidents with over 1,000 injuries. The National Safety Council which is a non profit organization, publishes an annual report called " Accident Facts". Using this published data CNN found a 94% increase in injuries in students riding buses, in a 12-year period, from 85-96. Accidents happen and accidents are going to continue to happen. The question is are we doing enough to protect our children?

School buses are built to take the punishment in an accident. Rarely is the body of the bus pierced in an accident. It is what is going on on the inside of the bus that has me terrified. When the bus that my daughter was riding in turned on its side, the children were tossed around like human missiles. My daughter told me that to get out of the bus she had to literally walk over other children. The police report stated that 51 of the 61 people on board the bus were injured in some way. Not only minor injuries. There were concussions, a broken collar bone, stitches, and many cuts and bruises. Not to mention the psychological damage that was suffered. One teacher had to be carried off on a stretcher, so she wasn't able to help with the children. I feel that had she been belted in she would have remained conscious.

I also contend that if the children had been in seat belts, few if any of these injuries would have occurred. Compartmentalization was only a start. It was implemented 20 years ago and there has been no significant reduction in deaths or injuries. In fact the Nation Safety Council has found an increase in injuries in the last 12 years. This shocking rise in injuries suggests that there is more work to be done to ensure our children's safety. What have we got to lose by requiring school bus manufactures to install seat belts as they assemble the bus.

New York New Jersey and 51 districts in 13 other states have required that seat belts be put on all newly purchased buses. Brenda Garland ,who is a transportation coordinator in N.J., reports that they have had seat belts in their district for 15 years. She enthusiastically endorses the concept of seat belts and encourages other states to do the same. They report that seat belts are not being used as weapons, insurance has not increased, children can easily release the seat belt, and as an added bonus, behavior has improved.

N.C. spends an average of $1.8 million per year on medical costs from school bus accidents. That doesn't take into account property damage and lawsuits. We buy around 1,000 buses a year at about $50,000 a bus. Seat belts would add $2,000 to the total cost of a bus, or $36.00 a child. We now spend $50,000 million per year on new buses. Adding seat belts would only change that number to $52,000 million. Buses last 13-14 years.

I am starting to see a change in attitude since I began this mission 4 years ago. The President of the National Transportation Safety Board issued a statement supporting seat belts on school and commercial buses. N.Y and N.J. both have laws requiring seat belts on buses and 23 other states around the nation introduced legislation last year. Frank Lautenberg a sentor from N.J. is sponsoring federal legislation requiring seat belts on all new buses. Also England passed a law last year requiring seat belts on all of their buses. NHTSA has agreed to do a 2 yr. study

The primary 3 reasons that I think seat belts are necessary are:

1) The safety of our children
2) Discipline. Driver distraction is the one of the main causes of an accident.

3) The carry over effect from wearing a seat belt at all times. The number one killer of our teenagers is the car accident. What a great opportunity we have to educate and condition a new generation with a life saving belt.

Thank you for having us here today. Please help us support our children by endorsing this life saving legislation. Other states look to N.C. because we set the standards in traffic safety. Let's not drop the ball now.



IMPACT

CNN&TIME ON SPECIAL ASSIGNMENT

FACT SHEET

School Buses and Seat Belts

1. What evidence is there that school bus injuries are on the rise?

The National Safety Council, a non-profit organization founded in 1913, publishes an annual report, "Accident Facts," on various injury statistics, including motor vehicle accidents. Included is an annual table on school bus accidents. The Safety Council has not made a year-by-year comparison like the one undertaken by CNN. Using the published data, CNN found a 94 percent increase in injuries to students riding school buses over a 12-year period, from '85 thru the '95-'96 school year, the latest on record.

2. How does the National Safety Council gather its data?

In most states, local school districts report school bus accidents and injuries to the state level. The Safety Council says it gets its data from annual reports by the various state directors of pupil transportation. For '96, the Safety Council received reports from 33 of the 50 states, listing 8,099 pupil injuries. Adjusting that data from two-thirds of the states, the Council estimated 13,000 pupil injuries for the nation -- the worst year yet.

3. Why is this data more reliable than the National Highway Traffic Safety Administration (NHTSA), which does not show an injury increase?

For injuries, NHTSA does a "random sampling" of police accident reports at 60 locations around the country. It calls its method GES -- General Estimates System. It checks thousands of accidents, but most involve automobiles. Probably fewer than 100 involve school buses. With such a small sample, a ranking NHTSA official said its estimates

are done on a "blended basis" combining data from several years, "because if you take it in any particular year, the statistical variations are such that you can't really, with enormous confidence, say this is really what it looks like." In other words, the numbers go up and down so much from year to year that NHTSA levels out its estimates. In contrast, the Safety Council, with a much larger data base, shows only minor fluctuations and, for the most part, a steady increase in injuries year after year.

4. Both NHTSA and the Safety Council say the school bus is the safest form of transportation on the road today. Is it?

In terms of deaths, yes. There were 16 pupils killed on school buses in '95-'96, out of 24.5 million students riding buses daily, over a distance of 5 billion miles during the school year. School buses are built to take the punishment in a collision. They are bigger and stronger than automobiles, and usually the other motorist comes out second best in a crash. Rarely is the body of the bus pierced in a collision. Yet injuries still occur when crash forces propel students around inside a bus, and the increase in pupil injuries suggests there is a safety question to be addressed here.

5. NHTSA says most pupil deaths occur outside the bus, when students are run over on the roadway. That should be the highest safety priority, shouldn't it?

It is. Three times as many pupils are killed outside the bus as are on the inside, by crashes. Usually the deaths happen as the youngest students get off the bus, going home. Two-thirds of the time, the child is run over by his or her own bus driver. In the last decade, safety officials have attacked this problem with flashing "stop arms" to warn oncoming traffic, with crossing barriers in front of the bus for better driver visibility, with better mirrors and with better driving training. The question is: in addressing this problem, is that sufficient reason not to address any other problem?

6. How do we know the increase in injuries is not mainly an increase in pedestrian accidents, rather than inside the bus?

The National Safety Council reported only 320 pedestrian and cyclist accidents involving school buses in '96, out of a national total of 30,800 school bus accidents. The vast majority, 27,900 accidents, involved a collision with another vehicle or with a fixed object, such as running into something off the roadway. Only 600 accidents were classified as non-collision. Thus it stands to reason, if most

accidents by far came in collisions, so did the injuries.

7. Does the data show anything about the severity of injuries?

No. Most injuries will be minor, far fewer will be serious. None of the data systems is detailed enough to quantify the severity. It is a question that presumably would be addressed if federal regulators do decide the injury increase merits their attention.

8. NHTSA says "compartmentalization" keeps children safe inside a school bus. What is that? How does it work?

"Compartmentalization" is a seating design concept meant to keep children from being thrown around inside the bus. The seat back in front of a child is padded slightly (--an inch of the same kind of foam rubber found in a bedroom pillow). More importantly, the seat back is designed to bend in a crash to help cushion the student. This works very well in a straight-line crash, when a bus has a head-on collision or is hit from the rear. But it does little to protect a child from lateral or vertical crash forces. In a broadside collision, a pupil can be thrown from side to side. In the worst accidents, when a bus rolls over, a NHTSA study in 1980 found the seat-back concept has "only limited effectiveness." The major school bus crash study, done at UCLA 31 years ago, recommended "compartmentalization" as the top safety priority. It also called for seat belts. NHTSA abandoned belts under industry pressure.

9. NHTSA officials say every major study since then has rejected seat belts. Is that true?

Not entirely. The study done for Congress under the aegis of the National Academy of Sciences in '89 said seat belts "may reduce the likelihood of death or injury to passengers involved in school bus crashes by up to 20 percent," if just half the students wear the belts. But the Academy's report, written by one of its research units, the Transportation Research Board, said available money would be better spent at that time in attacking the problem of the pedestrian deaths. In those terms, it said seat belts were "not cost-effective."

10. Is there a major cost question?

Yes and no. The cost would be about the same as the air-conditioning that is now standard on many new buses. Even

so, for up to 400,000 buses, the total could come to $600 million or more. But seat belts would be phased in as new buses are bought, and that's usually over a 12- or 15-year cycle. Spreading the cost among 40 million school children would reduce it to less than a nickel a week.

11. Has the government ever recommended seat belts?

NHTSA did in '75, at the same time it called for the padded flexible seat backs. The corporate school bus lobby, National School Trans- portation Assn., took credit in a newsletter for an expensive lobbying campaign that, it said, persuaded NHTSA to back down.

12. Are seat belts in use on school buses anywhere in the U.S.?

Two states, New York and New Jersey, require seat belts on all newly purchased school buses. So do a few scattered local school districts around the country.

13. What has the NTSB -- the National Transportation Safety Board -- found in its investigations of school bus accidents?

In an extensive accident study completed in '87, the NTSB found the safety benefits of seat belts "have not been proven" on larger school buses. The board said it "does not recommend" their purchase. Since then, in studying a '93 collision in Oklahoma involving a smaller school bus van, for which belts are required because the vans are not built as strongly as larger buses, the NTSB said three of the four students killed might have had a better chance of surviving had they been wearing their belts. Only one student did have his belt on; he was the least hurt, with only minor injuries. This report said the NTSB will investigate how well seat belts do work in a major crash when a larger bus does have belts, presumably in New Jersey or New York. However, such a crash has yet to happen.

14. Are students more vulnerable when a bus is hit from the side or rolls over?

A study by the New Jersey Institute of Technology in '89 calculated 70% of all deaths and 64% of the serious injuries happen in side-impact crashes or rollovers. This may be because the seat-back concept offers little protection to a student exposed to lateral or vertical crash forces. It should be noted, in contrast, the NTSB study found deaths, even in

rollovers, tend to occur at the point of impact in a collision. Yet, in that study, there was evidence of serious injury to unrestrained students hurled about on the opposite side of the aisle, away from the impact. Moreover, students have been hurt seriously, even paralyzed, when a bus overturns due to a loss of driver control, without a collision.

15. Can seat belts alone cause injuries in an accident?

Yes, but usually not. The '89 National Academy of Sciences report said seat belts on school buses, when worn properly, "are not inherently harmful." Tests in Canada in '85 said seat belts on buses might result in severe head injuries. The '89 Academy report did look at the Canadian study, and criticism of it, before reaching its "not harmful" finding. Seat belts can result in abdominal injuries, but doctors say those are preferable to worse injuries without belts. In fact, the '89 report predicted fewer belt injuries on buses than in automobiles because of the firmer seat design on school buses.

16. Who favors seat belts on school buses?

The American Medical Assn., American Academy of Pediatrics, American College of Emergency Physicians, American Society for Adolescent Medicine, American College of Preventive Medicine, and Physicians for Automotive Safety, among others.

17. When is the last time real-life crash tests were done on school bus safety?

The UCLA tests in 1967 were the first and last federally funded crash tests. Those tests measured head-on, rear-end and broadside collisions. The only real-life rollover crash test was done by a bus company in Arkansas in 1964. Sen. Frank Lautenberg, D-New Jersey, is sponsoring legislation to fund and require new tests of seat belts on school buses. But in the face of resistance from federal regulators as well as the school bus industry, this is likely to go nowhere, absent a public outcry.

18. How large a staff does NHTSA have assigned to school bus safety?

One man.

BACK

V

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669-5435

Brenda E. Garland
Transportation Co···nator

Transportation Department
179 Eagle Rock Avenue

May 9, 1996

TO WHOM IT MAY CONCERN:

My name is Brenda, Transportation Coordinator for the West Orange Board of Education. I have had the experience of using school buses with seat belts 28" high seat backs and roof hatches for the past 15 years.

I enthusiastically endorse the concept and urge other states to implement seat belts, 28" high seat backs and roof hatches on all new school buses purchased.

I have heard all of the arguments offered in opposition to these important safety features and from experience on the road with the children in normal use we have experienced none of these imagined difficulties:

1. Seat belts are not being used as weapon Fingers are not being caught as the buckles are push-button release type.

2. The children have learned to use them rapidly and free themselves with a flick of the wrist.

3. Discipline has simultaneously improved.

4. Insurance costs have not gone up.

5. In regard to the 28" high seat back, our drivers report no vision problem.

We are very pleased with seat belts, 28" high seat backs and roof hatches, more important is the knowledge that we are offering our children a far safer ride back and forth to school.

Very truly yours,

B Garland

Transportation Coordinator

TOTAL P.01

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February 16, 1996

Ms. Barbara Lang
NC Coalition for Seat Belts on School Busses
107 Headlands Lane
Cary NC 27511

Dear Barbara,

The Executive Committee of the North Carolina Pediatric Society reviewed House Bill 1009, Seat Belts on New Buses, at our recent retreat. We unanimously support this legislative initiative.

We have been concerned about school bus safety for years and applaud your efforts to get this issue on the "front burner". We see a number of advantages to seat belts on school buses:

1. *health and safety of the children in the event of an accident;*
2. *behavior of the children on the buses so that drivers are less likely to be distracted; and*
3. *education of children about the importance of wearing seat belts when riding in <u>any</u> motor vehicle.*

Motor vehicles are the leading cause of death in school-aged children. The proper use of seat belts has been proven to prevent most serious injuries that occur in motor vehicle accidents. Our children need a consistent message about the vital importance of seat belts. House Bill 1009 will give our children this much needed life-saving message.

Thank you very much for involving us in this important child advocacy joint venture. Please let me know if there is specific lobbying assistance that we can provide for the Coalition.

Sincerely,

David T. Tayloe, Jr., MD
Chairperson, Committee on Government Affairs
NC Pediatric Society

cc: Dr. Olson Huff Mr. Patric Kennedy (NC Medical Society)
Mr. Henry Jones Dr. Michael Lawless
Dr. David Ingram Dr. Carolyn Cort

DTTJr:phs *BL/296*

Resolution

Seat Belts in New School Buses

Whereas, There were at least 62,000 school bus passenger injuries and 51 fatalities during the period 1991–1996; and

Whereas, Research has concluded that high backed padded seats and seat belts together improve overall bus passenger safety by providing true compartmentalization in accidents, especially side impacts and rollovers; and

Whereas, School buses manufactured after 1977 may be safely and effectively equipped with seat belts, as has been done in New York, New Jersey, and many school districts across the nation; and

Whereas, A large Type I school bus (66 passengers) can be equipped with seat belts for an additional $1,100 to $1,600; and

Whereas, The use of seat belts does not significantly increase evacuation time, and current seat belt buckle design coupled with education on evacuation helps ensure that no child of school age will be trapped in a bus by his or her seat belt; and

Whereas, Seat belts in school buses are endorsed by the American Medical Association, Physicians for Automotive Safety, the American Academy of Pediatrics, the College of Preventive Medicine, the American Association of Oral and Maxillo Facial Surgery, the American Society for Adolescent Medicine, and the American College of Emergency Physicians; and

Whereas, Availability and use of seat belts on school buses will reinforce the important safety habit of buckling up; and

Whereas, Students who are properly belted in are less distracting to the school bus driver; and

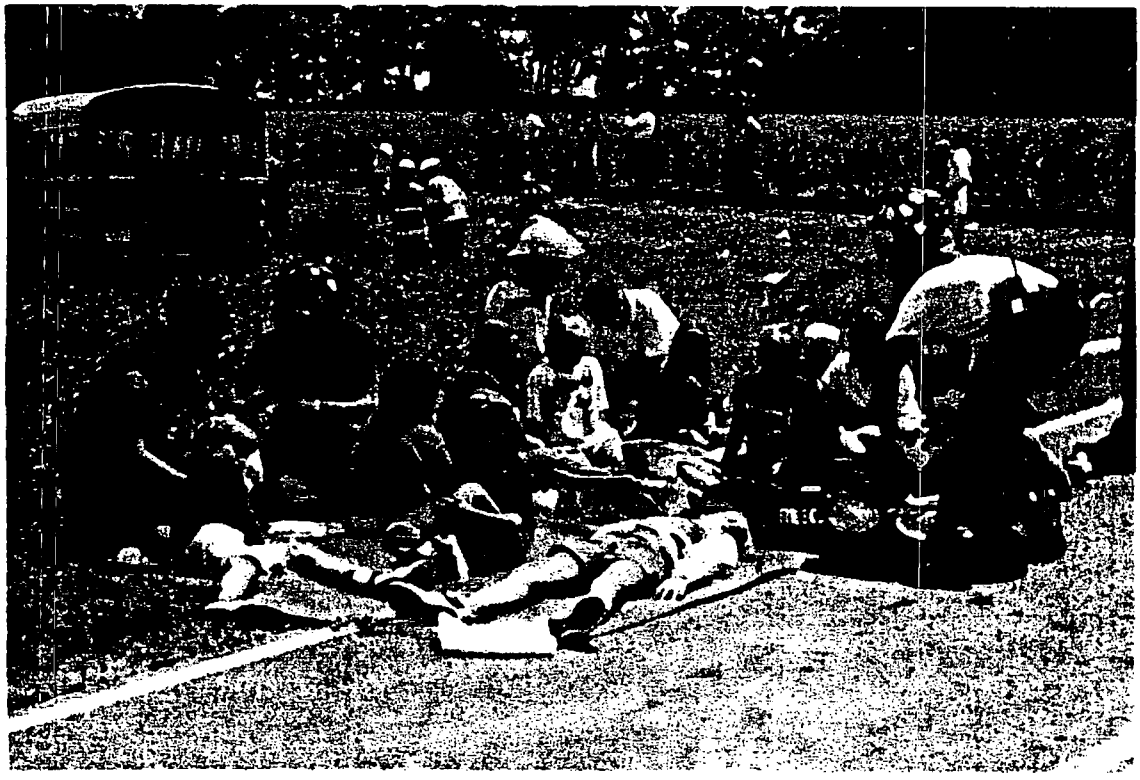
Whereas, Districts with strong seat belt use, education, and enforcement policies report significant compliance at all grade levels; and

Whereas, A strong seat belt use policy will significantly reduce fatal actions, such as putting one's head or arm out of a school bus window or falling out of a school bus door, by school bus passengers, now; therefore be it

Resolved, That the National PTA shall support legislation or regulation requiring any new bus purchased for the purpose of transporting school children to be equipped with seat belts; and be it further

Resolved, That National PTA shall encourage all school districts to implement strong seat belt use, education, and enforcement policies.


SCHOOL BUS



Profile BARBARA LANG

Barbara Lang is leading the fight for a state law that will require seat belts on school buses.

By Brad Deen
STAFF WRITER

Barbara Lang is not your typical politician's spouse.

Far from emerging groundhog-like only around Election Day, the wife of Cary Town Council member Glen Lang is pursuing her own agenda — a law requiring seat belts on school buses. In fact, Barbara Lang began her crusade two years before her husband considered running for office.

This week, the bill she has pushed tirelessly for four years will be introduced in the North Carolina House and Senate. North Carolina joins 23 other states with school bus seat belt legislation pending.

"You have to be personally affected. I think that's what motivates people to take action," she said in the front parlor of the Lang home, overlooking Lochmere Lake.

On May 15, 1995, a date she can rattle off without pause, their daughter Brittany was injured in a bus crash. The first-grader and 60 of her West Lake Elementary School classmates were returning from a field trip to the state zoo in Asheboro.

They were nearly home, on Sunset Lake Road near Holly Springs, when the driver of the chartered bus swerved to avoid a pothole. He lost control, and the bus flipped onto its right side.

Lang and four other parents had been following the bus.

"That was the most scared I've ever been in my life," she said. "To come up on that and not know the condition of the children on the bus — it was really terrifying."

Brittany, now 10, had been seated on the left side of the charter. When it flipped right, she was tossed down. Another child sent flying kicked her in the head.

"Luckily, she was fine," her mother said. "She was bruised up, but it could have been a lot worse."

A State Highway Patrol report of the crash lists injuries to 51 of the 61 young passengers. Most escaped with bumps, bruises and scratches, but at least one suffered a concussion.

Immediately after the kids were

See LANG, page 3B



LANG From 1B

checked out, Lang said she began to realize those with the most serious injuries tended to be like her daughter, seated on the left side — the side that was catapulted into the air. She believed the injury toll would not have been so extensive had something restrained them in their seats.

She wondered why buses weren't required to have a seat belt, like a passenger car or van. And she wondered how many other children are injured in bus crashes.

By the numbers

The second question is easier to answer than the first. According to the non-profit National Safety Council, between 1985 and 1996 the number of students injured in buses rose a dramatic 94 percent, totaling about 13,000 in 1996.

In North Carolina alone, there are about 1,000 crashes each year involving buses, injuring 1,000 and killing at least one person annually.

But two states, New York and New Jersey, and more 300 school districts across the nation now require seat belts on buses. While data is still sketchy, a 1994 study of New York bus crashes finds the belts, in collaboration with the high, padded backs of bus seats, can reduce the likelihood of injury.

In 1989, a study performed for Congress by the National Academy of Sciences claimed seat belts "may reduce the likelihood of death or injury to passengers involved in school bus crashes by up to 20 percent" — and that's if only half the student passengers wore the belts.

But another federal agency, the National Transportation Safety Board, concluded in a 1987 study that the safety benefits of seat belts on buses "have not been proven" on full-size school buses — that is, those larger than a short activity bus, on which seat belts are required.

As a safety bonus, according to researchers studying New Jersey crash data, bus belts seem to improve discipline, as kids remain in their seats. This cuts down on driver distraction, which studies have cited as the No. 1 reason for bus crashes.

The argument against seat belts isn't primarily one of cost. An average bus costs about $50,000. Outfitting the bus with color-coded lap belts would add another $1,100 to $2,000, about the cost of air-conditioning.

In North Carolina, which spends $50 million annually for about 1,000 new buses, the seat belts option would add $2 million at most to the sticker price. By comparison, the state spends about $1.8 million annually to pay the medical costs of those injured in bus crashes. That figure does not count property damage or legal costs and settlements of lawsuits.

The argument against seat belts is one of necessity. School buses are the safest vehicles on the road. In the 1995-6 school year, with buses traveling 5 billion miles to transport 24.5 million students, only 16 students were killed.

School buses are also bigger and heavier than passenger cars, trucks and vans, so they tend to get the better of collisions. Yet injuries occur when a crash knocks the passengers around like beads inside a rattle.

To alleviate that somewhat, in 1977 all newly manufactured buses were required to have high-back seats and inch-thick padding. The seat backs also bend, further cushioning the blow if a child were tossed against it.

However, the seats are designed for head-on and rear-end collisions. Other than the sturdiness of the bus itself, virtually nothing protects the child from being tossed around in the event of a side-impact collision or a rollover.

A 1980 study by the National Highway Traffic Safety Administration found the high, padded seats give "only limited effectiveness" in a broadside collision. And a 1989 study of bus crashes by the New Jersey Institute of Technology found that 70 percent of deaths and 64 percent of serious injuries occur in crashes involving rollovers or side-impact collisions.

Opponents also argue that seat belts can prove detrimental. There is data to back up this point.

Canadian crash tests conducted in 1985 — 20 years after the last American crash tests, in 1967 — found that the belts could cause head injuries.

And because shoulder harnesses are nearly impossible to build into bench seats, lap belts are the remaining alternative. Yet the 1989 National Academy of Sciences study, while paying due to the possibility that lap belts alone can cause abdominal injuries, reasoned that those are preferable to worse injuries resulting from no belts.

Even considering that possibility, several medical organizations have called for belts on buses — the American Medical Association, the American Academy of Pediatrics and the N.C. Academy of Pediatrics, the American College of Emergency Physicians, the American Society for Adolescent Medicine, the American College of Preventive Medicine and Physicians for Automotive Safety. Joining the chorus have been the National PTA, the N.C. State PTA, the N.C. Office of the Insurance Commissioner and 23 state legislatures across.

Barbara Lang said the issue boils down to reinforcing good safety habits.

"It keeps you in the habit of buckling up. If you're in the habit, then you're safer in the long run," she said.

Other institutions have begun to see the value of buckling up while in motion. Maternity wards won't allow newborns to go home in a vehicle that doesn't have a child safety seat, and airplanes require passengers to remain buckled most of the flight. There is even a movement to require seat belts in golf carts.

"I think if golfers are that important, I would think our children are too," she said.

Crusader

After the May 1995 accident, Lang began assembling her facts. Holding a degree in criminal justice, and once having worked as a paralegal for the Georgia Attorney General's Office, she was suited by background to dig through accident statistics and find sympathetic voices.

Then she made phone calls and wrote letters. "I used to go around talking to anyone who would listen to me," she said. "When the legislative session is in, I spend a lot of time on the seat belt issue."

Last year, she believed the effort was about to bring results. State Rep. Foyle Hightower of Burlington, her hometown, introduced a bill that was assigned to the House Transportation Committee.

"I thought wonderful, great, now we're getting somewhere," she said. "But it died in committee."

Having an insight into public life since her husband's 1997 election

to the Town Council, Lang said her uphill movement isn't necessarily due to legislators not wanting to do the right thing. Instead, it's the sheer volume of legislation.

"Legislators hear so many people who want to have a bill introduced," she said.

For the current session of the General Assembly, Lang had to find new friends when Hightower chose not to run again. Eventually, Cary Rep. Jane Mosley and Raleigh Sen. Eric Reeves agreed to sponsor legislation in their respective chambers. Mosley's bill was introduced Monday, Reeves' on Tuesday.

Working through the legislature can be exhilarating, Lang said, especially when it produces results. But setbacks can be draining.

"I feel so powerless sometimes to get this thing through, but that's the way our government works."

Her husband ran for Town Council on the same precept — tired of feeling powerless about crowded roads, schools and athletic fields. But the Langs will not be a Cary version of Bob and Elizabeth Dole.

"I don't have the personality for it," she said, laughing at the question. "I like everybody to be happy."

She compared herself to her outspoken husband. "People either love him, or they hate him. There's not a lot of middle ground," she said. "I think what people like about him is, he doesn't care what people think. He doesn't mind confrontation, and I do."

Speaking of the Glen Lang, he remained pointedly low-key throughout the interview. "This is her thing," he said, not wanting to horn in.

He could be heard periodically, working the phones in his den. But walking through the adjoining hallway toward the kitchen, he stared down at the tile.

"You can say 'hey,' you know," she told him.

"Hey," he mumbled, walking on.

Told she doesn't exactly have the Nancy Reagan adoring gaze, Barbara Lang threw her head back and laughed.

"Somebody has to put him in his place."

Barbara Lang

Born: Dec. 16, 1958, in Burlington

Education: Appalachian State University, 1980 graduate with a bachelor's degree in criminal justice; paralegal training

Work: fingerprint technician, N.C. State Bureau of Investigation, 1980-3; paralegal, Georgia Attorney General's Office, 1984-5; worked at home, 1985-present

Family: husband, Glen; children Dustin, 12, twins Brittany and Joshua, 10

TRAFFIC TECH

NHTSA Technology Transfer Series

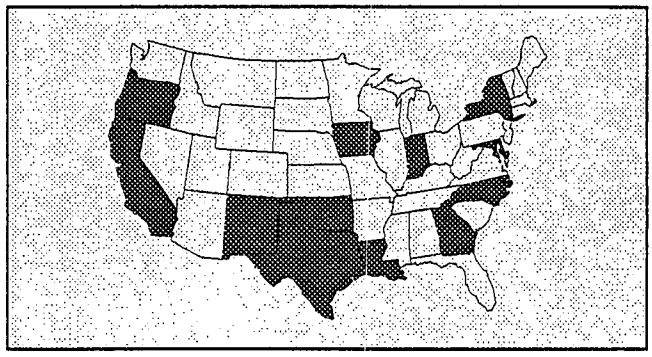
Number 191 February 1999

STANDARD ENFORCEMENT SAVES LIVES
THE CASE FOR STRONG SEAT BELT LAWS

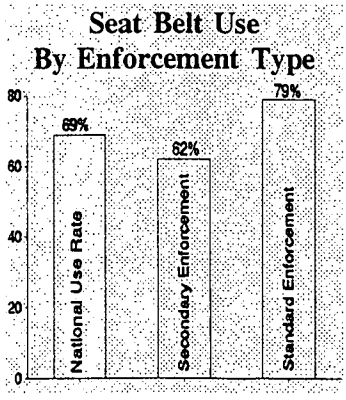
It's a fact. On American's roads, someone is killed every 13 minutes and someone is injured every nine seconds in traffic crashes. It takes only a few seconds to fasten a seat belt. Yet this simple action, repeated every time you get into a motor vehicle, may be the most significant driving related behavior change you can make to protect your life and the wellbeing of those you care about. The *buckle up* habit dramatically increases your chance of surviving a crash. It's the best weapon against a drunk, tired, or aggressive driver.

Seat belt use was very low, only 10-15 percent nationwide, until the early 1980s. Due in part to the passage of seat belt use laws in 31 states, belt use increased from 14 to 42 percent from 1984 through 1987. From 1990 through 1992, belt use rose from 49 percent to 62 percent, attributable, in part, to a national effort of highly visible seat belt law enforcement and public education.

States that have standard enforcement seat belt laws have higher seat belt use rates. The average seat belt use rate in these states is 17 percentage points higher than in states with secondary enforcement laws. Standard enforcement allows a police officer to stop a vehicle and issue a citation when the officer observes an unbelted driver or passenger. Secondary enforcement means a citation can only be written after the officer stops the vehicle for another infraction. Safety belt use laws are the only laws in America that make a distinction between standard (also called primary) and secondary enforcement. Virtually all traffic safety laws -- and other laws, for that matter -- are standard, except secondary enforcement safety belt use laws. In states with secondary laws, a police officer can stop a motorist for a burnt out taillight or an expired license tag, but cannot stop a motorist for violating the state's seat belt law.



States with Standard Seat Belt Use Laws
(Plus Hawaii and the District of Columbia)



Standard enforcement enhances the perceived importance of the seat belt law with both the public and the police and ultimately leads to greater compliance. Standard enforcement also sends a clear message that the state considers seat belt use mandatory for the safe operation of a motor vehicle.

Standard Enforcement Saves Lives: The Case for Strong Seat Belt Laws is a 36 page booklet that presents information about how effective seat belts are in reducing injuries and deaths and how best to encourage everyone to buckle up on every trip.

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Belts are in order for future school buses

3-11-99

Have you ever wondered why children are required to wear seat belts in cars but not on school buses?

A national debate has been waged over this issue and the General Assembly has not skirted it. Bills have been introduced in the legislature that would require seat belts on new school buses. All have failed. A bill in Congress would mandate seat belts on new school buses nationwide. It, too, has stalled. Only two states -- New York and New Jersey -- require seat belts.

The debate is over cost and benefit. It would cost about $2,000 to add seat belts to a new $50,000 school bus. That seems a small price to pay for children's safety.

But critics claim the cost is not justified and insist school buses are the safest vehicle on the highway because they're built with high, padded seat backs and high clearance above the road.

No doubt these features save lifes. An average of 11 students die each year in school bus crashes in America. In North Carolina, 10 students have been killed during the past 15 years. Although these deaths are tragic, their numbers are small compared with the 5,500 young people under 19 killed in automobiles in 1996 alone.

But fatalities are not the total picture. Injuries count, too. About 10,000 children nationwide are injured each year in school bus crashes. In North Carolina, 573 students were hurt in bus wrecks during 1997-1998. In Greensboro, 12 students were recently injured when a dump truck hit a stopped school bus. Most injuries were minor.

But would seat belts have prevented injuries?

The research is incomplete and experts disagree. The National Highway Traffic Safety Administration will issue results from a two-year study in October 2000. For now, it says school bus seat belts still appear unwarranted.

But the chairman of the National Highway Traffic Safety Board thinks otherwise. Jim Hall said, "I personally think it is our turn now to step up to the plate on this issue of lap-shoulder belts in school buses. It is time for the school pupil transportation network of this country to call on the

manufacturers and regulators to make this happen, rather than waiting for it to happen."

On one point there is agreement. The federal government recommends that preschool children on buses be strapped down with seat belts. Guilford County schools have put preschoolers in restrainers for years, but it is a county-by-county policy. All North Carolina counties should comply.

As for adding lap-shoulder belts to new school buses, the jury is still out. But our preliminary vote is yes. School buses may be safe vehicles but lap-shoulder belts would make them safer.

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NCSBS

The National Coalition for School Bus Safety

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Center for Auto Safety (December 1985)

From the Website of

Remarks by Jim Hall, Chairman
National Transportation Safety Board
before the National Association for Pupil Transportation
24th Annual Conference & Trade Show
Austin, Texas, November 2, 1998

Good morning. It's a pleasure to be with you today so that I can talk to y about an issue of great importance to the National Transportation Safet Board, and one that I know is of great importance to you – the safety of children on the highways.

Before I begin, let me introduce to you Safety Board employees who ar attendance: Joe Osterman, our director of Highway Safety, and Barbara Czech, a biomechanical engineer from our Fort Worth Highway Office.

I want you to know that I try to keep a broad perspective in my job as chairman of the NTSB. I'm also a traveler, a parent, and one of the 180 million licensed drivers who depend on and enjoy America's highways.

Since 1994, I have had the privilege of heading an agency that strives t follow the philosophy of Thomas Jefferson, who said:

> • **"The care of human life and happiness is the first and only legitimate object of good government."**

That is what I want to talk to you about today: A way we can all work to promote the care of human life by focusing our efforts on the safety of c nation's children.

There are many ways to approach the issue of protecting our children. Dorothy Parker, the American humorist, said that the best way to keep children home is to make the home atmosphere pleasant – and to let th air out of the tires. If only it were that simple. You and I both know that v have to approach this most important concern in a more practical mann

But the task is a daunting one. The economic and human impact of highway crashes to our nation every year is phenomenal:

- Motor vehicle crashes in the United States cost over $150 billion year. That's the equivalent of $580 for every person living in the U.S, or 2.2 percent of the country's Gross Domestic Product.
- Each fatality resulted in lifetime economic costs to society of mo than $830,000.
- The average cost for each critically injured survivor of a highway crash is $706,000.
- Lost market productivity from those involved in highway crashes

totaled $42.4 billion in 1996.

- Property damage in all crashes amounts to about $52 billion eacl year.
- Roughly 9 percent of all motor vehicle crash costs are paid from public revenues. Motor vehicle crash costs funded through public revenues cost taxpayers $13.8 each year, the equivalent of $144 added taxes for each household in the US.

The cost in lives is more tragic. Last year nearly 42,000 people died anc more than 3.5 million were injured on our nation's highways. More Americans died in motor vehicle crashes in the past 30 years than on al the battlefields our country has fought in the past 300 years.

Despite this heavy toll in people and dollars, highway safety professionz see the last three decades as a period of success because we've seen t rate of death on a per-miles basis drop significantly.

It is true that vehicles and highways are safer than they were in the 196(thanks to technical advancements, regulation, education and experienc But you can't convince people like my friend Albert Ambrose that we ha done everything we could to save lives. His daughter is dead as a result a tragic traffic crash. No statistics we can cite will ever bring her back.

Thankfully, I haven't had to face the horrors that Albert and his family -- and the well over 2,000 other families last year -- had to deal with after they lost a child under age 15 in a traffic crash.

There were 2,656 children under age 15 killed in crashes in 1997 -- an average of seven children killed and 908 injured every day! And what never ceases to amaze me -- not just as NTSB chairman, but as a parer 63 percent of those children killed in motor vehicles were unrestrained.

Seat belts in cars can cut the death and injury rate in half. So, if all of those fatally injured children had been restrained, more than 500 could l alive today.

Motor vehicle crashes are the leading cause of death for children of eve age from 6 to 14. Despite having mandatory child restraint laws in all 5C states, 35 percent of the children age 4 and under who were involved in fatal crashes last year were unrestrained. In the 5-to-9 age group, 46 percent were unrestrained. In the 15-to-20 age group, 57 percent were unrestrained.

In fact, in the past 10 years, more than 68,000 teenagers have died in traffic crashes, and well over half were not wearing their seat belts.

I am pleased that the President has set a goal of 85 percent seat belt us by the year 2000, because it is believed that the current use rate is just percent.

It has taken this country 25 years to go from a seat belt usage rate of at 10 percent to where we are today. Western European countries, Canadz and Australia have shown us that seat belt use rates in excess of 90 percent are possible.

I believe that we can't afford to remain a second-rate country when it comes to taking such a basic step to protect ourselves and our children.

Child passenger safety remains one of our primary concerns at the NTS and we have adopted a comprehensive approach to this problem. In Ma participated in the kick-off of a week-long campaign called Operation Al -- America Buckles up Children -- an initiative directed at making sure th children across the nation are in car seats and seat belts. During that we more than 4,000 police departments agreed to stop every car that had a unbuckled child to ensure that the child was placed in a car seat or seat belt.

As you may be aware, the NTSB is working to improve child passenger safety by recommending that vehicle manufacturers provide integrated restraint systems that are designed specifically for children. Moreover, v also want them to offer adjustable rear shoulder belt anchorages to accommodate children who have outgrown their booster seats, but who not yet tall enough to fit into the adult shoulder belt. Further, the Safety Board has recommended significant improvements in educating childre about seat belt safety.

But if we are to raise the overall seat belt use rate to 85 percent and get children buckled up, it's going to take an all-out effort by everyone concerned. In fact, it's going to take the same kind of sustained effort th it has taken to improve school bus safety.

Throughout the years, the National Transportation Safety Board and the school bus industry have worked hand-in-hand to significantly improve t transportation safety of our nation's children. Schools in our country currently have more than 51 million students in kindergarten through 12 grade and project that number will increase to 54 million by the year 20(

As you know, each year, about 440,000 school buses travel about 4.3 billion miles in transporting 23.5 million children -- about 50 percent of o school age children -- to and from school and school-related activities.

While lap/shoulder belts have been proven effective at reducing deaths and injuries in cars. There are no data to assess their effectiveness in school buses because, as far as we know, in the United States no schoc buses are so equipped. We know that seat belts are one of the most effective pieces of safety equipment in motor vehicles. There is little we can do that would be more effective at saving lives than convincing peo to wear their seat belts.

As we and others in the highway safety community work to get this message out, we are sometimes confronted by a seeming incongruity. While the federal government requires the installation of seat belts in every light vehicle and every heavy truck on our roads, it does not requi seat belts on school buses.

One question our youth ask highway safety experts is: "If seat belts are important, why doesn't my school bus have them?" More and more pare are also mystified by this inconsistency.

We point out that school buses are the safest form of motor vehicle transportation on our roads -- a fact that is due in no small part to your w as pupil transportation officials. Of the almost 42,000 people killed on o nation's highways each year in highway crashes, only about 11 are pupi riding on school buses. That is the best transportation safety record in o nation.

But we struggle when we try to explain that more than 25 years ago occupant protection in school buses was addressed in a very different w than cars. Try to explain the concept of "compartmentalization" as I hav and your eyes glaze over.

We still investigate crashes where students are tragically thrown from th bus or tossed around in the bus and are killed or seriously injured. We need to know whether properly designed lap and shoulder belts for scho buses could prevent ejections and serious injuries, infrequent as they ar And we have no answer for those fatalities that occur in rear, side and rollover crashes for which compartmentalization is less effective.

It is a fact that the Europeans and Australians are ahead of us in the design and installation of lap and shoulder seat belts for bus-type vehicl Should we install lap/shoulder belts in the United States, we need to ma sure that they are designed to protect different size children while also being able to accommodate child safety seats. Also, the Safety Board is very interested in exploring the possibility of installing built-in child restr systems on school buses. Built-in restraints for children are a good idea any form of transportation, whether it is automobiles, school buses or aircraft.

In 1987, the Safety Board completed a detailed analysis of 43 serious accidents involving large school buses. The Board reached several conclusions concerning seat belts, most notably that most school bus occupant fatalities and serious injuries were attributable to the occupant seating position being in direct line with the crash forces. We found that was unlikely that the availability of any type of restraint would have improved their injury outcome.

This study is probably the most thorough real-world examination of largc school bus crashworthiness to date, and since it was issued the study ha been used to argue against the installation of seat belts on large school buses. However, the Safety Board has recently conducted investigation crashes involving nine fatalities and 121 injuries that occurred while children were being transported to or from school or school-related activities.

These investigations have led us to re-examine the entire issue of scho bus crashworthiness, and focus on the changes in traffic and vehicle siz and weight that has occurred since the study was issued 11 years ago.

Many of the school bus accidents recently investigated by the Board ha involved large, heavy trucks. This is happening at a time when trucks ai bigger and more powerful than ever. In the mid 1960s, the typical highw semi-trailer was 35 feet long. Today's standard trailers are 45 to 53 feet long. Triple combination unit trailers can extend over 90 feet. Trailers ai full foot wider now.

In addition, we now have twice as many tractor trailers operating on our highways as we did 40 years ago and that's just the articulated trucks. A the same time, our automobile population has tripled.

As an example, in September, the Safety Board launched an investigati into a school bus-large truck collision in Holmdel, New Jersey. A 67,000 pound dump truck struck a large school bus at an intersection. The truc first crashed into the school bus's left side by the driver's window, and th

again along the left side, with the buckboard of the dump truck penetrati the bus' side wall. The most seriously injured child was seated away fro the impact zone on the opposite side of the bus.

And we continue to see these accidents. In September, we began investigating an accident in Holyoke, Colorado involving a tractor semi-trailer striking the rear of a school bus, and just last week, near Frederic Maryland, a loaded dump truck sideswiped a school bus. Each of these accidents is unique, and it is not clear that any single form of occupant protection would have been effective in all of them.

Truck safety is a focus area for the NTSB, and just last month I address the American Trucking Associations regarding their need to focus more safety. Although truck safety may be cataloged separately from school b safety, it is clearly not separate, especially when trucks are more likely nowadays to be travelling on secondary roadways, those most often use by school buses.

Our recent investigations have shown a pattern of student passenger inj away from the impact zone. Many of the recent accidents have also resulted in death or serious injury to students from ejection. These injur mechanisms may challenge the findings from our 1987 study.

In August, as a result of this new information and as part of our study, th Safety Board held a public hearing in Las Vegas to explore what can be done to protect occupants in bus crashes, including bus standards and restraints used in other countries, types of possible restraints, and other types of injury-reducing mechanisms.

Although the Safety Board staff is continuing to review the information gathered during the public hearing, several factors stand out from the testimony. First, although there have been various laboratory studies, te and opinions about the potential injuries to adolescent students that cou be caused by lap belts in large school bus crashes, there are no signific real world examples.

Likewise, although the same opinions about the detrimental effects of la belts are applied to motor coaches, there have been no real world examples of this in the European fleet of motor coaches equipped with l belts. Those experts who testified at the hearing universally believed tha lap/shoulder belts were far superior to lap belts in bus applications.

Additionally, many of those who testified indicated that in certain situati compartmentalization may not be enough to ensure containment of the child passenger. This factor is certainly apparent in our recent investigations.

At the public hearing, and in reaction to our study, the National Highway Traffic Safety Administration presented its new proposal for crash testin and evaluating large school bus performance. The Safety Board applau this effort by NHTSA and will work closely with the NHTSA staff to deve meaningful results. However, improvement in child occupant protection clearly involves more than just biomechanics.

But at least we'll be getting some long overdue data. The last time large school buses were crash tested was in Canada in 1985. It is distressing note that the United States last conducted crash tests in 1976.

In the spring, the Safety Board will issue its final report on bus crashworthiness. This report will include those bus-related accidents currently being investigated and the information we have developed regarding protecting our pupil passengers.

Also, the Board will consider other highway system issues as they relate pupil transportation safety. There may be alternative bus crashworthine: improvements available through Intelligent Transportation Systems, redesign, or operational changes. I am convinced, though, that to furthe improve pupil transportation safety, solutions must consider an expande perspective of the all the factors that influence the safety of our children

While the Board next Spring will make a determination of how to best tc address these restraint issues -- and I would not want to appear to predetermine what their action will be -- based on what I've heard so far personally think it's our turn now to step up to the plate on the issue of lap/shoulder belts in school buses. We already require seat belts on sm: school buses. We have to stop being indecisive on this issue. Let's com to doing it, but let's do it right.

We should be concerned about the mixed message we're sending to parents and children. Seat belts on school buses won't prevent 500 deat or serious injuries a year. But it seems logical to parents, I'm sure, that since we will be conditioning children to buckle up every time they ride i any motor vehicle, a thousand deaths or serious injuries could be prevented in cars, pickups, minivans and sport-utility vehicle crashes.

There are many grassroots organizations calling for seat belts on our school buses. And there are a few state and local governments requirin; them. It is time for the school pupil transportation network of this countr call on the manufacturers and regulators to make this happen, rather th: waiting for it to happen..

We have to make sure this is done on the basis of solid science. We do want to simply bolt in lap belts in every seating position. Lap belts are probably not the most effective form of restraint for the millions of stude transported on school buses. We need well-designed systems, even bet than those on the roads in Europe and Australia. There are prototype systems here in the United States.

The consistent focus of safety in the pupil transportation industry over tl years has led to a safety success record unmatched by other transporta modes, and we all should be extremely proud of this achievement.

However, the nature of our nation's roadways and highway vehicles is constantly changing, and we must continue to explore new methods of protecting our children. As laudable as your safety accomplishments are urge you not to relax and ask you today to broaden your vision and your mission.

The bounds of school bus safety issues do not stop at the loading door, they affect our students' perceptions and are impacted by the changing nature of the operating environment.

The death of one child, is one too many. As a nation, we have failed to our children first when it comes to highway safety. We need your contin leadership because you are in a unique position to effect necessary

School Zone 20 MPH

A SAFE SCHOOLS WEB SITE
March 1999
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Two die, dozens of schoolchildren injured

Nested in the foothills of the Sangre de Cristo Mountain range, 7,000 feet above sea level, Santa Fe is the oldest capital city in North America and the oldest European community west of the Mississippi. Santa Fe was picked by the readers of Conde Nast Traveler magazine as the best travel destination in the world -- one of only three cities in the United States to make the magazine's worldwide poll. (In winning a coveted position in the travel sweepstakes, Santa Fe outdid Paris and Rome.) What Santa Fe may not have is safe buses, and on March 2nd, 1999 at about 5:02 p.m., the ultimate price was paid, for failing to place the safety of children as the top priority. This story may help make you ask a critical question about the route and trip buses your child rides - Is your child's bus a safe bus? --JK, Safe Schools (Click school bus picture for Santa Fe Mini History.)

by Nancy Plevin
Reporter for The New Mexican, Santa Fe, New Mexico. *First published by The New Mexican, "*Two killed in bus crash," Mar. 03, 1999, All Rights Reserved. Posted by permission from The New Mexican. *Edited by James Kraemer to fit available space and format.*

The Santa Fe New Mexican

Santa Fe, New Mexico -- Two people - one adult and one child - were killed and dozens injured Tuesday evening (March 2, 1999) when a bus carrying elementary school children home from a day of skiing at the Santa Fe Ski Area hit an embankment on Hyde Park Road and flipped on its side. There was no loose material or ice on the road when the bus drove off the roadway, onto the shoulder up an embankment and struck a bolder, authorities said.

Eric Garcia, 11, who attended Larragoite Elementary School, and Gary Apodaca, 44, an adult chaperone, were dead at the scene after being ejected through the windshield, Santa Fe County Sheriff Ray Sisneros said.

Thirty-three people aboard the crashed bus were treated at St. Vincent Hospital. Late Tuesday night, one person was in critical condition,

three were in serious condition and four were stable. Fourteen had been discharged from the hospital by 10:30 p.m.

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A 13-year-old unconscious boy was to undergo brain surgery. Doctors planned to bore holes in his skull to relieve swelling while officials tried to reach relatives.

Joy Garcia's granddaughter, Natasha, 11, was one of the badly injured. "She has a fractured skull. They're running a CT scan on her now. They're bringing in a specialist," Joy Garcia said.

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Garcia said she talked to her granddaughter's best friend, Jennifer Martinez, who was being treated at the hospital's First Care. "I asked her about Tasha. All she remembers was the driver saying: 'Hold on. We have no brakes.' Then she remembers the bus rolling, and she saw Tasha on the ceiling of the bus," Joy Garcia said.

The children rolled around in the bus "like a box of marbles," said Katherine Eagleson, whose 11-year-old son was among the injured. The bus then flipped onto the driver's side and came to rest, blocking the roadway and stranding the two other buses and all other traffic - about another 60 people - headed down from the ski area.

Whitney Russell, 36, who came upon the wreck moments after the accident, said: "There were a lot of students walking along the roadway. They were bleeding and crying and frantic."

Hundreds of distraught parents - many crying or on cell phones with other family members - gathered into the night at St. Vincent Hospital and Fort Marcy Sports Complex to await word of their children, many of whom were stuck for hours on the mountain in two additional buses that were behind the one that crashed. More than 100 fifth- and sixth-graders and some chaperones were on the day trip.

IDEAS

Opinion, Editorial and Philosophy

He Says/ She Says

Parents
Bus Drivers
School Staff

Confusion reigned and some family members grew angry when officials at Fort Marcy read a list that incorrectly placed some of the children on the crashed bus. People started to run to their cars, then were called back in when the mistake was discovered. "I just don't understand what's taking them so long," Barbara Salazar, mother of a Gonzales Elementary School sixth-grader, said while crying, rocking back and forth and twisting a bottle cap. As late as 10 p.m., some parents at St. Vincent still hadn't located their children and didn't know whether they were injured.

Two Shuttlejack buses that were dispatched early on to retrieve the children were called back after the state Department of Motor Transportation refused to allow them to proceed. Two school buses

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were then sent. Captain Terry Delgado of Santa Fe County Sheriff's Department, said he didn't know why the department took that action.

The cause of the 5:02 p.m. accident at a curve on N.M. 475 at Mile Marker 5, had not been determined late Tuesday. But Ray Sisneros (Santa Fe County Sheriff) said bus driver Robert Heusner told authorities that "the brakes failed on the bus."

Shuttlejack owner Ray Sena said all his buses received new brakes two weeks ago. He did not believe the brakes were at fault. "If there was a problem with the brakes, that would have shown up on the first part of the trip," Sena said. The bus belongs to Shuttlejack, which has a history of problems with brakes and other mechanical failures. Just two weeks ago, a Shuttlejack bus carrying students back to school from the ski area reportedly had brake problems.

Bus driver Heusner of Pecos was listed in stable condition at St. Vincent Hospital. Sena said Heusner has been driving for the company for about two years and has a clean driving record.

The children on the crashed bus were from three elementary schools: Gonzales, Tesuque and Larragoite. Those on the other buses were from Sweeney, Carlos Gilbert and Capital Christian Academy.

Liz Trujillo, principal at Gonzales Elementary, said crisis response personnel would send teams to the schools whose students were involved in the crash. Trujillo said Gonzales teachers would meet to decide how to handle grief and trauma counseling.

***Reporters Steve Terrell, Mark Hummels, Barbara Ferry, Kristen Davenport, Erika Davila, Daniel Chacón and The Associated Press contributed to this report.**

Safe Schools Note: The Santa Fe New Mexican's efforts, concerning the Santa Fe bus crash situation, demonstrates the importance of the free press in helping to investigate, uncover and keep parents informed.

In brief, The New Mexican's coverage includes disturbing information about the two other Shuttlejack buses at scene of crash; why the two replacement buses sent to the scene were refused; The victims and the grieving; Shuttlejack's failure to maintain a city business registration; why 17 of Shuttlejack's 18 buses were grounded and other shocking discoveries.

The New Mexican also reported that New Mexico's State Public Regulation Commission virtually ignored several alerts concerning Shuttlejack's buses, including one from a former Shuttlejack employee in November (1988). "I ... deeply hope Shuttlejack's practices are corrected before someone gets seriously hurt due to the shoddy work ethic and practices of the owner," the complaint said.

Your Comment on this story
Keywords: Santa Fe Schools

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Visitors Welcomed at The New Mexican

The Santa Fe New Mexican newspaper contributed a serious effort to uncovering trust violations to Santa Fe's parents and the safety of their children that may have lead up to the death's of a 10 year old child and that of a dedicated father. Click on The New Mexican to visit their WEB site's news archives. The coverage of the crash begins on 3/03/99 in their news/archives.

Car Seats not child's play

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Huerta, Beckman, Rodriguez and Alunoz
Attorneys and Councelors at Law
PO Box 1219 2637 Gollihar, Suite A
Corpus Christi Texas 78715

July 25, 1985

National Coalition for Seatbelts on School Buses
4926 Howard
Skokie, IL 60077

ATTN: MS. LAURA G. SCHWARTZ, PRESIDENT

Thank you for your letter of July 17, 1985.

In answer to your question, Carpenter Body Works, the manufacturer of the school bus coach (as opposed to the chassis) paid $175,000.00. Commercial Body Corporation, the distributor of the bus in question, paid $25,000.00. CP&L, the power company who placed the pole too close to the roadway in question paid $337,500.00.

Initially the school district paid $75,000.00, and that was paid by an agreement whereby if we received money from the other Defendants, the school district would get their money back. At the time that part of the case was disposed of, the law in Texas did not allow non-pecuniary damages for the death of a child. The value of a child's life when only pecuniary damages are recoverable is very small. In any event, Texas tort law protects governmental units, including school districts, for any amount of damages exceeding $100,000.00. (it has since been changed to $200,000.00.)

Of all the red herrings resorted to, to avoid putting seat belts in school buses, the liability aspect has got to be the most fraudulent. I would recommend your contacting a

owed if it (a) insures that seat belts are properly installed and maintained, (b) instructs students on how to use them, (c) informs students of their importance, and (d) encourages and monitors their use."

The School Board, in its capacity as provider-of transportation for students, is acting as a "common carrier." The State General Statutes require them to "use the utmost care consistent with the nature of its business to guard its passengers against all dangers which might reasonably and naturally be expected to occur, in view of all the circumstances." The legal opinion added that this "includes the duty to protect passengers who are unable to protect themselves." "Thus, at some point in the near future it may be the case that a common carrier fails to meet its duty by not installing seat belts in its buses."

top of page ⬆ Huerta, Beckman, Rodriguez and Alunoz ➡

Comments on NHTSA Research Plan Urge More Investigation and Caution

WASHINGTON, D.C. – The deadline for public comments on the National Highway Traffic Safety Administration's research plan for the next generation of occupant protection passed Dec. 28, 1998. Now it is up to the administration to study the comments and determine which ideas should be adopted into its research plans.



Barbara Goodman | Kurtis Gearhart | Kenneth Dodson | Terry Voy

NHTSA's research plan will be conducted in three phases and is designed to ascertain the real world effectiveness of various occupant protection systems for application in school buses. A final report for the next generation of occupant protection is expected to be completed by July 2000.

Phase I is titled Problem Definition and it consists of analyzing databases for school bus crashes and corresponding injuries. Also state accident records will be investigated as will school bus related research and a detailed review of crashes will also be conducted.

Phase II, Test Procedure Development, will develop test conditions that best simulate the types of accidents that lead to serious injuries, and Phase III, Testing and Validation, will consist of testing the various safety systems developed or identified.

Comments were received from 43 individuals, manufacturers, and other groups, many of whom offered opinions on the use of seat belts and other lap/shoulder combinations on all school buses.

3-Point Belts

In an identical letter referencing the company's web site, more than a dozen individuals asked for NHTSA's testing to include an integrated three-point seat belt restraint system for school buses manufactured by the Watertown, Ma.-based Busbelts Development Corp. They also asked for any other competing safety devices to be included. Busbelts Development submitted comments requesting its product be considered in the testing process.

Amsafe Commercial Products, an airbag seatbelt system manufacturer, also asked for inclusion in the NHTSA testing process.

Endorsing Seat Belts

Others begged not for new restraint technology but simply for seat belts to be incorporated into all school buses.

Carol Rose, an alcohol & traffic safety consultant with Vermont's Department of Education, cited unbuckled children and teens in crashes as being the leading cause of death and injury in the United States. Like others who have argued for the implementation of seat belts, Rose said riding restrained in the only way to travel and the conflicting message sent when students board a school bus without restraints is troublesome.

Similarly, the American Academy of Pediatrics, long a proponent of seat belts on school buses, recommends all new school buses be equipped with seat belts. The academy also asks for NHTSA to expand Phase I (Problem Definition). It suggests data should be collected from other countries that use various types of occupant restraints. It disagrees with NHTSA's statement that new standards should be based solely on the data of existing crash and injury information. The academy adds that data is not meaningful without medical documentation.

Extending Phase I would delay Phase II (Test Procedure Development) and Phase III (Testing and Validation) although the academy believes all data could be collected within a year. It argues the following stages would be more productive and quicker moving with the improved data collected in Phase I. Also, Phase II should include all types of impact crashes in addition to non-crash events such as sudden stops and rapid turns, according to the AAP.

Seat Belts or Other Restraints?

Other groups urge caution.

Comments submitted by Barbara Goodman, associate director of pupil transportation with the Virginia Department of Education, asks for more testing of school buses already fitted

See DOCKET on page 24

What ?

Want to know how to really get your school bus safety message across?

Robots
Costumes



DOCKET: NHTSA Hears Calls for More Research

Continued from page 21

with lap belts. NHTSA's research should evaluate the lap belts on buses under 10,000 pounds to determine if they offer the best or most appropriate form of occupant protection or if other devices would be more effective, she said.

Marilyn Bull and Kentin Gearhart from the Indiana University School of Medicine said the current Type 1 lap belts installed in school buses do not meet the needs of all students, primarily because they vary in length and are often not worn correctly. Instead, they ask NHTSA to consider current development work of 3-point belts and should also provide guidance on the appropriate installation requirements of aftermarket seatbelts to ensure they comply with Federal Motor Vehicle Safety Standards No. 208, 209, and 210.

Comments received from a three-team effort comprised of VSS Security and Communications, ARCCA, and Concept Seating, Inc. said it believes lap belts are an "unsatisfactory restraint."

In conducting testing, the group says many devices should be considered, including lap belts, lap/torso belts, lap bars, bus side wall padding, booster seats, and others. To aid in the process, in-depth evaluation of medical reports, use of computer simulations, and more crash-worthiness investigation should be conducted.

Likewise, Terry Voy, president of the National Association of State Directors of Pupil Transportation Services, questions the validity and safety of 2-point lap belts, and improperly worn lap/shoulder belts, on children. A few weeks after submitting its comment to the docket, NASDPTS issued a new Position Paper on Occupant Protection in School Buses. (See *"NASDPTS revise Their Position on Lap Belts,"* pg.1, or visit the STN website at www.stnonline.com for the entire new Position Paper.)

The association calls for NHTSA to review and understand all studies involving children and various belt systems but it questions how the administration will be able to duplicate real-world crashes in a laboratory seating with linear crash tests.

Bus Body Changes

Not all of the comments received addressed restraint systems.

Two school bus body builders focused their comments on NHTSA's proposal to expand bus body width to 102 inches from the current 96 inch width.

Kenneth Dodson, vice president of engineering with Thomas Built Buses, expressed concern over the maneuverability of such a bus. He noted it would require additional training for drivers and could present problems when operating on narrow streets.

Also, Thomas' manufacturing equipment would need "extensive modification" and additional challenges would also be presented to engineering groups.

Likewise, AmTran Corp. noted increased vehicle width can have huge impacts on manufacturing and operational facilities. Bob Douglas, the company's director of product integrity, wider vehicles could lead to more accidents.

Concerning seat belts both manufacturers neither endo[illegible] nor condemned seat belt installation but both noted their concern over the effect on seat backs when passengers in one seat are belted and passengers in the seat behind are not belted.

From the consumer's point of view, Virginia's Goodman added that mirror systems effectively extend the width of a school bus to the point that rural roadways are often not wide enough for two commercial vehicles to pass each another. She cautions NHTSA to consider the full impact of increasing school bus body width before proceeding.

NCSBS



The National Coalition for School Bus Safety

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A Question of Liability

Huerta, Beckman, Rodriguez and Alunoz
Attorneys & Counselors at Law, July 1985

Lowell D Njust
Attorney at Law, August 1985

P.A.S.S. Legislation
Flagstaff, Arizona Update, February 1999

Sherman and Howard
To Denver Board of Education, February 1986

A Question of Liability

The following summary has been included ONLY to illustrate the viewpoint of one individual school district. Each state has different laws with countless interpretations. This summary can in no way represent any situation other than the one for which it was intended (and for that reason will remain unnamed). Please consult a local attorney for questions or advice concerning laws and customs in your area or district.

When considering whether or not to put seat belts on their district school buses, the Board of Education requested a legal opinion as to the increase of liability it might incur. This is a summary of the response.

If the Board decides to install the belts, "...the potential benefit of reduced liability outweighs the additional obligation incurred", but the Board "must act reasonably" in doing this. "The Board could meet its duty of care

local Plaintiff's attorney to give talks to the school boards to explain how a school board's failure to install seat belts may give rise to substantial liability, and actually installing seat belts and adopting a program to insure their use would go a long way toward avoiding not only injuries but liability. A school district would not have to guarantee every seat belt is used, only adopt a reasonable program to encourage their use.

Best of luck to you.

Gerald Beckman

top of page

back to Main Liability page

Lowell D Njust

Education

3/25/99

VISITOR REGISTRATION SHEET

THE HOUSE APPROPRIATIONS SUBCOMMITTEE ON HUMAN RESOURCES

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

	NAME	FIRM OR AGENCY
1.	Cecil E Shroud	Northampton Co. Schools
2.	Phil A Matthews	Northampton Co. Schools
3.	James W. Pickens, Sr.	Northampton Co. Schools
4.	Donna W. Anderson	Pender Co. Schools
5.	Lisa Thompson-Anderson	Henderson Co. Schools
6.	Jessica Bullard Creel	Pender Co. Schools - NC Principal Fellows
7.	June Nance	UNC - Chapel Hill
8.	John S. Grischow	UNC-CH
9.	[illegible]	NCSBA
10.	[illegible]	Granville Co Schools
11.	[illegible]	ASU - NC Principal Fellow
22.	Sheila Jenkins	ASU - NC Principal Fellow
23.	Staci Ingoe	ASU - NC Principal Fellow
24.	Lisa Thompson	ASU - NC Principal Fellow
25.	Glenn Wells	DHHS/Public Health
26.	Tom Marshall	Caldwell Co Schools
27.	Frank C Burrell	Jackson Co. Schools
28.	[illegible]	Swain Co. School
29.	[illegible]	Graham Co Schools/Principal Fellow
30.	Jacqueline Boyd	Principal Fellows - UNC-CH
31.	[illegible]	UNC-CH, MSA

VISITOR REGISTRATION SHEET

~~Judiciary IV 3/23/99~~ ~~Ethical~~ Education

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

	NAME	FIRM OR AGENCY
1.	ROSS McGLOTHLIN	UNC - CH
2.	Jennifer Guarino	NC PTA
3.	Meredith Carr	West Forsyth PTSA
4.	Zak Foster	West Forsyth PTSA
5.	Sharon Guarino	WS/FC PTA Council/West PTSA
6.	Patrice Crump	West Forsyth PTSA C.N.
7.	Libby Read	Orange County Pass. Safety Ass
8.	Lorraine Nicholson	NC PTA
9.	Barbara W. Huff	NC PTA
10.	Cox Catte	NC PTA
11.	Rachel Lawrence	NC PTA
12.	Brenda Rumley	NC PTA
13.	Bobbie Sue Ormsby	Richmond Co. Schools
14.	ED ORMSBY	RICHMOND CO. SCHOOLS
15.	Karen Gale	~~Governor's Office~~
16.	Thad Da	NCAE
17.	Bill Wilson	NCAE
18.	[illegible]	~~Robeson County~~
19.	BARRY HARDING	Robeson County
20.	Bruce Watters	Robeson County
21.	Marti Sykes	Guilford Co. PTA Council

VISITOR REGISTRATION SHEET

THE HOUSE APPROPRIATIONS SUBCOMMITTEE ON HUMAN RESOURCES

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY
1. LLOYD HEY, MD MS	Duke Med Center
2. Barbara Lang	NC Coalition for Seat Belt on Buses
3. Patricia Warren	NC Principal Fellows Program, UNC-CH
4. Clan B. Solan	NCASA
5. Renée Price	NC Principal Fellows Program, UNC-CH
6. Allison Whitaker	UNC-CH, MSA Student
7. Kathy Boyette	Arc High Point/Guilford PTA
8. Debra Horton	NC PTA Board of Managers
9. Ron Tuggerary	Onslow County Schools
10. Bob Haskins	Onslow Co. Schools
11. Ronnie Ross	Onslow Co. Schools
22. Jane Jernigan	NC PTA (Forsyth)
23. Derrick W. Boyd	NC PTA
24. Wayne B Lawrence	Moore Co. Board of Ed
25. Susan M. Black	Moore County Board of Ed.
26. Annie Laura Pickett	Kannapolis City Schools
27. Ed Tyson	" " "
28. Amy Richard	Principal Fellow · UNC-CH
29. Frank Crouch	" " "
30. Mark Musick	" " "
31. Sam Basden	Principal Fellow - Chapel Hill

VISITOR REGISTRATION SHEET

THE HOUSE APPROPRIATIONS SUBCOMMITTEE ON HUMAN RESOURCES

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

	NAME	FIRM OR AGENCY
1.	Mary Smith	Vance County Schools
2.	MICHAEL W. PARTNEY	VANCE COUNTY SCHOOLS
3.	BARRY GASKINS	Pitt County Schools
4.	Linda L. Johnson	Kannapolis City School Board
5.	DAVID RICE	W-S JOURNAL
6.	Scott Moore	AP
7.	Sandy Sands	Thomas Built Buses
8.	Ann Duncan	" " "
9.	Clark Pierce	Walter Robbins Collaborative of Pierce
10.	Amy Van Dooren	PENC
11.	Charlie Tuggle	Scof G. Bd. of Ed.
22.	Tom Worrell	NCAICU
23.	Peggy Maynard	GP
24.	Kim Hibbard	NCLM
25.	Neil Pedersen	Chapel Hill-Carrboro City Schools
26.	Roger Waldon	Chapel Hill-Carrboro City School Boards
27.		
28.	Paula A. Hoyt	Covenant w/ NC's Children
29.	C. McCall	" " " "
30.	Audrey Bonney	Pender County Schools
31.	Jan Crutchfield	NCASA

Name	Firm or Agency
Leanne Winner	NCSBA
[illegible]	WLSR
Dr Beth Yongue	
Nicole Thakson	NCAE
Lisa Faulk	FACT
Carolyn McKenney	FACT-NCAE
Alice Allen	FACT WS/FC

Ann Stancil (Rep. Warner)

From: Glen D Lang [gdlang@mindspring.com]
Sent: Tuesday, March 23, 1999 10:42 PM
To: Rep. Douglas Yongue; Rep. Maggie Jeffus; Rep. Ed McMahan; Rep. Alex Warner
Subject: House Bill 355 (in our comm. Thurs.)

Attached is a fact sheet supporting the need to pass a law requiring seat belts to be installed on all newly purchased school buses. Seat belts save lives and drastically reduce injuries. Seat belts on school buses would also continue to establish the habit of buckling-up. N.C. is a leader is safety. Our Click-It-or-Ticket program is upheld as an example nationwide. In the first two years of the program, fatal and serious injuries were reduced by 15 percent and taxpayers saved more than $100 million in healthcare related costs. I believe seat belts on buses would yield similar results. Seat belts save lives. Please call me if I can answer any questions.

Barbara Lang 851-1817
bllang@mindspring.com

File for Chair information on HB 355

FACTS CONCERNING SEAT BELTS

ON NEW SCHOOL BUSES

* In N.C. alone there are around 1,000 bus accidents per year; resulting in 1,000 injuries and 1-3 deaths.

* N.C. spends at least $1.8 million per year on the medical costs from these injuries. That does not take into account property damage and law suits.

* The State of N.C. buys around 1,000 buses a year at approximately $50,000 a piece. Seat belts would add around $2,000 to the total cost of a bus. We now spend $50 million per year on new buses, adding belts would only change that number to $52 million. Buses last 13-14 years.

* N.Y., N.J. and 300 districts in the U.S. have seat belts on their buses. These states report 90% compliance in the student use of the belts.

* The National PTA just passed a resolution, supporting a federal law requiring seat belts on all new buses. The National PTA represents 6 million parents.

* Buses are equipped with color-coded retractable seat belts. These belts cannot be used as weapons and can be easily removed by students.

* The number one cause of an accident is driver distraction. Students on buses with seat belts show improved behavior, and are less likely to cause a distraction.

* Children belted in during an accident remain conscious and have a better chance of quick evacuation.

* Physicians believe that it is very unlikely that any injury would occur due to the use of a seat belt. If the impact of the accident were severe enough to cause injury, then the passenger would likely be dead without a belt.

MINUTES

HOUSE EDUCATION COMMITTEE

MARCH, 30 1999

The meeting was called to order by Co-Chairman Representative Douglas Yongue. For a list of those in attendance, please see attendance sheet.

The first item of business was **HOUSE BILL 355, SEAT BELTS ON SCHOOL BUSES,** sponsored by Representative Mosley. Due to Representative Mosley being called out of town and not available, the bill was postponed until a future meeting. However, there was some general discussion on the bill with several representatives asking staff for additional information, statistical and background, on school bus safety with regards to seat belt use or non-use. Representative Warner stated that he understood several experts in the field would be in attendance at the meeting and would be called on for statements. Staff will get the requested information together for presentation the next time the committee meets to take up the bill.

The next item of business was **HOUSE BILL 477, COMMUNITY COLLEGE CAMPUS POLICE,** sponsored by Representative Jeffus. (See copy of bill, bill summary and committee substitute.) Representative Jeffus was called upon to explain the bill. She presented a committee substitute, which made only necessary technical and conforming changes. Representative Tolson moved for the committee substitute to be discussed. Representative Jeffus stated that the bill was requested by the community colleges in her area. She stated she attempted to contact all individuals concerned before she introduced the bill and as far as she could determine there was no opposition. The legislation is permissible and those community colleges that wish to function under the current system may do so. She also stated that there would only be a minimal loss of revenue. The committee substitute would allow the community college board of trustees to have their campus police force trained and certified differently than they are now. This option was made available to the university system. Representative Jeffus requested she be allowed to introduce her guests to speak on the bill.

Mr. Bob Storts, Chief of Public Safety at Guilford Technical Community College, stated that the time factor to train officers is of concern since according to Section 74E, which allows community college police to function, it now takes four months to train officers and there is a shortage in their area. It is hoped this legislation will allow community colleges to receive the same opportunity as the university system and be able to perform regular law enforcement duties. Representative Tolson stated he had talked with various community colleges and they support the bill. He stated that he also endorses and supports this bill. Representative Arnold stated that if all they want is training that would be fine, but it seems to him they are creating 58 separate campus police forces with full enforcement powers as regular police agencies.

Representative Jeffus stated that there would not be many changes in operations as it is currently. Mr. Allan Edwards, Chief of Security at Pitt Community College, stated that there was no change in the opportunity to have police officers on a community college campus. That already exists under 74E. He stated that this is an administrative change of a certification body under 17C as opposed to 17E, which is through the Attorney General's Office. There is currently opportunity for campuses to have police agencies on campus under 74E.

Representative Michaux wanted to know how this would affect law enforcement officers' benefits. Mr. Edwards stated that campus police are currently under the Law Enforcement Officers Retirement System and this would not change. Representative Michaux requested an explanation of Section (b) of the bill regarding joint agreements with the governing board of a municipality to extend law enforcement authority of campus police officers into the municipality jurisdiction. Chief Storts stated that meant if the campus police were dealing with someone who committed a criminal offense and needed to go into the community to serve a warrant or other measures, then the campus police can enter into an agreement with local law enforcement officers to do this. After further discussion Representative Michaux stated that if these things were already an option, he failed to see the need to change this. He wanted to know why it had to be changed. Chief Edwards stated this is an administrative change that comes under section 17c and not 74e. Representative Michaux stated that if that is all it is then why not just do away with the fees and forget all this verbage in the bill.

After further discussion with various representatives expressing concern about law enforcement issues dealing with this bill, Representative Moore stated that it might be prudent to refer this bill to a Judiciary Committee to have these questions answered. Several members were in agreement with this. Since the bill sponsor is serving on the Judiciary IV Committee, Representative Nesbitt moved to give an unfavorable report as to the original bill, and refer the committee substitute without prejudice to Judiciary IV. The motion was seconded by Representative Moore and was passed. (See committee report form.)

The meeting was then adjourned.

Representative Douglas Y. Yongue
Co-Chairman

Representative Alex Warner
Co-Chairman

Jenny Umstead, Committee Assistant

1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **YONGUE AND WARNER** for the Committee on **EDUCATION.**

☐ Committee Substitute for
H.B. 477 A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ESTABLISHMENT OF CAMPUS LAW ENFORCEMENT AGENCIES AT CONSTITUENT INSTITUTIONS OF THE NORTH CAROLINA COMMUNITY COLLEGE SYSTEM.

☐ With a favorable report.

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

☐ With a favorable report, as amended.

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

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

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

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

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

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

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

☒ Without prejudice. TO COMMITTEE SUBSTITUTE BILL, WHICH CHANGES THE TITLE, UNFAVORABLE AS TO ORIGINAL BILL, AND RECOMMENDATION THAT THE COMMITTEE SUBSTITUTE BILL BE RE-REFERRED TO THE COMMITTEE ON JUDICIARY IV.

2/24/99

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H 1

HOUSE BILL 477

Short Title: Community College Campus Police. (Public)

Sponsors: Representative Jeffus.

Referred to: Education.

March 17, 1999

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE ESTABLISHMENT OF CAMPUS LAW ENFORCEMENT AGENCIES AT CONSTITUENT INSTITUTIONS OF THE NORTH CAROLINA COMMUNITY COLLEGE SYSTEM.

The General Assembly of North Carolina enacts:

Section 1. Chapter 115D of the General Statutes is amended by adding a new section to read:

"**§ 115D-82. Campus law enforcement agencies.**

(a) The Board of Trustees of any constituent institution of the North Carolina Community College System may establish a campus law enforcement agency and employ campus police officers. Such officers shall meet the requirements of Chapter 17C of the General Statutes, shall take the oath of office prescribed by Article VI, Section 7 of the Constitution, and shall have all the powers of law enforcement officers generally. The territorial jurisdiction of a campus police officer shall include all property owned or leased to the institution employing the officer and that portion of any public road or highway passing through such property and immediately adjoining it, wherever located.

(b) The Board of Trustees of any constituent institution of the North Carolina Community College System, having established a campus law enforcement agency pursuant to subsection (a) of this section, may enter into joint agreements with the governing board of any municipality to extend the law enforcement authority of campus police officers into any or all of the municipality's jurisdiction and to determine the circumstances in which this extension of authority may be granted.

(c) The Board of Trustees of any constituent institution of the North Carolina Community College System, having established a campus law enforcement agency pursuant to subsection (a) of this section, may enter into joint agreements with the governing board of any county, with the consent of the sheriff, to extend the law enforcement authority of campus police officers into any or all of the county's jurisdiction and to determine the circumstances in which this extension of authority may be granted."

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H D

HOUSE BILL 477
Proposed Committee Substitute H477-PCS4164-RH

Short Title: Community College Campus Police. (Public)

Sponsors:

Referred to:

March 17, 1999

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE ESTABLISHMENT OF CAMPUS LAW ENFORCEMENT AGENCIES AT COMMUNITY COLLEGES.

The General Assembly of North Carolina enacts:

Section 1. Article 2 of Chapter 115D is amended by adding the following new section to read:

"**§ 115D-21.1. Campus law enforcement agencies.**

(a) The board of trustees of any community college may establish a campus law enforcement agency and employ campus police officers. These officers shall meet the requirements of Chapter 17C of the General Statutes, shall take the oath of office prescribed by Article VI, Section 7 of the Constitution, and shall have all the powers of law enforcement officers generally. The territorial jurisdiction of a campus police officer shall include all property owned or leased to the community college employing the officer and that portion of any public road or highway passing through the property and immediately adjoining it, wherever located.

(b) The board of trustees of any community college that establishes a campus law enforcement agency under subsection (a) of this section may enter into joint agreements with the governing board of any municipality to extend the law enforcement authority of campus police officers into the municipality's jurisdiction and to determine the circumstances under which this extension of authority may be granted.

(c) The board of trustees of any community college that establishes a campus law enforcement agency under subsection (a) of this section may enter into joint

agreements with the governing board of any county, with the consent of the sheriff, to extend the law enforcement authority of campus police officers into the county's jurisdiction and to determine the circumstances under which this extension of authority may be granted."

Section 2. G.S. 15A-402(f) reads as rewritten:

"(f) Campus Police Officers, Immediate and Continuous Flight. -- A campus police officer: (i) appointed by a campus law-enforcement agency established pursuant to G.S. 116-40.5(a); ~~or (ii)~~ (ii) appointed by a campus law enforcement agency established under G.S. 115D-21.1(a); or (iii) commissioned by the Attorney General pursuant to Chapter 74E and employed by a college or university which is licensed, or exempted from licensure, by G.S. 116-15 may arrest a person outside his territorial jurisdiction when the person arrested has committed a criminal offense within the territorial jurisdiction, for which the officer could have arrested the person within that territory, and the arrest is made during such person's immediate and continuous flight from that territory."

Section 3. G.S. 74E-6(f) reads as rewritten:

"(f) Campus Option. -- Notwithstanding any of the provisions of this Chapter, the Board of Trustees of any constituent institution of The University of North Carolina may elect to have its officers certified under Chapter 17C or Chapter 116 of the General Statutes and the board of trustees of any community college may elect to have its officers certified under Chapter 17C or Chapter 115D of the General Statutes rather than requesting certification as a company police agency and company police commission pursuant to the provisions of this Chapter."

Section 4. G.S. 160A-288(d) reads as rewritten:

"(d) For purposes of this section, the following shall be considered the equivalent of a municipal police department:

(1) Campus law-enforcement agencies established pursuant to G.S. 115D-21.1(a) or G.S. 116-40.5(a); and

(2) Colleges or universities which are licensed, or exempted from licensure, by G.S. 116-15 and which employ company police officers commissioned by the Attorney General pursuant to Chapter 74E; and

(3) Law enforcement agencies operated or eligible to be operated by a municipality pursuant to G.S. 63-53(2)."

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

HOUSE BILL 477:
Community College Campus Police

BILL ANALYSIS

Committee:	House Education	**Introduced by:**	Representative Jeffus
Date:	March 25, 1999	**Summary by:**	Robin S. Johnson
Version:	PCS for First Edition H477-CSRH-001		Committee Counsel

SUMMARY: ***The Committee Substitute for House Bill 477 would authorize the board of trustees at each community college to choose to have its campus police trained and certified differently than they presently are trained and certified.. This option is currently available to boards of trustees of UNC's constituent institutions. (The committee substitute makes only technical and conforming changes to the original bill.) The bill would take effect when it becomes law.***

CURRENT LAW: Currently, community colleges are subject to the Company Police Act (Chapter 74E of the General Statutes). The Company Police Act applies to public and private educational institutions and hospitals, State institutions, and corporations engaged in providing on-site police security personnel services. Each agency may apply to the Attorney General to be certified as a company police agency and to commission an individual designated by that agency to act as a company police officer for that agency. Certification of an agency expires June 30 following the date issued, but is renewable. An officer's commission also expires on June 30 following the date issued, and is renewable. The following fees apply:

Maximum Fee Application for Certification as Company Police Agency	$250
Annual Renewal of Certification	$200
Application for Reinstatement of Certification (following revoked or denied certification)	$1,000
Application for Commission as Company Police Officer	$100
Annual Renewal of Commission	$50
Application for Reinstatement of Commission	$150

Individuals who are commissioned as company police officers must take the same oath of office required of law enforcement officers. They must meet and maintain the same minimum preemployment and in-service standards as are required for State law enforcement officers by the NC Criminal Justice Education and Training Standards Commission and must meet other minimum standards set by the Attorney General. and Company police officers on community colleges are classified as campus police officers. They have the same powers, while in the performance of their duties of employment, as municipal and county police officers to make arrests for both felonies and misdemeanors and to charge for infractions on (i) real property owned by or in possession and control of the community college; (ii) real property owned by or in the possession and control of a person who has contracted with the community college to provide on-site company police security personnel services for the property; (iii) other real property while in continuous and immediate pursuit of a person for an offense committed on property described in (i) and (ii); and (iv) the portion of any public road or highway passing through or immediately adjoining the property described in (i) through (iii). Campus police officers may, if authorized by their superior, carry concealed weapons.

The board of trustees of any community college certified as a company police agency may enter into a mutual aid agreement with the governing board of a municipality or, with the sheriff's consent, a county.

Each constituent institution of The University of North Carolina is also subject to the Company Police Act; however, it may choose to have its officers certified under Chapter 17C (NC Criminal Justice Education and Training Standards Commission) or under Chapter 116 (Higher Education) of the General Statutes rather than under the Company Police Act.

BILL ANALYSIS: House Bill 477 would allow each community college to choose to have its officers certified under Chapter 17C. This is the same option provided to UNC constituent institutions. The bill would not change the current powers of campus police.

The NC Criminal Justice Education and Training Standards Commission (Commission) has numerous duties, including responsibility for the establishment of minimum educational and training standards for the employment, training, and retention of criminal justice officers (which would include campus police officers) and for the certification of qualified individuals. The Commission is directed to establish a cooperative arrangement among criminal justice agencies, including the Justice Academy, to provide education and training to officiers and employees of these agencies.

The Commission may accept donations and grants from governmental units, public agencies, and others. It may authorize the reimbursement to each political subdivision of the State up to 60% of the salary and allowable tuition, living and travel expenses incurred by officers who attend approved training programs. It may provide grants as reimbursement for actual expenses incurred by the State or any political subdivision of the State in order to provide training programs of officers from other jurisdictions.

H477-SMRH-001

VISITOR REGISTRATION SHEET

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

	NAME	FIRM OR AGENCY
1.	Jan Ramquist	NCATA
2.	EDDIE CALDWELL	HMCCHC, P.A.
3.	Charles Wilkins	NC Ass. Chiefs Police
4.	Henry Jones	Attorney Raleigh
5.		
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MINUTES

HOUSE EDUCATION COMMITTEE MEETING

TUESDAY, APRIL 6, 1999

The meeting was called to order by the Co-Chair Representative Doug Yongue. See attachment for those in attendance.

Rep. Yongue introduced Rep. Warner to explain the proposed committee substitute for ***SB 225, ASISTANT PRINCIPAL PROVISIONAL CERTIFICATE.*** This bill is identical to House Bill 274, which was passed out of the committee earlier. Rep. Haire moved to adopt the proposed committee substitute. The motion passed. Rep. Warner moved for a favorable report to the committee substitute. Rep. Michaux made a motion to give the bill a favorable report as to House Committee Substitute, unfavorable as to Senate Committee Substitute. The motion passed.

Rep. Yongue turned the meeting over to Rep. Warner.

Rep. Warner introduced Rep. McLawhorn to explain the committee substitute for ***HB 244, STUDENT ON COMMUNITY COLLEGE BOARD.*** Rep. Goodman made a motion for a favorable report as to committee substitute bill, unfavorable as to original bill. Rep. Sherrill made a substitute motion to re-refer the bill to a subcommittee for further study. The motion failed. Rep. Haire sent forth an amendment and moved for passage of the amendment. After much discussion Rep. Warner announced that the amendment would be voted on at the next meeting.

Meeting adjourned.

Alex Warner
Rep. Alex Warner, Co-Chair

Doug Yongue
Rep. Doug Yongue, Co-Chair

Ann Stancil
Ann Stancil, Committee Clerk

Ann's File Copy

1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **Warner/Yongue** for the Committee on **EDUCATION**.

☒ Committee Substitute for
S.B. 225 A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW REGARDING CERTIFICATION AND EMPLOYMENT OF ASSISTANT PRINCIPALS.

☐ With a favorable report.

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

☐ With a favorable report, as amended.

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

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

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

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

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

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

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

☐ Without prejudice.

☐ With an indefinite postponement report.

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

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

2/24/99

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

S D

SENATE BILL 225*
Education/Higher Education Committee Substitute Adopted 3/17/99
Proposed House Committee Substitute S225-PCS8093-RH

Short Title: Ass't Principal Provisional Cert./AB. (Public)

Sponsors:

Referred to:

March 4, 1999

A BILL TO BE ENTITLED

AN ACT TO AMEND THE LAW REGARDING CERTIFICATION AND EMPLOYMENT OF ASSISTANT PRINCIPALS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 115C-284(c) reads as rewritten:

"(c) The State Board of Education shall have entire control of certifying all applicants for supervisory and professional positions in all public elementary and high schools of North Carolina; and it shall prescribe the rules and regulations for the renewal and extension of all certificates, and shall determine and fix the salary for each grade and type of certificate which it authorizes. The State Board of Education shall require each applicant for an initial certificate or graduate certificate, other than an applicant who is qualified under Article 19A of this Chapter, to demonstrate ~~his~~ the applicant's academic and professional preparation by achieving a prescribed minimum score at least equivalent to that required by the Board on November 30, 1972, on a standard examination appropriate and adequate for that purpose. If the Board shall specify the National Teachers Examination for this purpose, the required minimum score shall not be lower than that which the Board required on November 30, 1972. The Board may not require an applicant who is qualified under Article 19A of this Chapter to take an additional exam to demonstrate academic competence. The Board shall not issue provisional certificates for ~~principals and assistant principals.~~ principals.

The Board shall issue a one-year provisional assistant principal's certificate to an employee of a local board only if (i) the local board determines there is a shortage of persons who hold or are qualified to hold a principal's certificate, and (ii) the employee enrolls in an approved program leading to a masters degree in school administration before the provisional certificate expires. The Board shall extend the provisional certificate for a total of no more than two additional years while the employee is completing the program."

Section 2. G.S. 115C-289(b) reads as rewritten:

"(b) All persons employed as assistant principals in State-allotted positions, or as assistant principals in full-time positions regardless of funding source, in the public schools of the State or in schools receiving public funds, shall, in addition to other applicable requirements, be required either to hold or be qualified to hold a principal's certificate or a provisional assistant principal's certificate in compliance with applicable law and in accordance with the regulations of the State Board of Education. It shall be unlawful for any board of education to employ or keep in service any assistant principal who neither holds nor is qualified to hold a principal's certificate or a provisional assistant principal's certificate in compliance with applicable law and in accordance with the regulations of the State Board of Education. Persons who hold a provisional assistant principal's certificate and who are employed as assistant principals shall be employed under G.S. 115C-287.1(h)."

Section 3. G.S. 115C-287.1 is amended by adding a new subsection to read:

"(h) An individual who holds a provisional assistant principal's certificate and who is employed as an assistant principal under G.S. 115C-284(c) shall be considered a school administrator for purposes of this section. Notwithstanding subsection (b) of this section, a local board may enter into one-year contracts with a school administrator who holds a provisional assistant principal's certificate. If the school administrator held career status as a teacher in the local school administrative unit prior to being employed as an assistant principal and the State Board for any reason does not extend the school administrator's provisional assistant principal's certificate, the school administrator shall retain career status as a teacher unless the school administrator voluntarily relinquished that right or is dismissed or demoted under G.S. 115C-325. Nothing in this subsection or G.S. 115C-284(c) shall be construed to require a local board to extend or renew the contract of a school administrator who holds a provisional assistant principal's certificate."

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

VISITOR REGISTRATION SHEET

EDUCATION - 4-6-99 11:00AM

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY
1. John Capps	N.C. State Library
2. Karen Gark	Gov's Office
3. Hal Miller	DCACC
4. Phil Albano	NC Dept of Comm Colleges
5. Elizabeth Nwamuo	OSBM
6. Del Johnson	UNC-Chapel Hill
7. Linda Dykstra	UNC-Chapel Hill
8. Emilie Townsend	UNC-Chapel Hill
9. Mitchell Allen	WCU
10. Rose Bass	Governor's Office
11. Paula Wolf	Covenant w/ NC's Children
12.	UNC
13. David Meredith	N.C. State Library
14. Barbara Gillespie	
15. Clement Farmer	NC DCD
16. Jim Brothers	UNC-GA / NCSU Ag. Bur.
17. Gary Harris	NCPMA
18. Doug Howey	NCPMA
19. Ray Mayhew	GR
20. Virginia Perry	NC Justice Ctr.
21. Gary Mallon	

MINUTES

HOUSE EDUCATION COMMITTEE

APRIL 8, 1999

The meeting was called to order by Co-Chairman Representative Douglas Yongue. For a list of representatives in attendance see attendance sheet.

The first order of business was a continuation of discussion of **HOUSE BILL 355, SEAT BELTS ON NEW SCHOOL BUSES,** sponsored by Representative Jane Mosley. Representative Mosley was called upon to explain the bill. She stated that there were several people representing various associations and businesses associated with this bill who wished to speak. (See copy of original bill, copy of committee substitute bill, bill summary.)

Making brief presentations were: Sandy Sands, Lobbyist for Thomas Built Buses, Chris Thomas, President of Thomas Built Buses and Jed Ruth, Trainer for Thomas Built Buses. Their presentation dealt basically with the construction of school buses. (See attachments from Thomas Built Buses.) The next presenter was Jim Johnson of the Fiscal Research Division of the North Carolina General Assembly. (See fiscal note attached.) The next presenters were Don Reinfort, Deputy Director of the UNC Highway Safety Research Center and Shannon Bullock with the Governors Highway Safety Program. (See attachments.)

Also in attendance was former Representative Bea Holt, who was a previous sponsor of this bill when she was in the General Assembly. Co-Chairman Representative Douglas Yongue called upon her for brief comments. She reiterated the need for seat belts and was very supportive of the efforts of Representative Mosley to see the bill through the House. She also stated she hoped it would pass this year.

After further discussion, Representative Alex Warner moved for an unfavorable report as to original bill, favorable to committee substitute and recommend that the bill is re-referred to Appropriations. The motion passed. (See attached committee report form.)

The meeting was then adjourned.

Representative Douglas Y. Yongue
Co-Chair

Representative Alex Warner
Co-Chair

Jenny Umstead, Committee Assistant

Additional Attachments:

North Carolina School Bus Crash Data and Issues Related to Seat Belts on Large School Buses
School Bus Safety, Safe Passage for America's Children
Responses to Questions From Legislators
Concerns Regarding Pre-Schoolers Riding on School Buses
Busbelts Development Corporation Statement
Guideline for Safe Transportation of Pre-School Age Children in School Buses
Seat Belts on School Buses, Pros and Cons
Letter from pastor McCarthy, Kirk of Kildaire Presbyterian Church

1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **YONGUE AND WARNER** for the Committee on **EDUCATION**.

☐ Committee Substitute for
H.B. 355 A BILL TO BE ENTITLED AN ACT TO REQUIRE ALL SCHOOL BUSES AND SCHOOL ACTIVITY BUSES PURCHASED AFTER JULY 1, 1999, TO BE EQUIPPED WITH SEAT BELTS AND TO APPROPRIATE FUNDS TO EQUIP NEW SCHOOL BUSES WITH SEAT BELTS.

☐ With a favorable report.

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

☐ With a favorable report, as amended.

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

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

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

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

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

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

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

☐ Without prejudice.

☐ With an indefinite postponement report.

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

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

2/24/99

DRAFT

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H D

H355-CSRJ-001
HOUSE PROPOSED COMMITTEE SUBSTITUTE
HOUSE BILL 355
THIS IS A DRAFT 25-MAR-99 09:06:36
ATTENTION: LINE NUMBERS MAY CHANGE AFTER ADOPTION

Short Title: Seat Belts on New School Buses. (Public)

Sponsors:

Referred to: Education, if favorable, Appropriations.

March 8, 1999

A BILL TO BE ENTITLED

AN ACT TO REQUIRE ALL SCHOOL BUSES AND SCHOOL ACTIVITY BUSES PURCHASED AFTER JULY 1, 1999, TO BE EQUIPPED WITH SEAT BELTS AND TO APPROPRIATE FUNDS TO EQUIP NEW SCHOOL BUSES WITH SEAT BELTS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 115C-47(24) reads as rewritten:

"(24) Purchase of Activity Buses with Local Capital Outlay Tax Funds. -- Local boards of education ~~are authorized to~~ may purchase activity buses with local capital outlay tax funds, and ~~are authorized to~~ may maintain these buses in the county school bus garage. Reimbursement to the State Public School Fund shall be made for all maintenance ~~cost~~ costs including labor, gasoline and oil, repair parts, tires and tubes, antifreeze, etc. Labor cost reimbursements and local funds may be used to employ additional mechanics so as to insure that all activity buses owned and operated by local boards of education are maintained in a

safe mechanical condition. Replacement units for activity buses shall be financed with local funds. Activity buses purchased after July 1, 1999, shall be equipped with seat belts for all passengers."

Section 2. G.S. 115C-240(c) reads as rewritten:

"(c) The State Board of Education shall from time to time adopt ~~such~~ any rules and regulations with reference to the construction, equipment, color, and maintenance of school buses, the number of pupils who may be permitted to ride at the same time upon any bus, and the age and qualifications of drivers of school buses ~~as~~ that it ~~shall deem~~ deems to be desirable for the purpose of promoting safety in the operation of school buses. No school bus shall be operated for the transportation of pupils unless ~~such~~ that bus is constructed and maintained as prescribed in ~~such~~ the applicable regulations and is equipped with adequate heating facilities, a standard signaling device for giving due notice that the bus is about to make a turn, an alternating flashing stoplight on the front of the bus, an alternating flashing stoplight on the rear of the bus, and ~~such~~ any other warning devices, fire protective equipment and first aid supplies as may be prescribed for installation ~~upon such~~ on the buses by ~~the regulation of~~ rules issued by the State Board of Education. All buses purchased after July 1, 1999, shall be equipped with seat belts for all passengers."

Section 3. There is appropriated from the General Fund to the State Board of Education the sum of one million nine hundred thousand dollars ($1,900,000) for the 1999-2000 fiscal year to equip all school buses purchased after July 1, 1999, with seat belts for passengers.

Section 4. This act becomes effective July 1, 1999.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H 1

HOUSE BILL 355

Short Title: Seat Belts on New School Buses. (Public)

Sponsors: Representatives Mosley; Wainwright and Luebke.

Referred to: Education, if favorable, Appropriations.

March 8, 1999

A BILL TO BE ENTITLED

AN ACT TO REQUIRE ALL SCHOOL BUSES AND SCHOOL ACTIVITY BUSES PURCHASED AFTER JULY 1, 1999, TO BE EQUIPPED WITH SEAT BELTS AND TO APPROPRIATE FUNDS TO EQUIP NEW SCHOOL BUSES WITH SEAT BELTS.

The General Assembly of North Carolina enacts:

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Section 2. G.S. 115C-240(c) reads as rewritten:

"(c) The State Board of Education shall from time to time adopt ~~such~~ any rules and regulations with reference to the construction, equipment, color, and maintenance of school buses, the number of pupils who may be permitted to ride at the same time upon any bus, and the age and qualifications of drivers of school buses ~~as~~ that it ~~shall deem~~ deems to be desirable for the purpose of promoting safety in the operation of school buses. No school bus shall be operated for the transportation of pupils unless ~~such~~ that bus is constructed and maintained as prescribed in ~~such~~ the applicable regulations and is equipped with adequate heating facilities, a standard signaling device for giving due notice that the bus is about to make a turn, an alternating flashing stoplight on the front of the bus, an alternating flashing stoplight on the rear of the bus, and ~~such~~ any other warning devices, fire protective equipment and first aid supplies as may be prescribed for installation ~~upon such~~ on the buses by ~~the regulation of~~ rules issued by the State Board of Education. All buses purchased after July 1, 1999, shall be equipped with seat belts for all passengers."

Section 3. There is appropriated from the General Fund to the State Board of Education the sum of one million nine hundred thousand dollars ($1,900,000) for the 1999-2000 fiscal year to equip all school buses purchased after July 1, 1999, with seat belts for passengers.

Section 4. This act becomes effective July 1, 1999.

HOUSE BILL 355:
Seat Belts on New School Buses

BILL ANALYSIS

Committee:	House Education	**Introduced by:**	Representative Mosley
Date:	March 18, 1999	**Summary by:**	Sara Kamprath
Version:	Proposed Committee Substitute (H355-CSRJ-001)		Education Policy Analyst

SUMMARY:

House Bill 355 would require all school buses and school activity buses purchased after July 1, 1999 to be equipped with seat belts for all passengers. The bill appropriates $1.9 million for the 1999-2000 fiscal year to the State Board of Education for that purpose.

BACKGROUND: The National Highway Traffic Safety Administration issued federal standards targeting the safety of school buses that became effective April 1, 1977. Federal Motor Vehicle Safety Standard (FMVSS) 222 does not require the installation of seat belts for the passengers on new school buses with gross vehicle weight ratings of greater than 10,000 pounds, the standard large school bus. Only 2 states, New York and New Jersey, have enacted legislation to require lapbelts on large school buses and only New Jersey mandates their use. In 1997, 16 states introduced legislation requiring seat belts on large buses but none of the bills were enacted. At the federal level, Representative Gary Ackerman introduced House Resolution 56 on January 6, 1999. This bill prohibits the manufacture, sale, delivery, or importation of any bus designed to transport more than 15 passengers, including the driver, that is not equipped with seat belts.

BILL ANALYSIS:

Section 1 of the bill amends the powers and duties of local boards of education as set out in G.S. 115C-47. Under existing law, local boards are authorized to purchase activity buses with local tax funds. The bill requires that all activity buses purchased after July 1, 1999 be equipped with seat belts for all passengers.

Section 2 of the bill amends the authority and duties of the State Board of Education as set out in G.S. 115C-240. Under current law, the State Board is authorized to adopt rules regarding school buses used to transport pupils. This bill provides that all buses purchased after July 1, 1999 shall be equipped with seat belts for passengers.

Section 3 of the bill appropriates $1.9 million to equip all school buses purchased after July 1, 1999 with seat belts. The act would become effective July 1, 1999.

Note: The bill was serially referred; if given a favorable report by this Committee, it will be referred to Appropriations.

H355-SMRJ-001

NORTH CAROLINA GENERAL ASSEMBLY

LEGISLATIVE FISCAL NOTE

BILL NUMBER: HB355

SHORT TITLE: Seat Belts on New School Buses

SPONSOR(S): Representative Mosley

FISCAL IMPACT

Yes (X) **No ( )** **No Estimate Available ( )**

	FY 1999-00	FY 2000-01	FY 2001-02	FY 2002-03	FY 2003-04
REVENUES					
EXPENDITURES					
Based on SBE request	$1,943,260	$738,760	$1,649,362	$1,693,895	$1,739,630
Governor's Continuation	$1,341,010	$1,341,010	$1,649,362	$1,693,895	$1,739,630
Local Boards of Education	$87,600	$87,600	$89,965	$92,394	$94,889

POSITIONS: None

PRINCIPAL DEPARTMENT(S) & PROGRAM(S) AFFECTED: State Board of Education, State Public School Fund. Local school boards.

EFFECTIVE DATE: July 1, 1999

BILL SUMMARY: Amends G.S. 115C-47(24) and G.S. 115C-240(c) as title indicates, and appropriates $1,900,000 for 1999-2000 from General Fund to State Board of Education as title indicates. Requires local boards of educatio to purchase activity buses equipped with seat belts, and the State Board of Education to purchase all regular school buses with seat belts.

ASSUMPTIONS AND METHODOLOGY:

Possible school bus purchase options 1999-2001 biennium.

State Board of Education request FY1999-00 - 1,120 buses and FY2000-01 460 buses.

Governor's recommended Continuation Budget - FY1999-00 835 and FY2000-01 835 buses.

Activity bus purchases - 100 statewide.

Cost for seat belts on new buses - $1.606 for 66 passenger buses and $876 for 36 passenger buses.

Assume 2.7% inflation in costs and 1,000 bus purchases per year in FY2001-2002 through 2003-2004 .

TECHNICAL CONSIDERATIONS:

FISCAL RESEARCH DIVISION
733-4910
PREPARED BY: James D. Johnson

APPROVED BY: Tom Covington



DATE: Thursday, March 25, 1999

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NORTH CAROLINA SCHOOL BUS CRASH DATA AND ISSUES RELATED TO SEAT BELTS ON LARGE SCHOOL BUSES

Prepared by:
William L. Hall, Staff Associate
University of North Carolina
Highway Safety Research Center

School bus transportation and safety is a very serious and sometimes controversial and emotional issue. Although school buses have been shown to be a very safe form of transportation, many parents and safety advocates question the absence of seat belts on school buses. Without a doubt, the issue of installing seat belts on school buses is very controversial. At the center of this debate are three fundamental issues:

1. Will seat belts on large school buses do more harm than good or could seat belts reduce at least some of the injuries that occur to occupants of crash-involved school buses?
2. If it is determined that installing seat belts on school buses would reduce injuries, would the injury reductions be sufficient to justify their cost?
3. If school buses are equipped with seat belts, what are the operational concerns that must be addressed?

Overview of Federal Standards for School Buses

Parents and others concerned with the lack of seat belts on school buses must remember that these vehicles are covered by standards separate, and much different, from those covering passenger cars. After a series of crash tests with different seating configurations and much study and debate, the National Highway Traffic Safety Administration (NHTSA) issued a seat of Federal standards targeting the safety of school buses that went into effect April 1, 1977.

Among the three major federal standards that went into effect in 1977 was FMVSS 222, School Bus Passenger Seating and Crash Protection. Whereas passenger cars, light trucks and vans are required to have seat belts at all designated seating positions, FMVSS 222 does not require the installation of seat belts (other than for the driver) on new school buses with gross vehicle weight ratings (GVWRs) of greater than 10,000 pounds, the standard large school bus. Buses with GVWRs of 10,000 pounds or less are required to have seat belts for all passenger positions, but the larger buses rely on strong, well-padded, energy absorbing seats and higher seat backs to "compartmentalize" and protect passengers during a crash. Subsequent testing and case studies of school bus crashes have found compartmentalization to be effective in protecting school bus passengers in frontal crashes. Even so, the debate about the pro's and con's of installing belts on buses continues, in large part due to the contention that the potential for injuries and fatalities to unrestrained school bus passengers in side impact and rollover collisions is a compelling reason to require seat belts in large school buses.

Seat Belts on School Buses: Two Sides of the Argument

The Case FOR Seat Belts on School Buses

Advocates of belts on buses offer the following arguments in support of requiring belts on buses:

- Advocates of belts on buses interpret available crash-test and case-study data as indicating that belts provide improved crash protection and are beneficial especially in side-impacts and roll-overs.
- Use of seat belts can provide a reduction in injuries to out-of-position students kept in their seats by seat belts.
- Use of seat belts can lead to improvements in passenger behavior and distractions to drivers.
- Use of seat belts in school buses will help to reinforce seat belt educational messages aimed at school-age children with the carry-over effect helping to remind children to use seat belts in cars.

The Case AGAINST Seat Belts on School Buses

Opponents of belts on buses offer the following arguments against requiring belts on buses:

- School bus collisions that result in death or serious injuries are often catastrophic crashes involving large trucks or trains where belts would not help.
- For less severe crashes, opponents of belts on buses interpret the same available crash-test and case-study data as indicating that seat belts are harmful and thus argue that belts decrease crash protection since jackknifing of the students' bodies over the belts targets the head into the back of the seats in front of them.
- Evacuation of the bus in case of fire could be hampered by belted occupants.
- Installation of seat belts does not guarantee use by students. The need for drivers to monitor belt use would increase, rather than decrease distractions.
- There are no Federal standards covering the installation of seat belts on large school buses.
- Sharing of buses by different schools means that belts would be used by very different sizes of children leading to difficulties of assuring a correct fit for all students.

Transportation Research Board Comprehensive 1989 Study

To address the question of school bus safety in general, and the issue of seat belts in particular, the U.S. Congress asked the Department of Transportation to contract with the National Academy of Sciences to conduct a comprehensive study of the principal causes of fatalities and serious injuries to children riding in school buses, the use of seat belts in school buses, and other measures that may improve the safety of school buses. As a result of this directive, the Transportation Research Board of the National Research Council conducted such a study and issued the report *Improving School Bus Safety* in 1989 [National Research Council, Transportation Research Board (1989). Improving School Bus Safety: Special Report 222. Washington, DC].

As a result of this in-depth study, based on analyses of crash-test data and school bus crash case studies, the panel convened to produce the report concluded that seat belts can indeed provide additional crash protection on "compartmentalized" school buses. They further concluded that:

> *If all Type I school buses operated in the United States were equipped with seat belts, one life might be saved and several dozen serious injuries avoided each year. On the basis of this estimate, the committee concludes that the overall potential benefit of requiring seat belts on large*

school buses is insufficient to justify a federal standard mandating installation. The funds used to purchase and maintain seat belts in the nation's fleet of school buses--more than $40 million/yr-- might better be spent on other school bus safety programs and devices to save more lives and reduce more injuries.

It should be noted that the results and recommendations of this report have at times been either misinterpreted or misstated. This study did not conclude that seat belts do more harm than good and therefore should not be installed on buses. On the contrary, the committee concluded that belts would do more good than harm, but the cost-benefit analysis precluded making a recommendation for universal installation. As shown by national statistics, most school-bus-related fatalities and serious injuries are either occupants of other vehicles or occur at the bus stop as students are getting on or off. For this reason the committee recommended that funds that would be used to install seat belts on buses would be better used to address non-occupant fatalities and injuries. This assumes, of course, that funds are available and would be used to address these other issues.

National Highway Traffic Safety Administration (NHTSA) School Bus Safety Research Plan

As has been previously noted, the primary means of occupant protection for large school buses is compartmentalization -- strong, well padded , well anchored, high backed, evenly spaced seats. Even though compartmentalization has been shown to be a good concept for injury reduction, NHTSA has initiated a research program to develop the next generation of occupant protection for school bus passengers.

This comprehensive program will evaluate alternative occupant crash protection systems in controlled laboratory tests that represent the types of real world school bus crashes that produce injuries to passengers. A key component of this program will be a thorough search for better crash data. Existing state and school systems records will be searched for documentation on school bus crashes involving fatalities and injuries and specific crashes in which seat belts were used. Those crash data will be vital to defining the test conditions that best simulate the most injurious school bus crashes. Alternative occupant restraint systems will be tested and evaluated for their ability to protect the full range of bus occupants without unduly reducing occupant capacity of the bus or restricting emergency egress. If it is determined that all these criteria can be met, NHTSA will consider upgrading its occupant protection standards. The outline and schedule for completion of this effort follows:

Phase I: Problem Definition (to be completed by February, 1999)

- Analyze existing Department of Transportation databases including the Fatal Analysis Reporting System, General Estimates System, and National Automotive Sampling System for school bus crash information and corresponding injury data.
- Perform literature search for existing school bus related crash and occupant protection research.
- Issue Federal Register notice asking public for input on school bus occupant protection systems that should be tested and crash pulses that should be used. Perform in-depth special investigations of

existing state and school system records on bus crashes involving fatalities/injuries and specific crashes in which seat belts were used.

Phase II: Test Procedure Development (to be completed by August, 1999)

- Develop test conditions that best simulate the most injurious school bus crashes identified through Phase I research.
- Develop crash pulses by conducting full scale school bus crash testing at various impact angles.
- Develop and validate sled test procedures using the derived crash pulses. Design and if necessary manufacture new occupant protection systems and/or incorporate new components or changes into existing systems.
- Conduct preliminary tests to verify the systems prior to final sled testing.
- Design sled test matrix to evaluate the new or altered occupant protection systems.

Phase III: Testing and Validation (to be completed by June, 2000)

- Test the various safety systems developed /identified. Conduct both static (i.e., FMVSS 222) and dynamic (new sled test procedure) tests.
- Analyze test results.
- Produce final report.

Transportation of Pre-school Age Children in School Buses

As more pre-school age children are transported to school programs, often in school buses, the public is increasingly asking the National Highway Traffic Safety Administration (NHTSA) about how to safely transport them. To help answer these questions, NHTSA conducted crash testing of pre-school age size dummies in school bus seats. The test results showed that pre-school age children in school buses are safest when transported in child safety restraint systems (CSRSs) that meets FMVSS 213, Child Restraint Systems, and are correctly attached to the seats.

Based on its research, NHTSA recommends pre-school age children transported in school buses always be transported in properly secured CSRSs. In partial response to questions from school (and child care) transportation offices, the NHTSA guidelines seek to assist school and other transportation managers in developing and implementing policies and procedures for the transportation of pre-school age children in school buses.

Note that the proper installation of CSRSs necessitates that a school bus seat have safety belts or other means of securing the CSRS to the seat. NHTSA recommends that lap belts or anchorages designed to meet FMVSS 225, Tether Anchorages and Child Restraint Anchorage Systems, be voluntarily installed to secure CSRSs in large school buses.

NHTSA Recommendations for the Transportation of Pre-school Age Children in School Buses
When pre-school age children are transported in a school bus, NHTSA recommends these guidelines be followed:

1. Each child should be transported in a Child Safety Restraint System (suitable for the child's weight and age) that meets applicable Federal Motor Vehicle Safety Standards (FMVSSs).
2. Each child should be properly secured in the Child Safety Restraint System.
3. The Child Safety Restraint System should be properly secured to the school bus seat, using anchorages that meet FMVSSs.

North Carolina School Bus Crash Statistics
In an effort to determine the extent of injuries sustained by school bus occupants in North Carolina, the UNC Highway Safety Research Center obtained school bus crash data contained in the NC Division of Motor Vehicles (DMV) accident files for the calendar years 1991 through 1997. The following table presents injury data only for school bus occupants in the NC DMV data. School bus drivers and riderless buses have been excluded. During this time period, there were a total of 3,689 buses, 358 activity buses and 3,331 school buses, involved in crashes. These crashes involved 59,038 occupants.

The injury statistics confirm that overall, students are well protected in these crashes with almost 90% receiving no injuries. The overall school bus fatality rate of 0.01% and serious injury rate of 0.06% compare very favorably with the fatality rate of 0.17% and serious injury rate of 1.73 for 5 to 15 year old occupants of passenger cars involved in North Carolina crashes during the time period 1992 through June 1998.

The crash and injury statistics do, however, indicate two areas of concern. One is the higher level of fatal plus serious injuries to occupants of activity buses (0.17%) when compared to school buses (0.06%). The second area of concern is the injury rate for rollover and side impact crashes when compared to the front and rear impacts. The fatal plus serious injury rate for activity buses involved in rollovers is 2.23% compared to 0.08% for the front/rear impacts. For the school buses, the rollover fatal plus serious injury rate is 2.10% compared to 0.01% for the front/rear impacts.

This difference in injury rates is to be expected since compartmentalization is designed to provide protection primarily in frontal and rear end impacts can be used to support the argument that seat belts are needed for the side impacts and rollovers. On the other hand, the relatively rare rate of occurrence for rollover crashes (1.3% for all bus crashes) and the low number of injuries (15 fatal plus serious injuries out of 53,000 occupants) can be used to support the argument that the buses are safe enough without seat belts and safety improvements need to target injuries from other sources.

Injuries to Occupants of School Buses Involved in Crashes in North Carolina: 1991-1997
(Drivers and Riderless Buses Excluded)

Bus Type & Crash Type	# Buses		# Riders		Injuries*									
					Fatal		Serious		Moderate		Minor		None	
	#	%↕	#	%↕	#	%	#	%	#	%	#	%	#	%
Activity Bus														
Front/Rear	215	60.1	2,439	52.1	0	0.00	2	0.08	26	1.07	234	9.59	2,177	89.3
Rollover	13	3.6	180	3.8	1	0.56	3	1.67	36	20.00	89	49.44	51	28.3
Side/Other	130	36.3	2,065	44.1	0	0.00	2	0.10	9	0.44	136	6.59	1,918	92.9
Total	358	100	4,684	100	1	0.02	7	0.15	71	1.52	459	9.80	4,146	88.5
School Bus														
Front/Rear	2,117	63.6	35,527	65.4	0	0.00	4	0.01	13	0	3,594	10.12	31,916	89.8
Rollover	35	1.1	525	1.0	0	0.00	11	2.10	28	5.33	291	55.43	195	37.1
Side/Other	1,179	35.4	18,302	33.7	4	0.02	12	0.07	150	0.82	1,561	8.53	16,575	90.6
Total	3,331	100	54,354	100	4	0.01	27	0.05	191	0.35	5,446	10.02	48,686	89.6
Total														
Front/Rear	2,332	63.2	37,966	64.3	0	0.00	6	0.02	39	0.1	3,828	10.08	34,093	89.8
Rollover	48	1.3	705	1.2	1	0.14	14	1.99	64	9.08	380	53.90	246	34.9
Side/Other	1,309	35.5	20,367	34.5	4	0.02	14	0.07	159	0.78	1,697	8.33	18,493	90.8
Total	3,689	100	59,038	100	5	0.01	34	0.06	262	0.44	5,905	10.00	52,832	89.5

* Injuries based on the NC DMV injury scale where: "Fatal" = Killed; "Serious" = Incapacitating (injury serious enough to prevent carrying out normal activities for at least 24 hours, e.g., massive loss of blood, broken bone); "Moderate" = Non-incapacitating (injury other than killed or serious evident at the scene); "Minor" = No visible sign of injury but complaint of pain or momentary unconsciousness; "None" = No injury.

Issues to Address Relevant to the Issue of Seat Belts on School Buses

Based on the information that is known about the potential crash protection benefits of seat belts on large school buses, as well as installation and other operational concerns, there are a variety of issues related to requiring their required installation that should be addressed:

1. FATALITIES AND SERIOUS INJURIES: Compartmentalization has been shown to be effective in reducing injuries in frontal and rear-end crashes, the most common school bus crash types, and seat belts may have little or no effect in these crashes. NC data indicates that the injury rates for rollover and side impact crashes are much higher than for the frontal crashes, but the actual number if fatal and serious injuries are small. The essential question that must be addressed is if the number of injuries in rollovers and side impact crashes justify the cost of installing seat belts on school buses?

2. EFFECTIVENESS OF EXPENDITURES: It is argued that the safety record of school buses is already so good that the additional $1,500 to$2,000 cost per bus to install lap belts could be better spent on other safety measures that address injuries sustained around the bus while loading and unloading. If it determined that choices must be made between increasing safety inside the bus vs. outside the bus, is there any guarantee that adequate funds will be made available and spent effectively to increase safety outside the bus?

3. NO GUARANTEE OF USE: Installing seatbelts in a school bus does not mean that students will use them. Is there justification in requiring the installation of seat belts if there is no requirement for their use?

4. MONITORING: Is it possible, and is it necessary, for the bus driver to monitor use and proper adjustment of seat belts? How could required use of belts be enforced?

5. ASSIGNMENT OF SEAT BELT EQUIPPED BUSES: If seat belts are required on school buses in North Carolina, either by state law or federal mandate, how should the new buses with belts be distributed within a school district? Should it be by following existing replacement policies or should the belt equipped buses be targeted in a systematic manner such as targeting elementary schools first?

6. NO FEDERAL RECOMMENDATIONS OR STANDARDS: There are currently no federal motor vehicle safety standards covering the installation of seat belts on large school buses nor are systems other than lap belts readily available. The National Highway Traffic Safety Administration is currently involved in a study addressing many of the issues involved and have announced that a report will be published in the year 2000. Would it be reasonable and desirable to address these issues after this report is concluded?

7. CURRENT AND PLANNED TRANSPORTATION OF PRESCHOOL CHILDREN IN SCHOOL BUSES: The National Highway Traffic Safety Administration (NHTSA) states that pre-school age children in school buses are safest when transported in child safety restraint systems that meet FMVSS 213, Child Restraint Systems, and are correctly attached to the seats. Based on its research, NHTSA recommends pre-school age children transported in school buses always be transported in properly secured child safety restraint systems. To what extent are preschool children transported in school buses to what degree is the State of North Carolina following NHTSA recommendations for the transportation of preschool children?

School Bus Safety: Safe Passage For America's Children

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EXECUTIVE SUMMARY

School bus transportation is one of the safest forms of transportation in the United States. Every year, approximately 440,000 public school buses travel approximately 4.3 billion miles to transport 23.5 million children to and from school and school related activities. Each year on average 11 passengers, under the age of 19, die in school bus related crashes. While each of these fatalities is tragic, it should be noted that the number of fatalities among school bus occupants are small when compared to those in other types of motor vehicles. For example in 1996, 5,495 children under the age of 19 died as passengers or drivers in all other types of motor vehicles.

This excellent safety record not withstanding, NHTSA believes that school transportation should be held to the highest levels of safety, since such transportation involves the Nation's most precious cargo--children who represent our future. NHTSA has developed a comprehensive school bus safety program which is based on lessons learned from school bus crashes and related injuries and fatalities. This comprehensive program follows the principles embodied in the Haddon Matrix and addresses safety from all aspects, placing priority on the human, vehicle and environmental factors that pose the greatest risk of injury to children. Countermeasures for crash prevention, means to mitigate injury during the crash and ensuring maximum potential for survivability post crash have all been explored.

School bus pedestrian fatalities account for the highest number of school bus related fatalities each year. There are about 26 such fatalities per year, about two thirds of which involve the school bus itself and about one-third of which involve motorists illegally passing a stopped school bus. In its 1989 report National Academy of Sciences (NAS) stated that since children are at "greater risk of being killed in school bus loading zones (i.e., boarding and leaving the bus) than in the bus, a larger share of the school bus safety effort should be directed to improving the safety of school bus loading zones." NHTSA agrees with the recommendations of the NAS study and has worked to educate school bus operators, students and other motorists about safe behaviors that reduce their risks of being involved in a school bus related pedestrian crash. School bus driver training for both new and experienced drivers has been developed by NHTSA. Funding was provided to the states for driver training. Several educational pedestrian safety programs have been developed, which teach children how to safely walk to and from the bus stop and how to safely enter and exit the bus. Informational materials for motorists on safe driving practices in and around school bus zones have been developed and distributed. The agency encourages police enforcement of safe driving practices. NHTSA has established Federal Motor Vehicle Safety Standards (FMVSS) requiring all school buses to have red and amber signal lamps and stop arms which indicate the bus is loading\unloading passengers and rear and side view mirrors that allow the driver to see areas in front of and along both sides of the school bus. Together these devices provide ways to make the vehicle more noticeable resulting in avoidance of potential crashes.

To address the safety of passengers inside the school bus in the event of a crash NHTSA has established many FMVSS's to make the school bus stronger and enable it to better protect occupants. Three standards, which address rollover protection, body joint strength, and passenger seating, are unique to school buses. Another six standards have additional requirements that provide for the protection of school bus passengers. Still other standards, which address the brakes, tires, fuel system integrity and other safety related systems, ensure that school buses have the highest level of safety when it comes to avoiding a crash in the first place or enhancing survivability after a crash. Compliance tests are conducted to assure that all

these standards are met by vehicle manufacturers. Reported safety defects are investigated and, when warranted, recalls are conducted.

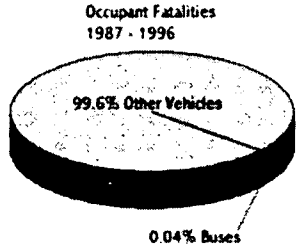
The primary means of occupant protection for large school buses is a concept known as compartmentalization -- strong, well padded , well anchored, high backed, evenly spaced seats. Even though compartmentalization has proven to be an excellent concept for injury mitigation, the agency has initiated a research program to develop the next generation of occupant protection for school bus passengers. This comprehensive program will evaluate alternative occupant crash protection systems in controlled laboratory tests that represent the types of real world school bus crashes that produce injuries to passengers. A key component of this program will necessarily be a thorough search for better crash data. Existing state and school systems records will be searched for documentation on school bus crashes involving fatalities/injuries and specific crashes in which seat belts were used. Those crash data will be vital to defining the test conditions that best simulate the most injurious school bus crashes. Alternative systems will be tested and evaluated for their ability to protect the full range of bus occupants without unduly reducing occupant capacity of the bus or restricting emergency egress. If it is determined that all these criteria can be met, the agency will consider upgrading its occupant protection standards.

NHTSA is committed to working with our partners -- states, communities, pupil transportation associations, and manufacturers to assure that school transportation continues to be the safest form of transportation in the country.

Introduction to School Bus Safety

The National Highway Traffic Safety Administration (NHTSA) is dedicated to saving lives, preventing injuries, and reducing economic costs from traffic crashes. The past several decades have witnessed dramatic reductions in the number of people killed and injured on the nation's highways. Part of this success can be attributed to NHTSA's expanded safety partnerships, increased focus on crash injury, and the provision of educational tools for safety advocates.

Every year, approximately 440,000 public school buses travel about 4.3 billion miles to transport 23.5 million children to and from school and school-related activities. The school bus occupant fatality rate of 0.2 fatalities per 100 million vehicle miles traveled (VMT) is much lower than the rates for passenger cars (1.5 per 100 million VMT) or light trucks and vans (1.3 per 100 million VMT).



In the 10 year period, 1977 to 1986, an average of 12 school bus occupants and 47 pedestrians, under the age of 19, were killed annually in school bus related crashes. The number decreased in the last 10 year period, 1987 to 1996, to an average of 10 school bus occupants and 25 pedestrians. **Pedestrian fatalities (while loading and unloading school buses) account for approximately three times as many school bus-related fatalities, when compared to school bus occupant fatalities.** While each of these fatalities is tragic, the numbers are small when compared to the average number of occupants under the age of 19 killed in other motor vehicle crashes (6,118) over the past 20 years. **School buses have been and remain the safest form of highway transportation.**

NHTSA's General Estimates System (GES) provides insight into the number of passenger injuries in school bus crashes. GES estimates from 1988 to 1996 indicate that there are approximately 8,500 injuries in school buses each year. The overwhelming majority of these injuries, approximately 7,285 would be considered minor, 885 would be considered moderate, and the remaining 350 would be considered serious to critical.

These numbers do not fluctuate widely from year to year, as some suggest. This data system provides reliable crash information based on proven statistical methods that provide analysis of injuries to occupants in school buses.

NHTSA has developed a comprehensive school bus safety program based on school bus crashes and related injuries and fatalities. This comprehensive program follows the principles embodied in the Haddon Matrix and addresses school bus safety from the human, vehicle, and environmental aspects looking at countermeasures for crash prevention, means to mitigate injury during the crash and ensuring maximum potential for survivability post crash. While the agency's program addresses all aspects of school bus safety, it has focused on the greatest threat to school age passengers, pedestrian safety in the school bus loading zone. This focus on loading zone safety has been on both the vehicle side and the human side. NHTSA has established Federal Motor Vehicle Safety Standards (FMVSS) requiring all school buses to have red and amber signal lamps and stop arms which indicate the bus is loading/unloading passengers and rearview mirrors that allow the driver to see areas (and thus, small children) in front of and along both sides of the school bus. Together, these devices provide ways to make the vehicle more noticeable, thereby helping avoid potential crashes. The agency also recommends all school buses be painted school bus yellow. The use of a uniform color makes school buses easily recognizable.

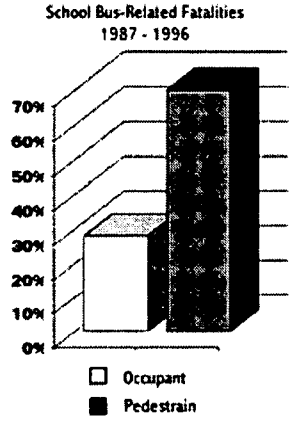
On the human side, NHTSA has worked to educate school bus operators, students, and othermotorists about safe behavior that reduces the risk of being involved in a school bus-related pedestrian crash. School bus driver training for both new and experienced drivers has been developed by NHTSA. Funding was provided to states for driver training. Several educational pedestrian safety programs have been developed by the agency. The programs teach children how to safely walk to and from the bus stop and how to safely enter and exit the school bus. Informational materials informing motorists of safe driving practices in and around school bus zones have been distributed. To address the safety of passengers inside the school bus in the event of a crash, NHTSA has established many FMVSS's that make the school bus stronger and enable it to better protect occupants. Four safety standards are unique to school buses and another six safety standards have special requirements that provide for the protection of school bus passengers. Together, all FMVSS's regulating school buses enable the school bus to provide each passenger a very high level of safety.

NHTSA is committed to providing the nation's school children the safest school transportation possible. Therefore, NHTSA is initiating further research to evaluate new and current school bus occupant protection systems. In addition, the agency plans to expand its current behavioral and vehicular initiatives to continue improving school bus safety.

This report provides a brief history of NHTSA's activities related to school bus safety including behavioral programs and vehicle regulations. It discusses current projects and future agency plans including the research just under way to make recommendations for the next generation occupant protection in school buses.

Behavioral Programs

Data and experience show that children are at much greater risk of being killed as a pedestrian in a school bus loading zone than as a passenger on a school bus. The area surrounding the school bus is commonly referred to as the "Danger Zone" because it is the area where children entering and exiting the school bus are at greatest risk of being hit by a motor vehicle. Over the past 10 years, on average, about three- fourths of school-age children who die in school bus-related crashes each year are pedestrians.



Educating children on how to be safe pedestrians is fundamental to school bus safety. Beginning with their first step onto a school bus, children must learn how to safely arrive at the school bus stop, board the bus, behave during the bus ride, and exit the bus.

School bus drivers also play a critical role in the safety of school bus passengers. School bus driver training is central to the development of the skills and knowledge needed to safely transport students. Strong licensing requirements (administered by Federal Highway Administration and the states) ensure drivers possess the skills they need to safely perform their jobs.

In addition, motorists sharing the road with school buses are often unaware of the effect they have on the safety of school bus passengers. Communities are encouraged to implement educational programs to increase motorists' awareness of their pivotal role in keeping school bus passengers safe.

A. Pedestrian/Occupant Safety

Pupil Education: For more than two decades, NHTSA has been developing and implementing effective programs for addressing pedestrian safety involving pupils in school bus loading zones on the way to and from school. In the mid 1970's, the agency produced and distributed the Willie Whistle educational program. This program, which was updated in the late 1980's, teaches young children (K-3) how to become safer pedestrians. It focuses on the most frequent type of pedestrian crash young children are involved in: darting into the street without stopping or looking. NHTSA also produced Walking With Your Eyes, a pedestrian safety video for older children (grades 4-7). Both of these programs teach safety behavior that directly relates to the children's ability to safely enter or exit a school bus.

In 1995, NHTSA, in partnership with the National Safety Council, developed Walk, Ride, Walk - Getting To School Safely, a comprehensive education program for elementary school children (K-6). The educational package includes teacher lesson plans, educational videos, and support materials for parents and school bus drivers. The program teaches children how to safely walk to and from the school bus stop, board and exit the bus, and safely ride on the bus.

On September 23, 1998, The Partnership for a Walkable America, a coalition of public and private safety organizations, will sponsor the second annual National Walk Our Children to School Day. This program sets aside a day for community leaders, parents and children to walk students to school or their school bus stops and along the way teach pedestrian safety and identify safe travel routes.

Around the same time, NHTSA will release a kid's activity book, Back to School Safely. The book contains a board game, crossword puzzle, songs, and rhymes that teach children how to travel to and from school safely. The booklet addresses the many forms of transportation children use to get to school: school bus, bicycle, pedestrian, and family cars. In addition to these publications, NHTSA has an interactive Web Site that includes the "School Bus Safety Page" which teaches children the essentials of school bus and traffic safety. [http://www.nhtsa.dot.gov/kids/bussafety]

B. Driver/Operator Issues

Training: In 1974, NHTSA published the School Bus Driver Instructional Program. This standardized comprehensive school bus driver training program provided states and local pupil transportation managers with educational materials to teach core skills and knowledge needed by a school bus driver. In 1976, funds under 23 U.S.C. section 406 were made available to all states to conduct school bus driver training, and by 1983, states had expended $33 million.

In fiscal years 1990 and 1991, the Department of Transportation made a total of $4.5 million available to states to implement school bus safety countermeasures. In both years, most states used the funds to support school bus driver training. Other areas supported through this funding included pedestrian and bicycle safety activities related to school transportation, and public information and education measures aimed at urging motorists to observe school-bus-related traffic laws and use caution when in school bus loading zones.

In September 1998, NHTSA will release the newly developed School Bus Driver In-Service Safety Series. This training program will provide pupil transportation managers across the country the lesson plans and materials they need to conduct in-service training for their school bus drivers. The series contains seven modules that can be taught individually or in combination. The topics include driver attitude, student management, highway-rail grade crossing safety, vehicle training, knowing your route, loading and unloading, and transporting infants and toddlers. Additional modules will be developed in association with the pupil transportation community.

In 1996, Operation Lifesaver, Inc., an organization dedicated to reducing collisions, injuries and fatalities at highway-rail grade crossings, produced a training program, The Responsibility Is Ours, for school bus drivers that addresses highway-rail grade crossing safety. The program was created in partnership with NHTSA, Federal Highway Administration, Federal Railroad Administration, Federal Transit Administration, and the pupil transportation industry. The program illustrates the potential dangers school bus drivers face when crossing highway-rail grade crossings and reviews the rules drivers must follow to cross safely.

Licensing: The Federal Highway Administration administers the Commercial Driver's Licensing (CDL) program, which helps to maintain and improve school bus safety by ensuring that drivers of school buses are qualified to operate those vehicles. The program became effective on April 2, 1992. To obtain a CDL, school bus drivers must pass tests to prove they possess the skill and knowledge needed to safely operate vehicles used to transport children to and from school and school-related activities. Each state requires additional school bus specific training for all school bus operators.

Routing: The routing of school bus travel and stops is an important element in keeping passengers safe. When establishing school bus routes, transportation managers must determine the safest routes to use and the safest locations for students to meet the bus. Once

routes are established, it is vital for school bus drivers to report any hazards not identified by the route manager or new hazards that develop on the route (i.e. road construction, flood area, etc.). To help pupil transportation managers establish safe school bus routes, the National Association of State Directors of Pupil Transportation Services, supported by a grant from NHTSA, released a report that school transportation officials can use in developing a system for identifying school bus route hazards. The report provides guidelines on how to develop a localized system for identification of route hazards and notification to regular and substitute drivers of hazards on the routes they drive. The document also reports methods drivers can use to notify officials of new or changing hazards on their bus routes.

C. Motorists Behavior

Stop arm violators/illegal passing: In 1996, NHTSA published the widely distributed brochure entitled Kids, the School Bus and You, which contains a section for motorists explaining the extra precautions they need to take when driving near a school bus stop. It explains when and why a school bus engages its yellow flashing lights, red flashing lights, and stop arm, and what actions a motorist should take when the devices are engaged.

In September 1997, NHTSA provided the Florida Department of Education a grant to support a statewide program to reduce the incidence of motorists illegally passing school buses stopped to load or unload children. This program centers on increasing public awareness and knowledge of the state law requiring motorists to stop before reaching a school bus with its red lights flashing and stop arm deployed. Florida's program contains a law enforcement component that provides for increased enforcement of the law and an easy way for the public to report stop arm violators.

By September 1998, the agency will award four additional grants to support community programs designed to decrease the number of motorists illegally passing school buses. These grants will support one year programs focusing on increasing public awareness of state laws requiring motorists to stop for school buses during loading/unloading, and of the danger children face when motorists do not obey the laws. Each grant program will also support increased law enforcement of state school bus traffic laws.

In 2000, NHTSA will publish the results of the five grant programs together with results other communities have obtained through similar programs. The publication will highlight the techniques each program used and the success they experienced. This publication will be widely distributed to assist other communities in their efforts to address the illegal passing problem.

Vehicle Programs

In the legislative history of the School Bus Safety Amendments of 1974, Congress indicated that school transportation should be held to the highest level of safety, since such transportation involves the Nation's most precious cargo -- children who represent our future. Consistent with the 1974 Congressional mandate for school bus safety, NHTSA has established school bus safety standards requiring higher levels of safety performance for school buses than other passenger vehicles.

As a result of the passage of the National Traffic and Motor Vehicle Safety Act of 1966 and the School Bus Safety Amendments of 1974, NHTSA currently has 35 Federal Motor Vehicle Safety Standards (FMVSS) that apply to school buses. (Appendix A) The 1974 amendments directed NHTSA to establish or upgrade school bus safety standards in eight areas: emergency exits, interior occupant protection, floor strength, seating systems, crashworthiness of the body and frame, vehicle operating systems, windshields and windows, and fuel systems. As a result of the 1974 amendments, three new motor vehicle safety standards were established and four existing standards were amended.

Today, there are four standards unique to school buses and six standards that have unique requirements specific to school buses. Table 1 below presents a summary of these safety standards and a brief description of those requirements.

TABLE No 1: SAFETY ENHANCEMENTS OF SCHOOL BUSES

Standard No. 105:	Hydraulic Brake System -- Requires school buses utilizing hydraulic brakes to stop in shorter distances.
Standard No. 108:	Lamps, Reflective Devices and Associated Equipment -- Requires red and amber signal lamps, which indicate which indicate the bus is loading/unloading passengers.
Standard No. 111:	Rearview Mirrors -- Requires the driver be able to see either directly or through a system of mirrors certain areas in front of and along both sides of the school bus.
Standard No. 131:	School Bus Pedestrian Safety Devices -- Requires a stop arm that extends on the left side of the bus to warn motorist when it is loading/unloading passengers.
Standard No. 217:	Bus Emergency Exits and Window Retention and Release -- Requirements that specify means of readily accessible emergency egress make the emergency exits easier for children to use and increased conspicuity, to aid nighttime evacuation.
Standard No. 220:	School Bus Rollover Protection -- Specifies minimum strength requirements for school bus roofs to reduce the likelihood of roof collapse in a rollover, and requires that emergency exits (except roof exits) be operable after the roof is subjected to forces that can be encountered in rollovers.
Standard No. 221	School Bus Body Joint Strength -- Specifies minimum strength requirements for body panel joints to improve the structural integrity of the passenger compartment and to reduce the likelihood of lacerative injuries to occupants caused by the sharp edges of body panels that tear loose in crashes.
Standard No. 222:	School Bus Passenger Seating and Crash Protection -- Specifies seating, restraining barrier, and impact zone requirements for school buses. The standard relies on compartmentalization between well-padded and well-constructed energy absorbing seats to provide occupant protection. Specifies requirements for wheelchair restraint systems.
Standard No. 301:	Fuel System Integrity -- Specifies requirements for the integrity and security of the entire fuel system, including the fuel tanks, fuel pump, fuel delivery system, emission controls, lines, and connections in severe barrier impact crash tests.
Standard No. 303:	Fuel System Integrity of Compressed Natural Gas Vehicles -- Specifies requirements for the integrity and security of the entire fuel system and connections in severe barrier impact crash tests.

NHTSA enforces these standards through its Compliance Test Program. The Office of Vehicle Safety Compliance conducts yearly compliance test programs to assure that school buses meet FMVSS's. There have been numerous recalls to address noncompliances with FMVSS.

A. Pre-Crash Safety

Conspicuity: Highway Safety Program Guideline #17, Pupil Transportation Safety recommends that all school buses be painted "school bus yellow". NHTSA believes that there is a safety advantage to the uniformity of color that makes school buses easily recognizable. A recent rulemaking also requires that all emergency exits have retroreflective tape around the outside perimeter to aid in nighttime rescues.

Stop arms: Standard No. 131, "School Bus Pedestrian Devices" requires stop arms on all school buses and became effective for all new school buses manufactured after September 1992. The standard was modified in May 1994 to allow the use of strobe lights on the stop arms and again modified in May 1998 to allow additional light sources in the legend that flash the word "STOP." This safety standard was implemented to inform motorists to stop for a school bus while loading or unloading school children. This should help reduce the number of children killed by illegally passing motorists.

Mirrors: Effective December 1993, Standard No. 111, "Rearview Mirrors" was amended to require that the driver be able to see either directly, or through a system of mirrors, certain areas in front of and along both sides of the school bus. This gives the driver a better view of those areas and helps reduce the number of children killed by the school bus during loading or unloading. In addition to Standard No. 111, NHTSA has also recently evaluated two Doppler microwave radar-based pedestrian detection systems that are commercially available. It was found to be a promising technology for preventing school bus pedestrian incidents.

School Bus Passenger Seating and Crash Protection: Effective January 1994, FMVSS No. 222, "School Bus Passenger Seating and Crash Protection" was amended to require performance standards for wheelchair tiedowns and occupant restraint systems.

B. Crash

Occupant Protection: During the rulemaking process in the early 1970's, when the school bus safety standards were being established, NHTSA looked carefully at available injury and fatality data, existing research, and public comments submitted to the agency to determine what system of occupant protection should be required in school buses. Research conducted at UCLA in 1967 and 1972 evaluated existing seats used on school buses. That research showed great weaknesses in existing seating systems. Those findings led NHTSA to issue a contract to AMF Corporation to design new, protective school bus seating systems that provided uniform levels of protection to seated occupants ranging in size from a six-year old (46 lbs., 48" in height) to a 50th Percentile male (165 lbs., 5'10" in height).

Recognizing that school bus vehicles are heavier, experience lesser crash forces, and distribute crash forces differently than do passenger cars and light trucks, it was determined that the best way to provide crash protection to children on large school buses was to use a concept called "compartmentalization." This method provides a protective envelope consisting of strong, closely-spaced seats that have energy-absorbing seat backs. Compartmentalization along with the enhanced safety standards such as joint integrity of the bus body panels and the stringent fuel system integrity requirements make school buses the safest vehicles on the road.

Pre-School Age: With the increasing number of pre-school children being transported by school buses, the pupil transportation community asked for guidance on how to safely transport them. Most large school buses do not have seat belts or anchorages for child restraints. NHTSA

recently conducted dynamic tests to evaluate the most beneficial method(s) to transport pre-school aged children, taking into consideration the use of seat belts, child safety seats and available spacing between bus seats. Based on these crash test results, the agency determined, just like in the family car, pre-school age children should be in a child restraint system when they are transported in a school bus. In conjunction with many organizations and groups involved in transporting pre-school age children, NHTSA developed a draft set of guidelines, with the final guidelines scheduled to be released in October 1998. NHTSA's draft guidelines recommend the installation of lap belts or anchorages designed for securing child restraint systems on large school buses. Just as in automobiles, the agency does not recommend pre-school age school bus passengers wear lap belts as an occupant protection device.

Seat Belt Issue: NHTSA has continuously monitored and evaluated school bus crash data and research conducted on school bus occupant protection. The existing data and research have continued to validate the effectiveness of the existing passive occupant protection system on school buses carrying elementary through high school age children. However, the agency will endeavor to substantially upgrade existing data as an integral component of its research program to develop the next generation of occupant protection for school bus occupants. Existing state and school system records will be searched for documentation on school bus crashes involving fatalities/injuries and specific crashes in which seat belts were used. These crash data will be vital to defining the test conditions that best simulate the types of school bus crashes that produce injury to bus occupants.

Studies that have supported the use of compartmentalization for school bus occupant protection include the National Transportation Safety Board's Crashworthiness of Large Poststandard School Buses and the National Transportation Research Board's Special Report 222: Improving School Bus Safety. In a 1987 study of large school bus crashes, the National Transportation Safety Board (NTSB) concluded that most fatalities and injuries to children riding in school buses occurred because those children were in the seats that happened to be directly in line with the crash forces in that particular crash (i.e. a train colliding with a school bus). NTSB stated that seat belts would not have prevented most of the serious injuries and fatalities occurring in school bus crashes.

This work was followed up by the National Academy of Sciences (NAS), which assembled an independent panel of safety experts to study ways of improving school bus safety. In 1989, NAS concluded that the overall potential benefits of requiring seat belts on large school buses were too small to justify a Federal requirement for mandatory installation. NAS also stated that the funds used to purchase and maintain seat belts might be better spent on other school bus safety programs and devices that could save more lives and reduce more injuries. States are free to require the installation of lap belts on their large school buses and currently there are two states that have done so, New York and New Jersey. New York required the installation on all new school buses beginning June 30, 1987, New Jersey passed a law in 1992 requiring installation and use of lap belts on all new large school buses. The agency will be working with these two states in an effort to secure whatever crash data is available to assess the injury reducing potential of lap belts.

Next Generation Safety Systems Research Plan: Even though compartmentalization has proven to be an excellent form of occupant protection, the agency has initiated an extensive research program to develop the next generation occupant protection system. The objective of NHTSA's Research Plan (Appendix B) is to (1) Enhance the current crash data for school buses to better define the types of crashes that produce injury to school bus occupants and to scientifically determine the real-world effectiveness of current Federal requirements for school

bus occupant crash protection, (2) evaluate alternative occupant crash protection systems in controlled laboratory tests that represent the types of real-world school bus crashes, and (3) based on the findings, propose the next generation of occupant protection requirements for school buses. Each system studied must meet all of the following criteria: (1) is likely to reduce the total number of injuries or fatalities associated with school bus crashes, (2) provides protection to the whole range of occupants who are transported in school buses, (3) is technologically feasible (4) reasonable in cost and (5) does not substantially reduce the occupant capacity of school buses or substantially inhibit emergency evacuation.

Planned Research: Research will be conducted in three (3) phases: Phase I - Problem Definition, Phase II - Test Procedure Development, and Phase III - Testing and Validation.

Phase I: Problem Definitionwill consist of analyzing Fatal Analysis Reporting System, General Estimates System and National Automotive Sampling System databases for school bus crashes and corresponding injuries, a literature search for existing school bus related research, identification of safety systems that are currently available or will be in near term, and in-depth special investigations of existing state and school system records on bus crashes involving fatalities/injuries and specific crashes in which seat belts were used. Detailed review of crash data to upgrade existing data to better define crashes that produce injury to occupants.

Phase II: Test Procedure Development will consist of developing test conditions that best simulate the types of crashes that lead to serious injuries, as identified through Phase I research. Crash "pulses" will be developed by conducting full scale school bus crash testing at various impact angles. Using the derived crash pulses, a sled test procedure (crash simulation) will be developed and validated. Design and, if necessary, develop new occupant protection countermeasures by modifying existing systems and components or developing new systems. Preliminary tests to verify the systems will be conducted prior to final sled testing. A sled test matrix to evaluate the new or altered occupant protection systems will be developed.

Phase III: Testing and Validation will consist of testing the various safety systems developed or identified. The types of tests to be conducted will be both static (i.e., FMVSS 222) and dynamic (new sled test procedure). Test results will be analyzed and a final report published.

C. Post Crash Safety

Emergency Exits: Recently, Standard No. 217, "Bus Emergency Exits and Window Release and Retention" was amended to require additional emergency exits on school buses and specify that retroreflective tape be placed around the exterior perimeter of all emergency exits. This became effective for all new school buses manufactured after September 1994. For a typical 66-passenger school bus, this requirement resulted in an additional side door, or two emergency exit windows, and a roof exit.

Fuel System Integrity: Standard No. 301 "Fuel System Integrity" specifies requirements for the integrity and security of the entire fuel system, including the fuel tanks, fuel delivery system, emission controls, lines, and connections in severe barrier impact crash tests. This ensures that fuel systems do not leak when impacted by a 4000 pound rigid face barrier at any point and any angle. One hundred eighty-five thousand buses were recalled in 1992 and another 30,000 buses between 1997 and 1998 for failure to meet the requirements of FMVSS 301, fuel system integrity.

School Bus Body Joint Strength: In March 1991, NHTSA proposed to amend FMVSS No. 221

to remove the exemption for maintenance access panels and make small school buses (GVWR 10,000 pounds) applicable to these requirements. Should a final rule result from this proposal, NHTSA believes that this will reduce 27 to 36 injuries annually.

E. Other Issues

Handrails: In 1991, NHTSA's Office of Defects Investigation began investigating reports of incidents involving students snagging clothing, book bags, and other items on bus handrails as they exited school buses. NHTSA is aware of six fatal incidents and many more non-fatal incidents involving handrail snagging. Since 1993, when NHTSA gave its first public warning about the handrail snagging problem, there have been 35 handrail recalls involving 429,853 school buses from the 1977 through 1997 model years.

NHTSA also took action to notify the public of this potential danger. Beginning in 1993, NHTSA issued press releases alerting the public of the potential of clothing drawstrings and bookbag straps snagging in school bus handrails. Press releases also were sent out in 1994 and 1995. In May 1995, NHTSA broadcast a Video News Release to television stations throughout the nation alerting the public to the handrail snagging problem. One page School Bus Safety Alerts were given to school bus drivers, parents and teachers. Letters were sent to all State school transportation officials warning of handrail snagging problems and consequent recalls in 1993, 1994, and 1995. The Secretary of Transportation wrote to each State Governor telling them of the problem and requesting they make certain each school bus in their state was inspected and if the bus was covered by a recall, fixed.

A variety of formats were used to provide information on how to inspect school buses for defective handrails and on how to get a defective handrail fixed, including the publication This Could Save Your Child's Life, A School Bus Handrail Handbook and an instructional video. In February 1996, the Consumer Product Safety Commission released guidelines for drawstrings on children's clothing to help prevent children from being strangled or getting entangled in a variety of potentially dangerous situations, including handrails.

Use of Nonconforming Vans: New vehicles that carry 11 or more persons that are sold for transporting students to or from school or school related events are required to meet all FMVSSs for school buses. A vehicle is regarded as being sold for use as a school bus if, at the time of sale, it is evident that the vehicle is likely to be significantly used to transport students to or from school or school related events. This applies to school buses sold to public as well as private schools. Thus, a dealer selling a new 12 or 15-passenger van to be used for school transportation must ensure that the van is certified as meeting all school bus FMVSSs.

In addition to investigating and imposing of civil penalties on dealerships that have illegally sold 12-15 passenger vans to schools NHTSA has taken steps to educate the public, pupil transportation industry, and automobile dealerships about the laws governing such sales to school systems. In October 1995 letters were sent to State Directors of Pupil Transportation and State Automobile Dealers Associations explaining the prohibition on selling to school systems, vehicles that seat 11 or more and do not meet school bus Federal Motor Vehicle Safety Standards. Similar letters were sent again in October 1997. At that time letters were also sent to the National PTA and PTA state offices, and the American Automobile Manufacturers Association. Agency staff have also spoken about non-conforming vehicles at many pupil transportation and highway safety conferences.

Within the past two years, NHTSA has investigated allegations that dealers have violated this

requirement. In May 1998, the agency issued a press release announcing the agency had completed investigations into vehicle dealers which illegally sold or leased vans that were used as school buses and obtained civil penalties totaling $14,400 from 10 dealers. The announcement also contained information on how to report a suspected illegal sale or lease of vans that are used in pupil transportation. NHTSA is currently conducting five additional investigations of dealerships reported to have illegally sold vans to school systems. The agency will continue to publicize the safety risks of transporting students in vehicles other than school buses and investigate all violations reported to the agency.

NHTSA strongly recommends that only vehicles meeting Federal school bus safety standards be used to transport school children. Highway Safety Program Guideline 17, Pupil Transportation Safety, specifically recommends that any vehicle designed to carry more than 10 persons and which is used as a school bus comply with all Federal safety standards applicable to school buses at the time the vehicle was manufactured.

Some states do allow the use of non-school bus vehicles to transport students. This is of great concern because students being transported in these vehicles are not receiving the level of protection they are provided in a vehicle that meets all school bus safety standards.

Appendix A. Federal Motor Vehicle Safety Standards Applicable to School Buses

(Items In Bold Are Unique To School Buses)

FMVSS No. 101 - Controls and Displays: Specifies requirements for the location, identification, and illumination of motor vehicle controls and displays.

FMVSS No. 102 - Transmission Shift Lever Sequence, Starter Interlock, and Transmission Braking Effect: Specifies the requirements for the transmission shift lever sequence, a starter interlock, and for a braking effect of automatic transmissions.

FMVSS No. 103 - Windshield Defrosting and Defogging Systems: Specifies requirements for windshield defrosting and defogging systems.

FMVSS No. 104 - Windshield Wiping and Washing Systems: Specifies requirements for windshield wiping and washing systems.

FMVSS No. 105 - Hydraulic Brake Systems: Specifies requirements for hydraulic service brake and associated parking brake systems. Increased the requirements for hydraulic brakes.

FMVSS No. 106 - Brake Hoses: Specifies labeling and performance requirements for motor vehicle brake hose, brake hose assemblies, and brake hose end fittings.

FMVSS No. 108 - Lamps, Reflective Devices, and Associated Equipment: Specifies requirements for original and replacement lamps, reflective devices, and associated equipment.

FMVSS No. 111 - Rearview Mirrors: Specifies requirements for the performance and location of interior and exterior rearview mirrors. Establishes requirements for "crossview" mirror to see in front of and alongside the bus, and that the driver clearly see specific areas to the ground along the sides and around the front of the school bus.

FMVSS No. 113 - Hood Latch System: Specifies the requirement for providing a hood latch system or hood latch systems.

FMVSS No. 116 - Motor Vehicle Brake Fluids: Specifies requirements for fluids for use in hydraulic brake systems of motor vehicles, containers for these fluids, and labeling of the containers.

FMVSS No. 119 - New Pneumatic Tires for Vehicles Other Than Passenger Cars: Specifies performance and marking requirements for tires for use on multipurpose passenger vehicles, trucks, buses, trailers, and motorcycles.

FMVSS No. 120 - Tire Selection and Rims for Motor Vehicles Other Than Passenger Cars: Specifies tire and rim selection requirements and rim marking requirements for use on multipurpose passenger vehicles, trucks, buses, trailers, and motorcycles.

FMVSS No. 121 - Air Brake Systems: Specifies performance and equipment requirements for braking systems on vehicles equipped with air brake systems.

FMVSS No. 124 - Accelerator Control Systems: Specifies requirements for the return of a vehicle's throttle to the idle position when the driver removes the actuating force from the accelerator control system, or in the event of a severance or disconnection in the accelerator control system.

FMVSS No. 131 - School Bus Pedestrian Safety Devices: Specifies requirements for devices that can be installed on school buses to improve the safety of pedestrians in the vicinity of stopped school buses. Applicable to all school buses. Amended May 28, 1998 and now permits light emitting diodes or LED lighting on stop signal arm.

FMVSS No. 201 - Occupant Protection in Interior Impact: Specifies requirements to afford impact protection for occupants.

FMVSS No. 202 - Head Restraints: Specifies requirements for head restraints.

FMVSS No. 203 - Impact Protection for the Driver from the Steering Control System: Specifies requirements for steering control systems.

FMVSS No. 204 - Steering Control Rearward Displacement: Specifies the requirements limiting the rearward displacement of the steering control into the passenger compartment.

FMVSS No. 205 - Glazing Materials: Specifies requirements for glazing materials for use in motor vehicles and items of motor vehicle equipment.

FMVSS No. 207 - Seating Systems: Specifies requirements for seats, their attachment assemblies, and their installation.

FMVSS No. 208 - Occupant Crash Protection: Specifies performance requirements for the protection of vehicle occupants in crashes. **FMVSS No. 209** - Seat Belt Assemblies: Specifies requirements for seat belt assemblies.

FMVSS No. 210 - Seat Belt Anchorages: Specifies requirements for seat belt assembly anchorages.

FMVSS No. 212 - Windshield Mounting: Specifies windshield retention requirements for motor vehicles during crashes.

FMVSS No. 214 - Side Door Strength: Specifies performance requirements for protection of occupants in side impact crashes.

FMVSS No. 217 - Bus Emergency Exits and Window Retention and Release: Specifies requirements for the retention of windows other than windshields in buses, and establishes operating forces, opening dimensions, and markings for push-out bus windows and other emergency exits.

FMVSS No. 219 - Windshield Zone Intrusion: Specifies limits for the displacement into the windshield area of motor vehicle components during a crash.

FMVSS No. 220 - School Bus Rollover Protection: Specifies performance requirements for school bus rollover protection. This standard increases the structural resistance of school buses in rollover-type accidents. This standard only applies to school buses and

covers all styles of school bus.

FMVSS No. 221 - School Bus Body Joint Strength: Specifies requirements for the strength of the body panel joints in school bus bodies. This standard improves the body strength of school buses through increased strength of the joints between panels that comprise the bus body. Applicable to all school buses with a gross vehicle weight rating (GVWR) in excess of 10,000 pounds.

FMVSS No. 222 - School Bus Passenger Seating and Crash Protection: Specifies occupant protection requirements for school bus passenger seating and restraining barriers. This standard provides increased protection to passengers through a series of interior changes known as "compartmentalization" — meaning high-backed, well-padded, and well-constructed seats. This standard only applies to school buses and covers all styles of school bus.

FMVSS No. 301 - Fuel System Integrity: Specifies requirements for the integrity of motor vehicle fuel systems. Establishes fuel system integrity requirements for school buses over 10,000 pounds gross vehicle weight rating (GVWR).

FMVSS No. 302 - Flammability of Interior Materials: Specifies burn resistance requirements for material used in the occupant compartments of motor vehicles.

FMVSS No. 303 - Fuel System Integrity of Compressed Natural Gas Vehicles: Specifies requirements for the integrity of motor vehicle fuel systems using compressed natural gas (CNG),including the CNG fuel systems of bi-fuel, dedicated, and dual fuel CNG vehicles.

FMVSS No. 304 - Compressed Natural Gas Fuel Container Integrity: Specifies requirements for the integrity of compressed natural gas fuel containers used in all motor vehicles.

Appendix B. Research Plan

Phase I: Problem Definition

Analyze existing Department of Transportation databases including the Fatal Analysis Reporting System, General Estimates System, and National Automotive Sampling System for school bus crash information and corresponding injury data.

Perform literature search for existing school bus related crash and occupant protection research.

Issue Federal Register notice asking public for input on school bus occupant protection systems that should be tested and crash pulses that should be used. Perform in-depth special investigations of existing state and school system records on bus crashes involving fatalities/injuries and specific crashes in which seat belts were used.

Phase II: Test Procedure Development

Develop test conditions that best simulate the most injurious school bus crashes identified

through Phase I research.

Develop crash pulses by conducting full scale school bus crash testing at various impact angles.

Develop and validate sled test procedures using the derived crash pulses. Design and if necessary manufacture new occupant protection systems and/or incorporate new components or changes into existing systems. Conduct preliminary tests to verify the systems prior to final sled testing.

Design sled test matrix to evaluate the new or altered occupant protection systems.

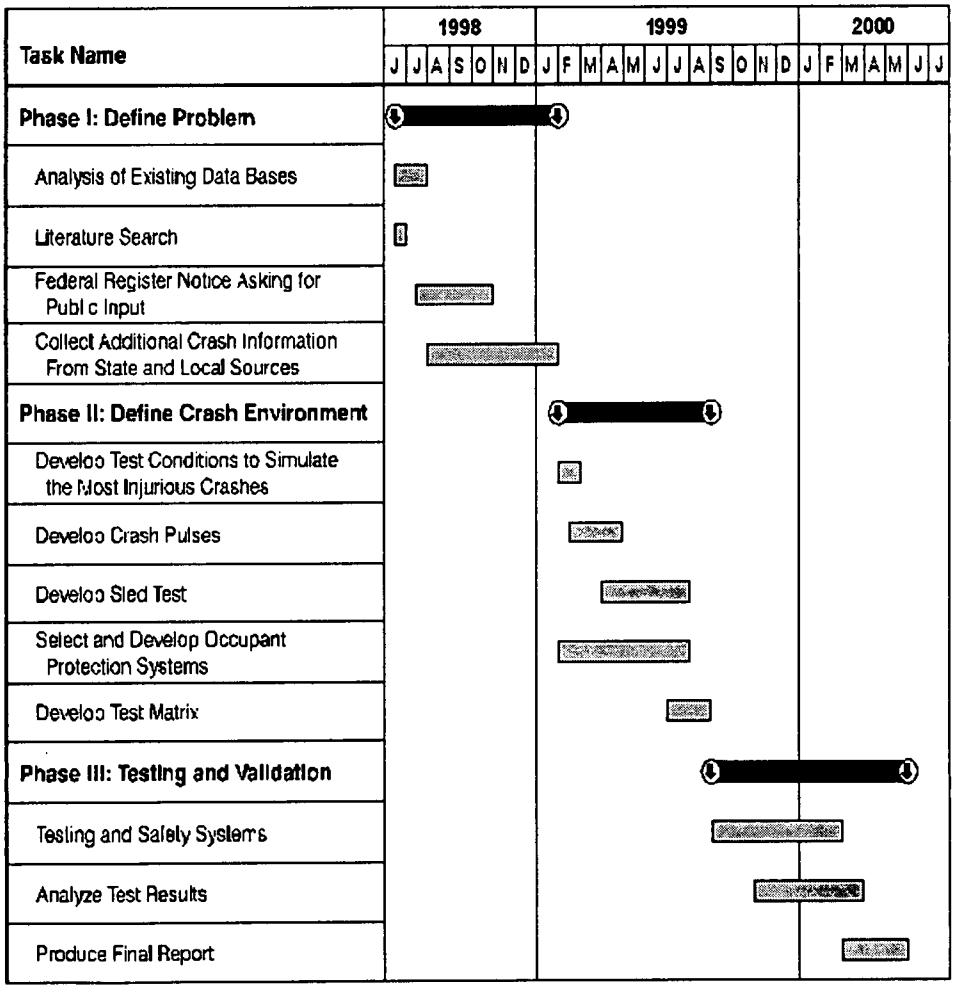
Phase III: Testing and Validation

Test the various safety systems developed /identified. Conduct both static (i.e., FMVSS 222) and dynamic (new sled test procedure) tests.

Analyze test results.

Produce final report.

Appendix B. Research Plan



Responses to Questions from Legislators Regarding HB – 355 Posed on 03/25/99

The Department of Public Instruction (DPI) provides start-up funds to school districts for the purchase of new school buses. A school district purchases buses for its expanded fleet, thereafter DPI replaces the buses. Activity buses are purchased by the school districts from their funds. (Chapel Hill-Carrboro Schools System Transportation Department; Sara Kamparth, Legislative Analyst, NC General Assembly)

Average expenditure for a new 66- passenger school bus is approximately $50,000. Equipping a new school bus would cost approximately $2,000. (Alan Ross, National Coalition for School Bus Safety)

Retrofitting of older school buses has not been seriously considered during the past 12 years. Due to the varying configurations of older buses and the possibility of fatigue in the bus floor. This would prevent passing Federal specifications. Expense would be exorbitant. (Chris Thomas, Thomas Built Buses)

Compartmentalization works very well as protection in frontal and rear collisions if the student is seated correctly. Protection is not afforded in rollovers and on-side crashes. Seat belt usage therefore must be mandatory. (William Hall, UNC Highway Safety Research Center)

To date in 1999 at least 263 children have been injured and 6 have died in school bus accidents in the United States. (Alan Ross)

Egress time for children during submersion or fire in a school bus has been questioned. A large school bus sinks in less than 30 seconds. As a result of a devastating school bus fire in Kentucky a few years ago, diesel and gasoline tanks have been regulated and the tanks are now encased to prevent rupture. (Michigan Star II)

Data on deaths and injuries are contained in the following text and attached table for both activity buses and regular school buses during a 6-year period, 1991 – 1997:

In an effort to determine the extent of injuries sustained by school bus occupants in North Carolina, the UNC Highway Safety Research Center obtained school bus crash data contained in the NC Division of Motor Vehicles (DMV) accident files for the calendar years 1991 through 1997. The attached table presents injury data only for school bus occupants in the NC DMV data. School bus drivers and riderless buses have been excluded. During this time period, there were a total of 3,689 buses, 358 activity buses and 3,331 school buses, involved in crashes. These crashes involved 59,038 occupants.

The injury statistics confirm that overall, students are well protected in these crashes with almost 90% receiving no injuries. The overall school bus fatality rate of 0.01% and serious injury rate of 0.06% compare very favorably with the fatality rate of 0.17% and serious injury rate of 1.73 for 5 to 15 year old occupants of passenger cars involved in North Carolina crashes during the time period 1992 through June, 1998.

The crash and injury statistics do, however, indicate two areas of concern. One is the higher level of fatal plus serious injuries to occupants of activity buses (0.17%) when compared to school buses (0.06%). The second area of concern is the injury rate for rollover and side impact crashes when compared to the front and rear impacts. The fatal plus serious injury rate for activity buses involved in rollovers is 2.23% compared to 0.08% for the front/rear impacts. For the school buses, the rollover fatal plus serious injury rate is 2.10% compared to 0.01% for the front/rear impacts.

This difference in injury rates is to be expected since compartmentalization is designed to provide protection primarily in frontal and rear end impacts can be used to support the argument that seat belts are needed for the side impacts and rollovers. On the other hand, the relatively rare rate of occurrence for rollover crashes (1.3% for all bus crashes) and the low number of injuries (15 fatal plus serious injuries out of 53,000 occupants) can be used to support the argument that the buses are safe enough without seat belts and safety improvements need to target injuries from other sources. (William L. Hall, Staff Associate, UNC Highway Safety Research Center).

Compiled by Libby Read
Child Advocate, Interfaith Council for Social Service
Chapel Hill, NC

Injuries to Occupants of School Buses Involved in Crashes in North Carolina: 1991-1997
(Drivers and Riderless Buses Excluded)

Bus Type & Crash Type	# Buses		# Riders		Injuries*									
					Fatal		Serious		Moderate		Minor		None	
	#	%↕	#	%↕	#	%	#	%	#	%	#	%	#	%
Activity Bus														
Front/Rear	215	60.1	2,439	52.1	0	0.00	2	0.08	26	1.07	234	9.59	2,177	89.3
Rollover	13	3.6	180	3.8	1	0.56	3	1.67	36	20.00	89	49.44	51	28.3
Side/Other	130	36.3	2,065	44.1	0	0.00	2	0.10	9	0.44	136	6.59	1,918	92.9
Total	358	100	4,684	100	1	0.02	7	0.15	71	1.52	459	9.80	4,146	88.5
School Bus														
Front/Rear	2,117	63.6	35,527	65.4	0	0.00	4	0.01	13	0	3,594	10.12	31,916	89.8
Rollover	35	1.1	525	1.0	0	0.00	11	2.10	28	5.33	291	55.43	195	37.1
Side/Other	1,179	35.4	18,302	33.7	4	0.02	12	0.07	150	0.82	1,561	8.53	16,575	90.6
Total	3,331	100	54,354	100	4	0.01	27	0.05	191	0.35	5,446	10.02	48,686	89.6
Total														
Front/Rear	2,332	63.2	37,966	64.3	0	0.00	6	0.02	39	0.1	3,828	10.08	34,093	89.8
Rollover	48	1.3	705	1.2	1	0.14	14	1.99	64	9.08	380	53.90	246	34.9
Side/Other	1,309	35.5	20,367	34.5	4	0.02	14	0.07	159	0.78	1,697	8.33	18,493	90.8
Total	3,689	100	59,038	100	5	0.01	34	0.06	262	0.44	5,905	10.00	52,832	89.5

* Injuries based on the NC DMV injury scale where: "Fatal" = Killed; "Serious" = Incapacitating (injury serious enough to prevent carrying out normal activities for at least 24 hours, e.g., massive loss of blood, broken bone); "Moderate" = Non-incapacitating (injury other than killed or serious evident at the scene); "Minor" = No visible sign of injury but complaint of pain or momentary unconsciousness; "None" = No injury.

Excerpted from : **North Carolina School Bus Crash Data and Issues Related to Seat Belts on Large School Buses**

Prepared by: William L. Hall, Staff Associate
University of North Carolina Highway Safety Research Center

Concerns Regarding Pre-Schoolers Riding on School Buses

An emerging safety issue concerns pre-schoolers riding on school buses not equipped with seat belts so that child restraint systems can be used. Preschool children past age 2 are not being restrained.

The National Highway Transportation Safety Administration recommends that pre-school age children be transported in a Child Safety Restraint System (CSRSs) that is suitable for the child's weight and age and meets applicable Federal Motor Vehicle Safety Standards (FMVSSs).

The North Carolina Child Passenger Safety Law (G.S. 20-137.1) states that each child less than age 12 be in age proper restraints. G.S. 110-91 provides an exemption for when children over two years of age are transported in vehicles not required by Federal or state law to be equipped with seat restraints (Ann M. Ringland, Governor's Highway Safety Program)

Thomas Built Buses, High Point, NC has developed a system for restraining pre-schoolers (MOM'S) that can be installed on a school bus. The system includes a special seat with one child carrier (price = $350); or a seat with two carriers (price = $475).

Busbelts Development Corporation, Norwood, MA, is developing two systems with 3-point restraints which allegedly may be used for both smaller and larger children. Prices range for $90 to $280.

Compiled by Libby Read
Child Advocate, Interfaith Council for Social Service
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March 30, 1999

State of North Carolina
Senator Eric Miller Reeves (Senate bill S446)
Representative Jane H. Mosley (House bill H355)
Legislative Building
Raleigh, NC 27601-1096

Dear Senator Reeves and Representative Mosley;

I would like to register my comments about your pending bill that calls for seat belts on school buses. I'm glad to see North Carolina consider the enactment of a seat belt law for school buses that mirrors your current law for all other motor vehicle passengers.

Quick Background:

My name is Gary Murphy and I'm the CEO of Busbelts Development Corporation, we were founded in 1995 with a team of engineers and business consultants. The question of how to best protect our children on school buses inspired our research and development. We market a self adjusting two-point (lap belt) and three-point (shoulder & lap) seat belt restraint system for school buses seats. I am not going to elaborate on our two and three-point restraint systems other than to mention that our systems have met or exceeded all federal motor vehicle safety standards in independent testing.

Unfortunately in the first three months of 1999, over 263 children were injured and 6 children died in school bus accidents here in the United States. Yet our nation is aware that seat belts reduce or eliminate injuries and prevent deaths. That fact is re-enforced by the seat belt law that you have voted into effect for all motor vehicle passengers on the roads here in NC. Unfortunately to children, using seat belts is something only mom and dad or grownups make them do. They don't have to wear them on school buses and often that behavior carries over to when they get into their own cars.

Industry Arguments:

The arguments against seatbelts on school buses often defy logic. Our buses rely on compartmentalization, where the seat backs absorb and deflect the body's forces during a frontal or rear crash. Therefore **compartmentalization** offers little to **no protection or safety from a side impact** or crash; either a direct side impact or an accident involving side deflection; nor from an impact with an equal or larger size vehicle; nor any protection from significant bounces or bumps; and there is absolutely no protection in the event of a rollover accident. Unfortunately you can't buy or operate a car today without belts so we have no comparable safety data but compartmentalization offers good padding and body deflection when the crash forces are only from the front or rear.

The most popular argument against installing seat belts is their **cost**, which was also popular over 30 years ago when the auto industry stated that they were not necessary. However the cost of our three-point restraint system is **$2.50** per student - per year (our

two-point system is only $1.50 per), I haven't met a parent or a legislator that's told me that's simply too much to spend to protect our most precious resource, children. Another argument is the increase in egress times during the tragic event of a fire or submersion. What you may be unaware of is that a large **bus sinks in less than 30 seconds** (Michigan STAR II study), and the diesel (which is requires a higher flash temperature) or gas tanks have been regulated and encased to prevent rupture.

What data calls for belts on Buses?

There are several other facts that must be represented when states evaluate seatbelts for school buses. The leading factor is a study at UCLA that was funded by NHTSA in 1967, which concluded **over 30 years** ago by **recommending seat belts on school buses**. On January 13th, 1999 Jim Hall (Chairman of the National Transportation and Safety Board) told the USA Today: ***"We still investigate crashes where students are tragically thrown from the bus or tossed around in the bus and are killed or seriously injured...."*** Yet seat belt technology can stop many unnecessary injuries.

In 1998 the National PTA issued the attached resolution calling for their members to urge their school boards to install seat belts on school buses. Since the UCLA study there have been other national organizations that have also lobbied their support for these restraints, they include: American Academy of Pediatrics, American Academy of Orthopedic Surgeons, American College of Preventative Medicine, Physicians for Automotive Safety and the Center for Auto Safety. The National Coalition for School Bus Safety has also asked their membership to lobby for the installation of seat belts on school buses.

Dr. Alan Ross of the National Coalition testified with me recently, to the Connecticut Transportation Committee regarding their bill calling for seat belts on school buses. In that testimony he stated that seat belts are required by federal regulation in all school buses under 10,000 GVW and in all New York and New Jersey buses and yet there has **not been a single report of a child injury lawsuit resulting from belt use**.

The information you need to make your decision comes from what you and I do everyday. I could bombard you with study and test data (available upon request), but you know what the right thing to do is **when you drive your child**, or grand child to the corner store. **You likely buckle them up**. Would the NC legislature and 49 other states pass laws requiring belts and fining people for not using them if they had no value? Not buckling yourself in because your car or truck is bigger than most other cars (and hoping that you're not struck from an angle) is not a good enough reason to keep you from receiving a ticket here in North Carolina and it's not an intelligent choice.

I think you know what the right thing to do is and I certainly hope that North Carolina follows other pre-emptive states like NY and NJ who have already passed this type of law - taking a stance to **prevent unnecessary injuries before they happen**.

Sincerely,

Gary H. Murphy
CEO - Busbelts Development Corporation

Volume Quote





Busbelts Development
61 Endicott Street, Building 26
Norwood, MA 02062
Phone: 617-489-8820
Fax: 617-249-0362
E-mail: Sales@busbelts.com
URL: www.busbelts.com

PURCHASE ORDER NO.	Sample
ORDER DATE	XX
TERMS	see attached
F.O.B.	
SHIPPED VIA	

SOLD TO:

Customer xx
Address
City, State Zip

SHIPPED TO:

Same as above xx

QUANTITY	UNIT	DESCRIPTION	UNIT PRICE	AMOUNT
1	2pt- 3 perso	self adjusting lap Retractor Syste	$90.00	$90.00
1	3pt- 2 perso	NEW Seat w/3pt belts for two	$245.00	$245.00
1	3pt- 3 perso	NEW Seat w/3pt belts for three	$280.00	$280.00

Items 2 through 3 represent entirely NEW school bus seats for use as replacement seats or for use in new buses

SUBTOTAL	$615.00
TAX	
FREIGHT	
TOTAL	$615.00

Send Correspondence To:

Name xx
Company Name
Address
State
Phone

Questions concerning this purchase order?

Sample Volume Quotation

Busbelts Quotation requires attached terms and conditions

Volume contract needed, Valid for 30 days

APPROVED BY

DATE

Guideline for the Safe Transportation of Pre-school Age Children in School Buses

National Highway Traffic Safety Administration
February 1999

Introduction

School age children transported in school buses are safer than children transported in motor vehicles of any other type. Large school buses provide protection because of their size and weight. Further, they must meet minimum Federal motor vehicle safety standards (FMVSSs) mandating compartmentalized seating, improved emergency exits, stronger roof structures and fuel systems, and better bus body joint strength.

As more pre-school age children are transported to school programs, often in school buses, the public is increasingly asking the National Highway Traffic Safety Administration (NHTSA) about how to safely transport them. To help answer these questions, NHTSA conducted crash testing of pre-school age size dummies in school bus seats. The test results showed that pre-school age children in school buses are safest when transported in child safety restraint systems (CSRSs) that meets FMVSS 213, Child Restraint Systems, and are correctly attached to the seats.

Based on its research, NHTSA recommends pre-school age children transported in school buses always be transported in properly secured CSRSs. In partial response to questions from school (and child care) transportation offices, this Guideline seeks to assist school and other transportation managers in developing and implementing policies and procedures for the transportation of pre-school age children in school buses.

Note: The proper installation of CSRSs necessitates that a school bus seat have safety belts or other means of securing the CSRS to the seat. NHTSA recommends that lap belts or anchorages designed to meet FMVSS 225, Tether Anchorages and Child Restraint Anchorage Systems, be voluntarily installed to secure CSRSs in large school buses.

RECOMMENDATIONS FOR THE TRANSPORTATION OF PRE-SCHOOL AGE CHILDREN IN SCHOOL BUSES

When pre-school age children are transported in a school bus, NHTSA recommends these guidelines be followed:

(1) Each child should be transported in a Child Safety Restraint System (suitable for the child's weight and age) that meets applicable Federal Motor Vehicle Safety Standards (FMVSSs).

(2) Each child should be properly secured in the Child Safety Restraint System.

(3) The Child Safety Restraint System should be properly secured to the school

bus seat, using anchorages that meet FMVSSs.

Child Safety Restraint System Defined

A Child Safety Restraint System is any device (except a passenger system lap seat belt or lap/shoulder seat belt), designed for use in a motor vehicle to restrain, seat, or position a child who weighs less than 50 pounds.

Child Safety Restraint Systems Guideline

1. Child Safety Restraint System Specifications

The provider of the CSRS should ensure:

Each pre-school age child to be transported has a CSRS appropriate for the child's weight, height, and age.

Each CSRS meets all applicable FMVSSs (look for the manufacturer's certification on the label attached to the system).

Each CSRS has been registered with the CSRS's manufacturer to facilitate any recalls the manufacturer might conduct.

If the CSRS is the subject of a recall, any necessary repairs or modifications have been made to the manufacturer's specifications.

Each CSRS is maintained as recommended by its manufacturer, including disposal of any CSRS that has been involved in a crash.

2. Proper Securement

The transportation provider should ensure:

The CSRS is used and secured correctly in the school bus.

Each child is secured in CSRSs according to manufacturer's instructions.

All CSRS attachment hardware and anchorage systems meet FMVSS 210, Seat Belt Assembly Anchorages or FMVSS 225, Tether Anchorages and Child Restraint Anchorage Systems.

School bus seats designated for CSRSs meet FMVSS 225, or include lap belts that meet FMVSS 209, Seat Belt Assemblies, and anchors that meet FMVSS 210 (designed to secure adult passengers or CSRS).

Personnel responsible for securing CSRSs onto school bus seats and children into

CSRSs are properly trained and all personnel involved with CSRSs are provided up-to-date information and training.

When transported in the school bus, pre-school age children are supervised according to their developmental and functioning level.

3. School Bus Seats Designated for Child Safety Restraint Systems

The transportation provider should ensure:

School-bus seats designated for CSRSs are located starting at the front of the vehicle to provide drivers with quick access to and a clear view of the CSRS occupants.

CSRS anchorages on school bus seats should meet all applicable FMVSSs.

When ordering new school buses, the maximum spacing specified under FMVSS No. 222, School Bus Passenger Seating and Crash Protection, (within 24 inches from the seating reference point) is recommended for seats designated for CSRSs to provide adequate space for the CSRSs.

The combined width of CSRS and/or other passengers on a single seat does not exceed the width of the seat.

If other students share seats with the CSRSs, the CSRSs are placed in window seating position.

4. Retrofitting School Buses

The transportation provider should ensure:

Existing school bus seats should only be retrofitted with lap belts or child restraint anchorages as instructed by the school bus manufacturer.

When a school bus is retrofitted with a seat to allow for proper securement of a CSRS, instructions obtained from the school bus or seat manufacturer on how to install the seat and restraint systems should be followed.

When a school bus is retrofitted, the bus owner should ensure that seat spacing is sufficient for the CSRS to be used.

5. Evacuation

The transportation provider should ensure:

The establishment of a written plan on evacuating pre-school age children and other passengers in CSRSs in the event of an emergency. This written plan should be provided to drivers, monitors, and emergency response personnel. The plan should explicitly state how children (both in and out of the CSRS) should be evacuated from the school bus.

Evacuation drills are practiced on a scheduled basis, at least as often as that required for the school system's school-aged children.

All personnel involved in transporting children are trained in evacuation and emergency procedures, including those in the written school bus evacuation plan.

All school buses carrying children in CSRSs carry safety belt cutters that are accessible only to the driver and any monitors.

CSRSs are not placed in school bus seats adjacent to emergency exits.

Local emergency response teams are provided copies of the written school bus evacuation plan, including evacuation of pre-school age children. Emergency response personnel should be invited to participate in evacuation drills.

6. Other Recommendations

The school transportation provider should establish a policy on whether they or the child's guardian must supply a CSRS to be used on a school bus.school bus purchases should be based on the needs of a projected student population, taking into consideration projected ages, sizes, and other characteristics of the students, including any special needs, and whether pre-school age children or medically fragile students will be transported.

Specified procedures should be established for loading and unloading children in CSRSs.

Procedures should be established for the periodic maintenance, cleaning, and inspection for damage of CSRSs. Procedures should be established to train personnel involved in direct service delivery of infants, toddlers, and pre-school children on the physical day-to-day handling of these young children and means to handle potential exposure to contagious and communicable diseases.

When school bus procedures are established, it should be noted that some children in CSRSs may have special needs, including medical fragility, that must be addressed on a child-by-child basis.

Research
Senn
Kingsville

Seat Belts on School Buses

Pros

- Based on the proponents' interpretation of available crash-test and case-study data, seat belts provide improved crash protection and are especially beneficial in side-impacts and rollovers that compartmentalization is not designed to handle.
- In a crash, seat belts will reduce the probability of death and the severity of injuries.
- Seat belts keep students in their seats and can provide a reduction in injuries to out-of-position students.
- Seat belt use can improve passenger behavior and lessen distractions to bus drivers.
- Seat belt use in school buses will provide a carry-over effect helping to remind students to use seat belts in cars.
- Cost is nominal

Cons

- The majority of school bus-related deaths and injuries do not result from crashes. More children are killed in the danger zone around the school bus and as pedestrians going to and from the school bus stop than as passengers inside the bus. Most school bus-related deaths are to occupants of other vehicles.
- Based on the opponents' interpretation of available crash-test and case study data on less severe crashes, seat belts are harmful and decrease crash protection because a body can jackknife over the belts and send the person's head into the back of the seat in front of them.
- Collisions that result in death or serious injury are often catastrophic crashes involving large trucks or trains where seat belts would not help.

- If the bus caught on fire or was submerged in water, then the evacuation could be hampered if the students are still belted in their seats.
- Installation of seat belts does not guarantee use. Drivers would need to monitor seat belt use and the distraction to school bus drivers would be increased.
- Buses are shared by different schools and used by children of varying sizes so it might be difficult to assure a correct fit for all students
- There is no data to indicate that seat belts would reduce fatalities or injuries
- Compartmentalization has demonstrated that it works over the past two decades
- Funds spent on seal belt installation would be better spent on other safety measures.
- There is no evidence that the use of seat belts in school buses will provide a carry-over effect helping to remind students to use seat belts in cars.
- Injuries can result when seat belts are used as weapons or when children catch their fingers in the seat belts or trip over the seat belts
- The energy of the impact during a collision is absorbed throughout the mass of the bus and therefore lessens the crash force felt by the passengers. Buses weigh 8-10 times more than cars.
- Buses generally travel slower than cars and are highly regulated as to how fast they can travel.
- Children sit above the impact zone where cars typically hit school buses.

Sources: UNC Highway Safety Research Center, School Transportation News (based on their review of opponents' and proponents' position papers and websites)

Kirk of Kildaire
Presbyterian

The Rev. Thomas K. Spence, Jr.
Pastor

The Rev. Joan C. LaFollette
Associate Pastor

Mrs. Barbara Lang
107 Headlands Lane
Cary, NC 27511

Dear Barbara:

I am writing to share my support for your work to get safety belts on school buses in North Carolina. Please let me know how I can help in this effort.

My oldest child is now in Kindergarten at Washington Elementary School in Raleigh -- a Wake County magnet school that attracts many Cary children. When we made the decision to send our daughter to Washington Elementary we made the personal commitment to drive her there at least during her Kindergarten year. We felt she was too young to send on a bus to Raleigh every day, although we were open to sending her on the bus as a first grader. Now we would never consider sending her on the bus.

What I saw on our first day driving my daughter to school almost made me physically ill. As we drove on the outer beltline which has a speed limit of 65 mph we came upon several school buses going the prescribed 45 mph. I saw several cars and trucks come upon these buses at a high rate of speed. They continued to tailgate the buses as they tried to get around to pass. I watched this in horror, seeing the little heads of the children bobbing up and down at the windows of the bus. I wondered if the parents of these children had any idea the danger their children were in on the highway. Only later did I find out the children did not have safety belts on these buses. These parents are surely like my husband and me, always making sure our children are safely buckled in before we drive anywhere. Yet these very same parents are (perhaps unknowingly) sending their children out to be almost "sitting ducks" on the highway in buses with no seat belts.

Over the last few months I have watched over and over again this frightening scene of slow school buses with precious young passengers being tailgated on the highway by all kinds of vehicles. I have said many prayers for the safety of the children on these buses and wondered why no one but me seemed to be worried. I was so thankful to read about your efforts in the state legislature to require seatbelts in all school buses. Please let me know how I can help in your cause.

Gratefully,

Joan LaFollette McCarthy

Joan LaFollette McCarthy
Associate Pastor

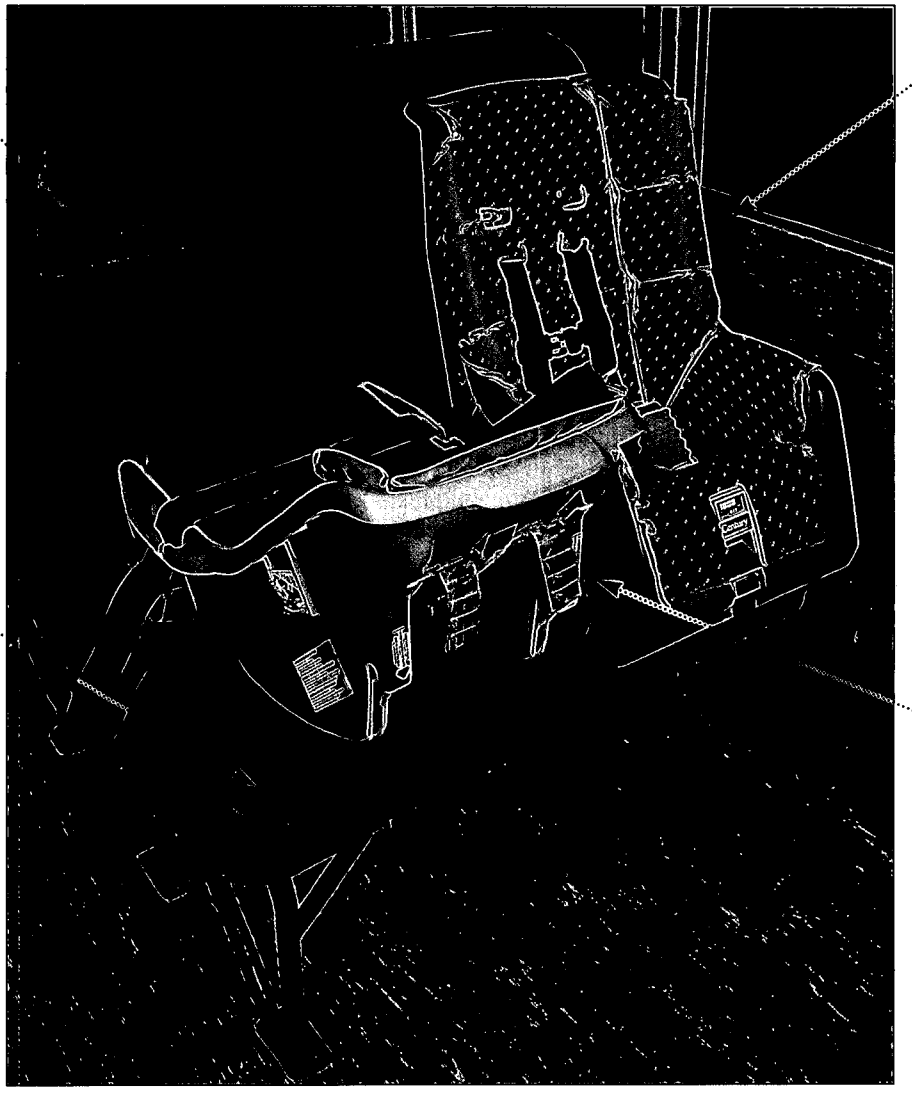
200 High Meadow Drive Cary, N.C. 27511 Office Phone: (919) 467-4944

Infants

- *Birth to 20 lbs., height to 27".*
- *Rear facing operation only.*
- *2 slots for harness adjustment.*
- *Adjustable front harness.*
- *Durable, flame retardant upholstered cushion cleans easily.*
- *Includes restraining belt with dual tension adjusters.*

Restraining Seat

- *Thomas FMVSS 222 Side Rail Mount.*
- *Reinforced brackets for added support.*
- *Available in all compatible colors and styles.*



Toddlers

- *Between 20 and 40 lbs.*
- *Front facing operation only.*
- *2 slots for harness adjustment.*
- *5-point Harness System with soft bellows.*
- *Fixed lower stabilizer bar.*
- *Durable, flame retardant upholstered cushion cleans easily.*
- *Includes restraining belt with dual tension adjusters.*



- *Special dual seat belt sockets for MOMS Child Carrier buckles.*

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The Thomas Built Mobile Occupant Mini-Seat offers the protection and convenience you need at a price that's quite competitive. Most important, our MOMS™ seating system is designed, engineered, and tested for safe performance. It's also the only child carrier system that can be fitted to virtually any new or existing Thomas Built bus.

The Child Carrier shell is made of molded structural plastic, with padded sides for lateral impact protection. A dual-strap system with quick-release buckles locks the carrier to the Thomas Built Restraining Seat. The complete MOMS seating system includes one Restraining Seat and one Century® Child Carrier. Fittings for a second Child Carrier are included with each Restraining Seat.

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VISITOR REGISTRATION SHEET

Education 4-8-99

Name of Committee Date

VISITORS: Please sign below and return to Committee Clerk.

NAME	FIRM OR STATE AGENCY AND ADDRESS
Lloyd Silvey	DMV Charlotte Eastern
Linda Wall	DMV
Stephen Beacham	DPI
Doug White	DPI
Glenn Wells	DHHS / Public Health
Suzanne Williams	NCCC
Ann Bellam	SBE
Jerel Graham	DPI
Andy Jones	WCSR
Sandy Sands	WCSR
Don Reinfurt	UNC Highway Safety Research Center
Thomas Vance Bennet	NCFTF
Michael Rutson	N.C. Consumers Council, Inc.
Millie Jourgine	Laurinburg N.C.
Terran Jackson	Lumberton NC
Gina Jackson	Lumberton, NC
Rica Prater	Lumberton, NC
Wally Jackson	Lumberton, NC
R. K. Prater	Lumberton, NC
Mildred O. Poole	NC PTA
Thad Dean	NCAE

VISITOR REGISTRATION SHEET

Name of Committee | Date

VISITORS: Please sign below and return to Committee Clerk.

NAME	FIRM OR STATE AGENCY AND ADDRESS
Karen Gaul	Governor's Office
Barbara Sims	NC Coalition for Seat Belts on Buses
Jennie Thurlow	Rep. Jane Mosley's Staff
Libby Read	Chief Ady. IFC Chapel Hill
Ed Pickett	NCTDA RTP
Robert M. Freeman	NC TDA RTP
R C Cowan	NCTDA
John Cain	TDA
Richard Wilms	NCMBA
Doug Lassiter	McCless Consulting
Lloyd Throwers	TAPAD
[illegible]	[illegible]
Leslie Breedon	Richmond Community College
Viola M. Grimsley	" " "
J C Lamm	" " "
Betty A. Dorsett	" " "
Joe Grimsley	" " "
H Webb	Lobbyist
VSMC CITS	TDA

MINUTES

HOUSE EDUCATION COMMITTEE MEETING

APRIL 12, 1999

The meeting was called to order by the Co-chair, Rep. Doug Yongue. See attachment of committee members present for the meeting.

Rep. Yongue called on Rep. Gillespie to explain ***HB 93, EXTEND BOND MATCH DEADLINE***. House Bill 93 is a bill that is identical to Senate Bill 115. Rep. Bonner offered the motion for a favorable report to be re-referred to the Committee on Appropriations. The motion passed.

Co-chair Rep. Warner at this time begin to chair the committee. At the last meeting we left off with ***HB 244, STUDENT ON COMMUNITY COLLEGE BOARD.*** Rep. Haire had offered an amendment. Rep. Haire requested that his amendment be withdrawn. The amendment was withdrawn. Rep. McLawhorn was recognized to explain the proposed committee substitute. Motion was made by Rep. Cox to adopt the committee substitute. Motion passed. Rep. Cox offered a motion for a favorable report as to committee substitute, unfavorable as to original bill. Motion passed.

Rep. Warner recognized Rep. Barefoot to explain ***HB 260, COMMUNITY COLLEGE TECH. CHANGES.*** After much discussion Rep. Arnold offered an amendment. The amendment passed. Rep. Yongue moved for a favorable report to House Bill 260 as amended to be rolled into a committee substitute. The motion passed for a favorable report as to committee substitute, unfavorable as to original bill.

Rep. Warner recognized staff to explain a technical amendment to ***HB 273, MODIFY COMMUNITY COLLEGE BOARD MEMBERSHIP.*** Senate Bill 95 is an identical bill. Rep. Thomas was asked to explain the bill. Rep. Jeffus made a motion to adopt the amendment, which was rolled into a committee substitute. Motion passed. Also, Rep. Jarrell made a motion to adopt the amendment for the technical changes, which was rolled into a committee substitute. Motion passed. After much discussion House Bill 273 was displaced for future discussion.

Rep. Warner recognized Rep. Bridgeman to explain ***HB 293, PROPRIETARY SCHOOL/CIVIL PENALTIES.*** Rep. Yongue moved to adopt the committee substitute. Motion passed. After some discussion Rep. Oldham moved for a favorable report to committee substitute, which changes the title, unfavorable to original bill, and to be re-referred to Committee on Finance. Motion passed.

The meeting adjourned.

Rep. Alex Warner, Co-Chair

Rep. Doug Yongue, Co-Chair

Ann Stancil, Legislative Asst.

1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **Warner/Yondue** for the Committee on **EDUCATION**.

☐ Committee Substitute for
H.B. 93 A BILL TO BE ENTITLED AN ACT TO EXTEND FOR ONE YEAR THE DEADLINE FOR MATCHING COMMUNITY COLLEGE BOND FUNDS.

☐ With a favorable report.

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

☐ With a favorable report, as amended.

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

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

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

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

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

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

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

☐ Without prejudice.

☐ With an indefinite postponement report.

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

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

2/24/99

Warner Sess 11

1999 PERMANENT SUBCOMMITTEE REPORT
HOUSE OF REPRESENTATIVES

FOR RECOMMENDING BILLS TO STANDING COMMITTEE OR TO THE FLOOR OF THE HOUSE
The following report(s) from permanent sub committee(s) is/are presented:
By Representative(s) **Joe Tolson** for the Permanent Subcommittee on **Community Colleges** of the Standing Committee on **EDUCATION.**.

☐ Committee Substitute for
H.B. 93 ☒A BILL TO BE ENTITLED AN ACT TO EXTEND FOR ONE YEAR THE DEADLINE FOR MATCHING COMMUNITY COLLEGE BOND FUNDS.

REPORTED TO THE STANDING COMMITTEE ON **EDUCATION.**

RECOMMENDED ACTION:

☒ With a favorable recommendation.

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

☐ With a favorable recommendation, as amended.

☐ With a favorable recommendation, as amended, and recommend that the bill be re-referred to the Committee on .

☐ With an unfavorable recommendation.

☐ With a favorable recommendation as to proposed committee substitute bill which changes the title, unfavorable as to original bill.

☐ With a favorable recommendation as to proposed House committee substitute bill, which changes the title, unfavorable as to Senate committee substitute bill.

☐ Without prejudice.

☐ Other recommended action: _____.

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

Rep. for the Standing Committee on _____.

s/_____

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

2/24/99

FOR JOURNAL USE ONLY

____ Pursuant to Rule 36(b), the bill is placed on the Calendar of _____.

____ The (committee substitute) bill/resolution (as amended,) is (ordered engrossed and) re-referred to the Committee on _____.

____ The bill/resolution is re-referred to the Committee on _____.

____ On motion of (Rep. _____,) (the Chair,) the (committee substitute) bill/resolution is (ordered engrossed and) re-referred to the Committee on _____.

____ Pursuant to Rule 36(b), the (House) committee substitute bill (No. ___)/resolution is placed on the Calendar of _____. (The original bill) (House Committee Substitute Bill No. _____)/ resolution is placed on the Unfavorable Calendar.

____ On motion of Rep. _____, (the rules are suspended) (Rule ____ is suspended) and the bill/resolution is placed on today's calendar. (for immediate consideration.)

____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV____ ____).

____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV____ ____).

____ Rep. _____ offers Amendment No. _____ which (is adopted.) (fails of adoption.) (by EV ____ ____,) ( ) This amendment changes the title.

____ The bill/resolution (, as amended,) passes its second reading (by following vote, ____ ____ RC) (, by EV ____ ____,) and (remains on the Calendar,) (and there being no objection is read a third time).

____ The bill/resolution (, as amended,) passes its third reading (by the following vote, ____ ____ RC) (, by EV ____ ____,) and is ordered
____ sent to the Senate.
____ without engrossment. ____ by Special message.
____ sent to the Senate for concurrence in
_____ House amendment (s).
_____ House committee substitute.
____ enrolled.

____ On motion of Rep. _____, the House concurs in the (material) Senate _____ (by the following vote, ____ ____ RC) (, by EV ____ ____,) and the bill is ordered enrolled.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H 1

HOUSE BILL 93*

Short Title: Extend Bond Match Deadline. (Public)

Sponsors: Representatives Gillespie, Thompson; Buchanan and Justus.

Referred to: Education Subcommittee on Community Colleges, if favorable, Appropriations.

February 17, 1999

A BILL TO BE ENTITLED

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

The General Assembly of North Carolina enacts:

Section 1. Section 6(b)IV of Chapter 542 of the 1993 Session Laws, as added by Section 4 of Chapter 515 of the 1995 Session Laws and rewritten by Section 10(a) of S.L. 1998-212, reads as rewritten:

"IV. If the State Board of Community Colleges determines that a community college has not met the matching requirements of G.S. 115D-31(a)(1) by July 1, ~~1999;~~ 2000, with respect to a capital improvement project for which bond proceeds are allocated in subdivision I or pursuant to subdivision II of this subsection, the Board shall certify that fact to the State Treasurer by October 1, ~~1999.~~ 2000. All of these bond proceeds with respect to which the Board certifies that the matching requirement has not been met by July 1, ~~1999;~~ 2000, shall be placed by the State Treasurer in a special account within the Community Colleges Bond Fund and shall be used for making grants to community colleges. Bond proceeds in the special account shall be allocated among the community colleges in accordance with the following conditions:

(1) The State Board of Community Colleges shall generate, by October 1, ~~1999;~~ 2000, a priority ranking of legitimate community college capital improvement needs using a formula based on objective meaningful factors relevant to capital needs, including space to population ratio, population served ratio, capacity

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

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

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

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

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

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

Section 2. This act becomes effective June 30, 1999.

HOUSE BILL 93:
Extend Bond Match Deadline

BILL ANALYSIS

Committee: House Education
Date: April 6, 1999
Version: 1st Edition

Introduced by: Representative Gillespie
Summary by: Shirley Iorio, PhD
Education Policy Analyst

SUMMARY: ***The bill extends from July 1, 1999 to July 1, 2000 the deadline by which a community college must meet the matching requirements of G.S. 115D-31(a)(1). It extends from October 1, 1999 to October 1, 2000 the deadline by which the State Board of Community Colleges must report to the State Treasurer the names of the community colleges which have not met the matching requirement.***

CURRENT LAW: A special provision in the budget bill (S.L.1998-212, Section 10(a)) extends the matching requirement deadline to July 1, 1999, and the reporting to the State Treasurer of those community colleges which have not met the matching requirement to October 1, 1999.

BACKGROUND: In 1998 there were three community colleges that found it difficult to match the funds by the specified July 1, 1998 deadline. These community colleges were Anson, Mayland, and Tri-County Community College. Therefore, in 1998, the matching requirements deadline was extended for one year to July 1, 1999, and the reporting to the State Treasurer of those community colleges which had not met the matching requirement to October 1, 1999. Anson and Tri-County Community Colleges have met the bond match deadline. However, Mayland Community College still has not matched the funds. This bill gives Mayland Community College until July 1, 2000 to meet the matching requirement.

ADDITIONAL INFORMATION: In 1993, the General Assembly passed legislation which authorized the issuance of general obligation bonds of the State for capital improvements. In November, 1993, there was a favorable vote of a majority of the qualified voters of the State, and the State Treasurer was authorized to issue and sell "State of North Carolina Community College Bonds" not exceeding two hundred fifty million dollars ($250,000,000) to provide funds for grants to community colleges for capital improvements. The matching requirements of G.S. 115D-31(a)(1) apply to the proceeds of Community College Bonds and notes used to make grants to community colleges. To meet the matching requirement, the community colleges may use any prior expenditure of non-State funds for capital construction or land acquisition not already used for matching purposes.

In 1995, the General Assembly passed legislation that provides for the reallocation of the proceeds of community college bonds or notes if matching requirements are not met by July 1, 1998. The 1998 deadline was chosen because, according to the bond attorney, five-seven years is considered a reasonable amount of time to spend the money. The July 1, 2000 and October 1, 2000 deadlines are still within the recommended reasonable amount of time of five-seven years.

The bill becomes effective June 30, 1999.

The bill has been serially re-referred to Appropriations.

H93-SMSF-001

1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **Warner/Yongue** for the Committee on **EDUCATION**.

☐ Committee Substitute for
H.B. 244 A BILL TO BE ENTITLED AN ACT TO ADD A STUDENT MEMBER TO THE STATE BOARD OF COMMUNITY COLLEGES.

☐ With a favorable report.

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

☐ With a favorable report, as amended.

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

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

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

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

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

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

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

☐ Without prejudice.

☐ With an indefinite postponement report.

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

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

2/24/99

1999 PERMANENT SUBCOMMITTEE REPORT
HOUSE OF REPRESENTATIVES

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

By Representative(s) **Joe Tolson** for the Permanent Subcommittee on **Community Colleges** of the Standing Committee on **EDUCATION.**

☐ Committee Substitute for
H.B. 244 ☒ A BILL TO BE ENTITLED AN ACT TO ADD A STUDENT MEMBER TO THE STATE BOARD OF COMMNITY COLLEGES.

REPORTED TO THE STANDING COMMITTEE ON **EDUCATION**

RECOMMENDED ACTION:

☐ With a favorable recommendation.

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

☐ With a favorable recommendation, as amended.

☐ With a favorable recommendation, as amended, and recommend that the bill be re-referred to the Committee on .

☐ With an unfavorable recommendation.

☒ With a favorable recommendation as to proposed committee substitute bill – ~~which changes the title~~, unfavorable as to original bill.

☐ With a favorable recommendation as to proposed House committee substitute bill, which changes the title, unfavorable as to Senate committee substitute bill.

☐ Without prejudice.

☐ Other recommended action: _____.

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

Rep. for the Standing Committee on _____.

s/_____

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

2/24/99

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H D

HOUSE BILL 244
Proposed Committee Substitute H244-PCS6091-RC

Short Title: Student on Comm. Coll. Board/AB. (Public)

Sponsors:

Referred to:

March 4, 1999

A BILL TO BE ENTITLED

AN ACT TO ADD A STUDENT MEMBER TO THE STATE BOARD OF COMMUNITY COLLEGES.

The General Assembly of North Carolina enacts:

Section 1. The introductory language of G.S. 115D-2.1(b) reads as rewritten:

"(b) The State Board of Community Colleges shall consist of ~~20~~ 21 members, as follows:"

Section 2. G.S. 115D-2.1(b) is amended by adding a new subdivision to read:

"(5) The person serving as president of the North Carolina Comprehensive Community College Student Government Association or the president's designee shall be an ex officio member of the State Board. This person must be a student in good standing at an institution of the North Carolina Community College System. The student member shall have all the rights and privileges of membership, except that the student member shall not have a vote."

Section 3. This act becomes effective July 1, 1999.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H D

HOUSE BILL 244
Proposed Committee Substitute H244-PCS7164-RC

Short Title: Student on Comm. Coll. Board/AB. (Public)

Sponsors:

Referred to:

March 4, 1999

A BILL TO BE ENTITLED

AN ACT TO ADD A STUDENT MEMBER TO THE STATE BOARD OF COMMUNITY COLLEGES.

The General Assembly of North Carolina enacts:

Section 1. The introductory language of G.S. 115D-2.1(b) reads as rewritten:

"(b) The State Board of Community Colleges shall consist of ~~20~~ 21 members, as follows:"

Section 2. G.S. 115D-2.1(b) is amended by adding a new subdivision to read:

"(5) The person serving as president of the North Carolina Comprehensive Community College Student Government Association shall be an ex officio member of the State Board. If the president of the Association is unable for any reason to serve as the student member of the State Board, then pursuant to the constitution of the Association, the vice-president of the Association shall serve as the student member of the State Board. Any person serving as the student member of the State Board must be a student in good standing at a North Carolina community college. The student member of the State Board shall have all the rights and privileges of membership, except that the student member shall not have a vote."

Section 3. This act becomes effective July 1, 1999.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H 1

HOUSE BILL 244

Comm. College

Short Title: Student on Comm. Coll. Board/AB. (Public)

Sponsors: Representatives McLawhorn, Tolson; Jeffus, Melton, Mosley, Wainwright, and Warren.

Referred to: Education.

March 4, 1999

A BILL TO BE ENTITLED

AN ACT TO ADD A STUDENT MEMBER TO THE STATE BOARD OF COMMUNITY COLLEGES.

The General Assembly of North Carolina enacts:

Section 1. The introductory language of G.S. 115D-2.1(b) and G.S. 115D-2.1(b)(5) reads as rewritten:

"(b) The State Board of Community Colleges shall consist of ~~20~~ 21 members, as follows:

...

(5) The person serving as president of the North Carolina Comprehensive Community College Student Government Association or the president's designee shall be an ex officio, nonvoting member of the State Board. This person must be a student in good standing at an institution of the North Carolina Community College System."

Section 2. This act becomes effective July 1, 1999.

HOUSE BILL 244:
Student on Comm. Coll. Board/AB

BILL ANALYSIS

Committee:	House Educaqtion	**Introduced by:**	Representative McLawhorn
Date:	April 12, 1999	**Summary by:**	Shirley Iorio, PhD
Version:	PCS for 1st Edition H244-CSRC-001.2		Education Policy Analyst

SUMMARY: ***The bill increases the State Board of Community Colleges' membership from 20 to 21 by adding a student member. The president of the North Carolina Comprehensive Community College Student Government Association will be an ex officio, nonvoting member of the State Board. If the president can not serve, the Vice President of the Association shall serve. Any person serving as the student member of the Board must be a student in good standing at a NC Community College. .***

CURRENT LAW: There are currently 20 members on the State Board of Community Colleges, none of whom is a student.

BILL ANALYSIS: The State Board of Community Colleges will have a student member, as does the UNC Board of Governors. The bill adds a new subdivision to G.S. 115D-2.1(b), which makes the student an ex officio, nonvoting member of the State Board. As a result of membership on the Board, the student is eligible for the per diem for each day of service and reimbursement for travel expenses. Currently, there is a student who attends the Board meetings, but is not statutorily a member and, therefore, does not qualify for the reimbursement for travel expenses or the per diem rate of $15 per day of service.

The bill becomes effective July 1, 1999.

1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **Warner/Yongue** for the Committee on **EDUCATION**.

☐ Committee Substitute for
H.B. 260 A BILL TO BE ENTITLED AN ACT TO UPDATE AND MAKE TECHNICAL CHANGES TO THE COMMUNITY COLLEGE LAWS.

☐ With a favorable report.

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

☐ With a favorable report, as amended.

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

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

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

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

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

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

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

☐ Without prejudice.

☐ With an indefinite postponement report.

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

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

2/24/99

1999 PERMANENT SUBCOMMITTEE REPORT
HOUSE OF REPRESENTATIVES

FOR RECOMMENDING BILLS TO STANDING COMMITTEE OR TO THE FLOOR OF THE HOUSE
The following report(s) from permanent sub committee(s) is/are presented:
By Representative(s) **Joe Tolson** for the Permanent Subcommittee on **Community Colleges** of the Standing Committee on **EDUCATION.**.

☐ Committee Substitute for
H.B. 260 ☒A BILL TO BE ENTITLED AN ACT TO UPDATE AND MAKE TECHNICAL CHANGES TO THE COMMUNITY COLLEGE LAWS.

REPORTED TO THE STANDING COMMITTEE ON **EDUCATION.**

RECOMMENDED ACTION:

☒ With a favorable recommendation.

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

☐ With a favorable recommendation, as amended.

☐ With a favorable recommendation, as amended, and recommend that the bill be re-referred to the Committee on .

☐ With an unfavorable recommendation.

☐ With a favorable recommendation as to proposed committee substitute bill which changes the title, unfavorable as to original bill.

☐ With a favorable recommendation as to proposed House committee substitute bill, which changes the title, unfavorable as to Senate committee substitute bill.

☐ Without prejudice.

☐ Other recommended action: _____.

WITH APPROVAL OF STANDING COMMITTEE CHAIR FOR REPORT TO BE MADE DIRECTLY TO THE FLOOR OF THE HOUSE:
Rep. for the Standing Committee on _____.

s/_____

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

2/24/99

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 260

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

H260-ARC-001 Page 1 of __

Date_____,1999

Comm. Sub. [ ]
Amends Title [ ]

Rep. Arnold

moves to amend the bill on page 3, by deleting lines 1-16;

and on page 2, line 44, by placing a quotation mark following the word "~~considerations.~~".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H D

HOUSE BILL 260
Proposed Committee Substitute H260-PCS3336-RC

Short Title: Community College Tech. Changes/AB. (Public)

Sponsors:

Referred to:

March 4, 1999

A BILL TO BE ENTITLED

AN ACT TO UPDATE AND MAKE TECHNICAL CHANGES TO THE COMMUNITY COLLEGE LAWS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 115D-2 reads as rewritten:

"**§ 115D-2. Definitions.**

As used in this Chapter:

. . .

(2) The term "community college" is defined as an educational institution operating under the provisions of this Chapter and dedicated primarily to the educational needs of the service area which it serves, and may offer

a. The freshmen and sophomore courses of a college of arts and sciences, authorized by G.S. 115D-4.1;

b. Organized credit curricula for the training of technicians; curricular courses may carry transfer credit to a senior college or university where the course is comparable in content and quality and is appropriate to a chosen course of study;

c. Vocational, trade, and technical specialty courses and programs, and

d. Courses in general adult education.

~~Local boards of trustees, with concurrence of the respective county commissioners, may, before January 1, 1988, adopt names of their respective institutions that include the words "Community College".~~

(3) The term "institution" refers to any institution established pursuant to this Chapter except for the North Carolina ~~Vocational Textile School.~~ Center for Applied Textile Technology.

. . . ."

Section 2. G.S. 115D-4.1(e) reads as rewritten:

"(e) The State Board of Community Colleges shall develop appropriate criteria and standards to regulate the operation of college transfer programs. The criteria and standards shall ~~require:~~ require all college transfer programs to continue to meet the accreditation standards of the Southern Association of Colleges and Schools.

~~(1) All college transfer programs to continue to meet the accreditation standards of the Southern Association of Colleges and Schools,~~

~~(2) Each community college that offers a college transfer program to have an articulation agreement with at least one four-year college or university for the acceptance of those courses,~~

~~(3) Each community college that offers a college transfer program to disclose to students when they register for college transfer courses the articulation agreements the community college has with a four-year college or university.~~

The State Board of Community Colleges shall report annually to the General Assembly on compliance of the community colleges with these criteria and standards."

Section 3. G.S. 115D-5 reads as rewritten:

"§ 115D-5. Administration of institutions by State Board of Community Colleges; personnel exempt from State Personnel Act; extension courses; tuition waiver; in-plant training; contracting, etc., for establishment and operation of extension units of the community college system; use of existing public school facilities.

. . .

~~(e) The State Board of Community Colleges is authorized to enter into agreements with local boards of education, upon approval by the Governor, for the establishment and operation of extension units of the community college system, provided that the Governor may consult with the Advisory Budget Commission before giving approval. The State Board is further authorized to provide the financial support for matching capital outlay and for operating and equipping extension units as provided in this Chapter for other institutions, subject to available funds.~~

~~On petition of a board of education of the school administrative unit in which an extension unit is proposed to be established, the State Board of Community Colleges may approve the use by the proposed institution of existing public school facilities, if the State Board finds:~~

~~(1) That an adequate portion of these facilities can be devoted to the exclusive use of the institution, and~~

~~(2) That use of these facilities will be consistent with sound educational considerations.~~

. . . ."

Section 4. G.S. 115D-8 is repealed.

Section 5. G.S. 115D-32(a)(2)a.2. reads as rewritten:

"2. Cost of fuel, water, power, and ~~telephones.~~ telephone services."

Section 6. G.S. 115D-77 reads as rewritten:

"§ 115D-77. Nondiscrimination policy.

It is the policy of the State Board of Community Colleges and of local boards of trustees of the State of North Carolina not to discriminate among students on the basis of race, ~~gender or~~ gender, national ~~origin.~~ origin, religion, age, or disability.

The State Board and each board of trustees shall give equal opportunity for employment and compensation of personnel at community colleges, without regard to race, religion, color, creed, national origin, sex, age, or ~~handicapping conditions,~~ disability, except where specific age, sex or physical or mental requirements constitute bona fide occupational qualifications."

Section 7. G. S. 115D-2.1(d) reads as rewritten:

"(d) No member of the General Assembly, no officer or employee of the State, and no officer or employee of an institution under the jurisdiction of the State Board and no spouse of any of those persons, shall be eligible to serve on the State Board. Furthermore, no person who within the prior five years has been an employee of the ~~Department of Community Colleges~~ Community Colleges System Office shall be eligible to serve on the State Board."

Section 8. G.S. 115D-3 reads as rewritten:

"§ 115D-3. ~~Department of Community Colleges;~~ Community Colleges System Office; staff.

The ~~Department of Community Colleges~~ Community Colleges System Office shall be a principal administrative department of State government under the direction of the State Board of Community Colleges, and shall be separate from the free public school system of the State, the State Board of Education, and the Department of Public Instruction. The State Board has authority to adopt and administer all policies, regulations, and standards which it deems necessary for the operation of the ~~Department.~~ System Office.

The State Board shall elect a President of the North Carolina System of Community Colleges who shall serve as chief administrative officer of the ~~Department of Community Colleges.~~ Community Colleges System Office. The compensation of this position shall be fixed by the State Board from funds provided by the General Assembly in the Current Operations Appropriations Act.

The President shall be assisted by such professional staff members as may be deemed necessary to carry out the provisions of this Chapter, who shall be elected by the State Board on nomination of the President. The compensation of the staff members elected by the Board shall be fixed by the State Board of Community Colleges, upon recommendation of the President of the Community College System,

from funds provided in the Current Operations Appropriations Act. These staff members shall include such officers as may be deemed desirable by the President and State Board. Provision shall be made for persons of high competence and strong professional experience in such areas as academic affairs, public service programs, business and financial affairs, institutional studies and long-range planning, student affairs, research, legal affairs, health affairs and institutional development, and for State and federal programs administered by the State Board. In addition, the President shall be assisted by such other employees as may be needed to carry out the provisions of this Chapter, who shall be subject to the provisions of Chapter 126 of the General Statutes. The staff complement shall be established by the State Board on recommendation of the President to insure that there are persons on the staff who have the professional competence and experience to carry out the duties assigned and to insure that there are persons on the staff who are familiar with the problems and capabilities of all of the principal types of institutions represented in the system. The State Board of Community Colleges shall have all other powers, duties, and responsibilities delegated to the State Board of Education affecting the ~~Department of Community Colleges~~ Community Colleges System Office not otherwise stated in this Chapter."

Section 9. G.S. 115D-5(g) reads as rewritten:

"(g) Funds appropriated to the ~~Department of Community Colleges~~ Community Colleges System Office as operating expenses for allocation to the institutions comprising the North Carolina Community College System shall not be used to support recreation extension courses. The financing of these courses by any institution shall be on a self-supporting basis, and membership hours produced from these activities shall not be counted when computing full-time equivalent students (FTE) for use in budget-funding formulas at the State level."

Section 10. G.S. 115D-7 reads as rewritten:

"**§ 115D-7. Establishment of private, nonprofit corporations.**

The State Board of Community Colleges shall encourage the establishment of private, nonprofit corporations to support the community college system. The President of the ~~Department of Community Colleges~~ Community Colleges System with the approval of the State Board of Community Colleges, may assign employees to assist with the establishment and operation of such nonprofit corporation and may make available to the corporation office space, equipment, supplies and other related resources; provided, the sole purpose of the corporation is to support the community college system.

The board of directors of each private, nonprofit corporation shall secure and pay for the services of the State Auditor's Office or employ a certified public accountant to conduct an audit of the financial accounts of the corporation. The board of directors shall transmit to the State Board of Community Colleges a copy of the annual financial audit report of the private nonprofit corporation."

Section 11. G.S. 115D-31(c) reads as rewritten:

"(c) State funds appropriated to the State Board of Community Colleges for equipment and library books, except for funds appropriated to the Equipment

Reserve Fund, shall revert to the General Fund 12 months after the close of the fiscal year for which they were appropriated. Encumbered balances outstanding at the end of each period shall be handled in accordance with existing State budget policies. The ~~Department~~ System Office shall identify to the Office of State Budget and Management the funds that revert at the end of the 12 months after the close of the fiscal year."

Section 12. G.S. 115D-40 reads as rewritten:

"§ 115D-40. Community College Scholarship Fund.

(a) A nonreverting Community College Scholarship Fund is created in the ~~Department of Community Colleges~~ Community Colleges System Office to provide community college scholarships for needy residents of North Carolina. The State Board of Community Colleges shall adopt rules regarding administration of the Fund and eligibility for scholarships from it. The ~~Department of Community Colleges~~ Community Colleges System Office shall administer the Fund. The ~~Department of Community Colleges~~ Community Colleges System Office shall make an effort to assure that the scholarships are distributed on a geographically equitable basis throughout the State among the several institutions. The principal of the Fund may not be used for any purpose; interest from the Fund may not be used for administering the Fund.

(b) Moneys in the Fund shall be deposited with the State Treasurer and administered under the provisions of G.S. 147-69.3. The State Treasurer shall make the interest earned on the moneys available to the ~~Department of Community Colleges~~ Community Colleges System Office as needed for scholarships."

Section 13. G.S. 115D-58.3 reads as rewritten:

"§ 115D-58.3. Provision for disbursement of State money.

The deposit of money in the State treasury to the credit of the institution shall be made in monthly installments, and additionally as necessary, at such time and in such manner as may be convenient for the operation of the community college system. Before an installment is credited, the institution shall certify to the ~~Department of Community Colleges,~~ Community Colleges System Office, the expenditures to be made by the institution from the State Current Fund during the month.

The ~~Department of Community Colleges~~ Community Colleges System Office shall determine whether the moneys requisitioned are due the institution, and upon determining the amount due, shall cause the requisite amount to be credited to the institution. Upon receiving notice from the ~~Department of Community Colleges~~ Community Colleges System Office that the amount has been placed to the credit of the institution, the institution may issue State warrants up to the amount so certified. Money in the State Current Fund and other moneys made available by the State Board of Community Colleges shall be released only on warrants drawn on the State Treasurer, signed by two officials of the institution designated for this purpose by the board of trustees."

Section 14. G.S. 115D-58.5(a) reads as rewritten:

"(a) Each institution shall establish and maintain an accounting system consistent with procedures as prescribed by the ~~Department of Community Colleges~~

Community Colleges System Office and the State Auditor, which shows its assets, liabilities, equities, revenues, and expenditures."

Section 15. G.S. 115D-72 reads as rewritten:

"**§ 115D-72. Motorcycle Safety Instruction Program.**

(a) There is created a Motorcycle Safety Instruction Program for the purpose of establishing statewide motorcycle safety instruction to be delivered through the ~~Department of Community Colleges.~~ Community Colleges System Office. The Program may be administered by a motorcycle safety coordinator who shall be responsible for the planning, curriculum, and completion requirements of the Program. The State Board of Community Colleges may elect a motorcycle safety coordinator upon nomination of the President of the Community College System, and the compensation of the motorcycle safety coordinator shall be fixed by the State Board upon recommendation of the President of the Community College System pursuant to G.S. 115D-3. The State Board of Community Colleges may contract with an appropriate public or private agency or person to carry out the duties of the motorcycle safety coordinator.

(b) The Motorcycle Safety Instruction Program shall be implemented through the ~~Department of Community Colleges~~ Community Colleges System Office at institutions which choose to provide the Program. The motorcycle safety coordinator shall select and facilitate the training and certification of instructors who will implement the Program."

Section 16. G.S. 115D-78 reads as rewritten:

"**§ 115D-78. Access to information and public records.**

In accordance with Chapter 132 of the General Statutes, all rules, regulations and public records of the State Board of Community Colleges, the ~~Department of Community Colleges,~~ Community Colleges System Office, and local boards of trustees shall be available for examination and reproduction on payment of fees by any person."

Section 17. G.S. 58-33-135(b)(7) reads as rewritten:

"(7) One representative from a list of two nominees submitted by the ~~Department of Community Colleges.~~ Community Colleges System Office."

Section 18. G.S. 58-33-135(c)(9) reads as rewritten:

"(9) One representative from a list of two nominees submitted by the ~~Department of Community Colleges.~~ Community Colleges System Office."

Section 19. G.S. 116-11 reads as rewritten:

"**§ 116-11. Powers and duties generally.**

The powers and duties of the Board of Governors shall include the following:

(1) The Board of Governors shall plan and develop a coordinated system of higher education in North Carolina. To this end it shall govern the 16 constituent institutions, subject to the powers and responsibilities given in this Article to the boards of trustees of the institutions, and to this end it shall maintain close liaison with the

State Board of Community Colleges, the ~~Department of Community Colleges~~ Community Colleges System Office and the private colleges and universities of the State. The Board, in consultation with representatives of the State Board of Community Colleges and of the private colleges and universities, shall prepare and from time to time revise a long-range plan for a coordinated system of higher education, supplying copies thereof to the Governor, the members of the General Assembly, the Advisory Budget Commission and the institutions. Statewide federal or State programs that provide aid to institutions or students of post-secondary education through a State agency, except those related exclusively to the community college system, shall be administered by the Board pursuant to any requirements of State or federal statute in order to insure that all activities are consonant with the State's long-range plan for higher education.

. . .

(10) The Board shall collect and disseminate data concerning higher education in the State. To this end it shall work cooperatively with the ~~Department of Community Colleges~~ Community Colleges System Office and shall seek the assistance of the private colleges and universities. It may prescribe for the constituent institutions such uniform reporting practices and policies as it may deem desirable

. . . ."

Section 20. G.S. 120-70.81(a) reads as rewritten:

"(a) The Joint Legislative Education Oversight Committee shall examine, on a continuing basis, the several educational institutions in North Carolina, in order to make ongoing recommendations to the General Assembly on ways to improve public education from kindergarten through higher education. In this examination, the Committee shall:

(1) Study the budgets, programs, and policies of the Department of Public Instruction, the State Board of Education, the ~~Department of Community Colleges,~~ Community Colleges System Office, the Board of Governors of The University of North Carolina, and the constituent institutions of The University of North Carolina to determine ways in which the General Assembly may encourage the improvement of all education provided to North Carolinians and may aid in the development of more integrated methods of institutional accountability;

. . . ."

Section 21. G.S. 126-5(c2)(3) reads as rewritten:

"(3) Employees of community colleges whose salaries are fixed in accordance with the provisions of G.S. 115D-5 and G.S. 115D-20, and employees of the ~~Department of Community Colleges~~

Community Colleges System Office whose salaries are fixed by the State Board of Community Colleges in accordance with the provisions of G.S. 115D-3."

Section 22. G.S. 143-151.9(a)(12) reads as rewritten:

"(12) One member selected from the ~~Department of Community Colleges;~~ Community Colleges System Office;".

Section 23. G.S. 143B-6 reads as rewritten:

"**§ 143B-6. Principal departments.**

In addition to the principal departments enumerated in the Executive Organization Act of 1971, all executive and administrative powers, duties, and functions not including those of the General Assembly and its agencies, the General Court of Justice and the administrative agencies created pursuant to Article IV of the Constitution of North Carolina, and higher education previously vested by law in the several State agencies, are vested in the following principal departments:

(1) Department of Cultural Resources
(2) Department of Health and Human Services
(3) Department of Revenue
(4) Department of Crime Control and Public Safety
(5) Department of Correction
(6) Department of Environment and Natural Resources
(7) Department of Transportation
(8) Department of Administration
(9) Department of Commerce
(10) ~~Department of Community Colleges.~~ Community Colleges System Office."

Section 24. G.S. 143B-168.12(a)(1)d. reads as rewritten:

"d. The President of the ~~Department of Community Colleges,~~ Community Colleges System, ex officio, or the President's designee;".

Section 25. G.S. 143B-417(1)v. reads as rewritten:

"v. ~~Department of Community Colleges~~ Community Colleges System Office".

Section 26. G.S. 143B-426.9(14) reads as rewritten:

"(14) The President of the ~~Department of Community Colleges,~~ Community Colleges System, ex officio; and".

Section 27. This act is effective when it becomes law.

HOUSE BILL 260

Short Title: Community College Tech. Changes/AB. (Public)

Sponsors: Representatives Barefoot, Tolson; and Melton.

Referred to: Education.

March 4, 1999

A BILL TO BE ENTITLED

AN ACT TO UPDATE AND MAKE TECHNICAL CHANGES TO THE COMMUNITY COLLEGE LAWS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 115D-2 reads as rewritten:

"**§ 115D-2. Definitions.**

As used in this Chapter:

. . .

(2) The term "community college" is defined as an educational institution operating under the provisions of this Chapter and dedicated primarily to the educational needs of the service area which it serves, and may offer

a. The freshmen and sophomore courses of a college of arts and sciences, authorized by G.S. 115D-4.1;

b. Organized credit curricula for the training of technicians; curricular courses may carry transfer credit to a senior college or university where the course is comparable in content and quality and is appropriate to a chosen course of study;

c. Vocational, trade, and technical specialty courses and programs, and

d. Courses in general adult education.

~~Local boards of trustees, with concurrence of the respective county commissioners, may, before January 1, 1988, adopt names of their~~

~~respective institutions that include the words "Community College".~~

(3) The term "institution" refers to any institution established pursuant to this Chapter except for the North Carolina ~~Vocational Textile School.~~ Center for Applied Textile Technology.

. . . ."

Section 2. G.S. 115D-4.1(e) reads as rewritten:

"(e) The State Board of Community Colleges shall develop appropriate criteria and standards to regulate the operation of college transfer programs. The criteria and standards shall ~~require:~~ require all college transfer programs to continue to meet the accreditation standards of the Southern Association of Colleges and Schools.

~~(1) All college transfer programs to continue to meet the accreditation standards of the Southern Association of Colleges and Schools,~~

~~(2) Each community college that offers a college transfer program to have an articulation agreement with at least one four-year college or university for the acceptance of those courses,~~

~~(3) Each community college that offers a college transfer program to disclose to students when they register for college transfer courses the articulation agreements the community college has with a four-year college or university.~~

The State Board of Community Colleges shall report annually to the General Assembly on compliance of the community colleges with these criteria and standards."

Section 3. G.S. 115D-5 reads as rewritten:

"**§ 115D-5. Administration of institutions by State Board of Community Colleges; personnel exempt from State Personnel Act; extension courses; tuition waiver; in-plant training; contracting, etc., for establishment and operation of extension units of the community college system; use of existing public school facilities.**

. . .

~~(e) The State Board of Community Colleges is authorized to enter into agreements with local boards of education, upon approval by the Governor, for the establishment and operation of extension units of the community college system, provided that the Governor may consult with the Advisory Budget Commission before giving approval. The State Board is further authorized to provide the financial support for matching capital outlay and for operating and equipping extension units as provided in this Chapter for other institutions, subject to available funds.~~

~~On petition of a board of education of the school administrative unit in which an extension unit is proposed to be established, the State Board of Community Colleges may approve the use by the proposed institution of existing public school facilities, if the State Board finds:~~

~~(1) That an adequate portion of these facilities can be devoted to the exclusive use of the institution, and~~

~~(2) That use of these facilities will be consistent with sound educational considerations.~~

. . .

(i) The State Board of Community Colleges shall report to the Joint Legislative Education Oversight Committee on ~~March 1 and~~ October 1 of each year on expenditures for the New and Expanding Industry Program each fiscal year. The report shall include, for each company or individual that receives funds for New and Expanding Industry:

(1) The total amount of funds received by the company or individual;

(2) The amount of funds per trainee received by the company or individual;

(3) The amount of funds received per trainee by the community college training the trainee;

(4) The number of trainees trained by company and by community college; and

(5) The number of years the companies or individuals have been funded.

. . . ."

Section 4. G.S. 115D-8 is repealed.

Section 5. G.S. 115D-32(a)(2)a.2. reads as rewritten:

"2. Cost of fuel, water, power, and ~~telephones.~~ telephone services."

Section 6. G.S. 115D-77 reads as rewritten:

"**§ 115D-77. Nondiscrimination policy.**

It is the policy of the State Board of Community Colleges and of local boards of trustees of the State of North Carolina not to discriminate among students on the basis of race, ~~gender or~~ gender, national ~~origin.~~ origin, religion, age, or disability.

The State Board and each board of trustees shall give equal opportunity for employment and compensation of personnel at community colleges, without regard to race, religion, color, creed, national origin, sex, age, or ~~handicapping conditions,~~ disability, except where specific age, sex or physical or mental requirements constitute bona fide occupational qualifications."

Section 7. G. S. 115D-2.1(d) reads as rewritten:

"(d) No member of the General Assembly, no officer or employee of the State, and no officer or employee of an institution under the jurisdiction of the State Board and no spouse of any of those persons, shall be eligible to serve on the State Board. Furthermore, no person who within the prior five years has been an employee of the ~~Department of Community Colleges~~ Community Colleges System Office shall be eligible to serve on the State Board."

Section 8. G.S. 115D-3 reads as rewritten:

"**§ 115D-3. ~~Department of Community Colleges;~~ Community Colleges System Office; staff.**

The ~~Department of Community Colleges~~ Community Colleges System Office shall be a principal administrative department of State government under the direction of the State Board of Community Colleges, and shall be separate from the free public school system of the State, the State Board of Education, and the Department of

Public Instruction. The State Board has authority to adopt and administer all policies, regulations, and standards which it deems necessary for the operation of the ~~Department.~~ System Office.

The State Board shall elect a President of the North Carolina System of Community Colleges who shall serve as chief administrative officer of the ~~Department of Community Colleges.~~ Community Colleges System Office. The compensation of this position shall be fixed by the State Board from funds provided by the General Assembly in the Current Operations Appropriations Act.

The President shall be assisted by such professional staff members as may be deemed necessary to carry out the provisions of this Chapter, who shall be elected by the State Board on nomination of the President. The compensation of the staff members elected by the Board shall be fixed by the State Board of Community Colleges, upon recommendation of the President of the Community College System, from funds provided in the Current Operations Appropriations Act. These staff members shall include such officers as may be deemed desirable by the President and State Board. Provision shall be made for persons of high competence and strong professional experience in such areas as academic affairs, public service programs, business and financial affairs, institutional studies and long-range planning, student affairs, research, legal affairs, health affairs and institutional development, and for State and federal programs administered by the State Board. In addition, the President shall be assisted by such other employees as may be needed to carry out the provisions of this Chapter, who shall be subject to the provisions of Chapter 126 of the General Statutes. The staff complement shall be established by the State Board on recommendation of the President to insure that there are persons on the staff who have the professional competence and experience to carry out the duties assigned and to insure that there are persons on the staff who are familiar with the problems and capabilities of all of the principal types of institutions represented in the system. The State Board of Community Colleges shall have all other powers, duties, and responsibilities delegated to the State Board of Education affecting the ~~Department of Community Colleges~~ Community Colleges System Office not otherwise stated in this Chapter."

Section 9. G.S. 115D-5(g) reads as rewritten:

"(g) Funds appropriated to the ~~Department of Community Colleges~~ Community Colleges System Office as operating expenses for allocation to the institutions comprising the North Carolina Community College System shall not be used to support recreation extension courses. The financing of these courses by any institution shall be on a self-supporting basis, and membership hours produced from these activities shall not be counted when computing full-time equivalent students (FTE) for use in budget-funding formulas at the State level."

Section 10. G.S. 115D-7 reads as rewritten:

"**§ 115D-7. Establishment of private, nonprofit corporations.**

The State Board of Community Colleges shall encourage the establishment of private, nonprofit corporations to support the community college system. The President of the ~~Department of Community Colleges~~ Community Colleges System

with the approval of the State Board of Community Colleges, may assign employees to assist with the establishment and operation of such nonprofit corporation and may make available to the corporation office space, equipment, supplies and other related resources; provided, the sole purpose of the corporation is to support the community college system.

The board of directors of each private, nonprofit corporation shall secure and pay for the services of the State Auditor's Office or employ a certified public accountant to conduct an audit of the financial accounts of the corporation. The board of directors shall transmit to the State Board of Community Colleges a copy of the annual financial audit report of the private nonprofit corporation."

Section 11. G.S. 115D-31(c) reads as rewritten:

"(c) State funds appropriated to the State Board of Community Colleges for equipment and library books, except for funds appropriated to the Equipment Reserve Fund, shall revert to the General Fund 12 months after the close of the fiscal year for which they were appropriated. Encumbered balances outstanding at the end of each period shall be handled in accordance with existing State budget policies. The ~~Department~~ System Office shall identify to the Office of State Budget and Management the funds that revert at the end of the 12 months after the close of the fiscal year."

Section 12. G.S. 115D-40 reads as rewritten:

"**§ 115D-40. Community College Scholarship Fund.**

(a) A nonreverting Community College Scholarship Fund is created in the ~~Department of Community Colleges~~ Community Colleges System Office to provide community college scholarships for needy residents of North Carolina. The State Board of Community Colleges shall adopt rules regarding administration of the Fund and eligibility for scholarships from it. The ~~Department of Community Colleges~~ Community Colleges System Office shall administer the Fund. The ~~Department of Community Colleges~~ Community Colleges System Office shall make an effort to assure that the scholarships are distributed on a geographically equitable basis throughout the State among the several institutions. The principal of the Fund may not be used for any purpose; interest from the Fund may not be used for administering the Fund.

(b) Moneys in the Fund shall be deposited with the State Treasurer and administered under the provisions of G.S. 147-69.3. The State Treasurer shall make the interest earned on the moneys available to the ~~Department of Community Colleges~~ Community Colleges System Office as needed for scholarships."

Section 13. G.S. 115D-58.3 reads as rewritten:

"**§ 115D-58.3. Provision for disbursement of State money.**

The deposit of money in the State treasury to the credit of the institution shall be made in monthly installments, and additionally as necessary, at such time and in such manner as may be convenient for the operation of the community college system. Before an installment is credited, the institution shall certify to the ~~Department of Community Colleges,~~ Community Colleges System Office, the expenditures to be made by the institution from the State Current Fund during the month.

The ~~Department of Community Colleges~~ Community Colleges System Office shall determine whether the moneys requisitioned are due the institution, and upon determining the amount due, shall cause the requisite amount to be credited to the institution. Upon receiving notice from the ~~Department of Community Colleges~~ Community Colleges System Office that the amount has been placed to the credit of the institution, the institution may issue State warrants up to the amount so certified. Money in the State Current Fund and other moneys made available by the State Board of Community Colleges shall be released only on warrants drawn on the State Treasurer, signed by two officials of the institution designated for this purpose by the board of trustees."

Section 14. G.S. 115D-58.5(a) reads as rewritten:

"(a) Each institution shall establish and maintain an accounting system consistent with procedures as prescribed by the ~~Department of Community Colleges~~ Community Colleges System Office and the State Auditor, which shows its assets, liabilities, equities, revenues, and expenditures."

Section 15. G.S. 115D-72 reads as rewritten:

"**§ 115D-72. Motorcycle Safety Instruction Program.**

(a) There is created a Motorcycle Safety Instruction Program for the purpose of establishing statewide motorcycle safety instruction to be delivered through the ~~Department of Community Colleges.~~ Community Colleges System Office. The Program may be administered by a motorcycle safety coordinator who shall be responsible for the planning, curriculum, and completion requirements of the Program. The State Board of Community Colleges may elect a motorcycle safety coordinator upon nomination of the President of the Community College System, and the compensation of the motorcycle safety coordinator shall be fixed by the State Board upon recommendation of the President of the Community College System pursuant to G.S. 115D-3. The State Board of Community Colleges may contract with an appropriate public or private agency or person to carry out the duties of the motorcycle safety coordinator.

(b) The Motorcycle Safety Instruction Program shall be implemented through the ~~Department of Community Colleges~~ Community Colleges System Office at institutions which choose to provide the Program. The motorcycle safety coordinator shall select and facilitate the training and certification of instructors who will implement the Program."

Section 16. G.S. 115D-78 reads as rewritten:

"**§ 115D-78. Access to information and public records.**

In accordance with Chapter 132 of the General Statutes, all rules, regulations and public records of the State Board of Community Colleges, the ~~Department of Community Colleges,~~ Community Colleges System Office, and local boards of trustees shall be available for examination and reproduction on payment of fees by any person."

Section 17. G.S. 58-33-135(b)(7) reads as rewritten:

"(7) One representative from a list of two nominees submitted by the ~~Department of Community Colleges.~~ Community Colleges System Office."

Section 18. G.S. 58-33-135(c)(9) reads as rewritten:

"(9) One representative from a list of two nominees submitted by the ~~Department of Community Colleges.~~ Community Colleges System Office."

Section 19. G.S. 116-11 reads as rewritten:

"**§ 116-11. Powers and duties generally.**

The powers and duties of the Board of Governors shall include the following:

(1) The Board of Governors shall plan and develop a coordinated system of higher education in North Carolina. To this end it shall govern the 16 constituent institutions, subject to the powers and responsibilities given in this Article to the boards of trustees of the institutions, and to this end it shall maintain close liaison with the State Board of Community Colleges, the ~~Department of Community Colleges~~ Community Colleges System Office and the private colleges and universities of the State. The Board, in consultation with representatives of the State Board of Community Colleges and of the private colleges and universities, shall prepare and from time to time revise a long-range plan for a coordinated system of higher education, supplying copies thereof to the Governor, the members of the General Assembly, the Advisory Budget Commission and the institutions. Statewide federal or State programs that provide aid to institutions or students of post-secondary education through a State agency, except those related exclusively to the community college system, shall be administered by the Board pursuant to any requirements of State or federal statute in order to insure that all activities are consonant with the State's long-range plan for higher education.

. . .

(10) The Board shall collect and disseminate data concerning higher education in the State. To this end it shall work cooperatively with the ~~Department of Community Colleges~~ Community Colleges System Office and shall seek the assistance of the private colleges and universities. It may prescribe for the constituent institutions such uniform reporting practices and policies as it may deem desirable

. . . ."

Section 20. G.S. 120-70.81(a) reads as rewritten:

"(a) The Joint Legislative Education Oversight Committee shall examine, on a continuing basis, the several educational institutions in North Carolina, in order to make ongoing recommendations to the General Assembly on ways to improve public

education from kindergarten through higher education. In this examination, the Committee shall:

(1) Study the budgets, programs, and policies of the Department of Public Instruction, the State Board of Education, the ~~Department of Community Colleges,~~ Community Colleges System Office, the Board of Governors of The University of North Carolina, and the constituent institutions of The University of North Carolina to determine ways in which the General Assembly may encourage the improvement of all education provided to North Carolinians and may aid in the development of more integrated methods of institutional accountability;

. . . ."

Section 21. G.S. 126-5(c2)(3) reads as rewritten:

"(3) Employees of community colleges whose salaries are fixed in accordance with the provisions of G.S. 115D-5 and G.S. 115D-20, and employees of the ~~Department of Community Colleges~~ Community Colleges System Office whose salaries are fixed by the State Board of Community Colleges in accordance with the provisions of G.S. 115D-3."

Section 22. G.S. 143-151.9(a)(12) reads as rewritten:

"(12) One member selected from the ~~Department of Community Colleges;~~ Community Colleges System Office;".

Section 23. G.S. 143B-6 reads as rewritten:

"**§ 143B-6. Principal departments.**

In addition to the principal departments enumerated in the Executive Organization Act of 1971, all executive and administrative powers, duties, and functions not including those of the General Assembly and its agencies, the General Court of Justice and the administrative agencies created pursuant to Article IV of the Constitution of North Carolina, and higher education previously vested by law in the several State agencies, are vested in the following principal departments:

(1) Department of Cultural Resources
(2) Department of Health and Human Services
(3) Department of Revenue
(4) Department of Crime Control and Public Safety
(5) Department of Correction
(6) Department of Environment and Natural Resources
(7) Department of Transportation
(8) Department of Administration
(9) Department of Commerce
(10) ~~Department of Community Colleges.~~ Community Colleges System Office."

Section 24. G.S. 143B-168.12(a)(1)d. reads as rewritten:

"d. The President of the ~~Department of Community Colleges,~~ Community Colleges System, ex officio, or the President's designee;".

Section 25. G.S. 143B-417(1)v. reads as rewritten:

"v. ~~Department of Community Colleges~~ Community Colleges System Office".

Section 26. G.S. 143B-426.9(14) reads as rewritten:

"(14) The President of the ~~Department of Community Colleges,~~ Community Colleges System, ex officio; and".

Section 27. This act is effective when it becomes law.

HOUSE BILL 260:
Community College Tech. Changes/AB

BILL ANALYSIS

Committee: Education/Subcommittee on Community Colleges
Date: March 22, 1999
Version: First Edition

Introduced by: Representative Barefoot
Summary by: Sara Kamprath
Education Policy Analyst

SUMMARY: House Bill 260 is an agency bill and primarily makes a technical change in various sections of the General Statutes by changing the name of the Department of Community Colleges to the Community College Systems Office. The name change is necessary because of actions instituted under former Community College President Hackley. However, the bill also makes some substantive changes in law that are found in Sections 3, 4, and 5. The act is effective when it becomes law.

BILL ANALYSIS:

Section 1 of House Bill 260 amends G.S. 115D-2 by deleting outdated language in subdivision (2) and by correcting the name of the North Carolina Center for Applied Textile Technology in subdivision (3).

Section 2 of the bill amends G.S. 115D-4.1(e) by deleting outdated language regarding articulation agreements between individual community colleges and four-year colleges or universitites. There is now a system-wide community college policy on articulation agreements with four-year colleges or universities.

Section 3 of the bill amends G.S. 115D-5(e) by deleting outdated language regarding the establishment and operation of extension units. **However, Section 3** of the bill also makes a substantive change in G.S. 115D-5(i) by deleting the annual March 1 report to the Joint Legislative Education Oversight Committee on expenditures for the New and Expanding Industry Program.

Section 4 of the bill repeals G.S. 115D-8 ("Retooling for the year 2000: Gaining the Competitive Edge."

Section 5 of the bill

Section 6 of the bill amends G.S. 115D-77 by conforming existing language on the nondiscrimination policy of the State Board of Community Colleges and of local boards of trustees regarding students with federal law.

Sections 7 through 26 amend various sections of the General Statutes by making a technical change in the name of the Department of Community Colleges by substituting either the phrase "Community College Systems Office" or "Community Colleges System", as appropriate, for the phrase "Department of Community Colleges".

HOUSE BILL 260:
Community College Tech. Changes/AB

BILL ANALYSIS

Committee:	House Education	**Introduced by:**	Representatives Barefoot and Tolson
Date:	April 6, 1999		
Version:	First Edition	**Summary by:**	Sara Kamprath Education Policy Analyst

SUMMARY: House Bill 260 is an agency bill and primarily makes a technical change in various sections of the General Statutes by changing the name of the Department of Community Colleges to the Community College Systems Office. The name change is necessary because of actions instituted under former Community College President Hackley. However, the bill also makes some substantive changes in laws that are found in Sections 3 and 4. The act is effective when it becomes law.

BILL ANALYSIS:

Section 1 of House Bill 260 amends G.S. 115D-2 by deleting outdated language in subdivision (2) and by correcting the name of the North Carolina Center for Applied Textile Technology in subdivision (3).

Section 2 of the bill amends G.S. 115D-4.1(e) by deleting outdated language regarding articulation agreements between individual community colleges and four-year colleges or universities. There is now a system-wide community college policy on articulation agreements with four-year colleges or universities.

Section 3 of the bill amends G.S. 115D-5(e) by deleting outdated language regarding the establishment and operation of extension units. **However,** Section 3 of the bill also makes a substantive change in G.S. 115D-5(i) by deleting the annual March 1 report to the Joint Legislative Education Oversight Committee on expenditures for the New and Expanding Industry Program.

Section 4 of the bill repeals G.S. 115D-8 ("Retooling for the year 2000: Gaining the Competitive Edge."). G.S. 115D-8(a) directs the State Board of Community Colleges to adopt a Community College Education Blueprint that would "allow the State to compete successfully in the national and global economy of today and the next century." This program has never been fully implemented.

Section 5 of the bill clarifies that the cost of telephone services, excluding data transmission, is a local responsibility.

Section 6 of the bill amends G.S. 115D-77 by conforming existing language on the nondiscrimination policy of the State Board of Community Colleges and of local boards of trustees regarding students with federal law.

Sections 7 through 26 amend various sections of the General Statutes by making a technical change in the name of the Department of Community Colleges by substituting either the phrase "Community College Systems Office" or "Community Colleges System", as appropriate, for the phrase "Department of Community Colleges".

H260-SMRJ-002

1999 PERMANENT SUBCOMMITTEE REPORT
HOUSE OF REPRESENTATIVES

FOR RECOMMENDING BILLS TO STANDING COMMITTEE OR TO THE FLOOR OF THE HOUSE
The following report(s) from permanent sub committee(s) is/are presented:
By Representative(s) **Joe Tolson** for the Permanent Subcommittee on **Community Colleges** of the Standing Committee on **EDUCATION.**.

☐ Committee Substitute for
H.B. 273 ☒A BILL TO BE ENTITLED AN ACT TO GRANT MOST STATE EMPLOYEES ELIGIBILITY FOR MEMBERSHIP ON THE STATE BOARD OF COMMUNITY COLLEGES.

REPORTED TO THE STANDING COMMITTEE ON **EDUCATION.**

RECOMMENDED ACTION:

☐ With a favorable recommendation.

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

☐ With a favorable recommendation, as amended.

☐ With a favorable recommendation, as amended, and recommend that the bill be re-referred to the Committee on .

☐ With an unfavorable recommendation.

☒ With a favorable recommendation as to proposed committee substitute bill ~~which changes the title~~, unfavorable as to original bill.

☐ With a favorable recommendation as to proposed House committee substitute bill, which changes the title, unfavorable as to Senate committee substitute bill.

☐ Without prejudice.

☐ Other recommended action: _____.

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

Rep. for the Standing Committee on _____.

s/_____

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

2/24/99

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 273

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

H273-ARC-002

Page 1 of __

Date_____,1999

Comm. Sub. [YES]
Amends Title []
H273-PCS6090-RC

Rep. Thomas

moves to amend the bill on page 1, line 9, by deleting the word "and" and substituting the word "~~and~~";

and on page 1, line 10, by deleting the word "Board" and substituting the phrase "~~Board~~ Board,".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

displaced
(SB 95)

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H D

HOUSE BILL 273
Proposed Committee Substitute H273-PCS6090-RC

Short Title: Modify Comm. College Bd. Membership/AB. (Public)

Sponsors:

Referred to:

March 4, 1999

A BILL TO BE ENTITLED

AN ACT TO GRANT MOST STATE EMPLOYEES ELIGIBILITY FOR MEMBERSHIP ON THE STATE BOARD OF COMMUNITY COLLEGES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 115D-2.1(d) reads as rewritten:

"(d) No member of the General Assembly, ~~no officer or employee of the State,~~ no officer or employee of the Department of Community Colleges, no person who within the prior five years has been an officer or employee of the Department of Community Colleges, and no officer or employee of an institution under the jurisdiction of the State Board and no spouse of any of those persons, shall be eligible to serve on the State Board. ~~Furthermore, no person who within the prior five years has been an employee of the Department of Community Colleges shall be eligible to serve on the State Board.~~"

Section 2. This act is effective when it becomes law and applies to elections and appointments occurring on or after that date.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H 1

HOUSE BILL 273

Comm. College

Short Title: Modify Comm. College Bd. Membership/AB. (Public)

Sponsors: Representatives Thomas, Tolson (Primary Sponsors); McLawhorn, Melton, and Wainwright.

Referred to: Education.

March 4, 1999

A BILL TO BE ENTITLED

AN ACT TO GRANT MOST STATE EMPLOYEES ELIGIBILITY FOR MEMBERSHIP ON THE STATE BOARD OF COMMUNITY COLLEGES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 115D-2.1(d) reads as rewritten:

"(d) No member of the General Assembly, ~~no officer or employee of the State,~~ no officer or employee of the Department of Community Colleges, no person who within the prior five years has been an officer or employee of the Department of Community Colleges, and no officer or employee of an institution under the jurisdiction of the State Board and no spouse of any of those persons, shall be eligible to serve on the State Board. ~~Furthermore, no person who within the prior five years has been an employee of the Department of Community Colleges shall be eligible to serve on the State Board.~~"

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

HOUSE BILL 273:
Modify Comm. College Bd. Membership/AB

BILL ANALYSIS

Committee: Education
Date: April 5, 1999
Version: H273-PCS6090-RC

Introduced by:
Summary by: Kory Goldsmith
Committee Counsel

SUMMARY: ***The bill provides that State officers and State employees, and those individuals' spouses, may serve on the State Board of Community Colleges provided they are not currently, nor have been within the past 5 years, officers or employees of the Department of Community Colleges. A person could not serve on the State Board if that person's spouse was currently or has been within the last 5 years, an officer or employee of the Department of Community College.***

CURRENT LAW: The State Board of Community Colleges has 20 members. Two members are ex officio (the Lt. Governor and the Treasurer). The Governors appoints 10 members, four at-large and one member from each of the six Trustee Association Regions. The General Assembly elects eight members, four by the House of Representatives and four by the Senate.

G.S. 115D-2.1(d) provides that no member of the General Assembly, no officer or employee of the State, and no officer or employee of a community college may serve on the State Board of Community Colleges. Spouses of those individuals also are prohibited from serving on the Board. Finally, individuals who have been employed by the Department of Community Colleges within the last 5 years are prohibited from serving.

BILL ANALYSIS: HB 273 amends G.S. 115D-2.1(d) to expand who would be eligible to serve on the State Board of Community Colleges. In place of the current prohibition against all State officers and all State employees (and those persons' spouses), the bill narrows the prohibition to officers and employees of the Department of Community (and those persons' spouses). However, it broadens the prohibition regarding former employees of the Department. Under the current law, an individual who has been an employee of the Department of Community Colleges within the past 5 years may not serve on the State Board. HB 273 expands that prohibition so that an individual may not serve on the Board if the individual's spouse has been an employee of the Department within the past 5 years. The bill does not change the prohibition against members of the General Assembly and their spouses serving on the Board. It also does not change the prohibition against officers and employees of community colleges and their spouses being Board members.

SUBSTANTIVE CHANGES IN THE PCS: The Proposed Committee Substitute clarifies that the act is effective when it becomes law and applies to elections and appointments occurring on or after that date.

H273-SMRC-002 (House Ed PCS)

1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **Warner/Yongue** for the Committee on **EDUCATION**.

☐ Committee Substitute for
H.B. 293 A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE STATE BOARD OF COMMUNITY COLLEGES TO ASSESS MONETARY PENALITIES AGAINST PROPRIETARY SCHOOLS THAT OPERATE WITHOUT A LICENSE.

☐ With a favorable report.

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

☐ With a favorable report, as amended.

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

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

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

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

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

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

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

☐ Without prejudice.

☐ With an indefinite postponement report.

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

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

2/24/99

1999 PERMANENT SUBCOMMITTEE REPORT
HOUSE OF REPRESENTATIVES

FOR RECOMMENDING BILLS TO STANDING COMMITTEE OR TO THE FLOOR OF THE HOUSE
The following report(s) from permanent sub committee(s) is/are presented:
By Representative(s) **Joe Tolson** for the Permanent Subcommittee on **Community Colleges** of the Standing Committee on **EDUCATION.**.

☐ Committee Substitute for
H.B. 293 ☒A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE STATE BOARD OF COMMUNITY COLLEGES TO ASSESS MONETARY PENALTIES AGAINST PROPRIETARY SCHOOLS THAT OPERATE WITHOUT A LICENSE.

REPORTED TO THE STANDING COMMITTEE ON **EDUCATION.**

RECOMMENDED ACTION:

☐ With a favorable recommendation.

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

☐ With a favorable recommendation, as amended.

☐ With a favorable recommendation, as amended, and recommend that the bill be re-referred to the Committee on .

☐ With an unfavorable recommendation.

☒ With a favorable recommendation as to proposed committee substitute bill ~~, which changes the~~ title, unfavorable as to original bill.

☐ With a favorable recommendation as to proposed House committee substitute bill, which changes the title, unfavorable as to Senate committee substitute bill.

☐ Without prejudice.

☐ Other recommended action: _____.

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

Rep. for the Standing Committee on _____.

s/_____

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

2/24/99

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H D

HOUSE BILL 293
Proposed Committee Substitute H293-PCS7163-RC

Short Title: Proprietary Sch./Civil Penalties/AB. (Public)

Sponsors:

Referred to:

March 4, 1999

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE STATE BOARD OF COMMUNITY COLLEGES TO ASSESS MONETARY PENALTIES AGAINST PROPRIETARY SCHOOLS THAT OPERATE WITHOUT A LICENSE OR OPERATE OUTSIDE THE SCOPE OF THEIR LICENSE.

The General Assembly of North Carolina enacts:

Section 1. Article 8 of Chapter 115D of the General Statutes is amended by adding a new section to read:

"**§ 115D-93.1. Operation without a license or outside scope of license; penalty.**

The State Board may assess a civil penalty not to exceed five thousand dollars ($5,000) against any person who owns or operates a proprietary school before receiving a license from the State Board. The State Board also may assess a civil penalty not to exceed five thousand dollars ($5,000) against any person who owns or operates a proprietary school that offers programs of instruction, courses, or subjects that were not specifically indicated in the proprietary school's application for a license. A civil penalty assessed under this section may be in addition to any other penalties or sanctions the State Board may impose for violation of this Article. This section shall be subject to Articles 3 and 4 of Chapter 150B of the General Statutes. The clear proceeds of civil penalties assessed under this section shall be remitted to the Civil Penalty and Forfeiture Fund in accordance with G.S. 115C-457.2."

Section 2. G.S. 115D-87 is amended by adding a new subdivision to read:

"(3a) 'Proprietary school' means a correspondence school, a proprietary business school, a proprietary trade school, or a proprietary technical school as defined in this section."

Section 3. This act becomes effective October 1, 1999, and applies to offenses occurring on or after that date.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H D

HOUSE BILL 293
House Proposed Committee Substitute
H293-CSRC-001.2

Short Title: Proprietary Sch./Civil Penalties/AB. (Public)

Sponsors:

Referred to: Education.

March 4, 1999

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE STATE BOARD OF COMMUNITY COLLEGES TO ASSESS MONETARY PENALTIES AGAINST PROPRIETARY SCHOOLS THAT OPERATE WITHOUT A LICENSE OR OPERATE OUTSIDE THE SCOPE OF THEIR LICENSE.

The General Assembly of North Carolina enacts:

Section 1. Article 8 of Chapter 115D of the General Statutes is amended by adding a new section to read:

"**§ 115D-93.1. Operation without a license or outside scope of license; penalty.**

The State Board may assess a civil penalty not to exceed five thousand dollars ($5,000) against any person who owns or operates a proprietary school before receiving a license from the State Board. The State Board also may assess a civil penalty not to exceed five thousand dollars ($5,000) against any person who owns or operates a proprietary school that offers programs of instruction, courses, or subjects that are outside the scope of the license issued by the State Board for that proprietary school. A civil penalty assessed under this section may be in addition to any other penalties or sanctions the State Board may impose for violation of this Article. This section shall be subject to Articles 3 and 4 of Chapter 150B of the General

Statutes. The clear proceeds of civil penalties assessed under this section shall be remitted to the Civil Penalty and Forfeiture Fund in accordance with G.S. 115C-457.2."

Section 2. G.S. G.S. 115D-87 is amended by adding a new subsection to read:

"(3a) 'Proprietary school' means a correspondence school, a proprietary business school, a proprietary trade school, or a proprietary technical school as defined in this section."

Section 3. This act becomes effective October 1, 1999, and applies to offenses occurring on or after that date.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H 1

HOUSE BILL 293

Comm. Sub. [illegible]

Short Title: Proprietary Sch./Civil Penalties/AB. (Public)

Sponsors: Representatives Bridgeman, Tolson; McLawhorn, Warren, and Melton.

Referred to: Education.

March 4, 1999

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE STATE BOARD OF COMMUNITY COLLEGES TO ASSESS MONETARY PENALTIES AGAINST PROPRIETARY SCHOOLS THAT OPERATE WITHOUT A LICENSE.

The General Assembly of North Carolina enacts:

Section 1. Chapter 115D of the General Statutes is amended by adding a new section to read:

"**§ 115D-93.1. Operation without a license; penalty.**

The State Board may assess a civil penalty not to exceed five thousand dollars ($5,000) against any proprietary school owner who operates a school prior to being licensed by the State Board. A civil penalty assessed by the State Board pursuant to this section is final 30 days after the assessment is served on the owner unless the owner seeks judicial review pursuant to Article 4 of Chapter 150B of the General Statutes within that time. A civil penalty assessed pursuant to this section is in addition to all other penalties the State Board may impose against a proprietary school owner for violation of this Article.

The clear proceeds of civil penalties assessed pursuant to this section shall be remitted to the Civil Penalty and Forfeiture Fund in accordance with G.S. 115C-457.2."

Section 2. This act becomes effective October 1, 1999.

HOUSE BILL 293:
Proprietary Sch./Civil Penalties/AB

BILL ANALYSIS

Committee: Education
Date: April 6, 1999
Version: H293-CSRC-001.2 (Comm. Sub.)

Introduced by:
Summary by: Kory Goldsmith
Committee Counsel

SUMMARY: ***This Proposed Committee Substitute provides that the State Board of Community Colleges may assess a penalty of up to $5,000 against any person who owners or operates a proprietary school prior to being issued a license. The State Board would also be able to assess a fine against any person who owns or operates a proprietary school that offers instruction or courses not included in the school's existing license.***

CURRENT LAW: The State Board of Community Colleges is charged with licensing all proprietary business schools, proprietary trade schools, proprietary technical schools, and correspondence schools. These are private institutions operated for a profit and do not include established universities, colleges, or private schools operating under Chapter 115C. The State Board must formulate the criteria and the standards for approving proprietary schools based upon the course or courses of study that will be offered. **G.S. 115D-90(a) provides that no person shall operate a proprietary school until the State Board has issued license for its operation.** G.S. 115D-90(d) provides that a license is restricted to the programs, courses, and subjects included in the proprietary school's application, and the holder of the license must submit a supplementary application if it intends to expand its program of instruction.

The State Board may suspend, revoke, or refuse to issue or renew a license under specified circumstances. These circumstances include providing false or misleading information on the license application, committing fraud in advertising, failing to maintain the school premises in a safe condition, employing teachers who have not been approved by the State Board, and failing to obtain and maintain a guaranty bond or its equivalent. Furthermore, it is a Class 3 misdemeanor to open and conduct a propriety school without first obtaining a license.

BILL ANALYSIS: The proposed committee substitute creates a new section, G.S. 115D-93.1 that authorizes the State Board to assess fines of up to $5,000 against a person who owns or operates a proprietary before receiving a license. The State Board could also assess a fine of up to $5,000 against a person who owns or operates a proprietary school that expands its program of instruction beyond the scope of the school's existing license. This authority would be in addition to the other penalties and sanctions described above. Both the contested case provisions and the judicial review provisions of the Administrative Procedures Act would apply. Pursuant to Article IX, Section 7 of the Constitution, and Article 31A of Chapter 115C, the clear proceeds of any fine would be remitted to the Civil Penalty and Forfeiture Fund. These funds are then transferred to the School Technology Trust fund and allocated to local school administrative units on the basis of average daily membership.

The committee substitute also amends G.S. 115D-87, which is the definition section of the Article governing proprietary schools. The new subsection creates a new definition, "proprietary school", which includes the existing definitions of correspondence school, proprietary business school, proprietary trade school, and proprietary technical school. This amendment is technical.

EFFECTIVE DATE: This act becomes effective August 1, 1999, and applies to offenses occurring on or after that date.

Because the bill imposes a fine, it constitutes a revenue bill and must be re-referred to House Finance.

H293-SMRC-002(Ed Committee PCS)

VISITOR REGISTRATION SHEET

Education — Name of Committee

4-12 — Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK.

NAME	FIRM OR AGENCY AND ADDRESS
[signature]	DCC
Brenda Rogers	DCC
Martha Lancaster	NCCCS
Shawna Williams	NCCCS
[signature]	Governor's Office
Erin Grant	Meredith College
Jill Bruner	Meredith College
Clay Hines	DCC
Carolyn Girardeau	NCCCS
Karen Bass	YAIO
[signature]	NCAE
Bill Wilder	NCAE
Harriet Dail	NCAE

MINUTES

HOUSE EDUCATION COMMITTEE

APRIL 13, 1999

The meeting was called to order by Co-Chairman Representative Douglas Y. Yongue. For a list of those in attendance please see attendance sheet.

The first order of business was **HOUSE BILL 790, REVIEW COURT ORDERS BY SCHOOL BOARDS,** sponsored by Representative Gulley. This bill was removed from the agenda due to the bill sponsor not being available. (See copy of bill.)

The next order of business was **HOUSE BILL 848, NO CHARTER SCHOOL DEADLINE/ROCKINGHAM,** sponsored by Representative Nelson Cole. Representative Cole was called upon to explain the bill. (See copy of bill, bill summary and proposed committee substitute.) Mr. Richard Clontz with the Department of Public Instruction explained the process for charter school application approval at the request of several members. Representative Justus asked for a copy of the procedure. Dr. Henry Johnson with the school board stated they were aware of the bill and supported the charter school process. After further discussion regarding various aspects of the bill, Representative Haire moved for a favorable report. Discussion ensued on the motion and Representative Nesbitt moved to amend the bill on lines 11 and 12 by deleting the words,"at its first meeting that is at least 30 calendar days after receipt of the application." The amendment passed. Representative Haire moved to roll the bill into a committee substitute, favorable as to committee substitute, unfavorable as to the original bill. Co-Chair Representative Yongue asked for a voice vote. As the results could not be determined by the voice vote, Co-Chair Representative Yongue asked for a show of hands. The motion passed by a vote count of 21 in favor and 8 against. (See committee report form.)

The meeting was then adjourned.

Representative Douglas Y. Yongue
Co-Chairman

Representative Alex Warner
Co-Cochairman

Jenny Umstead, Committee Assistant

HOUSE BILL 790

Short Title: Review of Court Orders by School Bd. (Public)

Sponsors: Representatives Gulley; Capps, McMahan, Sexton, and C. Wilson.

Referred to: Education.

April 1, 1999

A BILL TO BE ENTITLED

AN ACT TO DIRECT LOCAL BOARDS OF EDUCATION TO REVIEW APPLICABLE COURT ORDERS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 115C-47 is amended by adding a new subdivision to read:

"(38) Beginning in the 1999-2000 school year and every five years thereafter, every local board shall review applicable court orders to determine whether the local school administrative unit is complying with the court's directives."

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

1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **YONGUE AND WARNER** for the Committee on **EDUCATION.**

☐ Committee Substitute for
H.B. 848 A BILL TO BE ENTITLED AN ACT TO SUSPEND THE CHARTER SCHOOL APPLICATION DEADLINES FOR THE ROCKINGHAM COUNTY CONSOLIDATED SCHOOLS FOR THE 1999-2000 SCHOOL YEAR

☐ With a favorable report.

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

☐ With a favorable report, as amended.

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

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

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

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

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

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

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

☐ Without prejudice.

☐ With an indefinite postponement report.

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

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

2/24/99

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H D

HOUSE BILL 848
Proposed Committee Substitute H848-PCS3330-RH

Short Title: No Charter School Deadline/Rockingham. (Local)

Sponsors:

Referred to:

April 1, 1999

A BILL TO BE ENTITLED

AN ACT TO SUSPEND THE CHARTER SCHOOL APPLICATION DEADLINES FOR THE ROCKINGHAM COUNTY CONSOLIDATED SCHOOLS FOR THE 1999-2000 SCHOOL YEAR.

The General Assembly of North Carolina enacts:

Section 1. Notwithstanding the provisions of Part 6A of Article 16 of Chapter 115C of the General Statutes, an applicant, with the consent of the Rockingham Board of Education, may submit a charter school application for the 1999-2000 school year to the local board of education after November 1, 1998, and the Rockingham Board of Education may act on it after February 1, 1999. The State Board of Education shall consider and act on the application.

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H 1

HOUSE BILL 848

Short Title: No Charter School Deadline/Rockingham. (Local)

Sponsors: Representatives Cole and Sexton.

Referred to: Education.

April 1, 1999

A BILL TO BE ENTITLED

AN ACT TO SUSPEND THE CHARTER SCHOOL APPLICATION DEADLINES FOR THE ROCKINGHAM COUNTY CONSOLIDATED SCHOOLS FOR THE 1999-2000 SCHOOL YEAR.

The General Assembly of North Carolina enacts:

Section 1. Notwithstanding the provisions of Part 6A of Article 16 of Chapter 115C of the General Statutes, an applicant, with the consent of the Rockingham Board of Education, may submit a charter school application for the 1999-2000 school year to the local board of education after November 1, 1998, and the Rockingham Board of Education may act on it after February 1, 1999. The State Board of Education shall consider and act on the application at its first meeting that is at least 30 calendar days after receipt of the application.

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

added.

Called not Ltd. Pass Vice Cole called for a show of hands 21-8 Nestlit. Amend passed

Haire - ~~same favorable as amended~~ favorable com. sub. curfew sig hrd passed

HOUSE BILL 848:
No Charter School Deadline/Rockingham

BILL ANALYSIS

Committee:	House Education	**Introduced by:**	Representative Cole
Date:	April 13, 1999	**Summary by:**	Shirley Iorio, Ph.D.
Version:	1st Edition		Education Policy Analyst

SUMMARY: This bill suspends the charter school application deadlines for the Rockingham County Consolidated Schools for the 1999-2000 school year. An applicant, with the consent of the Rockingham Board of Education, may submit a charter school application for the 1999-2000 school year to the local board of education after November 1, 1998, and the Rockingham Board of Education may act on it after February 1, 1999. The bill requires the State Board of Education to consider and act on the application at its first meeting that is at least 30 calendar days after receipt of the application.

CURRENT LAW: Currently, a request for preliminary approval of a charter school application must be submitted by November 1 of a calendar year, and the chartering entity must act on each request received prior to November 1 of a calendar year by February 1 of the next calendar year. The State Board must act by March 15 of a calendar year on all applications and appeals it receives prior to February 15 of that calendar year.

The State Board of Education may establish an alternative timeline for the submission of applications, preliminary approvals, criminal record checks, appeals, and final approvals so long as the Board grants final approval by March 15 of each calendar year. The 1998 deadlines for approval of charter schools for the 1999-2000 school year were as follows:

- August 31, 1998 — Applications due to Preliminary Chartering Entity
- November 15, 1998 — Preliminary decisions made
- December 1, 1998 — All preliminary decisions to SBE
- By February 15, 1999 — SBE makes all final decisions

BILL ANALYSIS: Applicants for charter schools must submit the application to a chartering entity for preliminary approval. A chartering entity may be:

- The local board of education of the local school administrative unit in which the charter school will be located;
- The board of trustees of a constituent institution of UNC, so long as the constituent institution is involved in the planning, operation, or evaluation of the charter school; or
- The State Board of Education.

In this bill, the chartering entity receiving the application for preliminary approval is the local board of education. The bill requires the local board to act on the application, which may or may not be approval of the application.

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

The bill suspends the deadlines for just the 1999-2000 school year. There are no charter schools in Rockingham County. There are 90 charter schools statewide.

This act is effective when it becomes law.

H848-SMSF-001

VISITOR REGISTRATION SHEET

Education
Name of Committee

4-13-99
Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
[signature]	Public School Forum
[signature]	NCAE
Jane Jernigan	North Carolina PTA
C Medlin	Covenant w/ NC's Children
Gladys Soga	NCDPI
RICHARD CRONTZ	NCDPI / OFFICE OF CHARTER SCH
Harriet Dail	NCAE
Bill Wilson	NCAE
Elizabeth Grossenbacher	OSBM
Brad Sneeden	DPI
Jane Wareham	SBE

VISITOR REGISTRATION SHEET

Name of Committee _____ Date _____

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Cecil Bar	Governor's Offic
Hal Miller	NCACCT
JERRY SCHILL	NCFA
Dwight Spencer	Tarheel Political Consultant
Lloyd Throwers	TAP/AP
Shannon Williams	NCAE
Joe Mavretic	Speaker
Gene Causby	NCSFSA
Leanne Winner	NCSBA
Stargel	DHHS - DCD
David Meredith	N.C. State Grange

VISITOR REGISTRATION SHEET

Name of Committee _____ Date _____

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Charles Gardner	DEHR
Barry Jenkins	CAGC

MINUTES

HOUSE EDUCATION COMMITTEE MEETING

THURSDAY, APRIL 15, 1999

The meeting was called to order by the Co-Chair Representative Alex Warner. See attachment for those in attendance.

Rep. Warner introduced Rep. Moore to explain ***House Bill 517, STUDY DROPOUT RATE COMPUTATION/ABC's PROGRAM.*** Rep. Womble moved to refer this bill to a subcommittee. The motion passed.

Rep. Warner called on Rep. Gulley to explain the committee substitute for ***HB 790, REVIEW OF COURT ORDERS BY SCHOOL BOARD.*** Rep. Yongue moved to adopt the committee substitute for discussion. The motion passed. Rep. Gulley moved for a favorable report. Rep. Yongue moved to reconsider the motion for the House committee substitute. The motion passed. Rep. Yongue moved to withdraw the motion. Rep. Nesbitt moved to give the original bill an unfavorable report. Rep. Arnold moved for a motion to postpone the bill indefinitely, seconded by Rep. Cansler. Rep. Arnold moved to withdraw his motion to postpone the bill indefinitely. Rep. Arnold asked the Chair to withdraw the bill to reconsider at a later date.

After much discussion the meeting adjourned.

Alex Warner
Rep. Alex Warner, Co-Chair

Doug Yongue
Rep. Doug Yongue, Co-Chair

Ann Stancil
Ann Stancil, Committee Clerk

HOUSE BILL 790

Short Title: Review of Court Orders by School Bd. (Public)

Sponsors: Representatives Gulley; Capps, McMahan, Sexton, and C. Wilson.

Referred to: Education.

April 1, 1999

A BILL TO BE ENTITLED

AN ACT TO DIRECT LOCAL BOARDS OF EDUCATION TO REVIEW APPLICABLE COURT ORDERS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 115C-47 is amended by adding a new subdivision to read:

"(38) Beginning in the 1999-2000 school year and every five years thereafter, every local board shall review applicable court orders to determine whether the local school administrative unit is complying with the court's directives."

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H D

H790-CSRH-004
PROPOSED COMMITTEE SUBSTITUTE
HOUSE BILL 790
THIS IS A DRAFT 14-APR-99 16:57:10
ATTENTION: LINE NUMBERS MAY CHANGE AFTER ADOPTION

Short Title: Review of Court Orders by School Bd. (Public)

Sponsors:

Referred to: Education.

April 1, 1999

A BILL TO BE ENTITLED

AN ACT TO DIRECT LOCAL BOARDS OF EDUCATION TO REVIEW CERTAIN COURT ORDERS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 115C-47 is amended by adding a new subdivision to read:

"(38) Beginning in the 1999-2000 school year and every five years thereafter, every local board shall review each federal court order to which the board is a party, that is currently in effect, and that has been in effect for at least 10 years. If the board determines that the local school administrative unit is in compliance with a court order, then the board shall determine whether to seek release from the court's directives. These determinations shall be made in a public meeting."

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

HOUSE BILL 790:
Review of Court Orders by School Bd.

BILL ANALYSIS

Committee:	House Education	**Introduced by:**	Representative Gulley
Date:	April 15, 1999	**Summary by:**	Robin S. Johnson
Version:	1st -- PCS		Committee Counsel
	H790-CSRH-004		

The Proposed Committee Substitute would require each school board to review federal court orders that are currently in effect and that have been in effect for at least 10 year. The board must be a party to any court order that is reviewed. The orders must be reviewed in the 1999-2000 school year, and every five years thereafter. If the board finds the school system is in compliance with an order, then the board must determine whether to seek a release from the terms of that order. The board must make these determinations in a public meeting.

The original bill was not limited to federal court orders. In addition, it only required boards to determine whether they were in compliance with the orders.

Under current law, school boards can be subject to a variety of State and federal court orders. Generally, court orders require parties to take a particular action or to stop a particular action. The most well-known federal court orders involving school systems are desegregation orders; however, there are other federal court orders such as those governing the provision of special education. There is no statutory requirement that local boards review any court order.

Local boards are subject to the Open Meetings Law, which means their official meetings must be open to the public. They are allowed to go into closed sessions under limited circumstances, such as to maintain the confidentiality of protected information (such as information concerning an individual student or employee) or to consult with their attorney concerning a legal matter. The PCS would require boards to make a public determination as to whether they are in compliance with a court order. It would not, however, require a public discussion on the issue.

The PCS would take effect when it becomes law.

H790-SMRH-001

Adjourned meeting
No action

HOUSE BILL 790:
Review of Court Orders by School Bd.

BILL ANALYSIS

4/15

Committee: House Education
Date: April 15, 1999
Version: 1st -- PCS
H790-CSRH-004

Introduced by: Representative Gulley
Summary by: Robin S. Johnson
Committee Counsel

The Proposed Committee Substitute would require each school board to review federal court orders that are currently in effect and that have been in effect for at least 10 year. The board must be a party to any court order that is reviewed. The orders must be reviewed in the 1999-2000 school year, and every five years thereafter. If the board finds the school system is in compliance with an order, then the board must determine whether to seek a release from the terms of that order. The board must make these determinations in a public meeting.

The original bill was not limited to federal court orders. In addition, it only required boards to determine whether they were in compliance with the orders.

Under current law, school boards can be subject to a variety of State and federal court orders. Generally, court orders require parties to take a particular action or to stop a particular action. The most well-known federal court orders involving school systems are desegregation orders; however, there are other federal court orders such as those governing the provision of special education. There is no statutory requirement that local boards review any court order.

Local boards are subject to the Open Meetings Law, which means their official meetings must be open to the public. They are allowed to go into closed sessions under limited circumstances, such as to maintain the confidentiality of protected information (such as information concerning an individual student or employee) or to consult with their attorney concerning a legal matter. The PCS would require boards to make a public determination as to whether they are in compliance with a court order. It would not, however, require a public discussion on the issue.

The PCS would take effect when it becomes law.

H790-SMRH-001

VISITOR REGISTRATION SHEET

Education
Name of Committee

4/15/99
Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK.

NAME	FIRM OR AGENCY AND ADDRESS
Gene Causby	NCSEA
Tim Dowell	NCAICU
[illegible]	NCP
Amanda Williams	NCCS
Elizabeth Grossnickle	OSBM
Karen Gaul	Gov's Office
Anne Wimsatt	NC Justice Center
Violet Bonner	NCGA.
Eddie Caldwell	EEBC

MINUTES

HOUSE EDUCATION COMMITTEE

APRIL 20, 1999 – MORNING SESSION

The meeting was called to order by Co-Chairman Representative Douglas Y. Yongue. For a list of those in attendance, please see attached attendance sheet.

The first bill on the agenda was **HOUSE BILL 598, SCHOOL PERFORMANCE GOALS PILOT PROGRAM.** This bill was displaced at the request of the bill sponsor, Representative Martha Alexander. (See copy of bill.)

The next bill on the agenda was **HOUSE BILL 1016, TEACHER RETIREMENT CREDIT CLARIFIED.** The Co-Chairs of the committee referred this bill to the Committee on Pensions and Retirement. (See copy of bill.)

The next bill to be heard was **HOUSE BILL 967, AMEND THE LAW REGARDING TESTING REQUIREMENTS FOR CHARTER SCHOOLS.** Bill sponsor Representative Robert Grady was called upon to explain the bill. (See copy of bill, bill summary and committee report form.) After some brief discussion, Representative Bonner moved for a favorable report. The motion passed.

The next bill on the agenda was **HOUSE BILL 963, FINISH SMART.** Bill sponsor Representative Daughtry was called upon to explain the bill. (See copy of bill, bill summary. Staff put forth a technical amendment. (See attachment # 1.) Representative Haire moved for passage of the amendment. The amendment passed. Representative Arnold then put forth an amendment. (See Attachment # 2) After some lengthy discussion the amendment passed. After further discussion on the bill, meeting time ran out and it was decided to continue the bill at the next meeting, 15 minutes after session, this day, April 20, 1999.

The meeting was then adjourned.

Representative Douglas Y. Yongue
Co-Chairman

Representative Alex Warner
Co Chairman

Jenny Umstead, Committee Clerk

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

HOUSE BILL 598*

Short Title: School Performance Goal Pilot Prog. (Public)

Sponsors: Representatives Alexander, C. Wilson; Cunningham, Earle, Easterling, Gulley, McMahan, and Saunders.

Referred to: Education.

March 25, 1999

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH A PILOT PROGRAM TO TEST AND EVALUATE ALTERNATIVE SCHOOL-BASED ACCOUNTABILITY STANDARDS FOR THE ABCS PROGRAM.

The General Assembly of North Carolina enacts:

Section 1. The State Board of Education shall establish a pilot program in three to eight local school administrative units to test and evaluate alternative school-based accountability standards for incentive awards under the ABCs Program. The State Board shall select local school administrative units to participate in the pilot program that are located geographically throughout the State, have different demographic profiles, and volunteer to participate in the program.

Under the pilot program, the State Board of Education may, upon the request of a local board of education, waive State laws, rules, and policies pertaining to incentive awards for personnel in schools that meet or exceed their projected levels of improvement in student performance to permit the unit to:

(1) Set student performance standards that are more rigorous than State standards for the receipt of incentive awards; and/or

(2) Condition receipt of incentive awards at a given school on successfully improving the performance of students within designated subpopulations of the school.

In all cases, the performance standards for incentive awards in the pilot units shall be at least as high as the State standards that would otherwise apply.

In determining whether to grant the requested waiver in a pilot unit, the State Board shall consider the State's experience with the ABCs Program under current State laws, rules, and policies, the likelihood that granting the waiver will improve student performance in the pilot unit, the likelihood that the experience of schools in the pilot program will be helpful in enhancing the statewide program, and other factors the State Board deems appropriate.

The Department of Public Instruction shall evaluate the pilot units on an annual basis and recommend to the State Board of Education whether the pilot program should be continued or terminated in each unit. The State Board of Education may, in its discretion, terminate the pilot program in a pilot unit at any time. The State Board of Education shall also terminate the pilot program in a pilot unit at the request of that pilot unit. If the pilot program is terminated in a local school administrative unit, employees of that unit are eligible to receive incentive awards under the statewide program.

The State Board of Education shall evaluate the pilot program and report its findings on the pilot program and its recommendations on whether to expand or modify the pilot program to the Joint Legislative Education Oversight Committee prior to October 1, 2000, and annually thereafter.

Section 2. This act is effective when it becomes law and expires with the payment of incentive awards for the 2004-2005 school year. Incentive awards shall be paid under the pilot program only if the General Assembly appropriates funds for incentive awards.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H 2

HOUSE BILL 1016
Committee Substitute Favorable 5/25/99

Short Title: School Employee Retirement Credit Chgd. (Public)

Sponsors:

Referred to:

April 13, 1999

A BILL TO BE ENTITLED

AN ACT TO CHANGE THE LAW REGARDING THE CONVERSION OF ANNUAL LEAVE FOR RETIRING SCHOOL EMPLOYEES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 115C-302.1(c) reads as rewritten:

"(c) Vacation. -- Included within the 10-month term shall be annual vacation leave at the same rate provided for State employees, computed at one-twelfth of the annual rate for State employees for each month of employment. Local boards shall provide at least 10 days of annual vacation leave at a time when students are not scheduled to be in regular attendance. However, instructional personnel who do not require a substitute may use annual vacation leave on days that students are in attendance. Vocational and technical education teachers who are employed for 11 or 12 months may, with prior approval of the principal, work on annual vacation leave days designated in the school calendar and may use those annual vacation leave days during the eleventh or twelfth month of employment.

On a day that pupils are not required to attend school due to inclement weather, but employees are required to report for a workday, a teacher may elect not to report due to hazardous travel conditions and to take an annual vacation day or to make the day at a time agreed upon by the teacher and the teacher's immediate supervisor or principal. On a day that school is closed to employees and pupils due to inclement weather, a teacher shall work on the scheduled makeup day.

All vacation leave taken by the teacher will be upon the authorization of the teacher's immediate supervisor and under policies established by the local board of

education. Annual vacation leave shall not be used to extend the term of employment.

~~Teachers may accumulate annual vacation leave days without any applicable maximum until June 30 of each year. In order that only 30 days of annual vacation leave carry forward to July 1, on June 30 of each year any teacher or other personnel paid on the teacher salary schedule who has accumulated more than 30 days of annual vacation leave shall:~~

~~(1) Convert to either sick leave or pay the excess accumulation that is the result of the teacher having to forfeit annual vacation leave in order to attend required workdays; and~~

~~(2) Convert to sick leave the remaining excess accumulation.~~

~~Local boards of education shall identify which days are accumulated due to the teacher forfeiting annual vacation leave in order to attend required workdays. Actual payment for excess accumulated annual vacation leave may be made after July 1.~~

~~Upon separation from service due to service retirement, resignation, dismissal, reduction in force, or death, an employee shall be paid in a lump sum for accumulated annual leave not to exceed a maximum of 30 days. In addition to the maximum of 30 days pay for accumulated annual leave, upon separation from service due to service retirement, any teacher or other personnel paid on the teacher salary schedule with more than 30 days of accumulated annual vacation leave may convert some or all of the excess accumulation to sick leave for creditable service towards retirement or pay if the excess accumulation is the result of the teacher having to forfeit annual vacation leave in order to attend required workdays. Local boards of education shall identify which days are accumulated due to the teacher forfeiting annual vacation leave in order to attend required workdays. Employees going onto term disability may exhaust annual leave rather than be paid in a lump sum.~~

Notwithstanding any provisions of this subsection to the contrary, no person shall be entitled to pay for any vacation day not earned by that person."

Section 2. G.S. 115C-302.1 is amended by adding two new subsections to read:

"(c1) Conversion of Leave. -- Teachers may accumulate annual vacation leave days without any applicable maximum until June 30 of each year. In order that only 30 days of annual vacation leave carry forward to July 1, on June 30 of each year any teacher or other personnel paid on the teacher salary schedule who has accumulated more than 30 days of annual vacation leave shall:

(1) Convert to either sick leave or to pay the excess accumulation that is the result of the teacher having to forfeit annual vacation leave in order to attend required workdays; and

(2) Convert to sick leave the remaining excess accumulation.

Local boards of education shall identify which days are accumulated due to the teacher forfeiting annual vacation leave in order to attend required workdays. Actual payment for excess accumulated annual vacation leave may be made after July 1.

(c2) Conversion of Leave Upon Separation of Service. -- Upon separation from service due to service retirement, resignation, dismissal, reduction in force, or death,

an employee shall be paid in a lump sum for accumulated annual vacation leave not to exceed a maximum of 30 days. Employees going onto term disability may exhaust annual leave rather than be paid in a lump sum.

Any teacher or other personnel paid on the teacher salary schedule who has more than 30 days of accumulated annual vacation leave at the time the person retires shall:

(1) Convert to either sick leave or to pay the excess accumulation that is the result of the teacher having to forfeit annual vacation leave in order to attend required workdays; and

(2) Convert to sick leave the remaining excess accumulation which may be used for creditable service at retirement in accordance with G.S. 135-4(e).

Local boards of education shall identify which days are accumulated due to the teacher forfeiting annual vacation leave in order to attend required workdays."

Section 3. G.S. 115C-272(b)(2) reads as rewritten:

"(2) Notwithstanding any provisions of this section to the contrary no person shall be entitled to pay for any vacation day not earned by that person. Vacation days shall not be used for extending the term of employment of individuals and shall not be cumulative from one fiscal year to another fiscal year: Provided, that superintendents may accumulate annual vacation leave days as follows: annual leave may be accumulated without any applicable maximum until June 30 of each year. On June 30 of each year, any superintendent with more than 30 days of accumulated leave shall have the excess accumulation converted to sick leave so that only 30 days are carried forward to July 1 of the same year. All vacation leave taken by the superintendent will be upon the authorization of his immediate supervisor and under policies established by the local board of education. An employee shall be paid in a lump sum for accumulated annual leave not to exceed a maximum of 240 hours or 30 days when separated from service due to resignation, dismissal, reduction in force, death, or service retirement. Upon separation from service due to service retirement, any annual vacation leave over 30 days will convert to sick leave and may be used for creditable service at retirement in accordance with G.S. 135-4(e). If the last day of terminal leave falls on the last workday in the month, payment shall be made for the remaining nonworkdays in that month. Employees retiring on disability retirement may exhaust annual leave rather than be paid in a lump sum. The provisions of this subdivision shall be accomplished without additional State and local funds being appropriated for this purpose. The State Board of Education shall adopt rules and regulations for the administration of this subdivision."

Section 4. G.S. 115C-285(a)(2) reads as rewritten:

"(2) Supervisors and classified principals paid on an hourly or other basis whether paid from State or from local funds may accumulate annual vacation leave days as follows: annual leave may be accumulated without any applicable maximum until June 30 of each year. On June 30 of each year, any supervisor or principals with more than 30 days of accumulated leave shall have the excess accumulation converted to sick leave so that only 30 days are carried forward to July 1 of the same year. All vacation leave taken by the employee will be upon the authorization of his immediate supervisor and under policies established by the local board of education. An employee shall be paid in a lump sum for accumulated annual leave not to exceed a maximum of 240 hours or 30 days when separated from service due to resignation, dismissal, reduction in force, death, or service retirement. Upon separation from service due to service retirement, any annual vacation leave over 30 days will convert to sick leave and may be used for creditable service at retirement in accordance with G.S. 135-4(e). If the last day of terminal leave falls on the last workday in the month, payment shall be made for the remaining nonworkdays in that month. Employees retiring on disability retirement may exhaust annual leave rather than be paid in a lump sum. The provisions of this subdivision shall be accomplished without additional State and local funds being appropriated for this purpose. The State Board of Education shall adopt rules and regulations for the administration of this subdivision."

Section 5. G.S. 115C-316(a)(3) reads as rewritten:

"(3) Notwithstanding any provisions of this section to the contrary no person shall be entitled to pay for any vacation day not earned by that person. The first 10 days of annual leave earned by a 10- or 11-month employee during any fiscal year period shall be scheduled to be used in the school calendar adopted by the respective local boards of education. Vacation days shall not be used for extending the term of employment of individuals. Ten- or 11-month employees may accumulate annual vacation leave days as follows: annual leave may be accumulated without any applicable maximum until June 30 of each year. On June 30 of each year, any of these employees with more than 30 days of accumulated leave shall have the excess accumulation converted to sick leave so that only 30 days are carried forward to July 1 of the same year. All vacation leave taken by these employees shall be upon the authorization of their immediate supervisor and under policies established by the local board of education. Vacation leave for instructional personnel who do not require a substitute shall not be restricted to days that students are not in attendance. An employee

shall be paid in a lump sum for accumulated annual leave not to exceed a maximum of 240 hours or 30 days when separated from service due to resignation, dismissal, reduction in force, death or service retirement. Upon separation from service due to service retirement, any annual vacation leave over 30 days will convert to sick leave and may be used for creditable service at retirement in accordance with G.S. 135-4(e). If the last day of terminal leave falls on the last workday in the month, payment shall be made for the remaining nonworkdays in that month. Employees retiring on disability retirement may exhaust annual leave rather than be paid in a lump sum. The provisions of this subdivision shall be accomplished without additional State and local funds being appropriated for this purpose. The State Board of Education shall adopt rules and regulations for the administration of this subdivision."

Section 6. G.S. 115C-316(a)(4) reads as rewritten:

"(4) Twelve-month school employees other than superintendents, supervisors and classified principals paid on an hourly or other basis whether paid from State or from local funds may accumulate annual vacation leave days as follows: annual leave may be accumulated without any applicable maximum until June 30 of each year. On June 30 of each year, any employee with more than 30 days of accumulated leave shall have the excess accumulation converted to sick leave so that only 30 days are carried forward to July 1 of the same year. All vacation leave taken by the employee will be upon the authorization of his immediate supervisor and under policies established by the local board of education. An employee shall be paid in a lump sum for accumulated annual leave not to exceed a maximum of 240 hours or 30 days when separated from service due to resignation, dismissal, reduction in force, death, or service retirement. Upon separation from service due to service retirement, any annual vacation leave over 30 days will convert to sick leave and may be used for creditable service at retirement in accordance with G.S. 135-4(e). If the last day of terminal leave falls on the last workday in the month, payment shall be made for the remaining nonworkdays in that month. Employees retiring on disability retirement may exhaust annual leave rather than be paid in a lump sum. The provisions of this subdivision shall be accomplished without additional State and local funds being appropriated for this purpose. The State Board of Education shall adopt rules and regulations for the administration of this subdivision."

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

1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **YONGUE AND WARNER** for the Committee on **EDUCATION.**

☐ Committee Substitute for
H.B. 967 A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW REGARDING TESTING REQUIREMENTS FOR CHARTER SCHOOLS

☒ With a favorable report.

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

☐ With a favorable report, as amended.

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

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

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

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

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

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

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

☐ Without prejudice.

☐ With an indefinite postponement report.

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

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

2/24/99

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

HOUSE BILL 967

Short Title: Charter School Testing Requirements. (Public)

Sponsors: Representatives Grady, Luebke, Moore (Primary Sponsors); Barefoot, Boyd-McIntyre, Bridgeman, Brown, Cox, Edwards, Hensley, Jarrell, Jeffus, McLawhorn, Melton, Mosley, Oldham, Rayfield, Sutton, Warren, and Yongue.

Referred to: Education.

April 12, 1999

A BILL TO BE ENTITLED

AN ACT TO AMEND THE LAW REGARDING TESTING REQUIREMENTS FOR CHARTER SCHOOLS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 115C-238.29F(d)(3) reads as rewritten:

"(3) A charter school shall ~~conduct the student assessments required for charter schools by the State Board of Education.~~ administer the tests adopted by the State Board of Education under G.S. 115C-174.11 that are used to implement the School-Based Management and Accountability Program in other public schools."

Section 2. G.S. 115C-238.29G(a) reads as rewritten:

"(a) The State Board of Education, or a chartering entity subject to the approval of the State Board of Education, may terminate or not renew a charter upon any of the following grounds:

(1) Failure to meet the requirements for student performance contained in the ~~charter;~~ charter or to meet the requirements for student testing contained in G.S. 115C-238.29F(d)(3).

(2) Failure to meet generally accepted standards of fiscal management;

(3) Violations of law;

(4) Material violation of any of the conditions, standards, or procedures set forth in the charter;

(5) Two-thirds of the faculty and instructional support personnel at the school request that the charter be terminated or not renewed; or

(6) Other good cause identified."

Section 3. This act becomes effective July 1, 1999, and applies to school years beginning with the 1999-2000 school year.

HOUSE BILL 967:
Charter School Testing Requirements

BILL ANALYSIS

Committee:	House Education	**Introduced by:**	Representatives Grady, Luebke, Moore
Date:	April 19, 1999		
Version:	First Edition	**Summary by:**	Sare Kamprath Education Policy Analyst

SUMMARY: ***House Bill 967 amends the testing requirements for charter schools so that the same tests used by other public schools for implementing the ABC's Program shall be used by the charter schools. The State Board may terminate or may not renew a charter if a charter school fails to use these tests. The bill becomes effective July 1, 1999 and applies beginning with the 1999-2000 school year.***

CURRENT STATE BOARD POLICY: In 1997, the State Board adopted a policy regarding accountability procedures for the charter schools. The policy states "each year all eligible students must take required state tests. ...

In the second and subsequent years of operation, all schools will follow the ABCs Accountability Model for rewards that is used in the North Carolina public schools. If, however, the school is designated as low performing (as determined by the ABCs Accountability Model) the State Board of Education may revoke the charter."

BILL ANALYSIS: Section 1 of the bill amends G.S. 115C-238.29F(d)(3) to require that the charter schools use the same tests as other public schools for accountability purposes under the ABCs program. Section 2 of the bill amends G.S. 115C-238.29G(a) to include failure to meet the requirements of G.S. 115C-238.29F(d)(3) as a reason that the State Board may terminate or not renew a charter.

H967-SMRJ-001

#2

Arnold Amendment Passed

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 963

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

H963-ARH-003

Date_____,1999

Comm. Sub. []
Amends Title []

Representative Arnold

moves to amend the bill on page 1, lines 12-14, by rewriting the lines to read:

"develop, validate, and adopt a test that measures a twelfth grade level of proficiency so as to assure that high school graduates possess the";

and on page 1, lines 17 and 20, by deleting the phrase "in reading, writing, and mathematics" in both places;

and on page 2, line 26, by rewriting the line to read:

"of proficiency. These".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

#1

Technical

Hair - more adjust
Conference
passed

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 963

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

H963-ASF-001.1

Page 1 of __

Date _____ ,1999

Comm. Sub. []
Amends Title []

1 moves to amend the bill on page 1, line 9,
2 by deleting the phrase "G.S. 115C-174.21" and by substituting the
3 phrase "G.S. 115C-174.11".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H 1

HOUSE BILL 963

Short Title: Finish Smart. (Public)

Sponsors: Representatives Daughtry; Allred, Arnold, Baker, Barbee, Berry, Brown, Brubaker, Buchanan, Cansler, Capps, Clary, Culp, Davis, Decker, Dockham, Ellis, Esposito, Gardner, Gillespie, Grady, Gray, Gulley, Hiatt, Holmes, Howard, McComas, McCombs, McMahan, Miner, Mitchell, Morris, Preston, Rayfield, Russell, Setzer, Sexton, Starnes, Teague, Thompson, Walend, C. Wilson, and G. Wilson.

Referred to: Education.

April 12, 1999

A BILL TO BE ENTITLED

AN ACT TO DIRECT THE STATE BOARD OF EDUCATION TO DEVELOP AND IMPLEMENT A HIGH SCHOOL EXIT EXAMINATION THAT REFLECTS A TWELFTH GRADE PROFICIENCY LEVEL AND TO DEVELOP A PLAN TO PROVIDE INTENSIVE CLASSROOM INSTRUCTION TO STUDENTS WHO ARE AT RISK OF NOT PASSING THE TWELFTH GRADE EXAM.

The General Assembly of North Carolina enacts:

Section 1. G.S. 115C-174.21 is amended by adding the following new subsection to read:

"(d) High School Exit Examination. -- The State Board of Education shall develop, validate, and adopt a test that measures reading, writing, and mathematics at the twelfth grade level. The test shall be administered annually no earlier than the last two months of twelfth grade so as to assure that high school graduates possess the skills and knowledge necessary to function independently and successfully in assuming the responsibilities of citizenship. Beginning April 1, 2003, students must attain at least a twelfth grade proficiency level in reading, writing, and mathematics on this test to receive a high school diploma. The General Assembly intends to appropriate funds so that local boards of education can provide intensive classroom instruction in reading, writing, and mathematics to students who may fail to attain a

twelfth grade proficiency on the high school exit examination developed under this subsection. The State Board shall develop a plan to enable local boards of education to provide this instruction to students. The plan shall include: (i) ways to identify students who will need this intensive instruction; (ii) a review and identification of funds currently available that may be used to provide this instruction; (iii) an evaluation of whether the current funding categories should be restructured in order to provide local boards with greater flexibility to provide this instruction; (iv) the identification of courses that could be modified or supplemented in order to provide this instruction; (v) the development of coursework designed to enable students to attain a twelfth grade level of proficiency on the high school exit examination; and (vi) recommendations to address the effective incorporation of this instruction into the school day. The Board shall develop this plan no later than December 1, 1999, and shall disseminate it to local boards of education. Local boards shall begin to offer the instruction no later than the 2000-2001 school year."

Section 2. G.S. 115C-12 is amended by adding the following new subdivision to read:

"(29) The State Board shall report annually by February 1 to the Joint Legislative Education Oversight Committee on its implementation of G.S. 115C-174.21(d). The initial report shall include any requests for (i) statutory changes needed to implement that law, (ii) funds needed to develop, validate, and implement the test developed under that law, and (iii) funds needed to implement the plan developed under that law. The initial report also shall include recommendations to address the needs of children with disabilities in order to enable them to achieve a twelfth grade level of proficiency in reading, writing, and mathematics. These recommendations may include a substitute or alternative test that could be administered to these students, the modification of current course and testing requirements for a high school diploma, or an alternative diploma for these students."

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

HOUSE BILL 963:
Finish Smart

BILL ANALYSIS

Committee: House Education
Date: April 20, 1999
Version: 1st Edition

Introduced by: Representative Daughtry
Summary by: Shirley Iorio, Ph.D.
Education Policy Analyst

SUMMARY: This bill directs the State Board of Education to develop, validate, and adopt a high school exit exam that measures reading, writing, and mathematics at the twelfth grade level. The test shall be given annually and may not be given earlier than the last two months of twelfth grade. Beginning April 1, 2003, students must attain at least a twelfth grade proficiency on this test to receive a high school diploma.

By December 1, 1999, the State Board must develop and disseminate to local boards of education a plan to enable local boards to provide intensive classroom instruction in reading, writing, and mathematics to those students who may fail to attain a twelfth grade proficiency on this high school exit exam. The bill specifies what the plan must include, and that local boards must implement the plan no later than the 2000-2001 school year.

The State Board would be required to report annually by February 1 to the Joint Legislative Education Oversight Committee.The bill specifies what must be included in the initial report.

CURRENT LAW: On April 1, 1999, the State Board of Education passed the Student Accountability Standards policy in response to legislation requiring the Board to develop a plan to implement high school exit exams and grade level student proficiency benchmarks.

The State Board policy requires third, fifth, and eighth grade students to pass end-of-grade tests in reading and mathematics before they are passed on to the next grade. The fourth and seventh grade writing assessments will also be used as a screen to determine whether students are making adequate progress in developing writing skills. The fifth grade requirement will become effective in 2000-2001. The third and eighth grade requirements will become effective in 2001-2002.

In 2003, high school students will be required to pass an exit exam in addition to meeting existing local and State graduation requirements. Students will take this exam in the spring of the students' 11th grade year. They must also pass a computer skills test (effective for 2001 graduating class).

The policy sets out review procedures that local school districts must follow for students who do not meet these gateway standards, including remediation, retesting, and students with special needs.

BILL ANALYSIS: **Section 1 – High School Exit Exam.** The State Board would develop and implement a high school exit exam that reflects a twelfth grade proficiency level. The exam would be required beginning with the graduating class of 2003, which is next year's freshman class (1999-2000 school year). This date is consistent with the State Board policy.

The bill does not require or prohibit retesting. Students who fail the exam could be retested as many times as the State Board plan allows.

The General Assembly intends to appropriate funds so that local boards can identify and provide intensive classroom instruction to those students who are at risk of failing to attain a twelfth grade proficiency on

the high school exit exam. The plan that the State Board would be required to develop would have to include ways to identify the students who will need this instruction, a review of currently available funds and funding categories, the development or modification of coursework, and recommendations to address the effective incorporation of this instruction into the school day.

Section 2 – Reporting Requirement. The initial report would be due to Education Oversight by February 1, 2000, and must include requests for:

- statutory changes needed to implement the law;
- funds needed to develop, validate, and implement the exit exam;
- funds needed to implement the plan; and
- recommendations to address the needs of children with disabilities.

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

H963-SMSF-001

VISITOR REGISTRATION SHEET

Name of Committee _____ Date _____

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK.

NAME	FIRM OR AGENCY AND ADDRESS
Neil Cohoon	NCAE
Bill Wilson	NCAE
Thad Dunn	NCAE
Kim Gale	Governor's Office
Lynn Bracewell	MGNS
Joan Altman	Town of Long Beach
Jerry Schill	NC Fisheries Association
Tim Kent	American Institute of Architects
Leanne Winner	NCSBA
Spiro Agnew	VP
[illegible]	NCAICU

VISITOR REGISTRATION SHEET

Name of Committee _____ Date _____

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK.

NAME	FIRM OR AGENCY AND ADDRESS
Ann Belcher	SBE
Brad Sneeden	DPI
Leslie Bewaegan	NCCBT
Ann Norris	Public School Forum
Linda Suggs	NCASA
Jan Curtis	NCASA
C.P. Medl	Covenant w/NC's Children
Hal Miller	NCAECT
Wayne Threatt	TAP/PF
Gene Causby	NCSFSA
Amy Van Oostrum	PENC
Evelyn Hawthorne	UNC-CH
Jon Sewell	NCAE
Greg Malhoit	NC ED Law Project
Yvonne Perry	" " "

MINUTES

HOUSE EDUCATION MEETING

APRIL 20, 1999 – EVENING SESSION

The meeting was called to order by Co-Chairman Representative Douglas Y. Yongue. For a list of those in attendance, please see attached attendance sheet.

The first order of business was to be a continuation of discussion on **HOUSE BILL 963, FINISH SMART,** sponsored by Representative Daughtry. (See copy of bill.) Co-Chairman Representative Yongue stated that the bill was displaced from tonight's agenda and would be heard at the Friday, April 23, 1999, meeting.

The next order of business was **HOUSE BILL 1046, NO CELL PHONES/PAGERS IN SCHOOLS,** sponsored by Representative Thompson. (See copy of bill.) This bill was displaced until Thursday's meeting at the request of the bill sponsor.

The next item of business was **HOUSE BILL 1031, COMPENSATE TEACHER ACTING AS SUBSTITUTE,** sponsored by Representative Moore. Representative Moore was called upon to explain the bill. (See copy of bill, bill summary.) After some lengthy discussion and some explanations from Bill Wilson with the NCAE and Jane Crotts with the School Administrator Association, it was obvious there were some difficulties with the bill. Co-Chairman Yongue decided to appoint a sub-committee to work out the difficulties and report back to the full committee with the results. Those appointed to the sub-committee were Representative Bonner, Chair, Representatives Warren, Horn, Sexton and Oldham.

The meeting was then adjourned

Representative Douglas Y. Yongue
Co-Chairman

Representative Alex Warner
Co-Chairman

Jenny Umstead, Committee Assistant

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H 1

HOUSE BILL 963

Short Title: Finish Smart. (Public)

Sponsors: Representatives Daughtry; Allred, Arnold, Baker, Barbee, Berry, Brown, Brubaker, Buchanan, Cansler, Capps, Clary, Culp, Davis, Decker, Dockham, Ellis, Esposito, Gardner, Gillespie, Grady, Gray, Gulley, Hiatt, Holmes, Howard, McComas, McCombs, McMahan, Miner, Mitchell, Morris, Preston, Rayfield, Russell, Setzer, Sexton, Starnes, Teague, Thompson, Walend, C. Wilson, and G. Wilson.

Referred to: Education.

April 12, 1999

A BILL TO BE ENTITLED

AN ACT TO DIRECT THE STATE BOARD OF EDUCATION TO DEVELOP AND IMPLEMENT A HIGH SCHOOL EXIT EXAMINATION THAT REFLECTS A TWELFTH GRADE PROFICIENCY LEVEL AND TO DEVELOP A PLAN TO PROVIDE INTENSIVE CLASSROOM INSTRUCTION TO STUDENTS WHO ARE AT RISK OF NOT PASSING THE TWELFTH GRADE EXAM.

The General Assembly of North Carolina enacts:

Section 1. G.S. 115C-174.21 is amended by adding the following new subsection to read:

"(d) High School Exit Examination. -- The State Board of Education shall develop, validate, and adopt a test that measures reading, writing, and mathematics at the twelfth grade level. The test shall be administered annually no earlier than the last two months of twelfth grade so as to assure that high school graduates possess the skills and knowledge necessary to function independently and successfully in assuming the responsibilities of citizenship. Beginning April 1, 2003, students must attain at least a twelfth grade proficiency level in reading, writing, and mathematics on this test to receive a high school diploma. The General Assembly intends to appropriate funds so that local boards of education can provide intensive classroom instruction in reading, writing, and mathematics to students who may fail to attain a

twelfth grade proficiency on the high school exit examination developed under this subsection. The State Board shall develop a plan to enable local boards of education to provide this instruction to students. The plan shall include: (i) ways to identify students who will need this intensive instruction; (ii) a review and identification of funds currently available that may be used to provide this instruction; (iii) an evaluation of whether the current funding categories should be restructured in order to provide local boards with greater flexibility to provide this instruction; (iv) the identification of courses that could be modified or supplemented in order to provide this instruction; (v) the development of coursework designed to enable students to attain a twelfth grade level of proficiency on the high school exit examination; and (vi) recommendations to address the effective incorporation of this instruction into the school day. The Board shall develop this plan no later than December 1, 1999, and shall disseminate it to local boards of education. Local boards shall begin to offer the instruction no later than the 2000-2001 school year."

Section 2. G.S. 115C-12 is amended by adding the following new subdivision to read:

"(29) The State Board shall report annually by February 1 to the Joint Legislative Education Oversight Committee on its implementation of G.S. 115C-174.21(d). The initial report shall include any requests for (i) statutory changes needed to implement that law, (ii) funds needed to develop, validate, and implement the test developed under that law, and (iii) funds needed to implement the plan developed under that law. The initial report also shall include recommendations to address the needs of children with disabilities in order to enable them to achieve a twelfth grade level of proficiency in reading, writing, and mathematics. These recommendations may include a substitute or alternative test that could be administered to these students, the modification of current course and testing requirements for a high school diploma, or an alternative diploma for these students."

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H 2

HOUSE BILL 1046
Committee Substitute Favorable 4/26/99

Short Title: Cell Phones/Pagers in Schools. (Public)

Sponsors:

Referred to:

April 14, 1999

A BILL TO BE ENTITLED

AN ACT DIRECTING LOCAL BOARDS OF EDUCATION TO CONSIDER ADOPTING POLICIES PROHIBITING STUDENTS FROM USING CELLULAR PHONES OR PAGERS ON SCHOOL PROPERTY DURING INSTRUCTIONAL HOURS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 115C-47 is amended by adding a new subdivision to read:

"(38) To prohibit the use of cellular phones or paging devices by students. Local boards of education shall consider adopting policies to prohibit the use of cellular telephones, other wireless telephones, paging devices, or other wireless communications devices, by students on school property during instructional hours unless otherwise permitted by the principal in accordance with local board policies. The policies shall provide for the immediate confiscation of devices used on school property in violation of the policies. Devices that are confiscated may be returned only to the student's parent or legal guardian upon the parent's or legal guardian's oral or written request."

Section 2. G.S. 115C-391(f) reads as rewritten:

"(f) Local boards of education shall ensure they have clear policies governing the conduct of students. At a minimum, these policies shall state the consequences of violent or assaultive behavior, possessions of weapons, and criminal acts committed on school property or at school-sponsored functions. If a local board prohibits the

use of cellular telephones, other wireless telephones, paging devices, or other wireless communications devices on school property during instructional hours, the policies governing student conduct shall clearly state the consequences for violations of that policy. The State Board shall develop guidelines to assist local boards in this process."

Section 3. This act becomes effective July 1, 1999, and applies beginning with the 1999-2000 school year.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

HOUSE BILL 1031

Short Title: Compensate Teacher Acting as Substitute. (Public)

Sponsors: Representatives Moore; Preston, Mosley, Barefoot, and Wainwright.

Referred to: Education.

April 14, 1999

A BILL TO BE ENTITLED

AN ACT TO COMPENSATE TEACHERS FOR COVERING CLASSES FOR ABSENT TEACHERS.

The General Assembly of North Carolina enacts:

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

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

The minimum pay for a substitute teacher who holds a teaching certificate shall be sixty-five percent (65%) of the daily pay rate of an entry-level teacher with an "A" certificate. The minimum pay for a substitute teacher who does not hold a teaching certificate shall be fifty percent (50%) of the daily pay rate of an entry-level teacher with an "A" certificate. The pay for noncertified substitutes shall not exceed the pay of certified substitutes.

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

If a teacher acts as a substitute teacher for another teacher within the school for part of an instructional day, the teacher acting as a substitute shall be paid both as a teacher and as a

substitute teacher for the portion of the day the teacher acts as a substitute.

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

Section 2. This act becomes effective July 1, 1999.

HOUSE BILL 1031:
Compensate Teacher Acting as Substitute

BILL ANALYSIS

Committee: House Education
Date: April 19, 1999
Version: First Edition

Introduced by: Representative Moore
Summary by: Sara Kamprath
Education Policy Analyst

SUMMARY: ***House Bill 1031 would require that a teacher be paid his salary and the salary of a substitute teacher for the time that the teacher acts as a substitute for another teacher in the school. The bill is effective July 1, 1999.***

CURRENT LAW: G.S. 115C-12(8) provides that the minimum pay for a substitute teacher with a teaching certificate is 65% of the daily pay of an entry-level teacher with an "A" certificate. The minimum pay for a substitute teacher without a teaching certificate is 50% of the daily pay of an entry-level teacher with an "A" certificate.

If the General Assembly adopts the third year of the teacher salary schedule recommended in the Excellent Schools Act (1997), then the minimum daily pay for a substitute teacher with a teaching certificate would be $71.00. The minimum daily pay for a substitute teacher without a teaching certificate would be $54.66.

BILL ANALYSIS: The bill amends G.S. 115C-12(8) to require that teachers must be paid their salary and the salary of a substitute for the portion of an instructional day that they substitute for other teachers in the building.

H1031-SMRJ-001

MINUTES

HOUSE EDUCATION COMMITTEE MEETING

THURSDAY, APRIL 22, 1999

The meeting was called to order by the Co-Chair Representative Warner. See attachment of committee members present.

Representative Warner recognized Rep. Maggie Jeffus to explain ***House Bill 1152, Duty Free Period/All Teachers.*** After much discussion House Bill 1152 was put into a subcommittee. Rep. Moore had introduced a similar bill and the subcommittee, which is chaired by Rep. Bonner, will combine the two bills.

Representative Warner recognized Rep. Russell Capps to explain ***House Bill 1036, Teaching of Evolution.*** Summary attached. After much discussion a motion was made for an unfavorable report. The motion passed.

Representative Warner recognized Rep. Mickey Michaux to explain ***House Bill 1148, School Promotion Standards Postponed.*** Attachments are included. After much discussion Rep. Yongue made a motion to pass the bill without prejudice and to be re-referred to Appropriations. The motion passed.

Meeting adjourned.

Rep. Alex Warner, Co-Chair

Rep. Doug Yongue, Co-Chair

Ann Stancil, Legislative Assist.

Jeffus / Moore have same bill - need to pull together -

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H 1

HOUSE BILL 1152

Short Title: Duty Free Period/All Teachers. (Public)

Sponsors: Representatives Jeffus; Adams, Luebke, and Wainwright.

Referred to: Education.

April 15, 1999

A BILL TO BE ENTITLED

AN ACT TO AMEND THE LAW TO ENSURE THAT ALL TEACHERS RECEIVE A DUTY FREE PERIOD EACH DAY.

The General Assembly of North Carolina enacts:

Section 1. G.S. 115C-301.1 reads as rewritten:

"**§ 115C-301.1. Duty free period.**

All full-time assigned classroom teachers shall be provided a daily duty free period during regular student contact hours. ~~The duty-free period shall be provided to the maximum extent that (i) the safety and proper supervision of children may allow during regular student contact hours and (ii) insofar as funds are provided for this purpose by the General Assembly. If the safety and supervision of children does not allow a daily duty free period during regular student contact hours for a given teacher, the funds provided by the General Assembly for the duty free period for that teacher shall revert to the general fund.~~"

Section 2. This act becomes effective July 1, 1999, and applies to all school years beginning with the 1999-2000 school year.

1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **Warner/Yongue** for the Committee on **EDUCATION**.

☐ Committee Substitute for
H.B. 1036 A BILL TO BE ENTITLED AN ACT TO ENSURE THAT EVOLUTION IS TAUGHT AS SCIENCE, NOT AS IDEOLOGY.

☐ With a favorable report.

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

☐ With a favorable report, as amended.

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

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

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

☒ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

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

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

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

☐ Without prejudice.

☐ With an indefinite postponement report.

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

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

2/24/99

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H 1

HOUSE BILL 1036

Short Title: Teaching of Evolution. (Public)

Sponsors: Representatives Capps; Baker, Davis, Eddins, and Gulley.

Referred to: Education.

April 14, 1999

A BILL TO BE ENTITLED

AN ACT TO ENSURE THAT EVOLUTION IS TAUGHT AS SCIENCE, NOT AS IDEOLOGY.

The General Assembly of North Carolina enacts:

Section 1. The State Board of Education and the local boards of education shall ensure that evolution is taught as science, not as ideology. The State Board of Education and the local boards of education shall encourage teachers to make distinctions between the multiple meanings of "evolution", to distinguish between philosophical materialism and authentic science, and to include unanswered questions and unresolved problems in their presentations.

Section 2. This act becomes effective July 1, 1999, and applies beginning with the 1999-2000 school year.

HOUSE BILL 1036:
Teaching of Evolution

BILL ANALYSIS

Committee:	House Education	**Introduced by:**	Representative Capps
Date:	April 21, 1999	**Summary by:**	Sara Kamprath, Policy Analyst Robin Johnson, Committee Counsel
Version:	First Edition		

SUMMARY: ***House Bill 1036 provides that evolution is taught as a science and not as an ideology. The bill becomes effective July 1, 1999 and applies beginning with the 1999-2000 school year.***

BACKGROUND: It is critical that House Bill 1036 does not prohibit the teaching of evolution or require schools to teach creationism, either as fact or theory. In 1968, the U.S. Supreme Court held that an Arkansas statute prohibiting instruction about evolution violated the Establishment Clause because it implied government promoting of fundamentalist doctrine Epperson v. Arkansas, 393 U.S. 97 (1968). In Edwards v. Aguillard, 482 U.S. 578 (1987), the U.S. Supreme Court struck down a Louisiana statute requiring that if either evolution or creation science is taught then the other theory must be taught. Under this statute, the Court found that this was an attempt by adherents of creationism to promote their own beliefs and to oppose evolution. The Court also concluded that creationism is a religious doctrine and therefore the state was forbidden, under the Establishment Clause, to promote it.

On the other hand, this proposed legislation might be challenged as having an unconstitutional purpose. The First Amendment of the U.S. Constitution prohibits laws "respecting an establishment of religion or prohibiting the free exercise thereof." Courts use a three-prong test established by the U.S. Supreme Court in Lemon v. Kurtzman, to determine whether governmental action violates the establishment clause. The governmental action must: (i) have a primary secular purpose; (ii) have an effect that neither advances or inhibits religion; and (iii) avoid excessive entanglement between church and state.

The federal courts have looked closely at the legislative intent underlying the enactment of a statute when using the "Lemon" test to determine whether governmental action violates the establishment clause. For example, in 1985, the U.S. Supreme Court ruled unconstitutional an Alabama statute that authorized a daily period of silence in the public schools for meditation or voluntary prayer (Wallace v. Jaffree, 472 U.S. 38 (1985). The Court, in examining the legislative history of the law, found its intent was to further religion. In fact, the sponsoring legislator confirmed this intent both in his speeches in the legislature and in his testimony in district court.

BILL ANALYSIS: House Bill 1036 directs the State Board and local boards to ensure that evolution is not taught as an ideology but as science. The State Board and local boards shall encourage teachers to distinguish between the many meanings of "evolution", "to distinguish between philosophical materialism and authentic science" and to present unanswered questions.

1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **Warner/Yongue** for the Committee on **EDUCATION**.

☐ Committee Substitute for
H.B. 1148 A BILL TO BE ENTITLED AN ACT TO POSTPONE THE EFFECTIVE DATE ON THE STATEWIDE STUDENT PROMOTION STANDARDS ADOPTED BY THE STATE BOARD OF EDUCATION.

☐ With a favorable report.

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

☐ With a favorable report, as amended.

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

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

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

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

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

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

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

☒ Without prejudice, and re-referred to Appropriations.

☐ With an indefinite postponement report.

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

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

2/24/99

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H 1

HOUSE BILL 1148

Short Title: School Promotion Standards Postponed. (Public)

Sponsors: Representatives Michaux; Hunter, Adams, and Wainwright.

Referred to: Education.

April 15, 1999

A BILL TO BE ENTITLED

AN ACT TO POSTPONE THE EFFECTIVE DATE ON THE STATEWIDE STUDENT PROMOTION STANDARDS ADOPTED BY THE STATE BOARD OF EDUCATION.

The General Assembly of North Carolina enacts:

Section 1. Draft 10 of the "Proposed Statewide Student Accountability Standards" which was adopted by the State Board of Education at its April 1999 meeting shall not become effective until the State Board of Education provides the Joint Legislative Education Oversight Committee with a detailed analysis of the resources needed by local school administrative units to ensure that all students subject to the new standards have a full and fair opportunity to meet the standards.

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

Malhoit
NC Law (Ed)

VISITOR REGISTRATION SHEET

Education — 4-22-99

THE HOUSE ~~APPROPRIATIONS SUBCOMMITTEE ON HUMAN RESOURCES~~

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

	NAME	FIRM OR AGENCY
1.	John Poteat	Public School Forum (EPFP)
2.	MARY N. WATSON	NCDPI
3.	Priscilla J. Maynor	NCDPI
4.	John D. Deming	EVFP (Wake County Public Schools)
5.	Yvonne Perry	EPFP
6.	Michael Kinnaird	
7.	Paul LeSieur	EPFP/DPI
8.	Mandy Farmer	EPFP/DPI
9.	Deborah Westbrook	EPFP/DPI
10.	Laura Tuschi	EPFP / Warren Wilson College
11.	Jan Allen	EPFP/Granville Co. Schools
22.	Mary Rose	EPFP /NCDPI
23.	Carol Chappell	EPFP/Lee County Schools
24.	Jerry Tindall	EPFP/DPI
25.	S. Lynne Hamlet	EPFP / Sen. Lee
26.	Elizabeth Groventstein	OSBM
27.	Brian Pearson	Caldwell Co Partnership for Children
28.	Pam Silver	NCCA
29.	Don Carrington	Locke Foundation
30.	Bill Wilson	NCAE
31.	Ceil Cahoon	NCAE

4/22

VISITOR REGISTRATION SHEET

THE HOUSE ~~APPROPRIATIONS SUBCOMMITTEE ON HUMAN RESOURCES~~ Education

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

	NAME	FIRM OR AGENCY
1.	Greg Malhoit	NC Ed Law Project
2.	Thad Dixon	NCAE
3.	Jane Coates	NCASA
4.	Deanne Winnie	NCSBA
5.	Amy Van Oostrum	PENG
6.	Phillip Price	DPI
7.	Ann Benson	SBE
8.	Henry Johnson	DPI
9.	Suzanne Williams	NCCCS
10.	[illegible]	TAP/AD
11.	Gene Causby	NCSFSA
22.		
23.		
24.		
25.		
26.		
27.		
28.		
29.		
30.		
31.		

STUDENT PROMOTION STANDARDS

THE GOALS

- To improve student achievement
- To increase the number of students performing on grade-level (proficient)

THE PROCESS

- Providing focused intervention (assistance)
- Holding students, parents, principals, teachers and other educators accountable

THE OUTCOME

- Better prepared students
- The elimination of the need for social promotion

Higher Standards & Student Accountability Are Responding To...

- Student Academic Needs
- Parent Desires
- Educator Concerns
- Community Expectation (Business, Higher Education, General Public)
- General Statute 115C-12

The Law

(G.S. 115C-12)

"The Board shall develop a plan to implement high school exit exams, grade-level student proficiency benchmarks for academic courses required for admission to constituent institutions, institutions of the University of North Carolina and student proficiency benchmarks for the knowledge and skills necessary to enter the workforce."

Philosophy

- Higher student/teacher expectations and standards result in higher student achievement.
- Every student in North Carolina should be provided "an opportunity to receive a sound, basic education."
- Workplace skills are critical for students.
- Intervention for students not meeting the present or future higher standard is a must.

PROMOTION STANDARDS
(4 Gateways)

Gateway #1 (Grade 3)

- Proficiency Level III or IV on 3rd Grade End-of-Grade Test in Mathematics and Reading. (Timeline: 2001-2002)

Gateway #2 (Grade 5)

- Proficiency Level III or IV on 5th Grade End-of-Grade Test in Mathematics and Reading. The 4th Grade Writing Test will serve as an indicator of proficiency. Locally developed and scored writing samples will help determine promotion. (Timeline: 2000-2001)

Gateway #3 (Grade 8)

- Proficiency Level III or IV on 8th Grade End-of-Grade Test in Mathematics and Reading. The 7th Grade Writing Test will serve as an indicator of proficiency. Locally developed and scored writing samples will help determine promotion. (Timeline: 2001-2002)

PROMOTION STANDARDS
(4 Gateways)

Gateway #4 (Grade 12)

- Meeting existing standard of **local** and **state graduation requirements** (courses, attendance, etc.).

- Proficiency on Computer Skills Test. (Timeline: Graduating Class of 2001)

- Passing score on an **Exam of Essential Skills**: Second semester of Junior Year. (Timeline: Graduating Class of 2003)

- Completion of a **Senior Project**. (Timeline: To Be Determined) 100 schools participating

- Completion of a **Portfolio** to document performance in six competency areas. (Timeline: To Be Determined)

EXIT EXAM (Gateway 4)

Competencies to Measure

♦ Communication	♦ Using Numbers and Data
♦ Problem Solving	♦ Processing Information
Teamwork, Using Technology and Writing Assessed Elsewhere	

Content to Measure

English/ Reading/ Grammar	**Mathematics** (through Algebra I)	**Other Content Areas** (Science & Social Studies)

Proposed Statewide Student Promotion Standards

Key Points

1. Three administrations of end-of-grade tests for students below grade level (p. 1, 2, 3, 4)
2. Appeals process for teachers and parents (p. 1, 2, 3, 4)
3. Short-term and focused intervention (assistance) given to students (p. 1, 2, 3, 5)
4. Personalized education plans for students below grade level (p. 1, 2, 3, 5)
5. Limitation of two retentions at grades K-8 as result of policy (p. 4)
6. Parent agreements required (p. 5)

Proposed Statewide Student Promotion Standards

Key Points

7. Reporting of students promoted without being at grade level and students who moved across levels of performance (p. 6)

8. Considerations for students with disabilities – continued discussion (p 7, 8)

9. Considerations for students with Limited English Proficiency – continued discussion (p 8, 9)

10. Students given multiple opportunities to pass Exit Exam of Essential Skills and Computer Skills Tests - cut scores on each (p. 4)

11. Senior Project and Portfolio requirements still under discussion (p. 4)

DRAFT 6
2/16/99

Proposed Statewide
Student Promotion Standards

SBE Policy Reference
and ID No. O1A108

(Note: Bold type represents current policy in ID No. O1A108)

North Carolina Statewide Promotion Standards ~~Competency~~ Requirements

Grade-level Proficiency Guidelines

The following grade-level promotion standards **~~proficiency guidelines~~ are based on a belief in the need to provide early and ongoing assistance to students who need it. Our aim must be that all students have the reading and mathematics skills critical for participating in and benefiting from high school curricula in core academic and vocational areas.**

Standards

Elementary

Gateway 1.

In addition to meeting local promotion requirements, students in grade 3 shall demonstrate proficiency by having test scores at Level III or above on end-of-grade tests in both reading and mathematics. Students scoring at Level III or above shall be promoted to grade 4 unless determined otherwise by the school principal and teacher(s).

For students not scoring at Level III or above on the reading and mathematics tests, the school district must follow these procedures to determine if students should otherwise be promoted:

1. Students scoring below Level III on an end-of-grade test are given a second test within seven days from the receipt of test results. The second administration must be preceded by intervention or remediation provided for the students.
2. Students scoring below Level III on an end-of-grade after the second test administration may receive waivers from this policy based on their status as students with disabilities or students of limited English proficiency. Teachers may request an appeal by providing documentation showing that students are performing at grade level. Documentation may include
   a. Student work samples
   b. Other test data
   c. Other information that verifies that a student in on grade level

3. Parents or teachers may appeal after the second end-of-grade test administration.
4. For those students not receiving a waiver, a third administration of the end-of-grade test must be given after focused intervention of a time period that is instructionally sound (i.e., summer school).
5. Students still below Level III are retained with the exceptions stated under Gateway 3, Section 5a and 5b or in the sections related to children with disabilities and students of limited English proficiency.

An appeals committee, composed of teachers, principals, and parent representation from other schools, will make determination of giving waivers, based on documentation presented by teachers or parents on behalf of the students.

The effective date is **2001-02.**

Gateway 2.

In addition to meeting local promotion requirements, students in grade 5 shall demonstrate proficiency by having test scores at Level III or above on end-of -grade tests in both reading and mathematics. Additionally, the grade 4 writing test shall be used as a screen to determine whether students are making adequate progress in developing writing skills. If a student has not scored at or above proficiency level of 2.5 on the grade 4 writing test, the school must provide intervention and assistance to develop writing skills. The principal and teacher(s) will use locally developed and scored writing samples during grade 5 to determine if students have made adequate progress in order to be promoted to grade 6.

Students scoring at Level III or above on reading and mathematics and making progress in writing shall be promoted to grade 6 unless determined otherwise by the school principal and teacher(s).

For students not scoring at Levels III or above on the reading and mathematics test and not making adequate progress in developing writing skills, the school district must follow these procedures to determine if students should otherwise be promoted:

1. Students scoring below Level III on an end-of-grade test are given a second test within seven days from the receipt of test results. The second administration must be preceded by intervention or remediation provided for the students.
2. Students scoring below Level III on an end-of-grade after the second test administration may receive waivers from this policy based on their status as students with disabilities or students of limited English proficiency. Teachers may reequest an appeal by providing documentation showing that students are performing at grade level. Documentation may include
    a. Student work samples
    b. Other test data
    c. Other information that verifies that a student in on grade level

3. Parents or teachers may appeal after the second end-of-grade test administration.

4. For those students not receiving a waiver, a third administration of the end-of-grade test must be given after focused intervention of a time period that is instructionally sound (i.e., summer school).
5. Students still below Level III are retained with the exceptions stated under Gateway 3, Section 5a and 5b or in the sections related to children with disabilities and students of limited English proficiency.

An appeals committee, composed of teachers, principals, and parent representation from other schools, will make determination of giving waivers, based on documentation presented by teachers or parents on behalf of the students.

The effective date is **2000-01.**

Middle School--Gateway 3

In addition to meeting local promotion requirements, students in grade 8 shall demonstrate proficiency by having test scores at Levels III or above on end-of -grade test in both reading and mathematics. Additionally, the grade 7 writing test shall be used as a screen to determine whether students are making adequate progress in developing writing skills. If a student has not scored at or above proficiency level of 2.5 on the grade 7 writing test, the school must provide intervention and assistance to develop writing skills. The principal and teacher(s) will use locally developed and scored writing samples during grade 8 to determine if students have made adequate progress to be promoted to grade 9.

Students scoring at Level III or above in reading and mathematics and making adequate progress in writing shall be promoted to the grade 9 unless determined otherwise by the school principal and teacher(s).

For students not scoring at Levels III or above on the reading and mathematics test and not making adequate progress in developing writing skills, the school district must follow these procedures to determine if students should otherwise be promoted:

1. Students scoring below Level III on an end-of-grade test are given a second test within seven days from the receipt of test results. The second administration must be preceded by intervention or remediation provided for the students.
2. Students scoring below Level III on an end-of-grade after the second test administration may receive waivers from this policy based on their status as students with disabilities or students of limited English proficiency. Teachers may request an appeal by providing documentation showing that students are performing at grade level. Documentation may include
    a. Student work samples
    b. Other test data
    c. Other information that verifies that a student in on grade level
3. Parents or teachers may appeal after the second end-of-grade test administration.
4. For those students not receiving a waiver, a third administration of the end-of-grade test must be given after focused intervention of a time period that is instructionally sound (i.e., summer school).

5. Students still below Level III are retained with the exceptions listed below or in sections related to students with disabilities and students of limited English proficiency.
    a. Students in K-5 may not be retained more than once as a result of this policy.
    b. Students in grades 6-8 may not be retained more than once in 6-8 or more than twice in K-8 as a result of this policy.

An appeals committee, composed of teachers, principals, and parent representation from other schools, will make determination of giving waivers, based on documentation presented by teachers or parents on behalf of the students.

The effective date is **2001-02.**

High School--Gateway 4

Students must meet the following requirements to receive a North Carolina high school diploma.

1. Existing local and state graduation requirements
2. A passing score on an exit exam of essential skills. Students may take this exam in the spring of the students' 11th grade year **(Effective date: Graduating Class of 2003).**
3. Passing score on computer skills test **(Effective date: Graduating Class of 2001).**
4. Completion of a senior project by the end of grade 12. The Department of Public Instruction will develop guidelines to help schools assess senior projects. The evaluation of this project will be the responsibility of the school. (Effective date: _____)
5. Completion of a portfolio. As a minimum, portfolio shall include a resume, evidence of work demonstrating competence in communication, use of numbers and data, problem solving, technology use, teamwork, and information processing. The Department of Public Instruction will develop guidelines for school districts to use in identifying portfolio content. (Effective date: _____)

High School--Recognition

Any student receiving specified scores on English Language Arts and mathematics tests shall be eligible for an advanced diploma. An advanced diploma exempts students from remediation at a North Carolina public university or community college. This designated score is an additional requirement for the North Carolina Scholars Program.

The effective date is_____.

Local Promotion Procedures

Each local board of education shall develop local procedures for determining promotion. As a minimum, local procedures shall include the following aspects:

- local promotion standards at grades 3, 5, 8 and high school graduation
- adherence to state graduation requirements

- limits as to the number of times students may be retained in grade spans of K-3, 4-6, and 7-8
- notification and involvement of parents
- agreement of parental expectations signed by parents or guardians
- opportunities for retesting at least two times
- individual intervention plans, strategies, and opportunities
- appeals process for students having passing grades and meeting local promotion standards, but not scoring at Level III or above on reading and mathematics tests.
- membership on appeals committee
- role of teacher in presenting documentation of students' work
- personalized education plans for students not at Levels III or above on end-of-grade and end-of-course tests
- portfolios

Other Promotion Considerations

~~1.~~ ~~**Standard**~~

~~For students in grades 3 through 8, the standard for grade-level proficiency shall be a test score at Level III or above on end-of-grade tests in reading and mathematics. In Grades 4-12, students should be identified who are not performing up to grade level expectations.~~

1. **Intervention**

School districts shall provide focused intervention to all students not meeting statewide promotion standards ~~demonstrating grade-level proficiency.~~ Such intervention shall involve extended instructional opportunities which are different and supplemental and which are specifically designed to improve these students' performance to grade level proficiency. Students not meeting statewide promotion standards must have personalized education plans with the following components:

- diagnostic evaluation
- intervention strategies
- monitoring strategies

Strategies may include but are not limited to alternative learning models, special homework, smaller classes, tutorial sessions, extended school day, Saturday school, modified instructional programs, parental involvement, summer school instruction, or retention.

2. **Promotion and Retention Decisions**

Promotion or retention decisions shall be made according to local policy and discretion, but must include statewide promotion standards at grades 3, 5,8 and high school ~~**take into account**~~

~~test score and other information which may indicate a student's grade level proficiency.~~ At a minimum, each local board of education shall adopt procedures to ensure that students are treated fairly. The policy must recognize the statutory authority of the principal to make promotion decisions.

3. **Reporting**

The Department of Public Instruction shall provide a mechanism for LEAs and schools to report annually their progress in increasing the number of students who meet the standard for grade-level promotion. Percentages of students above grade-level proficiency and those who have moved from Level I to Level II shall be used to compare progress from year to year. Annually, local boards of education must report to the State Board of Education the following information:

- number and percentage of students promoted by school who did not score at Level III or above on the designated tests at gateways 1, 2, and 3.
- number and percentage of students who have moved across achievement levels in reading and mathematics at gateways 1, 2, and 3.

~~Graduation Proficiency~~

~~5~~4. **Standardized Transcript**

The NC standardized high school transcript certifies a level of proficiency in high school courses through both grades and test scores. Test scores should be recorded on the standardized transcript.

In order to inform parents and students of student progress, beginning with the 1995-96 school year, the transcript shall be issued to students at the end of each year.

~~2. Reading and Mathematics Proficiency~~

~~Beginning with the graduating class of 1998, students who did not achieve grade-level proficiency in Reading and Mathematics at the end of the eighth grade will receive focused extended instructional opportunities which are different from and supplemental to regular high school corses work and which are specifically designed to improve these students' performance to at least eighth-grade level proficiency.~~

~~Only students who have achieved grade level proficiency on the eighth-grade tests, in addition to meeting all other state and local requirements, will receive diplomas.~~

~~Therefore, beginning with the 1994-95 ninth-grade class, the End-of-Grade Grade 8 Tests in Reading and Mathematics will be the North Carolina Competency Tests. Passing scores will~~

~~be attainment of at least Level III on each test.~~

~~The Department of Public Instruction will conduct studies to validate the eight-grade Reading and Mathematics EOG Tests and cut scores for Level III as a requirement for high school graduation.~~

~~3~~5. **EOC Test Scores**

End-of-Course test results should* be used as part of the student's final grade. Beginning with the 1995-96 school year, local school systems should set policies regarding the use of End-of Course test results in assigning final grades.

Students with Disabilities

1. To the extent possible, all students with disabilities shall participate in the statewide promotion standards for elementary, middle, and high school levels.

2. Students with disabilities may be exempted from the statewide promotion standards by the Individualized Education Program Team, including the principal, if it is determined by the team that the students do not have the ability to participate in the State Standard Course of Study and the Statewide Assessment Program. Exempted students will not receive a diploma, but may receive a certificate of achievement or graduation certificate.

3. If a student with a disability does not meet proficiency standards for promotion at grade 3 by the end of the first year of retention, the Individualized Education Program Team, including the principal, shall determine promotion or retention of the student.

4. If a student with a disability does not meet proficiency standards for promotion at grade 5 by the end of the first year of retention, the Individualized Education Program Team, including the principal, shall determine promotion or retention of the student.

5. Grade 8 students with disabilities unless exempted by the Individualized Education Program Team, shall participate in the end-of-grade tests. If a student does not meet proficiency standards for promotion at grade 8 and has already been retained two or more times, the Individualized Education Team, including the principal, shall determine promotion or retention.

**APA Policy 16NCAC6D.0305 changed "should" to "shall," effective November 1, 1997.*

6. Students above grade eight, unless exempted by the Individualized Education Program Team, shall participate in state-mandated promotion requirements. If a student does not meet proficiency expected of students by the end of grade twelve and has already been retained two or more times, the Individualized Education Program Team, including the principal, shall determine graduation or retention.

7. All interventions/remediation and other opportunities, benefits and resources, including funding for student promotion standards, that are made available to students without disabilities shall be made available to students with disabilities who participate in the student promotion standards. *All services offered are in addition to the special education services provided to the student.*

Students of Limited English Proficiency

Students of Limited English Proficiency must meet the same standards as all students. However, in accordance with federal law, English language proficiency cannot be the factor that determines that a student has not met performance standards at each gateway. Therefore, the following guidelines must be used:

1. Students who are exempt from statewide testing in accordance with the *Guidelines for Testing Students with Limited English Proficiency* will also be exempt from the test standard for passage through each of the gateways. Instead, an instructional portfolio containing documentation of the students' English language proficiency and progress in all academic areas should be submitted to a local committee of teachers and administrators to determine if students are ready to be promoted to the next level.

Gateways 1, 2, and 3

2. Once limited English proficient students are no longer eligible for exemption from statewide testing, they may be eligible for a waiver up to two additional years. They may receive a waiver from the test standard at the gateway students first encounter if their English language proficiency is below Superior in reading and writing. (See *Guidelines for Testing Students with Limited English Proficiency.*) A local committee of teachers and administrators must examine the students' instructional portfolios to determine that:

    - the students' English language proficiency is the cause of their inability to perform at grade level on the required test.
    - documentation indicates that the students are making adequate progress in all academic areas to be promoted to the next level.

However, school districts must provide focused intervention for these students since they have not met statewide promotion standards. This intervention shall involve extended, supplemental instructional opportunities which include assistance in the development of English language proficiency. These students must have personalized education plans with the following components:

- diagnostic evaluation
- intervention strategies
- monitoring strategies

3. Limited English proficient students must meet the same standards as all students for high school graduation. (Gateway 4)

HB 1148

Student Accountability Standards

Review of Impact on the Public School Fund

➢ Additional Remediation Resources

- An increase in funding per student
- Remediation items included in the State Board's Expansion Budget request.

➢ Cost for Intervention and Professional Development

- Additional time for instruction
- Smaller class sizes
- Additional funds for professional development.

➢ Retention

- An increase in the retention of students (estimated to be between 3% and 6%) in grades 3, 5, and 8
  - The standards for **Grade 3** will be implemented in **2001-02**.
    - Students retained in 2001-02 will impact ADM in 2011-12.
    - A 4% increase in retention would be 4,218 students and increase funding needs in 2011-12 by $14.6 million.
  - The standards for **Grade 5** will be implemented in **2000-01**.
    - Students retained in 2000-01 will impact ADM in 2008-09.
    - A 4% increase in retention would be 4,000 students and increase funding needs in 2008-09 by $13.8 million.
  - The standards for **Grade 8** will be implemented in **2001-02**.
    - Students retained in 2001-02 will impact ADM in 2006-07.
    - A 4% increase in retention would be 3,800 students and increase funding needs in 2006-07 by $13.3 million.
  - The standards for **Graduation from High School** will be implemented with the graduating class of **2002-03** (FY 1999-2000 ninth graders).
    - The impact of students not passing the exit exam is not expected to have a significant impact on ADM.

April 13, 1999

PS 152

Student Accountability Standards
Estimated Additional Funding Needed

Estimated FY 1999-2000 Student Population	Additional Funding per Student	Total Estimated Funding
1,268,870	$36	$45.7 million

This estimate is based on conversations with eight local school districts that have implemented student accountability standards. Each LEA had reviewed their funding sources and categories to determine what existing funds could be redirected to assist the implementation of the higher standards. The State Board's policy will require additional resources for the required writing standards and the high school accountability standards that are not currently in place in any LEA. These additional requirements and the need for additional resources to expand intervention (remediation) and professional development were anticipated to increase costs by approximately $36 per student. These funds would supplement the funds that the LEAs can redirect from their existing budgets.

April 13, 1999

Public Schools of North Carolina

North Carolina Department of Public Instruction

STATE PUBLIC SCHOOL FUND EXPANSION BUDGET REQUEST (Selected Items)

For 1999 - 2001 Biennium

High Student Performance	Cost
ABCs	
NC *HELPS*	$ 24 million
provide additional resources to schools that did not meet their growth expectations	
3 By 3	54 million
provide additional resources to ensure that all 3rd graders are performing at or above grade level	
School Assistance Teams	5 million
fully fund assistance teams for low-performing schools (cost in 1997-98 $4.3 million)	
Testing Program	1.5 million
expand program to cover cost of Computer Skills, HS Exit Exam, Alternate Assessments and inflationary increases	
Children with Special Needs	25 million
improve quality of education for children with special needs	
Limited Proficiency in English	10 million
expand services to children with limited proficiency in English	
Safe and Orderly Schools	
At-Risk Student Services/Alternative Schools	34 million
increase allotment for alternative school programs, school resource officers and other support personnel	
Total State Public School Fund Expansion Request	**$ 153.5 million**

PS 154

Student Accountability Standards

April 13, 1999 Version

Examples of Intervention Cost:

Increase Instructional Days
For Students Performing Below Grade Level:
Estimated cost for an additional instructional day (beyond 180) ... **$ 3.3 million**
Cost to Add up to15 Instructional Days .....**$48.8 million**

Or

Reduce Class Size
For Students Performing Below Grade Level in Math and Reading:
$86.8 million. Estimated cost to reduce class size so one teacher will teach fifteen students who are performing below grade level in reading and math classes.

Additional Funding for Staff Development:

An additional day of employment for all teachers and instructional support personnel for professional development would cost $16.7 million. In FY 1998-1999, $12.5 million is budgeted to pay teachers for up to six days of vacation that they were not allowed to take during the school year. In FY 1997-98, there were 4 days available. Of the $8.5 million budget, $2 million was expended.

Or

Establish eight regional teams to serve as master trainers and coaches for teachers. Each regional team would conduct a one-week training program for four groups of 30 teachers each for three weeks a month. The training would concentrate on diagnosing student needs, developing and implementing effective instructional strategies, and continuous assessment of students who have not met student promotion standards. Estimated cost: $14.3 million.

Student Accountability Standards

April 13, 1999 Version

Potential Resources:

Based on Increases in the Governor's Continuation Budget:

- $13 million in At-Risk Services/Alternative Schools.
- $7.6 million in NCHELPS (total recurring budget increased by $4.9 million).
- $78,000 in staff development (total: $11.3 million – includes Assistance Teams).
- $4 million for 89.5 additional Instructional Support positions could be used for teachers.
- $3.2 million for middle school teachers to work with 6th graders that failed the 5th grade end-of-grade reading and/or math test.

Total: $27.9 million.

Based on Governor's Expansion Budget:

- $7.8 million for all third graders to be at grade level in reading and math (3 by 3).

Federal Resources (New Programs):

- $24.7 million to reduce class size.
- $7 to $15 million for staff development to improve reading.
- $17 million for Workforce Investment Act to target economically disadvantaged youth (high school students) with multiple barriers to graduation and employment.

Total: $31.7 to $56.7 million.

- *Proposed $600 million nation wide for 21st Century Community Learning Centers (Currently $200 million): After School Programs (LEA applies, competitive).*

Federal Programs Continuing Programs:

- $4 to $5 million in Goals 2000 resources might be available.
- Several federal grants have funding set aside for competitive projects.
- Title I can be used for remediation programs ... $146.8 million.
- Title VI can be used for remediation programs ... $8.8 million.
- Dwight D. Eisenhower is a staff development program ... $6.1 million.

Total: $166 million.

Sales Tax Refunds to Local Education Agencies (LEAs):

Effective July 1999, LEAs will be able to request a refund for all sales taxes paid from State, local, and federal resources. Federal resources must be returned to the federal grant from which they were paid; however, local and State refunds will not be restricted to a specific program.

Total: $15 million.

Administrative Outreach:

The North Carolina School Boards Association (NCSBA) is in the process of identifying resources that may flow to a local school system from federal Medicaid funding. The program is titled Administrative Outreach and may distribute at least $20 per average daily membership (ADM) to each LEA ($25 million). The reimbursement could be as much as $30 per ADM.

Total: $25 to $38 million.

Proposed Statewide
Student Accountability Standards

SBE Policy Reference
and ID No. O1A108
APA Policy 16CAC6D.0305
(Note: Bold type represents current policy in ID No. O1A108)

North Carolina Statewide Student Accountability Standards ~~Competency~~ Requirements

Grade-level Proficiency Guidelines

The following grade-level student accountability standards **~~proficiency guidelines~~ are based on a belief in the need to provide early and ongoing assistance to students who need it. Our aim must be that all students have the reading and mathematics skills critical for participating in and benefiting from high school curricula in core academic and vocational areas.**

Standards

Elementary

Gateway 1.

In addition to meeting local promotion requirements, students in grade 3 shall demonstrate proficiency by having test scores at Level III or above on end-of-grade tests in both reading and mathematics. Students scoring at Level III or above and meeting all local promotion requirements shall be promoted to grade 4 unless determined otherwise by the school principal, in consultation with teacher(s). See sections, "Review Procedures," "Students with Disabilities" and "Students of Limited English Proficiency" for additional information, pages 3 and 8.

The effective date is **2001-02.**

Gateway 2.

In addition to meeting local promotion requirements, students in grade 5 shall demonstrate proficiency by having test scores at Level III or above on end-of-grade tests in both reading and mathematics. Additionally, the grade 4 writing assessment shall be used as a screen to determine whether students are making adequate progress in developing writing skills. If a student has not scored at or above proficiency level 2.5 on the grade 4 writing assessment, the school shall provide intervention and assistance to develop writing skills. The principal and teacher(s) shall

use locally developed and scored writing samples during grade 5 to determine if students have made adequate progress in order to be promoted to grade 6.

Students scoring at Level III or above on reading and mathematics, meeting all local promotion standards, and making adequate progress in writing shall be promoted to grade 6, unless determined otherwise by the school principal, in consultation with teacher(s). See sections, "Review Procedures," "Students with Disabilities" and "Students of Limited English Proficiency" for additional information, pages 3 and 8.

The effective date is **2000-01**.

Middle School–Gateway 3

In addition to meeting local promotion requirements, students in grade 8 shall demonstrate proficiency by having test scores at Level III or above on an end-of-grade test in both reading and mathematics. Additionally, the grade 7 writing assessment shall be used as a screen to determine whether students are making adequate progress in developing writing skills. If a student has not scored at or above proficiency level 2.5 on the grade 7 writing assessment, the school shall provide intervention and assistance to develop writing skills. The principal and teacher(s) shall use locally developed and scored writing samples during grade 8 to determine if students have made adequate progress to be promoted to grade 9.

Students scoring at Level III or above on reading and mathematics, meeting all local promotion standards, and making adequate progress in writing shall be promoted to grade 9 unless determined otherwise by the school principal, in consultation with teacher(s). See sections, "Review Procedures," "Students with Disabilities" and "Students of Limited English Proficiency" for additional information, pages 3 and 8.

The effective date is **2001-02**.

High School–Gateway 4

Students shall meet the following requirements to receive a North Carolina high school diploma.

1. Existing local and state graduation requirements

2. A passing score on an exit exam of essential skills. Students shall take this exam in the spring of the students' 11th grade year **(Effective date: Graduating Class of 2003).**

3. A passing score on computer skills test **(Effective date: Graduating Class of 2001).**

See sections, "Review Procedures," "Students with Disabilities" and "Students of Limited English Proficiency" for additional information, pages 3 and 8.

High School–Diploma Recognition

Any student receiving specified scores on English language arts and mathematics parts of the exit exams shall be eligible for recognition given as a part of the North Carolina Scholars Program. These specified scores are in addition to the existing North Carolina Scholars Program requirements.

The effective date is for the graduating class or 2003.

Review Procedures–Student Accountability

Each school district shall follow these procedures for students not meeting gateway standards:

Elementary

Gateway 1.

For students not scoring at Level III or above on the reading and mathematics tests, the school district shall follow these procedures to determine if students are performing at grade level and able to succeed at the next grade:

1. Students scoring below Level III on an end-of-grade test are given a second test within a reasonable time from the receipt of test results. Parents may request that their child be excused from the second administration of the test. In this case, the parents and child accept participation in focused intervention.

2. Teachers or parents may request a promotion for students scoring below Level III on an end-of-grade test after the second or third test administration. Teachers shall provide documentation of the students' performance during a review process.

   Documentation may include:
   a. Student work samples
   b. Other test data
   c. Information supplied by parents
   d. For students with disabilities, information that is included in the individualized education program (IEP).

e. Other information that verifies that a student is at grade level. (Students with disabilities shall be at grade level or be making adequate progress to meet requirements at upper elementary levels.)

3. Students who are not promoted after the second or third administration of the test shall be given focused intervention of a time period that is instructionally sound. Strategies may include, but are not limited to, alternative learning models, special homework, smaller classes, tutorial sessions, extended school day, Saturday school, modified instructional programs, parental involvement, summer school instruction, or retention.

A committee shall be appointed to review student waiver requests. This committee, composed of teachers and principals from other schools or the central office staff, shall make recommendations to the student's principal about whether the student should be promoted to the next grade. This recommendation is based on documentation presented by teachers on behalf of the student. Special education personnel ~~and the student's parent(s) shall be on the committee if a student with a disability is being considered for a waiver.~~ shall be on the cmte if a student w/ a disability is being considered for a waiver. Parents of any student being considered have the right to non-voting participation & to speak on behalf of their child.

Gateway 2.

For students not scoring at Level III or above on the reading and mathematics tests and not making adequate progress in developing writing skills, the school district shall follow these procedures to determine if students are performing at grade level and able to succeed at the next grade.

1. Students scoring below Level III on an end-of-grade test are given a second test within a reasonable time from the receipt of test results. Parents may request that their child be excused from the second administration of the test. In this case, the parents and child accept participation in focused intervention.

2. Teachers or parents may request a promotion for students scoring below Level III on an end-of-grade test after the second or third test administration. Teachers shall provide documentation of the students' performance during a review process.

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   d. For students with disabilities, information that is included in the individualized education program (IEP).
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3. Students who are not promoted after the second or third administration of the test shall be given focused intervention of a time period that is instructionally sound. Strategies may include, but are not limited to, alternative learning models, special homework, smaller classes,

tutorial sessions, extended school day, Saturday school, modified instructional programs, parental involvement, summer school instruction, or retention.

A committee shall be appointed to review student waiver requests. This committee, composed of teachers and principals from other schools or the central office staff, shall make recommendations to the student's principal about whether the student should be promoted to the next grade. This recommendation is based on documentation presented by teachers on behalf of the student. Special education personnel and the student's parent(s) shall be on the committee if a student with a disability is being considered for a waiver.

Middle School --Gateway 3

For students not scoring at Level III or above on the reading and mathematics tests and not making adequate progress in developing writing skills, the school district shall follow these procedures to determine if students are performing at grade level and able to succeed at the next grade.

1. Students scoring below Level III on an end-of-grade test are given a second test within a reasonable time from the receipt of test results. Parents may request that their child be excused from the second administration of the test. In this case, the parents and child accept participation in focused intervention.

2. Teachers or parents may request a promotion for students scoring below Level III on an end-of-grade test after the second or third test administration. Teachers shall provide documentation of the students' performance during a review process.

   Documentation may include:
   a. Student work samples
   b. Other test data
   c. Information supplied by parents
   d. For students with disabilities, information that is included in the individualized education program (IEP).
   e. Other information that verifies that a student is at grade level. (Students with disabilities shall be at grade level or be making adequate progress to meet requirements at grade 9.)

3. Students who are not promoted after the second or third administration of the test shall be given focused intervention of a time period that is instructionally sound. Strategies may include, but are not limited to, alternative learning models, special homework, smaller classes, tutorial sessions, extended school day, Saturday school, modified instructional programs, parental involvement, summer school instruction, or retention.

A committee shall be appointed to review student waiver requests. This committee, composed of teachers and principals from other schools or the central office staff, shall make recommendations to the student's principal about whether the student should be promoted to the next grade. This recommendation is based on documentation presented by teachers on behalf of the student. Special education personnel and the student's parent(s) shall be on the committee if a student with a disability is being considered for a waiver.

Local Accountability Procedures

Promotion or ~~retention~~ decisions shall be made according to local policy and discretion, but shall include statewide student accountability standards at grades 3, 5, 8 and high school ~~take into account test score and other information which may indicate a student's grade level proficiency.~~ At a minimum, each local board of education shall adopt procedures to ensure that students are treated fairly. The policy shall recognize the statutory authority of the principal to make promotion decisions.

Local boards of education policies shall be consistent with statewide student accountability policies. The policies should include: notification and involvement of parents and agreement of parental expectations signed by parents or guardians.

~~1. Standard~~

~~For students in grades 3 through 8, the standard for grade-level proficiency shall be a test score at Level III or above on end-of-grade tests in reading and mathematics. In Grades 4-12, students should be identified who are not performing up to grade level expectations.~~

1. **Intervention**

School districts shall provide focused intervention to all students not meeting statewide student accountability standards ~~demonstrating grade-level proficiency.~~ Such intervention shall involve extended instructional opportunities which are different and supplemental and which are specifically designed to improve these students' performance to grade level proficiency. Students not promoted shall have personalized education plans with the following components:

- diagnostic evaluation
- intervention strategies
- monitoring strategies

Strategies may include, but are not limited to, alternative learning models, special homework, smaller classes, tutorial sessions, extended school day, Saturday school, modified instructional programs, parental involvement, summer school instruction, or retention.

2. **Reporting**

The Department of Public Instruction shall provide a mechanism for LEAs and schools to report annually their progress in increasing the number of students who meet the standard for grade-level promotion. Percentages of students above grade-level proficiency and those who have moved from Level I to Level II shall be used to compare progress from year to year. Annually, local boards of education shall report the following information by race, ethnicity, exceptionality, and socio-economic status to the State Board of Education:

a. number and percent of students promoted by school who did not score at Level III or above on the designated tests at gateways 1, 2, and 3.
b. number and percent of students who have moved across achievement levels in reading and mathematics at gateways 1, 2, and 3.

~~Graduation Proficiency~~

3. **Standardized Transcript**

The NC standardized high school transcript certifies a level of proficiency in high school courses through both grades and test scores. Test scores should be recorded on the standardized transcript.

In order to inform parents and students of student progress, beginning with the 1995-96 school year, the transcript shall be issued to students at the end of each year.

~~2. Reading and Mathematics Proficiency~~

~~Beginning with the graduating class of 1998, students who did not achieve grade-level proficiency in Reading and Mathematics at the end of the eighth grade will receive focused extended instructional opportunities which are different from and supplemental to regular high school corses work and which are specifically designed to improve these students' performance to at least eighth-grade level proficiency.~~

~~Only students who have achieved grade level proficiency on the eighth-grade tests, in addition to meeting all other state and local requirements, will receive diplomas.~~

~~Therefore, beginning with the 1994-95 ninth-grade class, the End-of-Grade 8 Tests in Reading and Mathematics will be the North Carolina Competency Tests. Passing scores will be attainment of at least Level III on each test.~~

~~The Department of Public Instruction will conduct studies to validate the eight-grade Reading and Mathematics EOG Tests and cut scores for Level III as a requirement for high school graduation.~~

4. **EOC Test Scores**

End-of-Course test results should* be used as part of the student's final grade. Beginning with the 1995-96 school year, local school systems should set policies regarding the use of End-of Course test results in assigning final grades.

**APA Policy 16NCAC6D.0305 changed "should" to "shall," effective November 1, 1997.*

Students with Disabilities

1. To the extent possible, all students with disabilities shall participate in the statewide student accountability standards for elementary, middle, and high school levels.

2. Students with disabilities may be exempted from the statewide student accountability promotion standards by the Individualized Education Program Team, including the principal or school district representative, if it is determined by the team that the students do not have the ability to participate in the State Standard Course of Study. However, they shall be enrolled in a functional curriculum and demonstrate acceptable outcomes on alternate assessments. These students may receive a certificate of achievement or graduation certificate.

3. All interventions/remediation and other opportunities, benefits and resources that are made available to students without disabilities shall be made available to students with disabilities who participate in the student promotion standards. All services offered are in addition to the special education services provided to the student.

Students of Limited English Proficiency

Students of limited English proficiency shall meet the same standards as all students. However, in accordance with federal law, English language proficiency cannot be the factor that determines that a student has not met performance standards at each gateway. Therefore, the following guidelines must be used:

1. Students who are exempt from statewide testing in accordance with the *Guidelines for Testing Students with Limited English Proficiency* shall also be exempt from the test standard for passage through each of the gateways. Instead, an instructional portfolio containing documentation of the students' English language proficiency and progress in all academic areas shall be submitted to a local committee of teachers and administrators to determine if students are ready to be promoted to the next level.

MINUTES

HOUSE EDUCATION COMMITTEE

April 23, 1999

The meeting was called to order by Co-Chairman Representative Douglas Y. Yongue. For a list of those in attendance, please see attendance sheet.

The first order of business was **HOUSE BILL 1187, COMMUNICATIONS DEVICES ON SCHOOL BUSES,** sponsored by Representative Hunter. Representative Hunter was called upon to explain the bill. (See copy of bill.) After some brief discussion Representative Tucker moved for a favorable report. The motion passed. (See committee report form.)

The next order of business was **HOUSE BILL 1154, WEAPONS AT SCHOOL/LAW CLARIFIED,** sponsored by Representative Michaux. (See copy of bill, bill summary, and committee substitute.) Representative Michaux was called upon to explain the bill. A technical amendment was introduced and passed. (See copy of amendment.) After some discussion Representative Arnold moved to roll the amended bill into a committee substitute with a favorable report for the committee substitute, unfavorable to the original bill. The motion passed. (See committee report form.)

The next bill discussed was **HOUSE BILL 1167, LATERAL ENTRY SIMPLIFIED,** sponsored by Representative Moore. (See copy of bill, bill summary, committee substitute.) Representative Moore was called upon to explain the bill. An amendment was presented and passed. (See copy of amendment.) After discussion, Representative Owens moved to roll the amended bill into a committee substitute with a favorable report for the committee substitute, unfavorable as to the original bill. The motion passed. (See committee report form.)

The next order of business was **HOUSE BILL 1182, ALLOCATIONS FOR ADMINISTRATIVE GROWTH IN SCHOOLS,** sponsored by Representative Barefoot. (See copy of bill, bill summary.) Representative Barefoot was called upon to explain the bill. After some discussion it was decided to take no action on this bill since it did not need to meet the crossover deadline.

The next bill for discussion was **HOUSE BILL 1150, SCHOOL IMPROVEMENT TEAM REPRESENTATIVES ELECTED,** sponsored by Representative Jeffus. (See copy of bill, bill summary.) Representative Jeffus was called upon to explain the bill. After some discussion, Representative Womble moved for a favorable report. The motion passed. (See committee report form.)

The next bill for discussion was **HOUSE BILL 1152, DUTY FREE PERIOD/ALL TEACHERS,** sponsored by Representative Jeffus. (See copy of bill.) This bill was rolled into a committee substitute for **HOUSE BILL 1031, COMPENSATE**

TEACHER ACTING AS SUBSTITUTE, sponsored by Representative Moore. (See copy of bill, bill summary, committee substitute.) After some discussion, no action was taken on the bill at this time.

HOUSE BILL 1172, CERTAIN GIFTS CERT. DO NOT ESCHEAT, sponsored by Representative Blue. The bill was displaced at the request of the bill sponsor.

The next item of business was **HOUSE BILL 1107, PARENT CONSENT/COLLEGE CREDIT CARD,** sponsored by Representative Gardner. (See copy of bill, bill summary.) Representative Gardner was called upon to make the explanation. According to staff there are a number of legal concerns with this bill and there is a possibility the bill has incarceration consequences and might need a fiscal note. The members discussed several legal concerns. Representative Luebke moved for a favorable report and to be re-referred to the Judiciary I Committee for the legal aspects to be worked out. The motion passed. (See committee report form.)

The next item of business was **HOUSE BILL 963, FINISH SMART,** sponsored by Representative Daughtry. (See copy of bill, bill summary.) Representative Daughtry, was called upon for the explanation. This bill was carried over from a previous meeting. After a brief discussion, Representative Cunningham moved for an unfavorable report. A move to call for the question passed by a vote of 17 for and 8 against. The motion passed and the question was called. The motion for an unfavorable report passed. (See committee report form.)

The next item of business was **HOUSE BILL 1267, TEACHER HARASSMENT PROTECTION,** sponsored by Representative Boyd-McIntyre. (See copy of bill, bill summary.) Representative Boyd-McIntyre was called upon to explain the bill. A committee substitute was introduced for this bill and was adopted for discussion. (See copy of committee substitute.) After a brief discussion, Representative Jeffus moved for a favorable report on the committee substitute, unfavorable to the original bill. The motion passed. (See committee report form.)

HOUSE BILL 1086, CAPACITY OF NEW SCHOOLS CAPPED, sponsored by Representative Wood, was displaced from the agenda as it would need a fiscal note and may be re-referred to Appropriations. (See copy of bill.)

HOUSE BILL 1178, COMPETENCY TEST/LOW-PERFORMING SCHOOLS, sponsored by Representative Ellis, was not heard. It was determined that it might need a fiscal note and could be re-referred to Appropriations. (See copy of bill, letter from Representative Pope.)

The last item for discussion was **HOUSE BILL 1046, NO CELL PHONES/PAGERS IN SCHOOLS,** sponsored by Representative Thompson. Representative Thompson was called upon to explain the bill. (See copy of bill, bill summary.) A committee substitute was presented for discussion. (See copy of committee substitute.) Representative Womble moved to accept the committee substitute for discussion and the motion passed.

Representative Womble submitted an amendment to change the bill on page 2, line 2 by re-writing the line to read, "guardian upon the parent or legal guardian's oral or written request." The amendment passed. (See copy of amendment.) Representative Rayfield moved to roll the bill into a new committee substitute with a favorable report, unfavorable to the original bill. The motion passed. (See committee report form.)

The meeting was adjourned.

Representative Douglas Y. Yongue
Co-Chairman

Representative Alex Warner
Co-Chairman

Jenny Umstead, Committee Assistant

1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **YONGUE AND WARNER** for the Committee on **EDUCATION**.

☐ Committee Substitute for
H.B. 1187 A BILL TO BE ENTITLED AN ACT TO ESTABLISH A PILOT PROGRAM TO PUT COMMUNICATION DEVICES ON SCHOOL BUSES.

☒ With a favorable report.

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

☐ With a favorable report, as amended.

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

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

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

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

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

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

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

☐ Without prejudice.

☐ With an indefinite postponement report.

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

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

2/24/99

Tucker. favorable — 1st

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H 1

HOUSE BILL 1187

Short Title: Communication Devices on School Buses. (Public)

Sponsors: Representative Hunter.

Referred to: Education.

April 15, 1999

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH A PILOT PROGRAM TO PUT COMMUNICATION DEVICES ON SCHOOL BUSES.

The General Assembly of North Carolina enacts:

Section 1. The State Board of Education shall establish a pilot program in one or more local school administrative units, including the Northampton County Schools, to enable local boards of education to use State school transportation funds to install communication devices in school buses.

The State Board shall report the results of the study to the Joint Legislative Education Oversight Committee prior to January 1, 2000. The report shall include the cost of the pilot program and the benefits derived from it.

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

1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **YONGUE AND WARNER** for the Committee on **EDUCATION.**

☐ Committee Substitute for
H.B. 1154 A BILL TO BE ENTITLED AN ACT TO REQUIRE A ONE-YEAR SUSPENSION FOR ANY STUDENT WHO BRINGS OR POSSESSES A FIREARM OR EXPLOSIVE ON SCHOOL PROPERTY OR AT A SCHOOL-SPONSORED OR SCHOOL-RELATED ACTIVITY ON OR OFF SCHOOL PROPERTY.

☐ With a favorable report.

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

☐ With a favorable report, as amended.

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

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

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

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

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

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

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

☐ Without prejudice.

☐ With an indefinite postponement report.

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

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

2/24/99

Amendment adopted

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 1154

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

H1154-ARC-001

Date _____, 1999

Comm. Sub. []
Amends Title [YES]

Rep.

moves to amend the bill on page 1, line 4,
by deleting the phrase "SCHOOL-SPONSORED OR";

and on page 1, line 9, by rewriting the line to read:
"student ~~who brings~~ who:";

and on page 1, line 22, by deleting "August" and substituting
"July".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

HOUSE BILL 1154:
Weapons at School/Law Clarified

BILL ANALYSIS

Committee:	House Education	**Introduced by:**	Representative Michaux
Date:	April 21, 1999	**Summary by:**	Kory J. Goldsmith
Version:	First Edition		Committee Counsel

SUMMARY: A local board of education or a superintendent must suspend for 365 days any student who possesses a firearm or explosive device on school property or at a school-related activity on or off school property. A local board or superintendent also must suspend for 365 days any student who brings a firearm or explosive device onto school property or to a school-related activity on or off school property. The local board may modify the suspension on a case-by-case basis.

CURRENT LAW: A local board must suspend for 365 days any student who brings a weapon onto school property. Weapons include guns, rifles, pistols, other firearms, dynamite, bombs, grenades, mines and powerful explosives. Weapons do not include firearms and explosive devices used solely for educational or school-sanctioned ceremonial purposes, or used in a school-approved program conducted under the supervision of an adult whose supervision has been approved by the school authority.

The local board may modify the suspension upon the recommendation of the superintendent. The reasons a local board may modify a suspension include, but are not limited to, the procedures established for the discipline of students with disabilities, and may also include providing educational services to the suspended student in an alternative school setting.

BILL ANALYSIS: The bill expands the circumstances under which a student must be suspended for 365 days under G.S. 115C-391(d1). Currently, the law only applies to students who bring a firearm or explosive device onto school property. The bill would make the mandatory suspension apply to students who possess a firearm or explosive device on school property or at a school-related activity on or off school property. It also expands the suspension to students who bring a firearm or explosive device to a school-related activity on or off school property.

The act becomes effective July 1, 1999.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H D

HOUSE BILL 1154
Proposed Committee Substitute H1154-PCS6184-RC

Short Title: Weapons at School/Law Clarified. (Public)

Sponsors:

Referred to:

April 15, 1999

A BILL TO BE ENTITLED

AN ACT TO REQUIRE A ONE-YEAR SUSPENSION FOR ANY STUDENT WHO BRINGS OR POSSESSES A FIREARM OR EXPLOSIVE ON SCHOOL PROPERTY OR AT A SCHOOL-RELATED ACTIVITY ON OR OFF SCHOOL PROPERTY.

The General Assembly of North Carolina enacts:

Section 1. G.S. 115C-391(d1) reads as rewritten:

"(d1) A local board of education or superintendent shall suspend for 365 days any student ~~who brings~~ who:

(1) Brings onto school property or to a school-related activity on or off school property, or

(2) Possesses on school property or at a school-related activity on or off school property,

a weapon, as defined in G.S. 14-269.2(b) and ~~G.S. 14-269.2(g), onto school property.~~ G.S. 14-269.2(g). The local board of education upon recommendation by the superintendent may modify this suspension requirement on a case-by-case basis that includes, but is not limited to, the procedures established for the discipline of students with disabilities and may also provide, or contract for the provision of, educational services to any student suspended pursuant to this subsection in an alternative school setting or in another setting that provides educational and other services."

Section 2. This act becomes effective July 1, 1999.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H 1

HOUSE BILL 1154

Short Title: Weapons at School/Law Clarified. (Public)

Sponsors: Representatives Michaux; and Miller.

Referred to: Education.

April 15, 1999

A BILL TO BE ENTITLED

AN ACT TO REQUIRE A ONE-YEAR SUSPENSION FOR ANY STUDENT WHO BRINGS OR POSSESSES A FIREARM OR EXPLOSIVE ON SCHOOL PROPERTY OR AT A SCHOOL-SPONSORED OR SCHOOL-RELATED ACTIVITY ON OR OFF SCHOOL PROPERTY.

The General Assembly of North Carolina enacts:

Section 1. G.S. 115C-391(d1) reads as rewritten:

"(d1) A local board of education or superintendent shall suspend for 365 days any student ~~who brings~~ who:

(1) Brings onto school property or to a school-related activity on or off school property, or

(2) Possesses on school property or at a school-related activity on or off school property,

a weapon, as defined in G.S. 14-269.2(b) and ~~G.S. 14-269.2(g), onto school property.~~ G.S. 14-269.2(g). The local board of education upon recommendation by the superintendent may modify this suspension requirement on a case-by-case basis that includes, but is not limited to, the procedures established for the discipline of students with disabilities and may also provide, or contract for the provision of, educational services to any student suspended pursuant to this subsection in an alternative school setting or in another setting that provides educational and other services."

Section 2. This act becomes effective August 1, 1999.

1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **YONGUE AND WARNER** for the Committee on **EDUCATION**.

☐ Committee Substitute for
H.B. 1167 A BILL TO BE ENTITLED AN ACT TO SIMPLIFY THE LATERAL ENTRY PROGRAM FOR TEACHERS.

☐ With a favorable report.

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

☐ With a favorable report, as amended.

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

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

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

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

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

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

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

☐ Without prejudice.

☐ With an indefinite postponement report.

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

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

2/24/99

Queens- approve Amendment
Passed

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 1167

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

H1167-ASF-001

Date_____,1999

Comm. Sub. []
Amends Title []

Representative Moore

moves to amend the bill on page 2, line 31, by inserting between the words "is" and "applicable" the words "or was";

and on page 2, lines 36-37, by rewriting the lines to read: "hold initial State teacher certificates. If the individual, within one year of the initial employment, does not take and";

and on page 3, line 1, by rewriting the line to read: "Section 2. This act becomes effective July 1, 1999, and applies to all persons hired under G.S. 115C-296.1".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H D

HOUSE BILL 1167
Proposed Committee Substitute H1167-PCS2314-SF

Short Title: Lateral Entry Simplified. (Public)

Sponsors:

Referred to:

April 15, 1999

A BILL TO BE ENTITLED

AN ACT TO SIMPLIFY THE LATERAL ENTRY PROGRAM FOR TEACHERS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 115C-296.1 reads as rewritten:

"**§ 115C-296.1. (Expires September 1, 2002) Teacher shortages; certification.**

(a) Notwithstanding any other law, if a local board determines there is or anticipates there will be a shortage of qualified teachers with North Carolina certificates available to teach specified subjects or grade levels, then the local board may employ as teachers individuals who do not meet the State Board's requirements for initial or continuing State certification. The local board may employ an individual under this subsection for up to one year under a provisional certificate so long as:

(1) Each individual has a postsecondary degree that is at least a bachelors degree.

(2) Each individual has:

a. An out-of-State certificate authorizing the individual to teach the grade or subject to be taught and at least one year of classroom teaching experience the board considers relevant to the grade or subject to be taught;

b. At least one year of full-time classroom teaching experience as a professor, assistant professor, associate professor, instructor, or visiting lecturer at a constituent institution of The University of North Carolina, a North Carolina

community college, or other institution of higher education as defined in G.S. 90-270.2(5) provided the board considers the experience relevant to the grade or subject to be taught; or

c. Three years of other experience provided the board determines that both the individual's experience and postsecondary education are relevant to the grade or subject to be taught.

(3) Each individual is eligible for re-employment by his or her prior employer.

(4) The board has developed a plan to determine the individual's competence as a teacher. The board's plan shall include a review of the performance of students taught by the individual.

(5) During the period of employment under this subsection, the board provides a mentor teacher if the individual does not have a year of classroom teaching experience.

(6) During the period of employment under this subsection, the individual receives an annual evaluation and multiple observations under G.S. 115C-333(a).

(b) A local board may re-employ as a teacher an individual the board initially employed under subdivision (a)(2)a of this section. This individual is then deemed to have satisfied the academic and professional preparation required to receive an initial or continuing State teacher certificate and is not required to take and pass a standard examination to demonstrate that preparation. An individual who receives an initial or continuing State certificate under this subsection is subject to the same requirements for continuing certification and certificate renewal as other teachers who hold initial or continuing State teacher certificates.

(c) A local board may re-employ as a teacher an individual the board initially employed under subdivisions (a)(2)b and (a)(2)c of this section. If the individual, either prior to initial employment or within one year ~~of the~~ after initial employment, takes and passes the standard examination adopted by the State Board under G.S. 115C-296(a) that is or was applicable to the grade or subject the individual is employed to teach, then upon re-employment the individual is deemed to have satisfied the academic and professional preparation required to receive an initial State teacher certificate. An individual who receives an initial certificate under this subsection is subject to the same requirements for continuing certification as other teachers who hold initial State teacher certificates. If the individual, within one year of the initial employment, does not take and pass the standard examination adopted by the State Board under G.S. 115C.296(a) that is applicable to the grade or subject the individual is employed to teach, then upon re-employment the individual shall continue to hold a provisional certificate and is subject to G.S. 115C-296(c).

(d) Local boards shall report semi-annually to the State Board the number of individuals employed as teachers under each sub-subdivision of subdivision (2) of subsection (a) of this section."

Section 2. This act becomes effective July 1, 1999, and applies to all persons hired under G.S. 115C-296.1.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H 1

HOUSE BILL 1167

Short Title: Lateral Entry Simplified. (Public)

Sponsors: Representative Moore.

Referred to: Education.

April 15, 1999

A BILL TO BE ENTITLED

AN ACT TO SIMPLIFY THE LATERAL ENTRY PROGRAM FOR TEACHERS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 115C-296.1 reads as rewritten:

"**§ 115C-296.1. (Expires September 1, 2002) Teacher shortages; certification.**

(a) Notwithstanding any other law, if a local board determines there is or anticipates there will be a shortage of qualified teachers with North Carolina certificates available to teach specified subjects or grade levels, then the local board may employ as teachers individuals who do not meet the State Board's requirements for initial or continuing State certification. The local board may employ an individual under this subsection for up to one year under a provisional certificate so long as:

(1) Each individual has a postsecondary degree that is at least a bachelors degree.

(2) Each individual has:

a. An out-of-State certificate authorizing the individual to teach the grade or subject to be taught and at least one year of classroom teaching experience the board considers relevant to the grade or subject to be taught;

b. At least one year of full-time classroom teaching experience as a professor, assistant professor, associate professor, instructor, or visiting lecturer at a constituent institution of The University of North Carolina, a North Carolina community college, or other institution of higher education

as defined in G.S. 90-270.2(5) provided the board considers the experience relevant to the grade or subject to be taught; or

c. Three years of other experience provided the board determines that both the individual's experience and postsecondary education are relevant to the grade or subject to be taught.

(3) Each individual is eligible for re-employment by his or her prior employer.

(4) The board has developed a plan to determine the individual's competence as a teacher. The board's plan shall include a review of the performance of students taught by the individual.

(5) During the period of employment under this subsection, the board provides a mentor teacher if the individual does not have a year of classroom teaching experience.

(6) During the period of employment under this subsection, the individual receives an annual evaluation and multiple observations under G.S. 115C-333(a).

(b) A local board may re-employ as a teacher an individual the board initially employed under subdivision (a)(2)a of this section. This individual is then deemed to have satisfied the academic and professional preparation required to receive an initial or continuing State teacher certificate and is not required to take and pass a standard examination to demonstrate that preparation. An individual who receives an initial or continuing State certificate under this subsection is subject to the same requirements for continuing certification and certificate renewal as other teachers who hold initial or continuing State teacher certificates.

(c) A local board may re-employ as a teacher an individual the board initially employed under subdivisions (a)(2)b and (a)(2)c of this section. If the individual, either prior to initial employment or within one year ~~of the~~ after initial employment, takes and passes the standard examination adopted by the State Board under G.S. 115C-296(a) that is applicable to the grade or subject the individual is employed to teach, then upon re-employment the individual is deemed to have satisfied the academic and professional preparation required to receive an initial State teacher certificate. An individual who receives an initial certificate under this subsection is subject to the same requirements for continuing certification as other teachers who hold initial State teacher certificates. If the individual, either prior to initial employment or within one year ~~of the~~ after initial employment, does not take and pass the standard examination adopted by the State Board under G.S. 115C-296(a) that is applicable to the grade or subject the individual is employed to teach, then upon re-employment the individual shall continue to hold a provisional certificate and is subject to G.S. 115C-296(c).

(d) Local boards shall report semi-annually to the State Board the number of individuals employed as teachers under each sub-subdivision of subdivision (2) of subsection (a) of this section."

Section 2. This act becomes effective July 1, 1999.

HOUSE BILL 1167:
Lateral Entry Simplified

BILL ANALYSIS

Committee:	House Education	**Introduced by:**	Representative Moore
Date:	April 22, 1999	**Summary by:**	Shirley Iorio, Ph.D.
Version:	1st Edition		Education Policy Analyst

SUMMARY: Local boards may re-employ as a teacher an individual that the board initially hired under specific lateral entry requirements. If the individual, either prior to initial employment or within one year after initial employment, takes and passes the standard exam adopted by the State Board, then upon re-employment, the individual would be issued an initial State teacher certificate.

If the individual does not take and pass the standard exam either prior to initial employment or within one year after initial employment, then upon reemployment the individual must continue to hold a provisional certificate.

This act becomes effective July 1, 1999.

CURRENT LAW: Currently, an individual who is hired as a teacher under these specific lateral entry requirements, must take and pass the Praxis II exam within one year of initial employment. Upon re-employment, the teacher is then issued an initial State teacher certificate.

If the individual does not take and pass the Praxis within one year of the initial employment, then upon re-employment the individual continues to hold a provisional certificate.

This law expires September 1, 2002.

BILL ANALYSIS: The only change to the current law would be to allow local boards to "count" a passing exam score earned prior to initial employment for teachers hired under these specific lateral entry requirements.

There have been examples of situations across the State where an individual in the traditional lateral entry program may have taken and passed the standard exam before they were hired under this new provision. However, because they took the exam before they were employed under the new provision, they are required to take the exam again. This bill would allow their score to be accepted as meeting the testing requirement.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

HOUSE BILL 1182

Short Title: Allocations for ADM Growth in Schools. (Public)

Sponsors: Representative Barefoot.

Referred to: Education.

April 15, 1999

A BILL TO BE ENTITLED

AN ACT DIRECTING THE STATE BOARD OF EDUCATION TO ALLOCATE ADDITIONAL RESOURCES TO LOCAL SCHOOL ADMINISTRATIVE UNITS EXPERIENCING A LOSS OF STUDENTS TO CHARTER SCHOOLS BUT AN OVERALL INCREASE IN AVERAGE DAILY MEMBERSHIP IN NONCHARTER SCHOOLS.

The General Assembly of North Carolina enacts:

Section 1. The State Board of Education shall use funds from the Reserve for Increases in Average Daily Membership to allocate additional resources to local school administrative units experiencing a loss of students to charter schools but an overall increase in average daily membership in noncharter schools.

The State Board shall report to the Joint Legislative Education Oversight Committee on resources allocated pursuant to the provisions of this act.

Section 2. This act becomes effective July 1, 1999.

(X4)

no action taken

HOUSE BILL 1182:
Allocations for ADM Growth in Schools

BILL ANALYSIS

Committee: House Education
Date: April 22, 1999
Version: First Edition

Introduced by: Representative Barefoot
Summary by: Sara Kamprath
Education Policy Analyst

SUMMARY: ***House Bill 1182 directs the State Board to allocate additional funds to local school administrative units who lose students to charter schools but have an overall increase in ADM in the noncharter schools.***

BACKGROUND: The Reserve for Increases in Average Daily Membership is used by the State Board to pay for emergency changes in average daily membership after the projections for the budget have been made. The reserve is at about $5 million.

BILL ANALYSIS: House Bill 1182 directs the State Board to allocate additional monies to local school administrative units where the overall average daily membership in noncharter schools has risen in spite of the loss of students to charter schools. The funds shall come from the Reserves for Increases in Average Daily Membership.

Barefoot stated fiscal note being prepared

H1182-SMRJ-001

Philip Price - Dir. school business

Rep Owens - moved

1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **YONGUE AND WARNER** for the Committee on **EDUCATION**.

☐ Committee Substitute for
H.B. 1150 A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE ELECTION OF MEMBERS OF SCHOOL IMPROVEMENT TEAMS.

☒ With a favorable report.

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

☐ With a favorable report, as amended.

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

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

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

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

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

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

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

☐ Without prejudice.

☐ With an indefinite postponement report.

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

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

2/24/99

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

HOUSE BILL 1150

Short Title: Sch. Improvement Team Reps. Elected. (Public)

Sponsors: Representatives Jeffus; and Wainwright.

Referred to: Education.

April 15, 1999

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR THE ELECTION OF MEMBERS OF SCHOOL IMPROVEMENT TEAMS.

The General Assembly of North Carolina enacts:

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

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

In order to improve student performance, each school shall develop a school improvement plan that takes into consideration the annual performance goal for that school that is set by the State Board under G.S. 115C-105.35. The principal of each school, representatives of the assistant principals, instructional personnel, instructional support personnel, and teacher assistants assigned to the school building, and parents of children enrolled in the school shall constitute a school improvement team to develop a school improvement plan to improve student performance. Representatives of the assistant principals, instructional personnel, instructional support personnel, and teacher assistants shall be elected by their respective groups by secret ballot. Unless the local board of education has adopted an election policy, parents shall be elected by parents of children enrolled in the school in an election conducted by the parent and teacher organization of the school or, if none exists, by the largest organization of parents formed for this purpose. Parents serving on school improvement teams shall reflect the racial and socioeconomic composition of the students enrolled in that school and shall not be members of the building-level staff. Parental involvement is a critical component of school success and positive student achievement; therefore, it is the intent of the General Assembly that parents, along with teachers, have a substantial role in developing school improvement plans. To this end, school improvement team meetings shall be held at a convenient time to

assure substantial parent participation. The strategies for improving student performance shall include a plan for the use of staff development funds that may be made available to the school by the local board of education to implement the school improvement plan and shall include a plan to address school safety and discipline concerns in accordance with the safe school plan developed under Article 8C of this Chapter. The strategies may include a decision to use State funds in accordance with G.S. 115C-105.25. The strategies may also include requests for waivers of State laws, rules, or policies for that school. A request for a waiver shall meet the requirements of G.S. 115C-105.26.

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

The local board of education shall accept or reject the school improvement plan. The local board shall not make any substantive changes in any school improvement plan that it accepts. If the local board rejects a school improvement plan, the local board shall state with specificity its reasons for rejecting the plan; the school improvement team may then prepare another plan, present it to the principals, assistant principals, instructional personnel, instructional support personnel, and teacher assistants assigned to the school building for a vote, and submit it to the local board to accept or reject. If no school improvement plan is accepted for a school within 60 days after its initial submission to the local board, the school or the local board may ask to use the process to resolve disagreements recommended in the guidelines developed by the State Board under G.S. 115C-105.20(b)(5). If this request is made, both the school and local board shall participate in the process to resolve disagreements. If there is no request to use that process, then the local board may develop a school improvement plan for the school. The General Assembly urges the local board to utilize the school's proposed school improvement plan to the maximum extent possible when developing such a plan.

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

Section 2. This act becomes effective July 1, 1999, and applies to school years beginning with the 1999-2000 school year.

HOUSE BILL 1150:
School Improvement Team Reps. Elected

BILL ANALYSIS

Committee:	House Education	**Introduced by:**	Representative Jeffus
Date:	April 22, 1999	**Summary by:**	Shirley Iorio, Ph.D.
Version:	1st Edition		Education Policy Analyst

SUMMARY: Each school has a school improvement team. This bill requires that representatives of the assistant principals, instructional personnel, instructional support personnel, and the teacher assistants are elected by their respective groups by secret ballot.

This act becomes effective July 1, 1999, and applies to school years beginning with the 1999-2000 school year.

CURRENT LAW: Each school is required to have its school improvement team develop a school improvement plan to improve student performance. The school improvement team is made up of the principal, representatives of the assistant principals, instructional personnel, instructional support personnel, teacher assistants, and parents of children enrolled in the school. The parent representatives must be elected by parents of children enrolled in the school in an election conducted by the parent and teacher organization or, if none exists, by the largest organization of parents formed for this purpose.

BILL ANALYSIS: With the exception of parent representatives, the current law is silent about how the other representatives are chosen to serve on the school improvement team. The language added to this bill makes it a requirement that all members of the school improvement team, except the principal, are elected by their respective groups. Assistant principals, instructional personnel, instructional support personnel, and teacher assistants would be elected by secret ballot. There is no requirement that parents be elected by secret ballot.

Woolle - moved favorable -
passed

H1150-SMSF-001

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H D

H1031-PCSRJ-001
HOUSE PROPOSED COMMITTEE SUBSTITUTE
HOUSE BILL 1031
THIS IS A DRAFT 22-APR-99 19:25:41
ATTENTION: LINE NUMBERS MAY CHANGE AFTER ADOPTION

Short Title: Compensate Teacher to Sub/Duty Free Period. (Public)

Sponsors:

Referred to: Education.

April 14, 1999

A BILL TO BE ENTITLED

AN ACT TO COMPENSATE TEACHERS FOR COVERING CLASSES FOR ABSENT TEACHERS AND TO AMEND THE LAW TO ENSURE THAT ALL TEACHERS RECEIVE A DUTY FREE PERIOD EACH DAY.

The General Assembly of North Carolina enacts:

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

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

The minimum pay for a substitute teacher who holds a teaching certificate shall be sixty-five percent (65%) of the daily pay rate of an entry-level teacher with an "A" certificate. The minimum pay for a substitute teacher who does not hold a teaching certificate shall be fifty percent (50%) of the daily pay rate of an entry-level teacher

with an "A" certificate. The pay for noncertified substitutes shall not exceed the pay of certified substitutes.

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

If a teacher acts as a substitute teacher for another teacher within the school for part of an instructional day, the teacher acting as a substitute shall be allowed to accumulate the time spent working as a substitute teacher. When a teacher has accumulated the equivalent of at least one instructional day, then the teacher may use that time in lieu of taking leave on an optional teacher workday. If at the end of a school year a teacher has any remaining time accumulated from acting as a substitute teacher, then the teacher shall be paid for that time at the substitute teacher pay rate from the Noninstructional Support Personnel allotment.

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

Section 2. G.S. 115C-301.1 reads as rewritten:

"**§ 115C-301.1. Duty free period.**

All full-time assigned classroom teachers shall be provided a daily duty free period during regular student contact hours. The duty free period shall be provided to the maximum extent that (i) the safety and proper supervision of children may allow during regular student contact hours and (ii) insofar as funds are provided for this purpose by the General Assembly. If the safety and supervision of children does not allow a daily duty free period during regular student contact hours for a given teacher, the funds provided by the General Assembly for the duty free period for that teacher shall revert to the general fund. Principals shall not unfairly burden a given teacher by making that teacher give up their duty free period on an ongoing, regular basis without the consent of the teacher."

Section 3. The State Board of Education shall study the issue of substitute teachers to determine if there is a shortage of substitutes, the impact of a shortage and methods used in this State and across the country to address a shortage. The study shall examine the need for a separate allotment for full-time

substitutes, the need for a separate rate of pay for full-time substitutes, and the estimated cost of providing full-time substitutes. The State Board of Education shall report the results of the study to the Joint Legislative Education Oversight Committee by December 15, 1999.

Section 4. This act becomes effective July 1, 1999, and applies to all school years beginning with the 1999-2000 school year.

Neaction -

72 actn

NH - to same sub

4/22

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H 1

HOUSE BILL 1152

Short Title: Duty Free Period/All Teachers. (Public)

Sponsors: Representatives Jeffus; Adams, Luebke, and Wainwright.

Referred to: Education.

April 15, 1999

A BILL TO BE ENTITLED

AN ACT TO AMEND THE LAW TO ENSURE THAT ALL TEACHERS RECEIVE A DUTY FREE PERIOD EACH DAY.

The General Assembly of North Carolina enacts:

Section 1. G.S. 115C-301.1 reads as rewritten:

"**§ 115C-301.1. Duty free period.**

All full-time assigned classroom teachers shall be provided a daily duty free period during regular student contact hours. ~~The duty-free period shall be provided to the maximum extent that (i) the safety and proper supervision of children may allow during regular student contact hours and (ii) insofar as funds are provided for this purpose by the General Assembly. If the safety and supervision of children does not allow a daily duty free period during regular student contact hours for a given teacher, the funds provided by the General Assembly for the duty free period for that teacher shall revert to the general fund.~~"

Section 2. This act becomes effective July 1, 1999, and applies to all school years beginning with the 1999-2000 school year.

Combined with HB 1152

HOUSE BILL 1031:
Compensate Teacher Acting as Substitute

BILL ANALYSIS

Committee:	House Education	**Introduced by:**	Representative Moore
Date:	April 19, 1999	**Summary by:**	Sara Kamprath
Version:	PCS for First Edition (H1031-PCSRJ-001)		Education Policy Analyst

SUMMARY: ***House Bill 1031 provides a means for a teacher to bank the time earned when substituting for another teacher in the school and explains how the banked time can be used. The State Board shall study the issue of substitute teachers, including shortage of substitutes. The bill is effective July 1, 1999 and applies beginning with the 1999-2000 school year.***

CURRENT LAW: G.S. 115C-12(8) provides that the minimum pay for a substitute teacher with a teaching certificate is 65% of the daily pay of an entry-level teacher with an "A" certificate. The minimum pay for a substitute teacher without a teaching certificate is 50% of the daily pay of an entry-level teacher with an "A" certificate.

If the General Assembly adopts the third year of the teacher salary schedule recommended in the Excellent Schools Act (1997), then the minimum daily pay for a substitute teacher with a teaching certificate would be $71.00. The minimum daily pay for a substitute teacher without a teaching certificate would be $54.66.

BILL ANALYSIS: **Section 1** of the bill amends G.S. 115C-12(8) to allow a teacher to earn time when the teacher is substituting for another teacher in the building for part of the instructional day. The earned time can be banked. When the teacher has banked at least 1 instructional day then the teacher may use that time instead of taking leave for optional teacher workdays. If a teacher has any time remaining at the end of the year, then the teacher shall be paid for that time at the substitute teacher pay rate from the Noninstructional Support Personnel allotment.

Section 2 of the bill amends G.S. 115C-301.1 to provide that a principal should not make a teacher continuously give up their duty free period without the teacher's consent.

Section 3 of the bill directs the State Board of Education to study the issue of a substitute teacher shortage and examine the need for a separate allotment for full-time substitutes, the need for a separate rate of pay and the estimated cost of providing full-time substitutes. The State Board shall report to the Joint Legislative Education Oversight Committee by December 15, 1999.

H1031-SMRJ-002

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H 1

HOUSE BILL 1172

Short Title: Certain Gift Certs. Do Not Escheat. (Public)

Sponsors: Representatives Blue; and Cansler.

Referred to: Education.

April 15, 1999

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT GIFT CERTIFICATES AND ELECTRONIC GIFT CARDS WITHOUT EXPIRATION DATES DO NOT ESCHEAT.

The General Assembly of North Carolina enacts:

Section 1. Chapter 116B of the General Statutes is amended by adding a new section to read:

"**§ 116B-23.1. Exclusion for gift certificates with no expiration date.**

Any gift certificate or electronic gift card which conspicuously states that it does not expire is not unclaimed or abandoned property and shall not escheat."

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

1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **YONGUE AND WARNER** for the Committee on **EDUCATION**.

☐ Committee Substitute for
H.B. 1107 A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR PARENTAL CONSENT FOR CERTAIN STUDENTS WHO COMPLETE CREDIT CARD APPLICATIONS AND TO PROHIBIT DEBT COLLECTION PRACTICES AGAINST CERTAIN PARENTS..

☐ With a favorable report.

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

☐ With a favorable report, as amended.

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

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

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

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

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

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

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

☐ Without prejudice.

☐ With an indefinite postponement report.

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

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

2/24/99

(6) 'Student.' -- A person who is under 21 years of age and who attends a constituent institution, whether enrolled on a full-time or part-time basis.

"**§ 116-261. Registration prior to solicitation.**

Prior to engaging in the solicitation of a student on a college campus, a credit card issuer shall register its intent to solicit the student for that purpose with an appropriate official of the constituent institution. The registration shall include the principal place of business of the credit card issuer and shall be in such form as required by regulation of the Board of Governors of The University of North Carolina.

"**§ 116-262. Parental consent required.**

An application for a credit card executed by a student who was solicited for the credit card on a college campus shall be void and unenforceable unless the parent or legal guardian of the student consents in writing to the student's submission of the application to the credit card issuer. Parental consent under this section shall not be construed as an agreement by the parent or legal guardian to be liable under the credit card agreement unless the parent or legal guardian specifically agrees in writing to do so.

"**§ 116-263. Debt collection against parent or guardian prohibited.**

It is unlawful for a credit card issuer to take any debt collection action against the parent or legal guardian of a student for whom a credit card has been issued unless the parent or legal guardian has agreed in writing to be liable for the debts of the student under the credit card agreement. A violation of this section shall be construed as an unlawful trade practice."

Section 2. This act becomes effective July 1, 1999.

HOUSE BILL 1107:
Parent Consent/College Credit Card

BILL ANALYSIS

Committee:	House Education	**Introduced by:**	Representative Gardner
Date:	April 23, 1999	**Summary by:**	Robin S. Johnson
Version:	First Edition		Committee Counsel

SUMMARY: This bill would require companies that issue credit cards to register its intent to solicit students on the campus of any of the 16 UNC constituent institutions. These companies would be required to obtain the written consent of the parents or guardians of any student that it solicits for a credit card who submits a credit card application. Failure to obtain this consent makes the application void and unenforceable. The bill would provide that parents and guardians who give their consent will not be liable under the credit card agreement unless they specifically agree to be liable, and would make it an unlawful trade practice for the credit card company to take any debt collection action against a parent or guardian who did not agree to be liable under the credit card agreement. An unlawful trade practice has both civil and criminal consequences.

Students are defined as persons under the age of 21 who attend a constituent institution on a full- or part- time basis.

The bill would take effect July 1, 1999.

BACKGROUND: Attached is a very recent NCSL brief on this issue as it is a growing concern. Similar legislation has been introduced in several states. Across the country, some colleges have banned credit card marketing on campus.

ISSUES: The bill presents several issues. Legally, eighteen year olds are adults, no matter whether they continue to be dependent on the financial support of their parents or guardians. There is North Carolina caselaw that says the legal effect of reaching the age of majority (i.e., 18) is that the legal disabilities designed to protect the child are removed and the person is entitled to manage his or her own affairs. This means they have legal capacity to enter into binding contracts and are liable for their debts. This bill would limit this capacity for some, but not all, 18-20 year olds. The bill would only affect students who attend the UNC institutions, not community colleges or private colleges, and certainly not individuals in this age bracket who do not attend college. Another issue is the question of requiring parental consent when a student is no longer dependent on his or her parent's financial support – or is not a dependent of the parent or guardian for federal tax purposes. This bill only applies to solicitation on the campus for a credit card. Students could go off-campus and be solicited for a card or could look for a credit card issuer. The bill clearly would apply to face-to-face solicitations, probably to solicitations by mail if the student lives on campus, and maybe to solicitations over the Internet if the student lives or uses a computer on campus. Finally, there may be a question as to whether solicitation by one entity can be restricted when other types of solicitation are not.

Rich a J Com. Judiciary
Hensley - favorable - re-ref to a Jud. committee
Substitute

NCSL · LEGISBRIEF

April/May 1999 Vol. 7, No. 23

COLLEGE STUDENTS, CREDIT CARDS AND DEBT

By Kelly Anders

Many college students are amassing mountains of credit card debt.

While attending institutions of higher learning, many college students are amassing mountains of credit card debt. Despite their lack of existing credit and their lack of income, the credit card industry, attracted by their lifetime profit potential and their naïve willingness to accumulate a great amount of debt, wants college students. Companies such as Citibank and American Express Optima each market credit cards on roughly 1,000 campuses.

At tables outside college bookstores and student centers, alongside the student volunteers recruiting new members or raising money for charity, paid credit card company representatives hand out frisbees, t-shirts, candy and two-liter bottles of soda as rewards for students who fill out credit card applications. Students can also apply for credit cards over the Internet. The credit card application process has become so quick and simple that consumer advocates fear young people are signing up for cards without understanding their rights and responsibilities.

Credit card debt doubled between 1993 and 1997 to more than $422 billion. Debtors with low incomes, including college students, are among the fastest growing new users of credit.

Interest rates on many campus credit cards are very high.

Additionally, interest rates on many common campus credit cards are very high, even higher than industry averages. Wells Fargo's student card rate is 19.8 percent, according to its Internet site. Although AT&T Universal Card's student rate is 17.9 percent, that's higher than its current disclosed regular rate of 15.8 percent. Students who miss a payment jump to 23.9 percent. After its teaser expires, the American Express Student Optima Card rate goes to 18.4 percent.

The U.S. Public Interest Research Group conducted a study last spring in which 1,260 college students from 15 campuses from around the country responded to questions regarding their use of credit cards. According to the study:

- Most students surveyed (69 percent) obtained credit cards in their own names, while the others (31 percent) said that their parents either paid their primary credit card bills or co-signed for at least one of their cards. Of those who obtained cards in their own names, only 15 percent reported holding a full-time job when they applied.
- More than half of students (61 percent) responsible for their own bills reported they had obtained cards at campus tables while fewer than half of those who reported that their parents helped with payments (41 percent) obtained cards at tables.
- More than one quarter of all students (28 percent) reported paying late at least once in the last two years. Many banks now extract "penalty" interest rates of 22 percent to 28 percent from consumers who make one or two late payments in a year.
- The same number (28 percent) reported paying their credit card bill late with cash advances at least once in the last two years. One quarter of these reported using a cash advance to pay another debt.
- Forty-one percent of all students found credit card education materials "helpful" or "somewhat helpful." The remainder found them not helpful or unreadable. Some students were harshly critical of "small print" and "deceptive legalese." Other students stated that telephone calls to or from credit card companies were only to obtain payment or aggressively sell add-on

NATIONAL CONFERENCE OF STATE LEGISLATURES

Executive Director, William T. Pound

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credit life insurance, not to offer advice on paying debts.

- The survey asked students how long it would take to pay off a $1,000 credit card debt at an 18 percent annual percentage rate if one paid only the minimum balance due. Using a generous 3 percent minimum payment (most credit cards require less) only 20 percent of all students guessed the correct answer, six years. The most common answer was 10 years (37 percent). An additional 19 percent guessed eight years and 15 percent guessed four years.
- While 79 percent of students reported using credit cards for many purposes, from campus expenses to shopping, only 13 percent reported limiting credit card use to emergencies.

In response to criticism, the credit card industry is taking a larger role in educating youngsters about credit. The efforts include MasterCard commercials aired on MTV that show a young man's possessions disappearing one by one. A voice threatens: "If you max out on your credit card and buy things you can't afford, you won't have anything to worry about." The company developed a pamphlet on money management, "College Fundamentals," which has been distributed at freshman orientations around the country. And it offers "Master Your Money" seminars for college students, which includes some credit education.

The credit card industry is taking a larger role in educating youngsters about credit.

Visa is touring a new financial management game show around college campuses. Meanwhile, Sears has launched a starter card with low credit limits and constant reminders to pay on time. Students who apply for American Express cards are required to sign an "I Understand" statement when they fill out the application form. Students must check off a box next to the paragraph that reads, "I am responsible for paying my own monthly bill by the due date. Not paying my bills can affect my credit record. If I choose not to pay my bill in full, I will be charged interest."

State Actions

There remains concern, however, that these efforts still may not do enough to help students deal with the competitive credit card marketing that takes place on campuses. Legislation to ban or regulate solicitation on college campuses has been introduced this year in several states, including Arkansas, Massachusetts, New Jersey, Pennsylvania and Virginia.

Legislation to ban or regulate solicitation on college campuses has been introduced this year in several states.

Some colleges have banned credit card marketing on campus. Others have instituted credit education programs. At least one college has made a credit card debt seminar part of new student and parent orientation.

Selected References

Crenshaw, Albert B. "Crash Course On Spending Is Good Send-Off to College." *The Washington Post*, Aug. 17, 1997.

McBride, Sarah. *The Wall Street Journal*. "Misspent Youth: Young Deadbeats Pose Problems for Credit Card Issuers." *Pittsburgh Post-Gazette*, Dec. 8, 1997.

Rubin, Bonnie. "College Students Charge Right Into Valley Of Debt." *The Chicago Tribune*, Aug. 16, 1998.

Verzemnieks, Inara. "Credit Where Credit Is Due? Charge Card Companies Flock to College Campuses." *The Washington Post*, Sept. 10, 1996.

Contacts for More Information

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U.S. Public Interest Research Group
Washington, D.C.
(202) 546-9707
www.pirg.org

1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **YONGUE AND WARNER** for the Committee on **EDUCATION**.

☐ Committee Substitute for
H.B. 963 A BILL TO BE ENTITLED AN ACT TO DIRECT THE STATE BOARD OF EDUCATION TO DEVELOP AND IMPLEMENT A HIGH SCHOOL EXIT EXAMINATION THAT REFLECTS A TWELFTH GRADE PROFICIENCY LEVEL AND TO DEVELOP A PLAN TO PROVIDE INTENSIVE CLASSROOM INSTRUCTION TO STUDENTS WHO ARE AT RISK OF NOT PASSING THE TWELFTH GRADE EXAM.

☐ With a favorable report.

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

☐ With a favorable report, as amended.

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

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

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

☒ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

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

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

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

☐ Without prejudice.

☐ With an indefinite postponement report.

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

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

2/24/99

#2

Arnold amendment passed

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 963

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

H963-ARH-003

Date_____,1999

Comm. Sub. [ ]
Amends Title [ ]

Representative Arnold

moves to amend the bill on page 1, lines 12-14, by rewriting the lines to read:
"develop, validate, and adopt a test that measures a twelfth grade level of proficiency so as to assure that high school graduates possess the";

and on page 1, lines 17 and 20, by deleting the phrase "in reading, writing, and mathematics" in both places;

and on page 2, line 26, by rewriting the line to read:
"of proficiency. These".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

#1

Technical

Hair - more adult
Ornament
passed

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 963

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

H963-ASF-001.1

Page 1 of __

Date_____,1999

Comm. Sub. [ ]
Amends Title [ ]

1 moves to amend the bill on page 1, line 9,
2 by deleting the phrase "G.S. 115C-174.21" and by substituting the
3 phrase "G.S. 115C-174.11".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

HOUSE BILL 963

Short Title: Finish Smart. (Public)

Sponsors: Representatives Daughtry; Allred, Arnold, Baker, Barbee, Berry, Brown, Brubaker, Buchanan, Cansler, Capps, Clary, Culp, Davis, Decker, Dockham, Ellis, Esposito, Gardner, Gillespie, Grady, Gray, Gulley, Hiatt, Holmes, Howard, McComas, McCombs, McMahan, Miner, Mitchell, Morris, Preston, Rayfield, Russell, Setzer, Sexton, Starnes, Teague, Thompson, Walend, C. Wilson, and G. Wilson.

Referred to: Education.

April 12, 1999

A BILL TO BE ENTITLED

AN ACT TO DIRECT THE STATE BOARD OF EDUCATION TO DEVELOP AND IMPLEMENT A HIGH SCHOOL EXIT EXAMINATION THAT REFLECTS A TWELFTH GRADE PROFICIENCY LEVEL AND TO DEVELOP A PLAN TO PROVIDE INTENSIVE CLASSROOM INSTRUCTION TO STUDENTS WHO ARE AT RISK OF NOT PASSING THE TWELFTH GRADE EXAM.

The General Assembly of North Carolina enacts:

Section 1. G.S. 115C-174.21 is amended by adding the following new subsection to read:

"(d) High School Exit Examination. -- The State Board of Education shall develop, validate, and adopt a test that measures reading, writing, and mathematics at the twelfth grade level. The test shall be administered annually no earlier than the last two months of twelfth grade so as to assure that high school graduates possess the skills and knowledge necessary to function independently and successfully in assuming the responsibilities of citizenship. Beginning April 1, 2003, students must attain at least a twelfth grade proficiency level in reading, writing, and mathematics on this test to receive a high school diploma. The General Assembly intends to appropriate funds so that local boards of education can provide intensive classroom instruction in reading, writing, and mathematics to students who may fail to attain a

twelfth grade proficiency on the high school exit examination developed under this subsection. The State Board shall develop a plan to enable local boards of education to provide this instruction to students. The plan shall include: (i) ways to identify students who will need this intensive instruction; (ii) a review and identification of funds currently available that may be used to provide this instruction; (iii) an evaluation of whether the current funding categories should be restructured in order to provide local boards with greater flexibility to provide this instruction; (iv) the identification of courses that could be modified or supplemented in order to provide this instruction; (v) the development of coursework designed to enable students to attain a twelfth grade level of proficiency on the high school exit examination; and (vi) recommendations to address the effective incorporation of this instruction into the school day. The Board shall develop this plan no later than December 1, 1999, and shall disseminate it to local boards of education. Local boards shall begin to offer the instruction no later than the 2000-2001 school year."

Section 2. G.S. 115C-12 is amended by adding the following new subdivision to read:

"(29) The State Board shall report annually by February 1 to the Joint Legislative Education Oversight Committee on its implementation of G.S. 115C-174.21(d). The initial report shall include any requests for (i) statutory changes needed to implement that law, (ii) funds needed to develop, validate, and implement the test developed under that law, and (iii) funds needed to implement the plan developed under that law. The initial report also shall include recommendations to address the needs of children with disabilities in order to enable them to achieve a twelfth grade level of proficiency in reading, writing, and mathematics. These recommendations may include a substitute or alternative test that could be administered to these students, the modification of current course and testing requirements for a high school diploma, or an alternative diploma for these students."

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

HOUSE BILL 963:
Finish Smart

BILL ANALYSIS

Committee: House Education
Date: April 20, 1999
Version: 1st Edition

Introduced by: Representative Daughtry
Summary by: Shirley Iorio, Ph.D.
Education Policy Analyst

SUMMARY: *This bill directs the State Board of Education to develop, validate, and adopt a high school exit exam that measures reading, writing, and mathematics at the twelfth grade level. The test shall be given annually and may not be given earlier than the last two months of twelfth grade. Beginning April 1, 2003, students must attain at least a twelfth grade proficiency on this test to receive a high school diploma.*

By December 1, 1999, the State Board must develop and disseminate to local boards of education a plan to enable local boards to provide intensive classroom instruction in reading, writing, and mathematics to those students who may fail to attain a twelfth grade proficiency on this high school exit exam. The bill specifies what the plan must include, and that local boards must implement the plan no later than the 2000-2001 school year.

The State Board would be required to report annually by February 1 to the Joint Legislative Education Oversight Committee.The bill specifies what must be included in the initial report.

CURRENT LAW: On April 1, 1999, the State Board of Education passed the Student Accountability Standards policy in response to legislation requiring the Board to develop a plan to implement high school exit exams and grade level student proficiency benchmarks.

The State Board policy requires third, fifth, and eighth grade students to pass end-of-grade tests in reading and mathematics before they are passed on to the next grade. The fourth and seventh grade writing assessments will also be used as a screen to determine whether students are making adequate progress in developing writing skills. The fifth grade requirement will become effective in 2000-2001. The third and eighth grade requirements will become effective in 2001-2002.

In 2003, high school students will be required to pass an exit exam in addition to meeting existing local and State graduation requirements. Students will take this exam in the spring of the students' 11th grade year. They must also pass a computer skills test (effective for 2001 graduating class).

The policy sets out review procedures that local school districts must follow for students who do not meet these gateway standards, including remediation, retesting, and students with special needs.

BILL ANALYSIS: **Section 1 – High School Exit Exam.** The State Board would develop and implement a high school exit exam that reflects a twelfth grade proficiency level. The exam would be required beginning with the graduating class of 2003, which is next year's freshman class (1999-2000 school year). This date is consistent with the State Board policy.

The bill does not require or prohibit retesting. Students who fail the exam could be retested as many times as the State Board plan allows.

The General Assembly intends to appropriate funds so that local boards can identify and provide intensive classroom instruction to those students who are at risk of failing to attain a twelfth grade proficiency on

the high school exit exam. The plan that the State Board would be required to develop would have to include ways to identify the students who will need this instruction, a review of currently available funds and funding categories, the development or modification of coursework, and recommendations to address the effective incorporation of this instruction into the school day.

Section 2 – Reporting Requirement. The initial report would be due to Education Oversight by February 1, 2000, and must include requests for:

- statutory changes needed to implement the law;
- funds needed to develop, validate, and implement the exit exam;
- funds needed to implement the plan; and
- recommendations to address the needs of children with disabilities.

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

Public Schools of North Carolina

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April 22, 1999

TO: Representative Pete Cunningham

FROM: Henry L. Johnson Henry

SUBJECT: Finish Smart Bill

At its April 1, 1999 Meeting, the State Board of Education approved a rigorous high school exit exam that truly reflects high school level work to be required for the graduating class of 2003.

In its deliberation regarding this policy, the Board considered whether the best grade to administer this test would be the 11th or 12th. The Board, after serious consideration, decided to administer this test at the 11th grade. One of the reasons is that school districts need the time during the summer prior to the senior year and during the senior year to successfully remediate the students who don't pass the exam at the end of the 11th grade. In addition, the courts have ruled against states that administered a single graduation exam at the 12th grade.

HLJ:bn

1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **YONGUE AND WARNER** for the Committee on **EDUCATION**.

☐ Committee Substitute for
H.B. 1267 A BILL TO BE ENTITLED AN ACT PROTECTING PUBLIC SCHOOL TEACHERS WHO MAKE FORMAL OR INFORMAL COMPLAINTS ALLEGING SEXUAL HARASSMENT AT SCHOOL.

☐ With a favorable report.

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

☐ With a favorable report, as amended.

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

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

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

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

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

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

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

☐ Without prejudice.

☐ With an indefinite postponement report.

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

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

2/24/99

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H D

HOUSE BILL 1267
Proposed Committee Substitute H1267-PCS1232-RC

Short Title: Teacher Harassment Protection. (Public)

Sponsors:

Referred to:

April 15, 1999

A BILL TO BE ENTITLED

AN ACT PROTECTING PUBLIC SCHOOL EMPLOYEES WHO MAKE FORMAL OR INFORMAL COMPLAINTS ALLEGING SEXUAL HARASSMENT.

The General Assembly of North Carolina enacts:

Section 1. Article 22 of Chapter 115C of the General Statutes is amended by adding a new Part to read:

"Part 7. Protection for Reporting Harassment.

"**§ 115C-335. Protection against retaliation for reporting harassment.**

No employee of a local board of education shall be disciplined in any way as a result of the employee filing a formal or informal complaint alleging sexual harassment by students or other local board employees, unless the employee reporting the harassment knows or has reason to believe the report is not accurate."

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H 1

HOUSE BILL 1267

Short Title: Teacher Harassment Protection. (Public)

Sponsors: Representatives Boyd-McIntyre; Wainwright and Adams.

Referred to: Education.

April 15, 1999

A BILL TO BE ENTITLED

AN ACT PROTECTING PUBLIC SCHOOL TEACHERS WHO MAKE FORMAL OR INFORMAL COMPLAINTS ALLEGING SEXUAL HARASSMENT AT SCHOOL.

The General Assembly of North Carolina enacts:

Section 1. Article 22 of Chapter 115C of the General Statutes is amended by adding a new Part to read:

"Part 7.

"Protection Against Harassment.

"**§ 115C-335. Protection against harassment defense.**

No employee of a local school administrative unit shall be disciplined in any way on account of the employee's filing a formal or informal complaint alleging sexual harassment at school by students or other employees."

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

HOUSE BILL 1267:
Teacher Harrassment Protection

BILL ANALYSIS

Committee:	House Education	**Introduced by:**	Rep. Boyd-McIntyre
Date:	April 22, 1999	**Summary by:**	Kory J. Goldsmith
Version:	First Edition		Committee Counsel

SUMMARY: The bill prohibits a school employee from being disciplined in any way as a result of the employee filing a formal or informal complaint alleging sexual harassment at school by students or other employees. The act is effective when it becomes law.

CURRENT LAW: Federal law (Title IX) provides that educational institutions that receive federal funds must not discriminate on the basis of sex in any educational program or activity. Title IX applies to students and school employees alike. Schools are required to adopt and publish grievance procedures that provide for prompt and equitable resolution of complaints by students and employees. Title VII of the 1964 Civil Rights Act prohibits discrimination on the basis of race, color, religion, sex, or national origin. Both Title IX and Title VII recognize sexual harassment as a form of sex discrimination.

Under Title VI, unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when (1) submission to that conduct is made either explicitly or implicitly a term or condition of employment, (2) submission to or rejection of the conduct is used as the basis for employment decisions affecting, or (3) the conduct unreasonably interferes with an individual's work performance or creates an intimidating, hostile, or offensive work environment. Title VII sexual harassment relates to employment conditions and relationships between employees.

Under Title IX, sexual harassment is defined as the imposition of unwelcome sexual activity in a relationship of unequal power, or a hostile, intimidating, or offensive academic or work environment where those in a position of authority do not redress the problem. Title IX sexual harassment relates to any educational program or activity and applies to relationships between employees and students as well as relationships between employees.

Article 14 of Chapter 126 of the General Statutes provides that it is the policy of the State to encourage **State employees** to report any evidence of activity by a State agency or a State employee that is a violation of federal or State law. It also provides that a State employee may not be discharged, threatened, or otherwise discriminated against for reporting unlawful activities unless the State employee knew or had reason to believe the report was not accurate. Sexual harassment in a State employment situation would be a violation of Title VII. Therefore, a State employee who reported that behavior would be protected against retaliation under G.S. 126-84(a). However, because they are not State employees, these provisions do not apply to school employees.

G.S. 115C-47(18) provides that local boards may make rules governing the conduct of teachers, supervisors, and principals. Under this law, local boards currently have the authority to adopt policies that protect school employees who report sexual harassment. However, there is no State-wide law that protects all school employees.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

HOUSE BILL 1086

Short Title: Capacity of New Schools Capped. (Public)

Sponsors: Representative Wood.

Referred to: Education.

April 15, 1999

A BILL TO BE ENTITLED

AN ACT TO CAP THE STUDENT CAPACITY OF SCHOOLS CONSTRUCTED AFTER JANUARY 1, 2000.

The General Assembly of North Carolina enacts:

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

"**§ 115C-520.1. Student capacity of new schools limited.**

New public schools designed after January 1, 2000, shall be subject to the following maximum student capacities:

(1) Schools that serve all or part of kindergarten through fifth grade -- 300 students;

(2) Schools that serve all or part of grades six through 8 -- 500 students; and

(3) Schools that serve all or part of grades nine through 12 -- 700 students.

The maximum student capacity of a school that serves grades in more than one of these categories shall be computed according to the percentage of students in each category it serves."

Section 2. This act is effective when it becomes law and applies to the new public schools on which design is begun after January 1, 2000.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H 1

HOUSE BILL 1178

Short Title: Competency Test/Low-Performing Schools. (Public)

Sponsors: Representatives Ellis; and Pope (Primary Sponsors).

Referred to: Education.

April 15, 1999

A BILL TO BE ENTITLED

AN ACT TO REQUIRE COMPETENCY TESTING FOR ALL CERTIFIED STAFF MEMBERS AT LOW-PERFORMING SCHOOLS.

The General Assembly of North Carolina enacts:

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

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

~~(a) General Knowledge Test. –~~

~~(1) Each assistance team assigned to a low-performing school during the 1997-98 school year shall review the team's evaluations of certified staff members to determine which staff members have been designated by the team as Category 3 teachers. The assistance team shall then determine whether lack of general knowledge contributed to the Category 3 designation. If the assistance team determines that a certified staff member's lack of general knowledge contributed to that staff member being designated as a Category 3 teacher, the assistance team shall submit the staff member's name to the State Board. Upon receipt of the notification, the State Board shall require that the certified staff members teams identified by the assistance teams demonstrate their general knowledge by acquiring a passing score on a test designated by the State Board. The State Board shall administer the general knowledge test required under this subdivision at the end of the 1997-98 school year.~~

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

(a) General Knowledge Test. -- The State Board of Education shall require all certified staff members working in schools at the time the schools are identified as low-performing under this Article and to which the State Board has assigned an assistance team to 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 at the end of the 1999-2000 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.

(b) Repealed by Session Laws 1998-5, s. 1.

(b1) 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, or an assistance team, or a principal.~~ 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 ~~other similar activity to correct the deficiency.~~ 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.

(d) ~~Retesting; Dismissal.~~ Retesting. -- Upon completion of the first remediation ~~plan required under subsection (e) of this section,~~ plan, the certified staff member shall take the general knowledge test a second time. If the certified staff member fails to acquire a passing score on the second test, the State Board shall ~~begin a dismissal proceeding under G.S. 115C-325(q)(2a).~~ provide a program of further remediation under subsection (e1) of this section.

(e) Repealed by Session Laws 1998-5, s. 1.

(e1) Dismissal. -- Upon completion of the second remediation plan, the certified staff member shall take the general knowledge test a third time. If the certified staff member fails to acquire a passing score on the third test, the State Board shall begin dismissal proceedings under G.S. 115C-325(q)(2a).

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

(1) The dismissal of a principal under G.S. 115C-325(q)(1);

(2) The dismissal of a teacher, assistant principal, director, or supervisor under G.S. 115C-325(q)(2);

(3) The dismissal or demotion of a career employee for any of the grounds listed under G.S. 115C-325(e);

(4) The nonrenewal of a school administrator's or probationary teacher's contract of employment; or

(5) The decision to grant career status.

(g) Repealed by Session Laws 1998-5, s. 1.

(g1) Future Testing. -- The State Board shall develop a plan for testing and shall test all certified staff members in low-performing schools identified at the end of the 1999-2000 school year. When developing the plan, the State Board shall consider administering tests in the area of an individual's certification as well as the general knowledge test. The State Board shall report this plan to the Joint Legislative Education Oversight Committee prior to November 15, 2000."

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

"(2a) Notwithstanding any other provision of this section or any other law, this subdivision shall govern the State Board's dismissal of certified staff members who have engaged in a remediation plan under ~~G.S. 115C-105.38A(c)~~ G.S. 115C-1-5.38A(a) but who, after ~~one retest,~~ two retests, fail to meet the general knowledge standard set by the State Board. The failure to meet the general knowledge standard after ~~one retest~~ two retests shall be substantial evidence of the inadequate performance of the certified staff member.

A certified staff member may request a hearing before a panel of three members of the State Board within 30 days of any dismissal under this subdivision. The State Board shall adopt procedures to ensure that due process rights are afforded to certified staff members recommended for dismissal under this subdivision. Decisions of the panel may be appealed on the record to the State

Board, with further right of judicial review under Chapter 150B of the General Statutes."

Section 3. This act becomes effective July 1, 1999, and applies to school years beginning with the 1999-2000 school year.

North Carolina General Assembly
House of Representatives
State Legislative Building
Raleigh 27601-1096

Rep. Alex Warner
Chairman, House Committee on Education
Date: 4/23/99

Re: HB 1178 Competency Testing/Low Performing Schools

Dear Alex:

Rep. Sam Ellis introduced the above bill at my request, and I am the primary sponsor. I respectfully request that the bill not be considered at this time by the House Committee on Education.

Due to the brief time since the bill was introduced and since I joined the General Assembly, there has not been sufficient time to consult the State Board of Education or Department of Public Instruction and get their responses. Furthermore, since the effective date for the testing will be next year, it is likely that this topic can be addressed as a study commission bill that does not have to meet the cross-over deadline.

Thank you for the prompt consideration of this bill and of this request.

Sincerely,

Art Pope

Rep. Art Pope

Please accommodate on request

AW

4/23/99

1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **YONGUE AND WARNER** for the Committee on **EDUCATION**.

☐ Committee Substitute for
H.B. 1046 A BILL TO BE ENTITLED AN ACT TO PROHIBIT STUDENTS FROM POSSESSING CELLULAR PHONES OR PAGERS ON SCHOOL PROPERTY.

☐ With a favorable report.

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

☐ With a favorable report, as amended.

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

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

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

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

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

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

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

☐ Without prejudice.

☐ With an indefinite postponement report.

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

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

2/24/99

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H D

HOUSE BILL 1046
Proposed Committee Substitute H1046-PCS3373-RC

Short Title: Cell Phones/Pagers in Schools. (Public)

Sponsors:

Referred to:

April 14, 1999

A BILL TO BE ENTITLED

AN ACT DIRECTING LOCAL BOARDS OF EDUCATION TO CONSIDER ADOPTING POLICIES PROHIBITING STUDENTS FROM USING CELLULAR PHONES OR PAGERS ON SCHOOL PROPERTY DURING INSTRUCTIONAL HOURS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 115C-47 is amended by adding a new subdivision to read:

"(38) To prohibit the use of cellular phones or paging devices by students. Local boards of education shall consider adopting policies to prohibit the use of cellular telephones, other wireless telephones, paging devices, or other wireless communications devices, by students on school property during instructional hours unless otherwise permitted by the principal in accordance with local board policies. The policies shall provide for the immediate confiscation of devices used on school property in violation of the policies. Devices that are confiscated may be returned only to the student's parent or legal guardian upon the parent's or legal guardian's oral or written request."

Section 2. G.S. 115C-391(f) reads as rewritten:

"(f) Local boards of education shall ensure they have clear policies governing the conduct of students. At a minimum, these policies shall state the consequences of violent or assaultive behavior, possessions of weapons, and criminal acts committed on school property or at school-sponsored functions. If a local board prohibits the

use of cellular telephones, other wireless telephones, paging devices, or other wireless communications devices on school property during instructional hours, the policies governing student conduct shall clearly state the consequences for violations of that policy. The State Board shall develop guidelines to assist local boards in this process."

Section 3. This act becomes effective July 1, 1999, and applies beginning with the 1999-2000 school year.

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

WB 1046

EDITION No. _____

H. B. No. _____ DATE _____

S. B. No. _____ Amendment No. _____
(to be filled in by Principal Clerk)

COMMITTEE SUBSTITUTE _____

Rep.) Warnble
)
Sen.)

moves to amend the bill on page 2, line 2

( ) WHICH CHANGES THE TITLE

by rewriting the line to read "guardian upon the parent or legal guardian's oral or written request."

SIGNED _____

ADOPTED _____ FAILED _____ TABLED _____

GA-33-A

PRINCIPAL CLERK'S OFFICE

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H 1

HOUSE BILL 1046

Short Title: No Cell Phones/Pagers in Schools. (Public)

Sponsors: Representative Thompson.

Referred to: Education.

April 14, 1999

A BILL TO BE ENTITLED

AN ACT TO PROHIBIT STUDENTS FROM POSSESSING CELLULAR PHONES OR PAGERS ON SCHOOL PROPERTY.

The General Assembly of North Carolina enacts:

Section 1. G.S. 115C-47 reads as rewritten:

"**§ 115C-47. Powers and duties generally.**

In addition to the powers and duties designated in G.S. 115C-36, local boards of education shall have the power or duty:

. . . . .

(38) To prohibit the possession of cellular phones or paging devices by students. Local boards of education shall adopt rules to prohibit the possession of cellular telephones, other wireless telephones, paging devices, or other wireless communications devices, by students at school during instructional hours. The rules shall provide for the confiscation of devices possessed at school in violation of the rules."

Section 2. G.S. 115C-391(f) reads as rewritten:

"(f) Local boards of education shall ensure they have clear policies governing the conduct of students. At a minimum, these policies shall state the consequences of violent or assaultive behavior, possessions of weapons, possession of cellular telephones, other wireless telephones, paging devices, or other wireless communications devices during instructional hours, and criminal acts committed on school property or at school-sponsored functions. The State Board shall develop guidelines to assist local boards in this process."

Section 3. This act becomes effective August 1, 1999, and applies beginning with the 1999-2000 school year.

HOUSE BILL 1046:
Cell Phones/Pagers in School

BILL ANALYSIS

Committee:	House Education	**Introduced by:**	Rep. Gregg Thompson
Date:	April 19, 1999	**Summary by:**	Kory Goldsmith
Version:	Committee Substitue H1046-CSRC-001.1		Committee Counsel

SUMMARY: ***Local boards of education would be required to consider adopting policies that prohibit a student from using cellular phones, wireless telephones, paging devices, or other wireless communications devices on school property during instructional hours unless otherwise permitted by the principal in accordance with board policies. Violation of the rules would result in the immediate confiscation of the devices. The devices could be returned only to the student's parent or legal guardian.***

CURRENT LAW: G.S. 115C-391(f) provides that local boards of education must have clear policies governing student conduct. It does not specify that the policies must address the possession of pagers or cellular phones. However, a number of local boards have adopted policies prohibiting pagers and cellular phones.

BILL ANALYSIS: HB 1046 amends G.S. 115C-47 to direct local boards of education to consider adopting policies that prohibit students from using cellular phones, pagers, or other wireless communications devices on school property during instructional hours unless otherwise permitted by the school principal under local board policy. The penalty for possession would be confiscation of the devices. The device could be returned only to the student's parent or legal guardian. The bill also amends G.S. 115C-391(f) to provide that if a local board has adopted a policy prohibiting the possession of pagers and cell phones, then student conduct policies must include the clear consequences for violating that rule.

Assuming pagers or cellular phones could be considered instruments of student speech, prohibiting student possession at school would have First Amendment implications. "Freedom of speech" is a broad term that has been interpreted to mean more than just the spoken word. It also encompasses the wearing armbands, buttons, and protest symbols, as well as the right to wear clothing bearing controversial slogans. However, it is generally recognized that school officials may prohibit any type of student speech that they can reasonably predict would cause a substantial disruption or material interference with school activities. Tinker v. Des Moines Independent Community School District.

The bill becomes effective July 1, 1999 and applies beginning with the 1999-2000 school year.

VISITOR REGISTRATION SHEET

THE HOUSE APPROPRIATIONS SUBCOMMITTEE ON HUMAN RESOURCES

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

	NAME	FIRM OR AGENCY
1.	Paul Valone	Grass Roots NC
2.	Jeff Rau	Grass Roots NC
3.	Mike Concannon	Grass Roots N.C.
4.	BEN MILES, JR.	GRASS ROOTS, NC
5.	Brad Snieder	DPI
6.	Ann Belam	SBE
7.	Phyllis Price	DPI
8.	Cecil Bazzle	Governor's Office
9.	Donna Cannon	NCBA
10.	Jan Gratto	NCASA
11.	Suzanne Williams	NCCCS
22.	John Blythe	UNC-GA/NCSU Ag Pgm
23.	Steve Adams	Public School Forum
24.	Cecil Colson	NCAE
25.	Bill Wilson	NCAE
26.		
27.		
28.		
29.		
30.		
31.		

MINUTES

HOUSE EDUCATION COMMITTEE MEETING

TUESDAY, APRIL 27, 1999

The meeting was called to order by the Co-Chair Representative Alex Warner. See attachment for those in attendance.

Rep. Warner recognized Rep. Richard Moore to explain the committee substitute for ***HB 517, STUDY DROPOUT RATE COMPUTATION /ABC's PROGRAM.*** Rep. Cox moved to adopt the House committee substitute. The motion passed to adopt the committee substitute. Rep. Moore offered an amendment. Rep. Yongue moved to adopt the amendment. The motion passed. Rep. McAllister made a motion for a favorable report as amended. The motion passed with a favorable report as to committee substitute, which changed the title, unfavorable as to original bill.

Rep. Warner recognized Rep. Cansler to explain ***HB 1101, ABC BONUSES FOR NONCERTIFIED EMPLOYEES.*** Rep. Moore moved for a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations. The motion passed.

Rep. Warner recognized Rep. Wood to explain ***HB 1086, CAPACITY OF NEW SCHOOLS CAPPED.*** Rep. Warner appointed a subcommittee to study the bill and report back to the committee. Those appointed were: Reps. Bonner, Nesbitt, Jarrell, Adams, McAllister, Arnold, and Justus.

The meeting adjourned.

Alex Warner
Rep. Alex Warner, Co-Chair

Doug Yongue
Rep. Doug Yongue, Co-Chair

Ann Stancil
Ann Stancil, Committee Clerk

1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **Warner/Yongue** for the Committee on **EDUCATION.**

☐ Committee Substitute for
H.B. 517 A BILL TO BE ENTITLED AN ACT REGARDING THE COMPUTATION OF DROPOUT RATES FOR THE ABCs PROGRAM.

☐ With a favorable report.

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

☐ With a favorable report, as amended.

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

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

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

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

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

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

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

☐ Without prejudice.

☐ With an indefinite postponement report.

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

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

2/24/99

1999 PERMANENT SUBCOMMITTEE REPORT
HOUSE OF REPRESENTATIVES

FOR RECOMMENDING BILLS TO STANDING COMMITTEE OR TO THE FLOOR OF THE HOUSE
The following report(s) from permanent sub committee(s) is/are presented:
By Representative(s) **Bonner** for the Permanent Subcommittee on **Preschool, Elementary and Secondary Education** of the Standing Committee on **Education.**

☐ Committee Substitute for
H.B. 517 ☒A BILL TO BE ENTITLED AN ACT STUDY DROPOUT RATE COMPUTATION/ABC'S PROGRAM

REPORTED TO THE STANDING COMMITTEE ON **EDUCATION**

RECOMMENDED ACTION:

☒ With a favorable recommendation.

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

☐ With a favorable recommendation, as amended.

☐ With a favorable recommendation, as amended, and recommend that the bill be re-referred to the Committee on .

☐ With an unfavorable recommendation.

☐ With a favorable recommendation as to proposed committee substitute bill which changes the title, unfavorable as to original bill.

☐ With a favorable recommendation as to proposed House committee substitute bill, which changes the title, unfavorable as to Senate committee substitute bill.

☐ Without prejudice.

☐ Other recommended action: _____.

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

Rep. for the Standing Committee on _____.

s/_____

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

2/24/99

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 517

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

H517-ARJ-002

Date_____,1999

Comm. Sub. [YES]
Amends Title []

Representative Moore

moves to amend the bill on page 1, line 5, by rewriting the line to read:

"Section 1. The State Board of Education, in consultation with the Office of Juvenile Justice, the Department of Correction, and the Department of Community Colleges, shall study the".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H D

HOUSE BILL 517
Proposed Committee Substitute H517-PCS4241-RJ

Short Title: Study Dropout Rate Computation/ABCs Prog. (Public)

Sponsors:

Referred to:

March 22, 1999

A BILL TO BE ENTITLED

AN ACT DIRECTING THE STATE BOARD OF EDUCATION TO STUDY THE COMPUTATION OF DROPOUT RATES FOR THE ABCs PROGRAM.

The General Assembly of North Carolina enacts:

Section 1. The State Board of Education, in consultation with the Office of Juvenile Justice, the Department of Correction and the Department of Community Colleges, shall study the method for computing dropout rates for the School-Based Management and Accountability Program (ABCs). The State Board of Education shall recommend whether the computation used to set the dropout rate for this purpose should include students who (i) transfer to a community college; (ii) are placed by the courts in a setting which provides educational opportunities; (iii) are expelled from school; (iv) do not return to school after a long-term suspension in accordance with a safe school plan; or (v) have been counted previously as dropouts. As a part of this study, the State Board of Education shall report, from data for the 1998-99 school year, the number of students in each of these categories. The State Board of Education shall examine whether it should continue to use other methods of computing the dropout rate for other purposes.

Section 2. The State Board of Education shall report to the Joint Legislative Education Oversight Committee by December 15, 1999, regarding its recommendations as to the computation of the dropout rates for the ABCs accountability program. This report shall include the number of dropouts for the 1998-99 school year based on the categories in Section 1.

Section 3. This act becomes effective July 1, 1999.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

HOUSE BILL 517

Short Title: Dropout Rate Computation/ABCs Prog. (Public)

Sponsors: Representative Moore.

Referred to: Education.

March 22, 1999

A BILL TO BE ENTITLED

AN ACT REGARDING THE COMPUTATION OF DROPOUT RATES FOR THE ABCs PROGRAM.

The General Assembly of North Carolina enacts:

Section 1. G.S. 115C-105.35 reads as rewritten:

"**§ 115C-105.35. Annual performance ~~goals.~~ goals; computation of dropout rates for the accountability system.**

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

(b) In calculating dropout rates for the purpose of this accountability system, the State Board shall not include any student who:

(1) Transfers to a community college;

(2) Is placed by the courts in a setting in which educational opportunities are provided;

(3) Is expelled from school;

(4) Does not return to school after a suspension of 10 days or more; or

(5) Has previously been counted as a dropout.

The State Board may continue to use other methods of computing dropout rates for other purposes."

Section 2. This act becomes effective July 1, 1999.

HOUSE BILL 517:
Dropout Rate Computation/ABCs Prog.

BILL ANALYSIS

Committee:	House Education	**Introduced by:**	Representative Moore
Date:	April 12, 1999	**Summary by:**	Sara Kamprath
Version:	First Edition		Education Policy Analyst

SUMMARY: House Bill 517 excludes certain categories of students from inclusion in the dropout rates used for the purposes of the ABCs program. The bill is effective July 1, 1999.

BACKGROUND: In the 1998 Appropriations bill, the General Assembly urged the State Board to include dropout rates in its standards for determining whether high schools met or exceeded their ABCs performance goals. Beginning this year and continuing for the 2000-2001 school year, dropout rates will only be reported and will not affect any ABCs awards. Beginning with the 2001-2002 school year, the dropout rates will be used to determine gains in student performance and will affect ABCs awards. According to the provisions of G.S. 115C-12(27), the State Board shall not include expelled students when calculating the dropout rate but maintain a separate record of the number of those students.

BILL ANALYSIS: House Bill 517 provides that the State Board shall not include any of the following students when calculating dropout rates for ABCs purposes:

1. Students who transfer to a community college;
2. Students who are placed by a court in a setting which provides educational opportunities;
3. Students who are expelled;
4. Students who do not return to school after a suspension of at least 10 days; or
5. Students who have been previously counted as a dropout.

The State Board may use other methods of computing dropout rates for other purposes.

H517-SMRJ-001

HOUSE BILL 517:
Study Dropout Rate Computation/ABCs Prog.

BILL ANALYSIS

Committee:	House Education	**Introduced by:**	Representative Moore
Date:	April 26, 1999	**Summary by:**	Sara Kamprath
Version:	Proposed Committee Substitute H517-PCSRJ-001 for 1st Edition		Education Policy Analyst

SUMMARY: ***The proposed committee substitute for House Bill 517 directs the State Board of Education to study the means used to compute dropout rates for the ABCs program. The Board shall make recommendations to the Joint Legislative Education Oversight Committee by December 15, 1999 as to whether the computation used to set the dropout rates for the ABCs should be changed. The State Board shall report the numbers of dropouts for the 1998-99 school year based on certain listed categories. The bill becomes effective July 1, 1999.***

BACKGROUND: In the 1998 Appropriations bill, the General Assembly urged the State Board to include dropout rates in its standards for determing whether high schools met or exceeded their ABCs performance goals. Beginning this year and continuing for the 2000-2001 school year, dropout rates will only be reported and will not affect any ABCs awards. Beginning with the 2001-2002 school year, the dropout rates will be used to determine gains in student performance and will affect ABCs awards. According to the provisions of G.S. 115C-12(27), the State Board shall not include expelled students when calculating the dropout rate but maintain a separate record of the number of those students. In August 1998, the State Board changed the method for computing the dropout rates so that the North Carolina dropout rates, beginning with the 1998-99 reporting year, would be computed using the federal formula.

BILL ANALYSIS: The proposed committee substitute for House Bill 517 directs the State Board to study how dropout rates are computed for the purpose of the School-Based Management and Accountability Program (ABCs). The State Board shall recommend whether dropout rates should be computed to include students who:

1. transfer to a community college;
2. are placed by a court in a setting which provides educational opportunities;
3. are expelled;
4. do not return to school after a suspension of at least 10 days; or
5. have been previously counted as dropouts.

By December 15, 1999, the State Board shall report to the Joint Legislative Education Oversight Committee its recommendations as to the computation of the dropout rates for the ABCs program. The report shall include the number of dropouts for the 1998-99 school year based on the above categories.

H517-PCSRJ-001

file

1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **Warner/Yongue** for the Committee on **EDUCATION**.

☐ Committee Substitute for
H.B. 1101 A BILL TO BE ENTITLED AN ACT TO PROVIDE BONUSES UNDER THE ABCs OF EDUCATION PROGRAM TO NONCERTIFIED PUBLIC SCHOOL EMPLOYEES.

☐ With a favorable report.

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

☐ With a favorable report, as amended.

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

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

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

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

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

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

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

☐ Without prejudice.

☐ With an indefinite postponement report.

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

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

2/24/99

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H 1

HOUSE BILL 1101

Short Title: ABC Bonuses for Noncertified Emp'ees. (Public)

Sponsors: Representatives Cansler; Sherrill, Walend (Primary Sponsors), Nesbitt, Thompson, and Russell.

Referred to: Education, if favorable, Appropriations.

April 15, 1999

A BILL TO BE ENTITLED

AN ACT TO PROVIDE BONUSES UNDER THE ABCs OF EDUCATION PROGRAM TO NONCERTIFIED PUBLIC SCHOOL EMPLOYEES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 115C-105.36(a) reads as rewritten:

"(a) The personnel in schools that achieve a level of expected growth greater than one hundred percent (100%) at a level to be determined by the State Board of Education are eligible for financial awards in amounts set by the ~~State Board.~~ General Assembly. Schools and personnel shall not be required to apply for these awards. For the purpose of this section, "personnel" includes the principal, assistant principal, instructional personnel, instructional support personnel, ~~and teacher assistants~~ teacher assistants, and other noncertified personnel (i) serving students in one or more of the grades kindergarten through 12 or (ii) assigned to a public school prekindergarten program that is located within a public elementary school and is designed to prepare students for kindergarten at that school."

Section 2. There is appropriated from the General Fund to State Aid to Local School Administrative Units the sum of ten million five hundred seventy-five thousand six hundred twenty-seven dollars ($10,575,627) for the 1999-2000 fiscal year and the sum of ten million five hundred seventy-five thousand six hundred twenty seven dollars ($10,575,627) for the 2000-2001 fiscal year to provide for financial awards to noncertified personnel, other than teacher assistants, under the ABCs of Education Program. The State Board of Education shall allocate these funds to local school administrative units at the amounts per qualifying employee as it does for

teacher assistants. The local board of education shall determine the amount of these funds each qualifying employee shall receive.

Section 3. This act becomes effective July 1, 1999. Section 1 of this act applies to school years beginning with the 1999-2000 school year.

HOUSE BILL 1101:
ABC Bonuses for Noncertified Emp'ees

BILL ANALYSIS

Committee: House Education
Date: April 26, 1999
Version: First Edition

Introduced by: Representatives Cansler, Sherrill, Walend
Summary by: Kory J. Goldsmith
Committee Counsel

SUMMARY: ***HB 1101 provides that non-certified personnel in schools that achieve greater than expected growth under the ABC program would be eligible to receive bonuses in amounts set by the General Assembly. The bill appropriates $10,575,627 for fiscal year 1999-2000, and the same amount for fiscal year 1000-2001. It also provides that local boards of education shall determine the amount each qualifying non-certified employee will receive.***

CURRENT LAW: Only certified personnel and teacher assistants are eligible to receive ABC bonus awards. The State Board of Education has interpreted this provision to cover teachers, assistant principals, principals, instructional support personnel (including Guidance Counselors, Social Workers, and Media Specialists), and teacher assistants (including Technology Assistants). These individuals must be serving students in one or more of the grades kindergarten through 12, or assigned to a public school prekindergarten program that is located within a public elementary school that is designed to prepare students for kindergarten at that school. It does not cover non-certified personnel such as office staff or cafeteria workers.

BILL ANALYSIS: HB 1101 amends G.S. 115C-105.36(a) to expand who is eligible to receive ABC awards by adding the phrase "other non-certified personnel" to certified personnel and teacher assistants. It appropriates funds, and provides that local boards shall determine the amount each qualifying non-certified employee will receive.

BACKGROUND: In 1996, the General Assembly passed legislation creating the ABC's program of Public Education. The program is based upon accountability, academic basics, and local control. As part of the accountability model, the State Board of Education sets a student achievement goal for each school for each academic year. Certified personnel and teacher assistants in schools that meet or exceed those goals are eligible to receive performance recognition awards. For the 1997-98 school year, these awards ranged from $1500 for certified personnel in exemplary schools to $375 for teacher assistants in schools that met expected growth.

The reverse side of ABC awards are certain sanctions that apply to personnel in low-performing schools (schools where the student performance goal is not met and where more than 50% of the students are performing below grade level). Low-performing schools may receive State assistance teams that are charged improving student performance and evaluating the certified personnel in the school. Assistance teams may recommend action plans for individual employees, general knowledge testing, and/or dismissal of certified personnel who are not performing adequately. If the State Board does not assign an assistance team to a low-performing school, the local board must provide an assessment team to evaluate the performance of certified personnel. Principals in low-performing schools are also subject to additional review and scrutiny. Local boards are required to make specific determinations regarding whether to keep a principal in a low-performing school, to transfer the principal, to implement an action plan for the principal, or to dismiss or demote the principal. In addition to action that may be taken by the local board, an assistance team may recommend that the State Board take action to dismiss a principal.

In its original ABC plan, submitted to the Joint Legislative Education Oversight Committee (JLEOC), the State Board of Education recommended that financial awards go only to personnel who would also be subject to sanctions. It also recommended that the ABC funds be available only for bonus awards. The JLEOC recommended several modifications that were adopted by the General Assembly. First, teacher assistants were added as school personnel who were eligible to receive ABC bonuses. However, because teacher assistants are not certified personnel, they are not subject to ABC sanctions. Second, the General Assembly provided that ABC awards would go to certified personnel and teacher assistants unless a school adopted a plan to distributed the funds in a different manner. The alternative distribution could be for any lawful purpose, the plan had to be approved by a majority of the certified personnel and teacher assistants at the school, and the local board had to approve the plan. Using this method, a number of schools distributed the ABC awards to non-certified staff as well as certified staff and teacher assistants.

In 1998, and at the recommendation of the JLEOC, the General Assembly amended the law to remove this option for the re-distribution of ABC awards. The JLEOC made this recommendation because of reports it received from individual teachers that they had been subjected to unwanted pressure to vote to re-allocate the ABC funds.

The act becomes effective July 1, 1999 and applies to school years beginning with the 1999-2000 school year.

The bill, if given a favorable report, is serially re-referred to Appropriations.

H1101-SMRC-001

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H 1

HOUSE BILL 1086

Short Title: Capacity of New Schools Capped. (Public)

Sponsors: Representative Wood.

Referred to: Education.

April 15, 1999

A BILL TO BE ENTITLED

AN ACT TO CAP THE STUDENT CAPACITY OF SCHOOLS CONSTRUCTED AFTER JANUARY 1, 2000.

The General Assembly of North Carolina enacts:

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

"**§ 115C-520.1. Student capacity of new schools limited.**

New public schools designed after January 1, 2000, shall be subject to the following maximum student capacities:

(1) Schools that serve all or part of kindergarten through fifth grade -- 300 students;

(2) Schools that serve all or part of grades six through 8 -- 500 students; and

(3) Schools that serve all or part of grades nine through 12 -- 700 students.

The maximum student capacity of a school that serves grades in more than one of these categories shall be computed according to the percentage of students in each category it serves."

Section 2. This act is effective when it becomes law and applies to the new public schools on which design is begun after January 1, 2000.

VISITOR REGISTRATION SHEET

Education 4-27-99

Name of Committee Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Mike SALAMIK	Roanoke Rapids Board of Education
Tom Boyer	NCCCS
Barry Russell	"
Maxine Ng	OSBM
[illegible]	THPAP
Ceil Cahoon	NCAE
Karen Gaskie	Governor's Office
Mad Dan	NCAE
Bill Wilson	NCAE
Penny Jones	Public School Forum
Penny Van Oostrum	PENC
Jane E Kinney	NCSBA
Ann Belanger	SBE
Gene Causby	NC SFSHA
Dan Quay	
Maurice Kostrzewa	Self
Evelyn Drummond	UNC GCH
Charles R Talley	French Broad EMC Marshall NC
Benny Scarboro	Good Neighbors

MINUTES

HOUSE EDUCATION COMMITTEE

MAY 11, 1999

The meeting was called to order by Co-Chairman Representative Douglas Y. Yongue. See attached attendance sheet for those present.

The first order of business was **HOUSE BILL 1436, TEXTBOOK COMMISSION CHANGES/FUNDS,** sponsored by Representative Boyd-McIntyre. This bill was displaced at the request of the bill sponsor. (See copy of bill.)

The next order of business was **SENATE BILL 898, SCHOOL PERSONNEL LAW CHANGES,** sponsored by Senator Dalton. Senator Dalton was called upon to explain the bill. (See copy of bill, bill summary, and committee referral report.) Representative Bonner moved for a favorable report, and the motion passed.

The next order of business was **SENATE BILL 1075, SPECIAL NEEDS FUNDING/TRANSPORTATION,** sponsored by Senator Rand. Senator Rand was called upon to explain the bill. (See copy of bill, bill summary and committee reporting form.) Representative Justus moved for a favorable report, and the motion passed.

The meeting was then adjourned.

Representative Douglas Y. Yongue
Co-Chairman

Representative Alex Warner
Co-Chairman

Jenny Umstead, Committee Assistant

PLEASE PRESS HARD - 6 COPIES

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

EDITION No. _____

H. B. No. _____ DATE _____

S. B. No. _____ Amendment No. _____
(to be filled in by Principal Clerk)

COMMITTEE SUBSTITUTE #1436-CSRJ-001

Rep.)
) Benner
Sen.)

1 moves to amend the bill on page 2, line 35
2 ( ) WHICH CHANGES THE TITLE
3 by inserting after the word "matter," the following
4 phrase:
5 "whether the textbook is aligned with the Standard
6 Course of Study".
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SIGNED _____

ADOPTED _____ FAILED _____ TABLED _____

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H D

H1436-CSRJ-001
HOUSE PROPOSED COMMITTEE SUBSTITUTE
HOUSE BILL 1436
THIS IS A DRAFT 13-MAY-99 09:27:43
ATTENTION: LINE NUMBERS MAY CHANGE AFTER ADOPTION

Short Title: Textbook Commission Changes/Funds. (Public)

Sponsors:

Referred to: Education, if favorable, Appropriations.

April 29, 1999

A BILL TO BE ENTITLED

AN ACT TO EXPAND THE MEMBERSHIP OF THE NORTH CAROLINA TEXTBOOK COMMISSION AND TO APPROPRIATE FUNDS FOR THAT PURPOSE.

The General Assembly of North Carolina enacts:

Section 1. G.S. 115C-87 reads as rewritten:

"§ 115C-87. Appointment of Textbook Commission.

Shortly after assuming office, the Governor shall appoint a Textbook Commission of ~~14~~ 23 members who shall hold office for four years, or until their successors are appointed and qualified. The members of the Commission shall be appointed by the Governor upon recommendation of the Superintendent. Six of these members shall be teachers or principals in ~~the elementary grades;~~ grades K-5; five shall be teachers or principals in ~~the high school grades; one shall be a superintendent of a local school administrative unit;~~ grades 6-8; four shall be superintendents, teachers, or principals in grades 9-12; ~~one~~ three shall be ~~the parent of an elementary student, grades K-6,~~ parents of students in grades K-5 at the time of appointment; ~~and one shall be the parent of a high school student, grades 7-12,~~ three shall be parents of students in grades 6-8 at the time of

~~appointment.~~ appointment; and two shall be parents of students in grades 9-12 at the time of appointment. The Governor shall fill all vacancies by appointment for the unexpired term. The Commission shall elect a chairman, subject to the approval of the Superintendent. The Commission shall meet four times a year or at the call of the chair. The members shall be entitled to compensation for each day spent on the work of the Commission as approved by the Board and to reimbursement for travel and subsistence expense incurred in the performance of their duties at the rates specified in G.S. 138-5(a). ~~Such compensation~~ Compensation shall be paid from funds available to the State Board of Education."

Section 2. G.S. 115C-88 reads as rewritten:

"**§ 115C-88. Commission to evaluate textbooks offered for adoption.**

(a) The ~~members of the Commission who are teachers, principals or the parent of students~~ Commission shall evaluate all textbooks offered for adoption.

Each proposed textbook shall be read by at least one expert in the discipline for which the textbook would be used. The Commission may use external experts if no commission member or advisory committee member qualifies as an expert in a particular discipline.

The Commission may consider any review of a proposed textbook by other experts not involved in the textbook adoption process. However, these reviews may not substitute for the direct examination of the proposed textbook by a Commission member, an advisory committee member or any other expert retained by the Commission.

(b) Each member shall examine carefully and file a written evaluation of each ~~textbook offered for adoption~~ proposed textbook for which the member is responsible.

The evaluation report shall give special consideration to the suitability of the textbook to the instructional level for which it is offered, the content or subject matter, and other criteria prescribed by the Board.

Each evaluation report shall be signed by the member making the report and filed with the Board not later than a day fixed by the Board when the call for adoption is made."

Section 3. There is appropriated from the General Fund to the State Board of Education the sum of fifty thousand dollars ($50,000) for the 1999-2000 fiscal year to expand the membership and expertise of the North Carolina Textbook Commission.

Section 4. Sections 3 and 4 of this act become effective July 1, 1999. The remaining sections become effective January 1, 2000. Notwithstanding G.S. 115C-87, the additional members appointed to the Textbook Commission under this act shall hold office until the new Governor takes office in 2001 and their successors are appointed and qualified.

Pull from agenda at sponsor's request

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H 1

HOUSE BILL 1436

Short Title: Textbook Commission Changes/Funds. (Public)

Sponsors: Representative Boyd-McIntyre.

Referred to: Education, if favorable, Appropriations.

April 29, 1999

A BILL TO BE ENTITLED

AN ACT TO EXPAND THE MEMBERSHIP OF THE NORTH CAROLINA TEXTBOOK COMMISSION AND TO APPROPRIATE FUNDS FOR THAT PURPOSE.

The General Assembly of North Carolina enacts:

Section 1. G.S. 115C-87 reads as rewritten:

"**§ 115C-87. Appointment of Textbook Commission.**

Shortly after assuming office, the Governor shall appoint a Textbook Commission of ~~14~~ 22 members who shall hold office for four years, or until their successors are appointed and qualified. The members of the Commission shall be appointed by the Governor upon recommendation of the Superintendent. ~~Six~~ Nine of these members shall be teachers or principals in ~~the elementary grades;~~ grades K-5; ~~five~~ six shall be teachers or principals in ~~the high school grades; one shall be a superintendent of a local school administrative unit;~~ grades 6-8; seven shall be superintendents, teachers, or principals in grades 9-12; ~~one~~ five shall be ~~the parent of an elementary student, grades K-6,~~ parents of students in grades K-5 at the time of appointment; ~~and one shall be the parent of a high school student, grades 7-12,~~ four shall be parents of students in grades 6-8 at the time of ~~appointment.~~ appointment; and three shall be parents of students in grades 9-12 at the time of appointment. The Governor shall fill all vacancies by appointment for the unexpired term. The Commission shall elect a chairman, subject to the approval of the Superintendent. The Commission shall meet four times a year or at the call of the chair. The members shall be entitled to compensation for each day spent on the work of the Commission as approved by the Board and to reimbursement for travel and subsistence expense incurred in the

performance of their duties at the rates specified in G.S. 138-5(a). ~~Such compensation~~ Compensation shall be paid from funds available to the State Board of Education."

Section 2. G.S. 115C-88 reads as rewritten:

"**§ 115C-88. Commission to evaluate textbooks offered for adoption.**

(a) The members of the Commission who are teachers, ~~principals or the parent~~ principals, or parents of students shall evaluate all textbooks offered for adoption. Each proposed textbook shall be read by at least one expert in the discipline for which the textbook would be used. The Commission may use experts on any respective discipline for which no commission member qualifies as an expert.

(b) Each member shall examine carefully and file a written evaluation of each textbook offered for adoption. The Commission may consider external reviews of any book being considered for adoption, but not as a substitute for direct examination.

The evaluation report shall give special consideration to the suitability of the textbook to the instructional level for which it is offered, the content or subject matter, and other criteria prescribed by the Board.

Each evaluation report shall be signed by the member making the report and filed with the Board not later than a day fixed by the Board when the call for adoption is made."

Section 3. There is appropriated from the General Fund to the State Board of Education the sum of fifty thousand dollars ($50,000) for the 1999-2000 fiscal year to expand the membership and expertise of the North Carolina Textbook Commission.

Section 4. This act becomes effective July 1, 1999.

HOUSE BILL 1436:
Textbook Commission Changes/Funds

BILL ANALYSIS

Committee:	House Education	**Introduced by:**	Representative Boyd-McIntyre
Date:	May 13, 1999		
Version:	PCS for First Edition (H1436-CSRJ-001)	**Summary by:**	Sara Kamprath Education Policy Analyst

SUMMARY: The proposed committee substitute (PCS) for House Bill 1436 increases the number of members on the North Carolina Textbook Commission from 14 to 23. The PCS also amends the process used by the Commission for evaluating the textbooks offered for adoption. The PCS includes a $50,000 appropriation for the 1999-2000 fiscal year.

CURRENT LAW: The Textbook Commission consists of the following 14 members:

6 teachers or principals in the elementary grades (grades K-6)

5 teachers or principals in the high school grades (grades 7-12)

1 local school superintendent

1 parent of an elementary school student, at the time of appointment

1 parent of a high school student, at the time of appointment

BILL ANALYSIS: **Section 1** of the PCS increases the membership of the Textbook Commission, as outlined in G.S. 115C-87, from the current 14 members to the following 23 members:

6 teachers or principals in grades K-5

5 teachers or principals in grades 6-8

4 superintendents, teachers or principals in grades 9-12

3 parents of students in grades K-5

3 parents of students in grades 6-8

2 parents of students in grades 9-12

The Commission shall meet 4 times or at the call of the chair.

Section 2 of the PCS amends the evaluation process, in G.S. 115C-88, used by the Commission when adopting new textbooks. Each proposed textbook shall be read by at least 1 expert in the discipline covered by the textbook. If no commission member or member of any advisory committee to the Commission is an expert, then the Commission may use external experts.

The Commission may consider other reviews by experts not involved in the textbook adoption process but these reviews shall not substitute for direct examination of the textbooks.

Sections 3 and 4 of this act become effective July 1, 1999 and the remaining sections become effective January 1, 2000. The additional Commission members will hold office until the new Governor takes office in 2001 and their successors are appointed.

The PCS, if given a favorable report, is serially re-referred to Appropriations.

1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **YONGUE AND WARNER** for the Committee on **EDUCATION**.

☒ Committee Substitute for
S.B. 898 A BILL TO BE ENTITLED AN ACT TO INCREASE THE NUMBER OF DAYS WITHIN WHICH A BOARD OF EDUCATION MUST HOLD A TEACHER DISMISSAL HEARING, TO CLARIFY THAT THE SUPERINTENDENT'S DESIGNEE MAY BE PRESENT AT THE CASE MANAGER HEARING, TO ALLOW TIME FOR THE SUPERINTENDENT TO OBTAIN A COPY OF THE CASE MANAGER TRANSCRIPT, TO DECREASE THE NUMBER OF DAYS WITHIN WHICH THE SUPERINTENDENT MUST PROVIDE A LIST OF WITNESSES FOR A BOARD HEARING ON A REDUCTION IN FORCE, TO CHANGE THE DATE WHEN LOCAL BOARDS MUST NOTIFY TEACHERS WHETHER THEIR PROBABTIONARY CONTRACTS HAVE BEEN RENEWED, TO REPEAL THE PROFESSIONAL PRACTICES BOARDS AND TO LIMIT THE NONINSTRUCTIONAL DUTIES ASSIGNED TO TEACHERS.

☒ With a favorable report.

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

☐ With a favorable report, as amended.

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

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

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

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

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

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

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

☐ Without prejudice.

☐ With an indefinite postponement report.

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

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

2/24/99

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

S 2

SENATE BILL 898
Education/Higher Education Committee Substitute Adopted 4/21/99

Short Title: School Personnel Law Changes. (Public)

Sponsors:

Referred to:

April 14, 1999

A BILL TO BE ENTITLED

AN ACT TO INCREASE THE NUMBER OF DAYS WITHIN WHICH A BOARD OF EDUCATION MUST HOLD A TEACHER DISMISSAL HEARING, TO CLARIFY THAT THE SUPERINTENDENT'S DESIGNEE MAY BE PRESENT AT THE CASE MANAGER HEARING, TO ALLOW TIME FOR THE SUPERINTENDENT TO OBTAIN A COPY OF THE CASE MANAGER TRANSCRIPT, TO DECREASE THE NUMBER OF DAYS WITHIN WHICH THE SUPERINTENDENT MUST PROVIDE A LIST OF WITNESSES FOR A BOARD HEARING ON A REDUCTION IN FORCE, TO CHANGE THE DATE WHEN LOCAL BOARDS MUST NOTIFY TEACHERS WHETHER THEIR PROBATIONARY CONTRACTS HAVE BEEN RENEWED, TO REPEAL THE PROFESSIONAL PRACTICES BOARD, AND TO LIMIT THE NONINSTRUCTIONAL DUTIES ASSIGNED TO TEACHERS.

The General Assembly of North Carolina enacts:

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

Section 4. G.S. 115C-325(j3)(5) reads as rewritten:

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

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

"(o) Resignation; Nonrenewal of Contract. -- A teacher, career or probationary, should not resign without the consent of the superintendent unless he has given at least 30 days' notice. If the teacher does resign without giving at least 30 days' notice, the board may request that the State Board of Education revoke the teacher's

certificate for the remainder of that school year. A copy of the request shall be placed in the teacher's personnel file.

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

Section 6. G.S. 115C-295.3 is repealed.

Section 7. G.S. 115C-47 is amended by adding a new subdivision to read:

"(18a) To Adopt Rules and Policies Limiting the Noninstructional Duties of Teachers. -- Local boards of education shall adopt rules and policies limiting the noninstructional duties assigned to teachers. A local board may temporarily suspend the rules and policies for individual schools upon a finding that there is a compelling reason the rules or policies should not be implemented. These rules and policies shall ensure that:

a. Teachers with initial certification are not assigned extracurricular activities unless they request the assignments in writing and that other noninstructional duties assigned to these teachers are minimized, so these teachers have an opportunity to develop into skilled professionals;

b. Teachers with 27 or more years of experience are not assigned extracurricular activities unless they request the assignments in writing and that other noninstructional duties assigned to these teachers are minimized, so these teachers have an opportunity to informally share their experience and expertise with their colleagues;

c. The noninstructional duties of all teachers are limited to the extent possible given federal, State, and local laws, rules, and policies, and that the noninstructional duties required of teachers are distributed equitably among employees."

Section 8. G.S. 115C-296(e) reads as rewritten:

"(e) The State Board of Education shall develop a mentor program to provide ongoing support for teachers entering the profession. In developing the mentor program, the State Board shall conduct a comprehensive study of the needs of new teachers and how those needs can be met through an orientation and mentor support program. For the purpose of helping local boards to support new teachers, the State Board shall develop and distribute guidelines which address optimum teaching load, extracurricular duties, student assignment, and other working condition considerations. These guidelines shall provide that initially certified teachers not be assigned extracurricular activities unless they request the assignments in writing and that other noninstructional duties of these teachers be minimized. The State Board shall develop and coordinate a mentor teacher training program. The State Board shall develop criteria for selecting excellent, experienced, and qualified teachers to be participants in the mentor teacher training program."

Section 9. This act is effective when it becomes law. Sections 1, 2, 3, and 4 apply to proceedings initiated on or after that date.

SENATE BILL 898:
School Personnel Law Changes

BILL ANALYSIS

Committee:	House Education	**Introduced by:**	Senators Dalton and Lee
Date:	May 11, 1999	**Summary by:**	Robin S. Johnson
Version:	Second Edition		Kory Goldsmith
			Committee Counsels

SUMMARY: The bill would make a number of changes to the law regarding teacher employment and dismissal, would repeal the law that creates the Professional Practices Board, and would limit the noninstructional duties assigned to teachers.

The bill would take effect when it becomes law; the sections dealing with teacher employment and dismissal would apply to proceedings commenced on or after that date.

BILL ANALYSIS: **Section 1** would amend 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 requests a dismissal 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 that directs the local board to provide the teacher with all documentary evidence seven days before the board hearing.

Section 2 would amend G.S. 115C-325(j)(3) to authorize the superintendent to name a designee to be present at the case manager hearing.

Section 3 would amend G.S. 115C-325(j1)(1) to build in time for the superintendent to obtain a transcript of the case manager hearing before the board hearing. Under current law, the superintendent must arrange to have the case manager hearing recorded. However, 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 4 would amend G.S. 115C-325(j3)(5) to decease, from 10 to 8, the number of days 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 requiring the local board to hold the hearing within 10 days of receiving the teacher's request.

Section 5 would amend 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, would conform to the date when local boards must inform teachers whether they have been granted career status.

Section 6 would repeal G.S. 115C-295.3, enacted in 1996, which directed the State Board to establish a Professional Practices Board. This Board, whose primary responsibility was to develop a code of ethics for teachers, was never established. However, the Professional Teaching Standards Commission did make recommendations to the State Board regarding a code of ethics for teachers and the State Board has implemented Administrative Rules regarding a code of ethics.

Section 7 would direct local boards to adopt rules and policies to limit the noninstructional duties assigned to teachers. Boards could temporarily suspend these rules and policies for individual schools if

they find a compelling reason to do so. The rules and policies would be required to guarantee that: (i) teachers with initial certification or with at least 27 years of experience may only be assigned extracurricular activities if they make a written request for this assignment; (ii) other noninstructional duties would be minimized for teachers with initial certification or at least 27 years of experience; (iii) noninstructional duties of all teachers are limited to the extent possible; and (iv) noninstructional duties are distributed equitably among employees.

Section 8 would direct the State Board's guidelines for new teachers to provide that (i) teachers with initial certification may be assigned extracurricular activities only if a teacher makes a written request for the assignment and (ii) the assignment of other noninstructional duties of these teachers must be minimized.

BACKGROUND: In 1997, the General Assembly passed the Excellent Schools Act, which made major modifications to the law governing career status and the process for dismissing a teacher. After the law passed, it became apparent that several procedural deadlines were inconsistent or impossible to achieve. In 1998, the Joint Legislative Education Oversight Committee recommended many of the changes that are included in this bill.

S898-SMRH-001

1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **YONGUE AND WARNER** for the Committee on **EDUCATION**.

☐ Committee Substitute for
S.B. 1075 A BILL TO BE ENTITLED AN ACT REGARDING FUNDING AND TRANSPORTATION FOR CHILDREN WITH SPECIAL NEEDS.

☒ With a favorable report.

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

☐ With a favorable report, as amended.

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

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

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

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

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

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

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

☐ Without prejudice.

☐ With an indefinite postponement report.

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

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

2/24/99

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

S 1

SENATE BILL 1075

Short Title: Special Needs Funding/Transportation. (Public)

Sponsors: Senator Rand.

Referred to: Education/Higher Education.

April 15, 1999

A BILL TO BE ENTITLED

AN ACT REGARDING FUNDING AND TRANSPORTATION FOR CHILDREN WITH SPECIAL NEEDS.

The General Assembly of North Carolina enacts:

Section 1. Notwithstanding any policy or rule adopted by the State Board of Education, if a local school administrative unit provides services to a student pursuant to a current individual education plan from another state while a determination is being made regarding the student's eligibility for services as a child with special needs in North Carolina, the local school administrative unit is entitled to receive State funding to serve the student while the determination is being made. If the student is later determined not to qualify for services in North Carolina, the local school administrative unit shall not be required to repay State funds received while the determination is being made.

Section 2. The State Board of Education shall study the issue of school transportation for children with special needs. In the course of the study, the State Board shall consider the difficulty local school administrative units are having in meeting the length of school day requirements for these children. The State Board shall report the results of the study and its recommendations to the Joint Legislative Education Oversight Committee prior to January 1, 2000.

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

SENATE BILL 1075:
Special Needs Funding/Transportation

BILL ANALYSIS

Committee:	House Education	**Introduced by:**	Senator Rand
Date:	May 11, 1999	**Summary by:**	Shirley Iorio, Ph.D.
Version:	First Edition		Education Policy Analyst

SUMMARY: ***When a student with a current individual education plan from another state comes to North Carolina, and the local school system provides special education services to that student during the time that a determination is being made regarding the student's eligibility for services in North Carolina, the local school system would be entitled to receive State funding to serve the student while the determination is being made.***

If the student is determined <u>not</u> to qualify for services in North Carolina, the local school district would <u>not</u> be required to repay State funds received while the determination was being made.

The State Board of Education would be directed to study the issue of school transportation for children with special needs, and to report to Education Oversight.

The bill would become effective when it becomes law.

BACKGROUND: Special education eligibility differs from state to state. A student may qualify for special education services in one state but not in another.

When a student comes into the North Carolina public schools with an IEP from another state, the local school system reviews the current IEP and puts the student in a 30 day temporary placement where the student receives special education services. At the same time, the local school system contacts the sending school for additional student records to determine whether the student is eligible for services in North Carolina.

Currently, when the local system provides services to the student during the time it takes to determine eligibility for special education services in North Carolina, and the student is determined to be ineligible, the local system must repay State funds received while the determination was being made.

VISITOR REGISTRATION SHEET

Education

~~House Ways and Means Committee~~

Name of Committee

5-11-99

~~May 5, 1999~~

Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Yvonne Perry	NC Ed/Law
Hal Davis	NCAE
J Colvoon	NCAE
Bill Wilson	NCAE
Phil Price	DPI
Ann Bellamy	SBE
Mardi Mearns	DPT
LeAnn Martin	Public School Forum
John W Wilson	NCAE
Hal Miller	NCACCT
Amy VanDerstrum	PENC
Patrick Mullen	PENC
Leanne Winner	NCSBA

MINUTES

HOUSE EDUCATION COMMITTEE

THURSDAY, MAY 13, 1999

The meeting was called to order by Co-Chair Rep. Alex Warner. Refer to the attendance sheet for those in attendance.

Rep. Warner called on Rep. Mosley to present a technical amendment for **HB 1440, DRIVER EDUCATION STUDY FUNDS.** Rep. Cox moved to accept the amendment for HB 1440. The motion passed. After much discussion, HB 1440 was continued to the next meeting. The meeting adjourned.

Rep. Alex Warner, Co-Chair

Rep. Doug Yongue, Co-Chair

Ann Stancil, Committee Clerk

VISITOR REGISTRATION SHEET

Ed — 5/13/99

Name of Committee — Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
W. Scott Hunter	State Highway Patrol
Ernest Ringgold	The Driving School New Bern, NC
Robert M. Brim	Kernersville Police Dept.
Bob Sandford	NC DMV (SBTS)
Charles D. Mitchell	NC DMV - SBTS
Bill Wilson	NCAE
Carl Cabon	"
Hal Miller	NCACCT
Dean Denham	NCOU
Vicki Gray	W/S FC Schools
Lorraine Jordan	Jordan Drivers Sch.

Warwick
Haire

5/13

Speakers on Driver Education Bill

HB 1440

(2) Lt. Mike Brim
Kernersville Police Dept.

(3) Ernie Ringgold
The Driving School
New Bern, NC

(1) W. Scott Hunter, First Sergeant
North Carolina State Highway Patrol

Gray Thompson Haire Justus

(4) Vicki Gray
Winston-Salem Forsyth County Schools

(6) Sayraine Jordon

(5) Gene Causey

Ann Barham — DPI

Rush Sappey - D.O.T.

— Womble

— Yongue

— [redacted]

— Warwick

— Haire

— Moore

—

Lorraine Jordan
Driver Ed Teacher and Contractor
Jordan Driving School

MINUTES

HOUSE EDUCATION COMMITTEE

MAY 18, 1999

The meeting was called to order by the Co-Chairman Representative Alex Warner. See attendance sheet for those in attendance.

Rep. Warner called for the adoption of the House committee substitute to **HB 1440, DRIVER SAFETY EDUCATION/STUDY/FUNDS.** Rep. Tolson made the motion to adopt and Rep. Rayfield seconded the motion. The motion passed.

Rep. Warner recognized Rep. Mosley to explain the House committee substitute. This is an appropriations bill so if this bill is approved, it will be re-referred to Appropriations. Rep. Mosley noted that the new committee substitute pleased all interested parties. The State Board of Education, the Department of Public Instruction and the Department of Motor Vehicles would make recommendations related to the Driver Education Program, updating the curriculum, discussing the times that it is taught, being an elective or non-elective, local options, etc. That report would be brought to the Joint Legislative Education Oversight Committee before May 15, 2000.

After much discussion Rep. Yongue made a motion for a favorable report to committee substitute which changes the title, unfavorable as to original bill and recommendation that the committee substitute bill be re-referred to the Committee on Appropriations. The motion passed.

Rep. Mosley introduced Bob Sandford with Department of Motor Vehicles to speak on behalf of HB 1440.

Meeting adjourned.

Rep. Alex Warner, Co-Chair

Rep. Doug Yongue, Co-Chair

Ann Stancil, Committee Asst.

1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **Warner and Yongue** for the Committee on **EDUCATION.**

☐ Committee Substitute for
H.B. 1440 A BILL TO BE ENTITLED AN ACT TO ENHANCE AND STRENGTHEN NORTH CAROLINA'S DRIVER AND SAFETY EDUCATION PROGRAM AND TO PROVIDE FUNDS FOR THIS PURPOSE.

☐ With a favorable report.

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

☐ With a favorable report, as amended.

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

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

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

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

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

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

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

☐ Without prejudice.

☐ With an indefinite postponement report.

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

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

2/24/99

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 1440

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

H1440-ARC-001

Page 1 of __

Date_____,1999

Comm. Sub. []
Amends Title []

Representative

moves to amend the bill on page 1, line 21,
by deleting the word "update" and substituting "updated".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

DRAFT

DRAFT

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H D

HOUSE BILL 1440
House Proposed Committee Substitute
H1440-CSRC-001

Short Title: Driver Safety Ed./Study/Funds. (Public)

Sponsors:

Referred to: Education, if favorable, Appropriations.

April 29, 1999

A BILL TO BE ENTITLED

AN ACT DIRECTING THE STATE BOARD OF EDUCATION TO STUDY WAYS TO ENHANCE, STRENGTHEN, AND MAKE MORE UNIFORM NORTH CAROLINA'S DRIVER AND SAFETY EDUCATION PROGRAM AND TO PROVIDE FUNDS FOR THIS PURPOSE.

Whereas, the State of North Carolina led the country in the number of teenage fatalities in 1998 and ranks in the top 10 states for preventable traffic-related injury; and

Whereas, the State of North Carolina has implemented the strongest graduated drivers license program in the country; and

Whereas, young drivers require additional instruction, monitoring, and support to ensure the reduction of preventable death and serious injury; and

Whereas, the administrative responsibilities for the North Carolina driver and safety education program is split between the Division of Motor Vehicles, which oversees the professional driving schools, and the State Board of Education which transmits the funds from the Highway Fund to the local school districts, with no one agency overseeing the curriculum, driver instructor qualifications, and ensuring that all of the qualified young drivers receive the training in a timely fashion; Now, therefore,

The General Assembly of North Carolina enacts:

Section 1. The State Board of Education, in coordination with the Division of Motor Vehicles, shall study and make recommendations related to driver education programs provided to high school students. The study shall include, but not be limited to, the following:

(1) Whether the driver education curriculum reflects current passenger vehicle safety standards and addresses the major causes of preventable death and serious injury to young drivers.

(2) How to provide clear and consistent oversight of driver education programs for high school students including assistance to local school administrative units, supervision of funds, and improvements in the quality of driver education instruction.

(3) The adoption and implementation of uniform rules concerning driver education for high school students including the bid process for contracting for driver training services, safety standards for vehicles used for behind the wheel driver training, and certification standards for driver training instructors and teachers.

(4) A proposed timetable for implementation of any recommended changes.

The State Board shall ensure that at least one representative from the North Carolina Driver and Safety Education Association, at least one instructor employed by a private driving school, and at least one public school teacher who is certified in driver education are involved in the study. The State Board shall report its findings and recommendations to the Joint Legislative Education Oversight Committee prior to May 15, 2000.

Section 2. There is appropriated from the General Fund to the State Board of Education the sum of five thousand dollars ($5,000) for the 1999-2000 fiscal year to implement the provisions of Section 1 of this act.

Section 3. This act becomes effective July 1, 1999.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H 1

HOUSE BILL 1440

Short Title: Driver/Safety Ed. Program Funds. (Public)

Sponsors: Representative Mosley.

Referred to: Education, if favorable, Appropriations.

April 29, 1999

A BILL TO BE ENTITLED

AN ACT TO ENHANCE AND STRENGTHEN NORTH CAROLINA'S DRIVER AND SAFETY EDUCATION PROGRAM AND TO PROVIDE FUNDS FOR THIS PURPOSE.

Whereas, the State of North Carolina led the country in the number of teenage fatalities in 1998 and ranks in the top 10 states for preventable traffic-related injury; and

Whereas, the State of North Carolina has implemented the strongest graduated drivers license program in the country; and

Whereas, young drivers require additional instruction, monitoring, and support to ensure the reduction of preventable death and serious injury; and

Whereas, the administrative responsibilities for the North Carolina driver and safety education program is split between the Division of Motor Vehicles, which oversees the professional driving schools, and the State Board of Education which transmits the funds from the Highway Fund to the local school districts, with no one agency overseeing the curriculum, driver instructor qualifications, and ensuring that all of the qualified young drivers receive the training in a timely fashion; Now, therefore,

The General Assembly of North Carolina enacts:

Section 1. The North Carolina State Board of Education shall:

(1) Develop and implement an update driver education curriculum that would address the major causes of preventable death and serious injury to young drivers.

(2) Provide for driver education instruction at all reasonable times, including during the school day.

(3) Provide clear and consistent oversight of the State's driver education program through additional monitoring, assistance to school districts, supervision of existing funds, and enhancing the quality of driver education instruction.

(4) Issue and enforce all rules concerning the implementation of driver education, including the development of policies for instructor/teacher certification and other policies.

Section 2. There is appropriated from driver education reversions to the Highway Fund the sum of three hundred thousand dollars ($300,000) for the 1999-2000 fiscal year to the Department of Public Instruction to implement the provisions of Section 1 of this act.

Section 3. This act becomes effective July 1, 1999.

HOUSE BILL 1440:
Driver/Safety Ed. Program Funds

BILL ANALYSIS

Committee:	House Education	**Introduced by:**	Rep. Mosely
Date:	May 13, 1999	**Summary by:**	Shirley Iorio, Ph.D.
Version:	First Edition		Education Policy Analyst

SUMMARY: This bill would require the State Board of Education to enhance and strengthen the Driver and Safety Education program in the following ways:

- *Develop and implement an updated driver education curriculum;*
- *Provide driver education instruction at all reasonable times, including during the school day;*
- *Provide oversight of the State's driver education program; and*
- *Issue and enforce all rules concerning the implementation of driver education.*

$300,000 from driver education reversions to the Highway Fund would be appropriated to DPI to implement the provisions of this bill for the 1999-2000 fiscal year.

The act would become effective July 1, 1999.

The bill is serially re-referred to Appropriations.

CURRENT LAW: To ensure that a person who is less than 18 years old has both instruction and experience before obtaining a drivers license, driving privileges are granted first on a limited basis and are then expanded. One of the requirements for obtaining a limited learner's permit for a person between 15 and 18 years of age is the passing of a driver education course or a course of driver instruction at a licensed commercial driver training school.

North Carolina public schools are required to have a program of driver training and safety education. It is a noncredit course taught by instructors who meet the requirements established by the State Board of Education. These instructors are not required to hold teacher certificates.

The driver education program is required to include certain components such as instruction on the rights and privileges of the handicapped, at least 6 hours of actual driving experience, and at least 6 hours of instruction on the offense of driving while impaired.

Local boards of education are permitted to enter into contracts with public or private entities to provide a program of driver education at public high schools. These instructors must meet the requirements established by the Commissioner of Motor Vehicles. There are regulations adopted by the Commissioner that state the requirements for a driver training school license, and the Commissioner or his authorized representative has the duty of licensing successful applicants for commercial driver training schools.

A local board of education is not permitted to transfer driver education funds to another allotment category.

TO: Members of the House of Representatives

FROM: Jane Mosley

Today I introduced HB 1440 Driver/Safety Ed. Program Funds. I encourage you to read the facts below, and please consider signing onto this bill today after session. There is no approved state curriculum for the Driver Education program in our public schools, and we need this legislation as soon as possible to work toward reducing collisions and fatalities among our young drivers.

DRIVER EDUCATION FACT SHEET

Background: At the present time, there is reason to believe that the driver education program of North Carolina needs to be changed so that a better and more consistent educational program can be delivered to our students. The following facts are contributory to the problems that exist and are serious reasons to consider the recommendations to follow.

- North Carolina beginning drivers lead the nation in fatalities in 1998
- North Carolina is in the top 10 states of other young driver related collisions that cause serious injury and long term/permanent disabilities.
- One driver age 19 or under is involved in a crash every 10.5 minutes.
- The number one place in North Carolina for teenagers to have a collision is in a curve.
- The *New England Journal of Medicine* reports that in North Carolina, driving around individuals who are using cell phones while the vehicle is in motion, is as dangerous as driving around impaired drivers.
- North Carolina ranks 6th in the nation for tractor-trailer collisions with vehicles.
- North Carolina is 14th in the nation for train-vehicle collisions at highway-rail crossings

Recommendations: Due to these alarming statistics, North Carolina law should be changed to accommodate the following four recommendations.

I. **To revise, update, and revamp the entire existing North Carolina driver education program. The current driver education curriculum has not been updated since the 1960's. In addition to an outdated curriculum, there is a serious lack of on going staff development opportunities for driver education teachers/instructors. This revision should include the implementation of stronger professional continued in-service opportunities.**

- The current program has a lack of :
  - defensive driving skills
  - information related to the consequences of driving while impaired
  - road recovery techniques
  - consequences of excessive speeding
  - consequences of red light running
  - dealing with "road rage"
  - proper use of anti-lock braking systems
  - current airbag information
  - work zone safety information
  - carjacking safety and prevention
  - implications of carrying concealed weapons
  - implications of insurance (or lack thereof)
  - information regarding carbon monoxide poisoning as a result of improper use of vehicle.

- Seat belt usage and child safety restrains are not being correctly and consistently taught in the current curriculum.
- Teacher/instructors are not receiving recent changes/updates of Chapter 20 North Carolina Motor Vehicle Laws.
- Unlike other content area teachers, there is no on-going support for a statewide staff development program for driver education teachers/instructors.
- School bus passing and other school bus laws are not being consistently taught throughout the state. Inconsistencies also exist when teaching sharing the road with mopeds, bicyclist, motorcycles, pedestrians and dealing with emergency vehicles.
- Beginning drivers have much difficulty understanding signals, signs, and pavement markings. More emphasis needs to be place in this area.

II. **Implementation of the driver education program at all reasonable times, including during the school day.**

- At the present time, many school districts have a serious backlog of students waiting to take drivers education. This is a direct result of school districts not being allowed to teach driver education during the school day.
- Allowing school districts to teach an elective driver education program during the school day would reduce the existing backlog, establishing a more supportive link between schools and parents, therefore creating a more serious and positive environment for the driver education experience.
- Current regulations offer no restrictions for class size, for the number of hours taught in the classroom per day, or restrictions of the number of hours behind the wheel per day. Documentation exist reflecting that at times, instructors have spent 12 hours per day, up to 7 days per week doing behind the wheel instruction. This is more hours than a professional truck driver is allowed to log and certainly contributes to the fatigue of the teacher/instructor thus limiting the quality of instruction and safety of students.

III. **The North Carolina State Board of Education should be responsible for all rules and regulations concerning employment certification and licensure of driver education teachers/instructors.**

- At the present time, the driver education program is regulated by two state agencies. The North Carolina Department of Transportation-Division of Motor Vehicles and the North Carolina State Board of Education. A single governing body should be established to enhance the program and reduce overlap and confusion.
- The establishment of a single governing body would provide for enhanced accountability of the driver education program, a single source for the numerous driver education rules and regulations and greater oversight of this program.

IV. **The allocation of $300,000 to implement the needed changes. These funds would be taken from the yearly driver education reversion funds. At the present time, approximately 1.5 to 2 million dollars is reverted each year.**

- Because there are no state-level personnel to monitor and supervise the driver education program, many school districts are short-changing their students and reverting large sums of money each year. By using a small portion of these reverted funds, we will be able to provide the needed oversight and greater accountability by school systems.
- State-level personnel would also be used to monitor and regulate other driver education related legislation such as the "Drop Out Prevention/Drivers Licenses" law and the pending "Loose Your Cool, Loose Your Licenses" legislation.

Public Schools of North Carolina

State Board of Education
Phillip J. Kirk, Jr., Chairman

http://www.dpi.state.nc.us

Department of Public Instruction
Michael E. Ward, State Superintendent

FAX TRANSMISSION COVER SHEET

REPRESENTATIVE JANE H. MOSLEY
NORTH CAROLINA GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
HOUSE DISTRICT 63

DATE: 5/17/99

TO: Jennie Thurloew for Rep. Jane Mosely

FROM: Lydia Prude for Philip Price

715-1399

Number of pages to follow: 8

MESSAGE:

For questions regarding this fax:

Telephone: (919) 715-1400 **Fax:** (919) 715-9022

Driver's Training Fiscal Year 1997-98

LEA	LEA Name	Allotment	YTD Expenditures	Unexpended	Unexpended %
010	Alamance-Burlington	376,947.00	376,946.99	0.01	0.00%
020	Alexander County	87,578.00	87,578.00	0.00	0.00%
030	Alleghany County	27,989.00	27,987.49	1.51	0.01%
040	Anson County	77,195.00	77,195.00	0.00	0.00%
050	Ashe County	79,678.00	79,678.00	0.00	0.00%
060	Avery County	53,495.00	51,072.10	2,422.90	4.53%
070	Beaufort County	169,513.00	169,513.00	0.00	0.00%
080	Bertie County	108,344.00	108,326.68	17.32	0.02%
090	Bladen County	135,204.00	135,204.00	0.00	0.00%
100	Brunswick County	211,496.00	211,496.00	0.00	0.00%
110	Buncombe County	523,437.00	523,356.45	80.55	0.02%
111	Ashville City	109,698.00	108,337.18	1,360.82	1.24%
120	Burke County	288,014.00	192,941.88	95,072.12	33.01%
130	Cabarrus County	379,204.00	379,924.67	0.00	0.00%
132	Kannnapolis City	81,258.00	58,538.33	22,719.67	27.96%
140	Caldwell County	248,965.00	186,261.12	62,703.88	25.19%
150	Camden County	20,823.00	20,822.58	0.42	0.00%
160	Carteret County	178,090.00	148,113.47	29,976.53	16.83%
170	Caswell County	78,324.00	81,817.89	0.00	0.00%
180	Catawba County	365,660.00	349,037.89	16,622.11	4.55%
181	Hickory City	92,769.00	76,668.37	16,100.63	17.36%
182	Newton-Conover City	0.00	0.00	0.00	0.00%
190	Chatham County	136,333.00	121,710.09	14,622.91	10.73%
200	Cherokee County	72,681.00	72,671.03	9.97	0.01%
210	Chowan	55,752.00	55,752.00	0.00	0.00%
220	Clay County	26,635.00	26,746.18	0.00	0.00%
230	Cleveland County	181,271.00	181,270.96	0.04	0.00%

LEA	LEA Name	Allotment	YTD Expenditures	Unexpended	Unexpended %
232	Shelby City	71,133.00	71,133.00	0.00	0.00%
240	Columbus County	153,036.00	153,036.00	0.00	0.00%
241	Whiteville City	58,878.00	31,609.17	27,268.83	46.31%
250	Craven County	319,163.00	299,399.71	19,763.29	6.19%
260	Cumberland County	1,104,205.00	1,104,205.00	0.00	0.00%
270	Currituck County	86,348.00	86,348.00	0.00	0.00%
280	Dare County	101,121.00	100,747.16	373.84	0.37%
290	Davidson County	366,108.00	361,745.57	4,362.43	1.19%
291	Lexington City	68,570.00	40,919.87	27,650.13	40.32%
292	Thomasville City	43,387.00	43,387.00	0.00	0.00%
300	Davie County	97,058.00	97,058.00	0.00	0.00%
310	Duplin County	164,322.00	126,917.10	37,404.90	22.76%
320	Durham County	686,630.00	686,630.00	0.00	0.00%
330	Edgecombe County	174,027.00	139,739.71	34,287.29	19.70%
340	Forsyth County	878,037.00	794,431.51	83,605.49	9.52%
350	Franklin County	149,876.00	145,671.45	4,204.55	2.81%
360	Gaston County	563,840.00	563,781.98	58.02	0.01%
370	Gates County	45,143.00	41,968.33	3,174.67	7.03%
380	Graham County	29,116.00	28,998.81	117.19	0.40%
390	Granville County	162,516.00	162,520.83	0.00	0.00%
400	Greene County	73,809.00	74,107.59	0.00	0.00%
410	Guilford County	1,028,801.00	639,753.81	389,047.19	37.82%
420	Halifax County	192,412.00	192,412.00	0.00	0.00%
421	Roanoke Rapids City	52,951.00	52,951.00	0.00	0.00%
422	Weldon City	30,637.00	30,637.00	0.00	0.00%
430	Harnett County	278,308.00	278,307.03	0.97	0.00%
440	Haywood County	149,199.00	148,622.04	576.96	0.39%
450	Henderson County	248,740.00	248,733.80	6.20	0.00%
460	Hertford County	113,084.00	111,192.49	1,891.51	1.67%

LEA	LEA Name	Allotment	YTD Expenditures	Unexpended	Unexpended %
480	Hyde County	30,412.00	30,654.97	0.00	0.00%
490	Iredell-Statesville	324,580.00	347,905.89	0.00	0.00%
491	Morresville City	67,715.00	59,432.50	8,282.50	12.23%
500	Jackson County	81,484.00	80,076.56	1,407.44	1.73%
510	Johnston County	349,635.00	348,876.65	758.35	0.22%
520	Jones County	33,632.00	21,929.76	11,702.24	34.79%
530	Lee County	171,319.00	171,319.00	0.00	0.00%
540	Lenoir County	262,283.00	259,353.07	2,929.93	1.12%
550	Lincoln County	197,051.00	195,349.32	1,701.68	0.86%
560	Macon County	95,070.00	94,997.30	72.70	0.08%
570	Madison County	49,206.00	49,188.00	18.00	0.04%
580	Martin County	107,893.00	102,869.26	5,023.74	4.66%
590	McDowell County	122,338.00	122,338.00	0.00	0.00%
600	Mecklenburg County	1,914,979.00	1,818,408.17	96,570.83	5.04%
610	Mitchell County	47,626.00	51,695.00	0.00	0.00%
620	Montgomery County	90,964.00	90,963.81	0.19	0.00%
630	Moore County	212,851.00	211,128.24	1,722.76	0.81%
640	Nash-Rocky Mount	339,478.00	285,849.43	53,628.57	15.80%
650	New Hanover County	466,330.00	427,862.71	38,467.29	8.25%
660	Northampton County	99,315.00	98,535.38	779.62	0.78%
670	Onslow County	466,330.00	404,093.14	62,236.86	13.35%
680	Orange County	132,044.00	127,711.42	4,332.58	3.28%
681	Chapel Hill City	174,253.00	135,125.58	39,127.42	22.45%
690	Pamlico County	46,272.00	30,391.48	15,880.52	34.32%
700	Pasquotank County	137,236.00	98,019.18	39,216.82	28.58%
710	Pender County	150,327.00	146,826.57	3,500.43	2.33%
720	Perquimans County	44,240.00	44,240.00	0.00	0.00%
730	Person County	112,407.00	105,637.74	6,769.26	6.02%
740	Pitt County	417,801.00	417,801.00	0.00	0.00%
750	Polk County	38,823.00	38,823.00	0.00	0.00%

LEA	LEA Name	Allotment	YTD Expenditures	Unexpended	Unexpended %
240	Columbus County	157,966.00	157,966.00	0.00	0.00%
241	Whiteville City	48,501.00	34,067.26	14,433.74	29.76%
250	Craven County	294,997.00	287,020.15	7,976.85	2.70%
260	Cumberland County	908,481.00	907,439 79	1,041.21	0.11%
270	Currituck County	64,545.00	64,544.78	0.22	0.00%
280	Dare County	79,300.00	79,296.88	3.12	0.00%
290	Davidson County	319,255.00	301,797.17	17,457.83	5.47%
291	Lexington City	44,245.00	28,274.28	15,970.72	36.10%
292	Thomasville City	36,339.00	36,339.00	0.00	0.00%
300	Davie County	86,913.00	86,913.00	0.00	0.00%
310	Duplin County	153,948.00	122,924.70	31,023.30	20.15%
320	Durham County	490,840.00	440,754.63	50,085.37	10.20%
330	Edgecombe County	156,486.00	110,992.94	45,493.06	29.07%
340	Forsyth County	819,647.00	568,741.11	250,905.89	30.61%
350	Franklin County	118,210.00	86,079.41	32,130.59	27.18%
360	Gaston County	597,587.00	597,529.84	57.16	0.01%
370	Gates County	42,293.00	42,286.06	6.94	0.02%
380	Graham County	30,670.00	30,670.00	0.00	0.00%
390	Granville County	171,683.00	170,378.85	1,304.15	0.76%
400	Greene County	58,999.00	58,998.59	0.41	0.00%
410	Guilford County	907,243.00	600,710.11	306,532.89	33.79%
420	Halifax County	181,454.00	181,453.79	0.21	0.00%
421	Roanoke Rapids City	50,873.00	50,873.00	0.00	0.00%
422	Weldon City	27,499.00	27,499.00	0.00	0.00%
430	Harnett County	256,933.00	254,597.32	2,335.68	0.91%
440	Haywood County	127,938.00	127,938.02	0.00	0.00%
450	Henderson County	242,713.00	242,657.91	55.09	0.02%
460	Hertford County	96,852.00	92,145.30	4,706.70	4.86%
470	Hoke County	121,594.00	121,594.00	0.00	0.00%
480	Hyde County	28,679.00	28,679.00	0.00	0.00%
490	Iredell-Statesville	293,517.00	293,517.00	0.00	0.00%
491	Mooresville City	65,343.00	50,139.74	15,203.26	23.27%

LEA	LEA Name	Allotment	YTD Expenditures	Unexpended	Unexpended %
500	Jackson County	76,215.00	76,057.45	157.55	0.21%
510	Johnston County	295,208.00	285,147.25	10,060.75	3.41%
520	Jones County	29,817.00	20,718.69	9,098.31	30.51%
530	Lee County	156,063.00	156,063.00	0.00	0.00%
540	Lenoir County	281,828.00	278,927.92	2,900.08	1.03%
550	Lincoln County	197,087.00	197,085.63	1.37	0.00%
560	Macon County	85,856.00	77,734.68	8,121.32	9.46%
570	Madison County	49,695.00	49,695.00	0.00	0.00%
580	Martin County	96,006.00	85,895.30	10,110.70	10.53%
590	McDowell County	118,130.00	118,129.92	0.08	0.00%
600	Mecklenburg County	1,717,326.00	1,717,326.00	0.00	0.00%
610	Mitchell County	50,118.00	50,118.00	0.00	0.00%
620	Montgomery County	84,375.00	84,375.00	0.00	0.00%
630	Moore County	204,066.00	204,065.99	0.01	0.00%
640	Nash-Rocky Mount	297,534.00	254,501.40	43,032.60	14.46%
650	New Hanover County	309,612.00	285,911.65	23,700.35	7.65%
660	Northampton County	86,702.00	86,699.95	2.05	0.00%
670	Onslow County	417,436.00	273,055.92	144,380.08	34.59%
680	Orange County	130,052.00	130,052.00	0.00	0.00%
681	Chapel Hill City	165,156.00	164,916.44	239.56	0.15%
690	Pamlico County	37,218.00	37,217.91	0.09	0.00%
700	Pasquotank County	133,647.00	133,586.15	60.85	0.05%
710	Pender County	119,056.00	110,967.53	8,088.47	6.79%
720	Perquimans County	40,064.00	40,064.00	0.00	0.00%
730	Person County	98,755.00	98,069.48	685.52	0.69%
740	Pitt County	377,046.00	376,964.25	81.75	0.02%
750	Polk County	38,276.00	38,276.00	0.00	0.00%
760	Randolph County	329,771.00	329,771.00	0.00	0.00%
761	Asheboro City	60,071.00	55,835.80	4,235.20	7.05%
770	Richmond County	139,145.00	139,145.00	0.00	0.00%
780	Robeson County	472,841.00	472,839.62	1.38	0.00%
790	Rockingham County	275,330.00	275,330.00	0.00	0.00%

LEA	LEA Name	Allotment	YTD Expenditures	Unexpended	Unexpended %
800	Rowan County	416,523.00	413,131.55	3,391.45	0.81%
810	Rutherford County	229,115.00	229,278.25	0.00	0.00%
820	Sampson County	135,339.00	134,611.50	727.50	0.54%
821	Clinton City	50,752.00	50,812.49	0.00	0.00%
830	Scotland County	146,124.00	146,124.00	0.00	0.00%
840	Stanly County	181,228.00	181,228.00	0.00	0.00%
850	Stokes County	125,823.00	94,178.62	31,644.38	25.15%
860	Surry County	149,719.00	147,618.74	2,100.26	1.40%
861	Elkin City	21,993.00	20,843.28	1,149.72	5.23%
862	Mount Airy City	36,584.00	35,216.22	1,367.78	3.74%
870	Swain County	56,039.00	52,375.97	3,663.03	6.54%
880	Transylvania County	83,013.00	83,013.00	0.00	0.00%
890	Tyrrell County	20,935.00	16,241.19	4,693.81	22.42%
900	Union County	380,072.00	380,072.00	0.00	0.00%
910	Vance County	140,203.00	140,165.60	37.40	0.03%
920	Wake County	1,585,582.00	1,577,618.25	7,963.75	0.50%
930	Warren County	67,247.00	44,963.14	22,283.86	33.14%
940	Washington County	48,003.00	47,787.71	215.29	0.45%
950	Watauga County	121,927.00	121,700.90	226.10	0.19%
960	Wayne County	346,595.00	320,013.18	26,581.82	7.67%
970	Wilkes County	184,822.00	184,820.71	1.29	0.00%
980	Wilson County	264,757.00	264,747.75	9.25	0.00%
990	Yadkin County	103,196.00	102,300.93	895.07	0.87%
995	Yancey County	51,175.00	42,119.02	9,055.98	17.70%
	Total	22,924,111.00	21,421,091.37	1,503,019.63	

VISITOR REGISTRATION SHEET

Education — 5-18-1999

Name of Committee — Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Mark Dorsey	NCAE
Bill Watson	NCAE
Karen Garr	Gov's Office
Charles D. Mitchell	DMV/SBTS
BOB SANFORD	DMV/SBTS
David Ferrell	Hmc CC&C, PA.
Eddie Caldwell	EEBC
Doug Duncan	NCFA
Rob Holliday	Intern
Emmie Luebke	Visitor
Paul T. Luebke	Visitor
Lorraine Anderson	visitor
Gene Causby	NCDCEM
Amy VanOostrum	PENC
Leanne Winner	NCSBA
Glenn Moore	Public School Forum
Ann Bellamy	SBE
BILL HARRISON	CUMBERLAND CO. SCHOOLS
Rick Glazier	Cumberland Co. Schools

MINUTES

HOUSE EDUCATION COMMITTEE

MAY 20, 1999

The meeting was called to order by Co-Chairman Representative Douglas Yongue. For a list of those in attendance please see attendance sheet.

The first order of business was **HOUSE BILL 1436, TEXTBOOK COMMISSION CHANGES/FUNDS,** sponsored by Representative Boyd-McIntyre. (See copy of bill and summary). Representative Boyd-McIntyre was called upon to explain the bill. A committee substitute was introduced for discussion. (See copy of committee substitute.) Representative Bonner, in Representative Moore's absence put forth a clarifying amendment to the committee substitute. (See copy of amendment.) After some rather lengthy discussion, Representative Tolson moved for a favorable report as to the committee substitute, unfavorable as to original bill, and the committee substitute to be re-referred to the Appropriations Committee. The motion passed.

The second order of business was **SENATE BILL 95, MODIFY C.C. & UNC BOARD MEMBERSHIP,** sponsored by Senator Lee. (See copy of bill, bill summary.) Senator Lee was called upon to explain the bill. A proposed committee substitute was presented. (See copy of committee substitute.) The proposed committee substitute combines House Bill 273 introduced by Representative Thomas, and Senate Bill 95, introduced by Senator Lee. After some discussion, Representative Bonner moved for a favorable report as to committee substitute, unfavorable as to original bill. The motion passed.

The meeting was then adjourned.

Representative Douglas Y. Yongue
Co-Chairman

Representative Alex Warner
Co-Chairman

Jenny Umstead, Committee Assistant

1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **YONGUE AND WARNER** for the Committee on **EDUCATION**.

☐ Committee Substitute for
H.B. 1436 A BILL TO BE ENTITLED AN ACT TO EXPAND THE MEMBERSHIP OF THE NORTH CAROLINA TEXTBOOK COMMISSION AND TO APPROPRIATE FUNDS FOR THAT PURPOSE.

☐ With a favorable report.

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

☐ With a favorable report, as amended.

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

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

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

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

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

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

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

☐ Without prejudice.

☐ With an indefinite postponement report.

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

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

2/24/99

PLEASE PRESS HARD - 6 COPIES

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

EDITION No. _____

H. B. No. _____ DATE _____

S. B. No. _____ Amendment No. _____
(to be filled in by Principal Clerk)

COMMITTEE SUBSTITUTE #1436-CSRJ-001

Rep.)
) Benner
Sen.)

1 moves to amend the bill on page 2, line 35
2 ( ) WHICH CHANGES THE TITLE
3 by inserting after the word "matter," the following
4 phrase:
5 "whether the textbook is aligned with the Standard
6 Course of Study,".
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SIGNED _____

ADOPTED _____ FAILED _____ TABLED _____

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H D

H1436-CSRJ-001
HOUSE PROPOSED COMMITTEE SUBSTITUTE
HOUSE BILL 1436
THIS IS A DRAFT 13-MAY-99 09:27:43
ATTENTION: LINE NUMBERS MAY CHANGE AFTER ADOPTION

Short Title: Textbook Commission Changes/Funds. (Public)

Sponsors:

Referred to: Education, if favorable, Appropriations.

April 29, 1999

A BILL TO BE ENTITLED

AN ACT TO EXPAND THE MEMBERSHIP OF THE NORTH CAROLINA TEXTBOOK COMMISSION AND TO APPROPRIATE FUNDS FOR THAT PURPOSE.

The General Assembly of North Carolina enacts:

Section 1. G.S. 115C-87 reads as rewritten:

"§ 115C-87. Appointment of Textbook Commission.

Shortly after assuming office, the Governor shall appoint a Textbook Commission of ~~14~~ 23 members who shall hold office for four years, or until their successors are appointed and qualified. The members of the Commission shall be appointed by the Governor upon recommendation of the Superintendent. Six of these members shall be teachers or principals in ~~the elementary grades;~~ grades K-5; five shall be teachers or principals in ~~the high school grades; one shall be a superintendent of a local school administrative unit;~~ grades 6-8; four shall be superintendents, teachers, or principals in grades 9-12; ~~one~~ three shall be ~~the parent of an elementary student, grades K-6,~~ parents of students in grades K-5 at the time of appointment; ~~and one shall be the parent of a high school student, grades 7-12,~~ three shall be parents of students in grades 6-8 at the time of

~~appointment.~~ appointment; and two shall be parents of students in grades 9-12 at the time of appointment. The Governor shall fill all vacancies by appointment for the unexpired term. The Commission shall elect a chairman, subject to the approval of the Superintendent. The Commission shall meet four times a year or at the call of the chair. The members shall be entitled to compensation for each day spent on the work of the Commission as approved by the Board and to reimbursement for travel and subsistence expense incurred in the performance of their duties at the rates specified in G.S. 138-5(a). ~~Such compensation~~ Compensation shall be paid from funds available to the State Board of Education."

Section 2. G.S. 115C-88 reads as rewritten:

"**§ 115C-88. Commission to evaluate textbooks offered for adoption.**

(a) The ~~members of the Commission who are teachers, principals or the parent of students~~ Commission shall evaluate all textbooks offered for adoption.

Each proposed textbook shall be read by at least one expert in the discipline for which the textbook would be used. The Commission may use external experts if no commission member or advisory committee member qualifies as an expert in a particular discipline.

The Commission may consider any review of a proposed textbook by other experts not involved in the textbook adoption process. However, these reviews may not substitute for the direct examination of the proposed textbook by a Commission member, an advisory committee member or any other expert retained by the Commission.

(b) Each member shall examine carefully and file a written evaluation of each ~~textbook offered for adoption~~ proposed textbook for which the member is responsible.

The evaluation report shall give special consideration to the suitability of the textbook to the instructional level for which it is offered, the content or subject matter, and other criteria prescribed by the Board.

Each evaluation report shall be signed by the member making the report and filed with the Board not later than a day fixed by the Board when the call for adoption is made."

Section 3. There is appropriated from the General Fund to the State Board of Education the sum of fifty thousand dollars ($50,000) for the 1999-2000 fiscal year to expand the membership and expertise of the North Carolina Textbook Commission.

Section 4. Sections 3 and 4 of this act become effective July 1, 1999. The remaining sections become effective January 1, 2000. Notwithstanding G.S. 115C-87, the additional members appointed to the Textbook Commission under this act shall hold office until the new Governor takes office in 2001 and their successors are appointed and qualified.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H 1

HOUSE BILL 1436

Short Title: Textbook Commission Changes/Funds. (Public)

Sponsors: Representative Boyd-McIntyre.

Referred to: Education, if favorable, Appropriations.

April 29, 1999

A BILL TO BE ENTITLED

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Section 1. G.S. 115C-87 reads as rewritten:

"**§ 115C-87. Appointment of Textbook Commission.**

Shortly after assuming office, the Governor shall appoint a Textbook Commission of ~~14~~ 22 members who shall hold office for four years, or until their successors are appointed and qualified. The members of the Commission shall be appointed by the Governor upon recommendation of the Superintendent. ~~Six~~ Nine of these members shall be teachers or principals in ~~the elementary grades;~~ grades K-5; ~~five~~ six shall be teachers or principals in ~~the high school grades; one shall be a superintendent of a local school administrative unit;~~ grades 6-8; seven shall be superintendents, teachers, or principals in grades 9-12; ~~one~~ five shall be ~~the parent of an elementary student, grades K-6,~~ parents of students in grades K-5 at the time of appointment; ~~and one shall be the parent of a high school student, grades 7-12,~~ four shall be parents of students in grades 6-8 at the time of ~~appointment.~~ appointment; and three shall be parents of students in grades 9-12 at the time of appointment. The Governor shall fill all vacancies by appointment for the unexpired term. The Commission shall elect a chairman, subject to the approval of the Superintendent. The Commission shall meet four times a year or at the call of the chair. The members shall be entitled to compensation for each day spent on the work of the Commission as approved by the Board and to reimbursement for travel and subsistence expense incurred in the

performance of their duties at the rates specified in G.S. 138-5(a). ~~Such compensation~~ Compensation shall be paid from funds available to the State Board of Education."

Section 2. G.S. 115C-88 reads as rewritten:

"**§ 115C-88. Commission to evaluate textbooks offered for adoption.**

(a) The members of the Commission who are teachers, ~~principals or the parent~~ principals, or parents of students shall evaluate all textbooks offered for adoption. Each proposed textbook shall be read by at least one expert in the discipline for which the textbook would be used. The Commission may use experts on any respective discipline for which no commission member qualifies as an expert.

(b) Each member shall examine carefully and file a written evaluation of each textbook offered for adoption. The Commission may consider external reviews of any book being considered for adoption, but not as a substitute for direct examination.

The evaluation report shall give special consideration to the suitability of the textbook to the instructional level for which it is offered, the content or subject matter, and other criteria prescribed by the Board.

Each evaluation report shall be signed by the member making the report and filed with the Board, not later than a day fixed by the Board when the call for adoption is made."

Section 3. There is appropriated from the General Fund to the State Board of Education the sum of fifty thousand dollars ($50,000) for the 1999-2000 fiscal year to expand the membership and expertise of the North Carolina Textbook Commission.

Section 4. This act becomes effective July 1, 1999.

HOUSE BILL 1436:
Textbook Commission Changes/Funds

BILL ANALYSIS

Committee:	House Education	**Introduced by:**	Representative Boyd-McIntyre
Date:	May 13, 1999		
Version:	PCS for First Edition (H1436-CSRJ-001)	**Summary by:**	Sara Kamprath Education Policy Analyst

SUMMARY: ***The proposed committee substitute (PCS) for House Bill 1436 increases the number of members on the North Carolina Textbook Commission from 14 to 23. The PCS also amends the process used by the Commission for evaluating the textbooks offered for adoption. The PCS includes a $50,000 appropriation for the 1999-2000 fiscal year.***

CURRENT LAW: The Textbook Commission consists of the following 14 members:

6 teachers or principals in the elementary grades (grades K-6)

5 teachers or principals in the high school grades (grades 7-12)

1 local school superintendent

1 parent of an elementary school student, at the time of appointment

1 parent of a high school student, at the time of appointment

BILL ANALYSIS: **Section 1** of the PCS increases the membership of the Textbook Commission, as outlined in G.S. 115C-87, from the current 14 members to the following 23 members:

6 teachers or principals in grades K-5

5 teachers or principals in grades 6-8

4 superintendents, teachers or principals in grades 9-12

3 parents of students in grades K-5

3 parents of students in grades 6-8

2 parents of students in grades 9-12

The Commission shall meet 4 times or at the call of the chair.

Section 2 of the PCS amends the evaluation process, in G.S. 115C-88, used by the Commission when adopting new textbooks. Each proposed textbook shall be read by at least 1 expert in the discipline covered by the textbook. If no commission member or member of any advisory committee to the Commission is an expert, then the Commission may use external experts.

The Commission may consider other reviews by experts not involved in the textbook adoption process but these reviews shall not substitute for direct examination of the textbooks.

Sections 3 and 4 of this act become effective July 1, 1999 and the remaining sections become effective January 1, 2000. The additional Commission members will hold office until the new Governor takes office in 2001 and their successors are appointed.

The PCS, if given a favorable report, is serially re-referred to Appropriations.

1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **YONGUE AND WARNER** for the Committee on **EDUCATION**.

☐ Committee Substitute for
S.B. 95 A BILL TO BE ENTITLED AN ACT TO MODIFY THE ELIGIBILITY REQUIREMENTS FOR MEMBERSHIP ON THE STATE BOARD OF COMMUNITY COLLEGES AND FOR MEMBERSHIP ON THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA.

☐ With a favorable report.

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

☐ With a favorable report, as amended.

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

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

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

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

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

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

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

☐ Without prejudice.

☐ With an indefinite postponement report.

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

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

2/24/99

DRAFT DRAFT

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

S D

SENATE BILL 95
Education/Higher Education Committee Substitute Adopted 4/1/99
House Proposed Committee Substitute
S95-CSRC-001

Short Title: Modify C.C. & UNC Bd. Membership. (Public)

Sponsors:

Referred to:

February 15, 1999

A BILL TO BE ENTITLED

AN ACT TO MODIFY THE ELIGIBILITY REQUIREMENTS FOR MEMBERSHIP ON THE STATE BOARD OF COMMUNITY COLLEGES AND FOR MEMBERSHIP ON THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA.

The General Assembly of North Carolina enacts:

Section 1. G.S. 115D-2.1(d) reads as rewritten:

"(d) No member of the General Assembly, ~~no officer or employee of the State, and~~ no officer or employee of the Department of Community Colleges, no person who within the prior five years has been an officer or employee of the Department of Community Colleges, no officer or employee of an institution under the jurisdiction of the State ~~Board~~ Board, and no spouse of any of those persons, shall be eligible to serve on the State Board. ~~Furthermore, no person who within the prior five years has been an employee of the Department of Community Colleges shall be eligible to serve on the State Board.~~"

Section 2. G.S. 116-7(b) reads as rewritten:

"(b) From and after July 1, 1973, no member of the General Assembly or officer or employee ~~of the State or~~ of any constituent institution or spouse of any such member, officer or employee may be a member of the Board of Governors. Any member of

the Board of Governors who is elected or appointed to the General Assembly or who becomes an officer or employee ~~of the State or~~ of any constituent institution or whose spouse is elected or appointed to the General Assembly or becomes such officer or employee shall be deemed thereupon to resign from his membership on the Board of Governors."

Section 3. This act becomes effective July 1, 1999, and applies to elections and appointments occurring after that date.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

S 2

SENATE BILL 95
Education/Higher Education Committee Substitute Adopted 4/1/99

Short Title: Modify C.C. & UNC Bd. Membership. (Public)

Sponsors:

Referred to:

February 15, 1999

A BILL TO BE ENTITLED

AN ACT TO MODIFY THE ELIGIBILITY REQUIREMENTS FOR MEMBERSHIP ON THE STATE BOARD OF COMMUNITY COLLEGES AND FOR MEMBERSHIP ON THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA.

The General Assembly of North Carolina enacts:

Section 1. G.S. 115D-2.1(d) reads as rewritten:

"(d) No member of the General Assembly, ~~no officer or employee of the State,~~ no employee of the Department of Community Colleges, and no officer or employee of an institution under the jurisdiction of the State Board and no spouse of any of those persons, shall be eligible to serve on the State Board. Furthermore, no person who within the prior five years has been an employee of the Department of Community Colleges shall be eligible to serve on the State Board."

Section 2. G.S. 116-7(b) reads as rewritten:

"(b) From and after July 1, 1973, no member of the General Assembly or officer or employee ~~of the State or~~ of any constituent institution or spouse of any such member, officer or employee may be a member of the Board of Governors. Any member of the Board of Governors who is elected or appointed to the General Assembly or who becomes an officer or employee ~~of the State or~~ of any constituent institution or whose spouse is elected or appointed to the General Assembly or becomes such officer or employee shall be deemed thereupon to resign from his membership on the Board of Governors."

Section 3. This act becomes effective July 1, 1999, and applies to elections held after that date.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H 1

HOUSE BILL 273

Short Title: Modify Comm. College Bd. Membership/AB. (Public)

Sponsors: Representatives Thomas, Tolson (Primary Sponsors); McLawhorn, Melton, and Wainwright.

Referred to: Education.

March 4, 1999

A BILL TO BE ENTITLED

AN ACT TO GRANT MOST STATE EMPLOYEES ELIGIBILITY FOR MEMBERSHIP ON THE STATE BOARD OF COMMUNITY COLLEGES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 115D-2.1(d) reads as rewritten:

"(d) No member of the General Assembly, ~~no officer or employee of the State,~~ no officer or employee of the Department of Community Colleges, no person who within the prior five years has been an officer or employee of the Department of Community Colleges, and no officer or employee of an institution under the jurisdiction of the State Board and no spouse of any of those persons, shall be eligible to serve on the State Board. ~~Furthermore, no person who within the prior five years has been an employee of the Department of Community Colleges shall be eligible to serve on the State Board.~~"

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

COMPARE SB 95 AND HB 273:
WHO CAN SERVE ON THE SBCC AND BOG AND HOW WOULD THESE BILLS CHANGE THAT?

	Current Law	SB 95	HB 273
State Board of Community Colleges	Who can **not** currently serve on Board? • No member of the General Assembly or the member's spouse. • No officer of the State* or the officer's spouse. • No state employee* or the spouse of a state employee. • No person who has been employed by the Department of Community Colleges within the last 5 years.	Additional persons who could serve if this bill becomes law. • State employees* who are not employees of the Department of Community Colleges and the spouses of those employees. • State officers* and the spouses of those officers.	Additional persons who could serve if this bill becomes law. • State employees* who are not employees or officers of the Department of Community Colleges and the spouses of those employees and officers. • State officers* and the spouses of those officers. Additional persons who could **not** serve if this bill becomes law. • The spouse of a person who has been employed by the Department of Community Colleges within the last 5 years.
UNC Board of Governors	Who can **not** currently serve on Board? • No member of the General Assembly or the member's spouse. • No officer of the State* or the officer's spouse. • No state employee'* of the spouse of a state employee.	Additional persons who would be able to serve if this bill passes. • State employees* who are not employees of a UNC constituent institution and the spouses of those employees. (It is not clear whether an employee of UNC General Administration could serve on the Board.) • State officers* and the spouses of those officers.	N/A
Effective Dates	N/A	July 1, 1999 and applies to elections held after that date.	Effective upon becoming law. Applies to elections and appointments occurring on or after that date.

***Public school teachers are not State employees, they are employees of the local school administrative unit. Public school teachers are not considered State officers either.**

SENATE BILL 95:
Modify C.C. & UNC Bd. Membership

BILL ANALYSIS

Committee:	House Education	**Introduced by:**	Senators Lee and Cooper
Date:	April 15, 1999	**Summary by:**	Kory Goldsmith and Robin S. Johnson, Committee Counsel
Version:	S95-CSRC-001 (Committee Substitute)		

SUMMARY: ***Senate Bill 95 would remove the statutory prohibition on State officers and employees, and their spouses, serving on the UNC Board of Governors (UNC-BOG) or on the State Board of Community Colleges (SBCC). State legislators and their spouses, current officers and employees of the Department of Community Colleges (DCC), the spouses of current officers and employees of the DCC, officers and employees within the five prior years of the DCC, and the spouses of those former officers and employees of the DCC will be prohibited from membership on the SBCC. State legislators and their spouses, current officers and employees of the UNC constituent institutions and the spouses of current officers and employees of the UNC constituent institutions will be prohibited from membership on the UNC-BOG. The bill would take effect July 1, 1999 and apply to elections and appointments occurring after that date.***

CURRENT LAW: Section 9 of Article VI of the North Carolina Constitution provides that a person shall not hold concurrently two offices in this State that are filled by election of the people or "any two or more appointive offices ..., or any combination of elective and appointive offices ..., except as the General Assembly shall provide by general law." G.S. 128-1.1 allows an individual to hold concurrently two appointive offices in State or local government, or one elective and one appointive State or local office. (As used in that statute, the term "elective" means filled by an election of the people.) In addition, even where the statutes are silent, there is North Carolina caselaw that prohibits dual office holding where there is an "incompatibility of offices." "In order for two offices to be incompatible, they must be subordinate, one to the other, and they must, per se, have the right to interfere, one with the other." *63A Am. Jur. 2d Public Officers and Employees § 80.* One example of incompatibility would be where one office has the power of appointment to the other.

Currently, G.S. 116D-2.1(d) provides that the following persons are ineligible for membership on the SBCC (Lieutenant Governor; State Treasurer; 10 appointed by Governor; 8 appointed by General Assembly):

- State legislators and their spouses.
- State officers and employees, and their spouses.
- Officers and employees of any institution under the jurisdiction of the SBCC, and their spouses.
- Employees within the prior five years of the DCC.

G.S. 116-7 provides that the following persons are ineligible for membership on the UNC-BOG (32 elected by the General Assembly; various ex officio members):

- State legislators and their spouses.
- State officers and employees, and their spouses.
- Officers and employees of any constituent institution, and their spouses.

G.S. 115D-12(a) provides that the following persons are ineligible for membership on any community college board of trustees (4 appointed by board of education; 4 appointed by board of county commissioners; 4 appointed by Governor; 1 president of student government or chairman of executive board of student body):

- Persons employed full-time by the particular community college within the prior five years.
- Spouses and children of current employees of the community college.

G.S. 116-31(h) and (i) provide that the following persons are ineligible for membership on any board of trustees of any UNC constituent institution (8 elected by Board of Governors; 4 appointed by Governor; president of student government ex officio):

- State legislators and their spouses.
- State officers and employees, and their spouses.
- Officers and employees of any constituent institution, and their spouses.
- Members of the UNC-BOG.

G.S. 115C-10 provides that the following persons are ineligible for membership on the the State Board of Education (Lieutenant Governor, State Treasurer, 11 appointed by Governor subject to confirmation by General Assembly):

- More than one public school employee.
- Spouses of public school employees paid from State or local funds.
- Employees of the Department of Public Instruction and their spouses.

G.S. 115C-37(g) provides that the following persons are ineligible for membership on any local board of education (elected; numbers vary):

- Employees of particular local board of education.
- Any person holding an elective office.

BILL ANALYSIS: Senate Bill 95 would allow State officers and employees, and their spouses, to be appointed to the SBCC and to the UNC-BOG. The bill would add language to provide that officers and employees of the DCC, and their spouses, would be ineligible for membership on the SBCC. The bill also adds language that would prohibit the spouse of someone who has been an officer or employee of the DCC from serving on the SBCC. The statutes would be silent as to whether employees of the UNC-BOG (i.e., General Administration) and their spouses would be eligible for membership on the UNC-BOG. While employees probably would be prohibited from membership under caselaw, this would not be apparent from the statutes. And the prohibition clearly would not apply to their spouses.

S95-SMRC-001(House Ed PCS)

VISITOR REGISTRATION SHEET

EDUCATION — MAY 20, 1999
Name of Committee — Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Nic Heinke	Student Body President - UNC CH
Erin Culbreth	Intern - Sen. Moore
[illegible]	Public School Fam
Ann Bedam	SBE
Harriet Dial	NCAE
[illegible]	Governor's Office
[illegible]	NCSBA
Eddie Caldwell	EEBC
Alicia Gregory	Poyner & Spruill
Linda Robinson	NC Assn. for Gifted & Talented
Chris Wilmot	NC Ed. Law Project
Joel Welch	Sen. Lee
[illegible]	NCCCS
[illegible]	NCACCT
H. Webb	Auto Dealers

MINUTES

HOUSE EDUCATION COMMITTEE

MAY 25, 1999

The meeting was called to order by Co-Chairman Representative Douglas Y. Yongue. For a list of those in attendance, please see attendance sheet.

The first order of business was **SENATE BILL 1093, FREE PERIOD/ALL TEACHERS,** sponsored by Senator Garrou. (See copy of bill, bill summary) Senator Garrou was called upon to explain the bill. After some brief discussion, Representative Womble moved for a favorable report. The motion passed. (See committee report form.)

The next order of business was **SENATE BILL 942, IMPLEMENTATION OF STUDENT STANDARDS,** sponsored by Senator Martin of Guilford. (See copy of bill, bill summary, memo from staff.).) Senator Martin of Guilford was called upon to explain the bill. Most of the discussion centered on the cost of the bill and the problems of expecting implementation without providing financial support for those at risk students. The State Board has asked for $54 million to implement this program but there was considerable discussion about various amounts. After more discussion time ran out with no action being taken on the bill. The bill will be continued until the next meeting of the Education Committee on May 27, 1999.

The meeting was adjourned.

Representative Douglas Y. Yongue
Co-Chairman

Representative Alex Warner
Co-Chairman

Jenny Umstead, Committee Assistant

1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **YONGUE AND WARNER** for the Committee on **EDUCATION**.

☐ Committee Substitute for
S.B. 1093 A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW TO ENSURE THAT ALL TEACHERS RECEIVE A DUTY FREE PERIOD EACH DAY

☒ With a favorable report.

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

☐ With a favorable report, as amended.

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

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

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

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

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

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

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

☐ Without prejudice.

☐ With an indefinite postponement report.

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

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

2/24/99

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

S 2

SENATE BILL 1093*
Education/Higher Education Committee Substitute Adopted 4/28/99

Short Title: Duty Free Period/All Teachers. (Public)

Sponsors:

Referred to:

April 15, 1999

A BILL TO BE ENTITLED

AN ACT TO AMEND THE LAW TO ENSURE THAT ALL TEACHERS RECEIVE A DUTY FREE PERIOD EACH DAY.

The General Assembly of North Carolina enacts:

Section 1. G.S. 115C-301.1 reads as rewritten:

"**§ 115C-301.1. Duty free period.**

All full-time assigned classroom teachers shall be provided a daily duty free period during regular student contact hours. The duty free period shall be provided to the maximum extent that (i) the safety and proper supervision of children may allow during regular student contact hours and (ii) insofar as funds are provided for this purpose by the General Assembly. If the safety and supervision of children does not allow a daily duty free period during regular student contact hours for a given teacher, the funds provided by the General Assembly for the duty free period for that teacher shall revert to the general fund. Principals shall not unfairly burden a given teacher by making that teacher give up his or her duty free period on an ongoing, regular basis without the consent of the teacher."

Section 2. This act becomes effective July 1, 1999, and applies to all school years beginning with the 1999-2000 school year.

SENATE BILL 1093:
FREE PERIOD/ALL TEACHERS

BILL ANALYSIS

Committee:	House Education	**Introduced by:**	Senator Garrou
Date:	May 25, 1999	**Summary by:**	Shirley Iorio
Version:	Second Edition		Sara Kamprath
			Education Policy Analysts

*SUMMARY: **Principals would not be permitted to make a teacher give up his or her duty free period on an ongoing, regular basis without the consent of the teacher.***

The bill would become effective July 1, 1999 and would apply beginning with the 1999-2000 school year.

CURRENT LAW: All full-time teachers, assigned to classrooms, shall have a daily duty free period during regular student contact hours as long as (1) the safety and supervision of students allows and (2) the General Assembly has provided funds. If the safety and supervision of students prevents a given teacher from having a daily duty free period, then the funds provided by the General Assembly for that purpose shall revert to the general fund.

Total Cost Duty free Period

S1093-SMSF-001(2nd Ed.)

Rep Womble - for a motion - favorable report - passed

Shirley Iorio (Research)

To: Rep. Alex Warner; Rep. Douglas Yongue
Cc: Ann Stancil (Rep. Warner); Jenny Umstead (Rep. Yongue)
Subject: House Ed Comm Today

I think I must have gotten all the bills with a history!!

You are going to hear S 1093 (Senator Garrou) today. This bill says that principals cannot make a teacher give up his or her duty free period on an ongoing, regular basis without the consent of the teacher.

I want to remind you that Rep. Jeffus had a similar, but not identical bill (H 1152) in the House. It was determined that her bill was somewhat in conflict with Rep. Moore's H 1031 (Compensate Teacher Acting as Substitute).

No action was taken on H1152 (Jeffus) and you appointed a subcommittee to combine H1152 and H1031into a Committee Substitute for H 1031 (Moore).The title of the bill was changed to Compensate Teacher to Sub/Duty Free Period. The language in H 1031 concerning the duty free period for teachers is exactly the same as the language in S 1093 that you will hear today.

The Proposed Committee Substitute for H 1031 (Moore) was discussed in the House Ed Committee and displaced because it did not have to meet crossover. H 1031 is still in the House Ed Committee box.

Shirley L. Iorio, PhD
Research Division, NC General Assembly
Suite 545 Legislative Office Building
300 N. Salisbury Street
Raleigh, NC 27603-5925
Phone: 919-733-2678 FAX: 919-715-5460
shirleyi@ms.ncga.state.nc.us

MINUTES

HOUSE EDUCATION COMMITTEE

June 10, 1999

The meeting was called to order by Co-Chairman Representative Alex Warner. For a list of those in attendance, please see attendance sheet.

SENATE BILL 942, IMPLEMENTATION OF STUDENT STANDARDS, sponsored by Senator Martin of Guilford, was removed from the agenda at the request of the bill sponsor. (See copy of bill.)

SENATE BILL 1099, ALTERNATIVE SCHOOLS WITHIN SCHOOLS, sponsored by Senator Carter was displaced until the next meeting at the request of the sponsor. (See copy of bill.)

The only order of business was **SENATE BILL 338, SCHOOL PERSONNEL/CLASSROOM EXPERIENCE,** sponsored by Senator Hartsell. (See copy of bill, bill summary.) In Senator Hartsell's absence, Representative Moore was called upon to explain the bill. A technical amendment was presented to amend the bill on page 1, line 6, by deleting the "(18a)" and substituting "(18b)". (See copy of amendment.) Representative Horn moved for adoption and the motion passed. After some discussion, Representative Moore offered an amendment to amend the bill on page 1, line 17, by deleting the word "instructional". Representative McAllister moved for adoption and the motion passed. (See copy of amendment.)

Representative Womble stated he would like to hear how the various associations felt about the bill. Mr. Bill Wilson with the NCAE stated the NCAE had no position on the bill. Linda Suggs who represents the NC Association of School Administrators stated her association is opposed to the bill. Ms. Ann Berlam who represents the State Board of Education stated the State Board had no issue with the bill. Mr. Lloyd Thrower with the Tarheel Association of Principals and Assistant Principals stated the organization had no position on the issue. Ms. Amy Oostrum, Executive Director of PENC stated her association supported the bill. LeAnn Winner who represents the NC School Boards Association stated her association had no position on the bill.

Representative Womble then offered an amendment to amend the bill on line 10, page1 by deleting the word "shall" and substituting the word "may". (See copy of amendment.) The motion passed. After some further discussion, Representative Arnold moved for an unfavorable report. Representative Justus then offered a substitute motion to send the bill to a sub-committee as a courtesy to Senator Hartsell. Co-Chairman Representative Warner appointed a sub-committee. Members appointed were Representatives Rayfield, Hensley, Warwick, Arnold and McAllister. Representative McAllister was appointed chairman.

The meeting was then adjourned.

Representative Alex Warner
Co-Chairman

Representative Douglas Yongue
Co-Chairman

Jenny Umstead, Committee Assistant

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

S 2

SENATE BILL 942
Second Edition Engrossed 4/28/99

Short Title: Implementation of Student Standards. (Public)

Sponsors: Senators Martin of Guilford; Albertson, Ballance, Dannelly, Gulley, Hoyle, Kerr, Lee, Lucas, Martin of Pitt, Perdue, Purcell, Rand, Warren, and Wellons.

Referred to: Education/Higher Education.

April 14, 1999

A BILL TO BE ENTITLED

AN ACT DIRECTING THE STATE BOARD OF EDUCATION TO DEVELOP PLANS FOR IMPLEMENTING THE STATEWIDE STUDENT ACCOUNTABILITY STANDARDS POLICY AND TO IDENTIFY RESOURCES TO ENSURE APPROPRIATE EARLY AND ONGOING ASSISTANCE FOR STUDENTS WHO NEED ASSISTANCE.

The General Assembly of North Carolina enacts:

Section 1. The Statewide Student Accountability Standards, as approved by the North Carolina State Board of Education April 1, 1999, under APA Policy 16CAC6D.0305, are predicated on the belief in the need to provide early and ongoing assistance to students who need it, and that all students shall have the reading and mathematics skills critical for participating in and benefiting from high school curricula in core academic and vocational areas. It is the intent of the General Assembly that Statewide Student Accountability Standards be implemented and that resources be identified and made available to provide necessary and appropriate early and ongoing assistance that will lead to academic success for students.

The State Board of Education shall develop plans for implementing the policy, including identification and quantification of federal, State, local governmental resources and private resources, and utilization plans for those resources so as to ensure appropriate early and ongoing assistance for students who

need that assistance. The State Board of Education shall report those plans and progress in implementing those plans quarterly to the Joint Legislative Education Oversight Committee, the House and Senate Appropriations Subcommittees on Education/Higher Education, and the Joint Legislative Commission on Governmental Operations commencing October 1, 1999, through July 1, 2000.

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

S 2

SENATE BILL 942
Second Edition Engrossed 4/28/99

Short Title: Implementation of Student Standards. (Public)

Sponsors: Senators Martin of Guilford; Albertson, Ballance, Dannelly, Gulley, Hoyle, Kerr, Lee, Lucas, Martin of Pitt, Perdue, Purcell, Rand, Warren, and Wellons.

Referred to: Education/Higher Education.

April 14, 1999

A BILL TO BE ENTITLED

AN ACT DIRECTING THE STATE BOARD OF EDUCATION TO DEVELOP PLANS FOR IMPLEMENTING THE STATEWIDE STUDENT ACCOUNTABILITY STANDARDS POLICY AND TO IDENTIFY RESOURCES TO ENSURE APPROPRIATE EARLY AND ONGOING ASSISTANCE FOR STUDENTS WHO NEED ASSISTANCE.

The General Assembly of North Carolina enacts:

Section 1. The Statewide Student Accountability Standards, as approved by the North Carolina State Board of Education April 1, 1999, under APA Policy 16CAC6D.0305, are predicated on the belief in the need to provide early and ongoing assistance to students who need it, and that all students shall have the reading and mathematics skills critical for participating in and benefiting from high school curricula in core academic and vocational areas. It is the intent of the General Assembly that Statewide Student Accountability Standards be implemented and that resources be identified and made available to provide necessary and appropriate early and ongoing assistance that will lead to academic success for students.

The State Board of Education shall develop plans for implementing the policy, including identification and quantification of federal, State, local governmental resources and private resources, and utilization plans for those resources so as to ensure appropriate early and ongoing assistance for students who

need that assistance. The State Board of Education shall report those plans and progress in implementing those plans quarterly to the Joint Legislative Education Oversight Committee, the House and Senate Appropriations Subcommittees on Education/Higher Education, and the Joint Legislative Commission on Governmental Operations commencing October 1, 1999, through July 1, 2000.

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

Rep. Moore at opposite time. Wishes to move for a favorable. (2)

SENATE BILL 942:
Implementation of Student Standards

To be cont

BILL ANALYSIS

Committee:	House Education	**Introduced by:**	Senator Martin of Guilford
Date:	May 25, 1999	**Summary by:**	Shirley Iorio, Ph.D.
Version:	Second Edition		Education Policy Analyst

SUMMARY: ***The State Board of Education would be required to develop an implementation plan for the Statewide Student Accountability Standards. This plan would include the identification and amount of all government and private resources. The State Board would also develop a utilization plan for those resources to ensure appropriate early and ongoing assistance to those students who need assistance.***

The State Board would be required to report quarterly the progress in implementing the plans to the Joint Legislative Education Oversight Committee, the House and Senate Appropriations Subcommittees on Education/Higher Education, and the Joint Legislative Commission on Governmental Operations beginning October 1, 1999 through July 1, 2000.

This act is effective when it becomes law.

BACKGROUND: The State Board of Education, on April 1, 1999, adopted the Statewide Student Accountability Standards. These standards are considered to be the next level of accountability in the ABCs. The ABCs moved accountability from the district to the school level and the student accountability standards will result in students and their parents being more accountable for performance.

The standards for Grade 5 will be in effect for the 2000-01 school year, with the standards for Grades 3 and 8 taking effect a year later in 2001-02. High school graduation standards will be effective with the graduating class of 2002-03.

Local school districts must provide focused intervention to all students not meeting the Statewide Student Accountability Standards. Where will local school systems get the resources to provide this focused intervention?

According to information on the North Carolina Public Schools web page, the State Board of Education is asking for $54 million in its biennium budget request for the 1999-2001 session of the General Assembly to fund the Three By Three initiative. These funds would be used by local districts to ensure that all third graders are performing at grade level (level III) or above at the end of the third grade. The Department of Public Instruction also is looking for other state funds that could be redirected for intervention at the local level. There will be certain federal funds available for the first time in 1999 that may be used for intervention. Also, superintendents of local school districts have been encouraged to look at their local budgets to see if funds could be redirected for intervention.

Michaux - amends his title into Martin

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TO: Representatives Warner and Yongue, Cochairs
House Education Committee
FROM: Shirley Iorio, Ph.D.
DATE: May 24, 1999
RE: SB 942

You are scheduled to hear SB 942 in the House Education Committee tomorrow. This is Senator Martin of Guilford's bill concerning the implementation of the Statewide Student Accountability Standards.

I wanted to remind you that Rep. Michaux presented HB 1148 to the committee in April. It was reported without prejudice and re-referred to Ed. Appropriations.

Rep. Michaux's bill is similar, but not identical to Sen. Martin's bill:

- H 1148 (Michaux) would postpone the effective date of the Statewide Student Accountability Standards until the State Board provides Ed Oversight with a detailed analysis of the resources needed by the LEAs to ensure that all students would have a full and fair opportunity to meet the standards.
- S 942 (Martin of Guilford) would require the State Board to develop an implementation plan for the Statewide Student Accountability Standards that would include the identification of resources, and a plan for the utilization of those resources to provide assistance to those students who need assistance. The State Board would report quarterly to Ed Oversight, Ed Appropriations, and the Joint Legislative Commission on Government Operations beginning October 1, 1999. It does not specifically say that the implementation would be postponed.

I hope this will give you a heads-up on possible questions from committee members who may remember Rep. Michaux's bill.

Please call me if you have questions.

AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER



North Carolina Public Schools

INFOWEB

Statewide Student Accountability Standards

News
New and Noteworthy
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Administrators
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Parents & Public
DPI Microsites
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Final (4/1/99)

SBE Policy Reference and ID No. O1A108
APA Policy NCAC6D.0305
(Note: Bold type represents current policy in ID No. O1A108)

North Carolina Statewide Student Accountability Standards Requirements

Grade-level Proficiency Guidelines

The following grade-level student accountability standards are based on a belief in the need to provide early and ongoing assistance to students who need it. Our aim must be that all students have the reading and mathematics skills critical for participating in and benefiting from high school curricula in core academic and vocational areas.

Standards

▶ Elementary

Gateway 1.

In addition to meeting local promotion requirements, students in grade 3 shall demonstrate proficiency by having test scores at Level III or above on end-of-grade tests in both reading and mathematics. Students scoring at Level III or above and meeting all local promotion requirements shall be promoted to grade 4 unless determined otherwise by the school principal, in consultation with teacher(s). See sections, Review Procedures, Students with Disabilities, and Students of Limited English Proficiency for additional information, pages 3 and 8.

*The effective date is **2001-02.***

Gateway 2.

In addition to meeting local promotion requirements, students in grade 5 shall demonstrate proficiency by having test scores at Level III or above on end-of-grade tests in both reading and mathematics. Additionally, the grade 4 writing assessment shall be used as a screen to determine whether students are making adequate progress in developing writing skills. If a

student has not scored at or above proficiency level 2.5 on the grade 4 writing assessment, the school shall provide intervention and assistance to develop writing skills. The principal and teacher(s) shall use locally developed and scored writing samples during grade 5 to determine if students have made adequate progress in order to be promoted to grade 6.

Students scoring at Level III or above on reading and mathematics, meeting all local promotion standards, and making adequate progress in writing shall be promoted to grade 6, unless determined otherwise by the school principal, in consultation with teacher(s). See sections, Review Procedures, Students with Disabilities, and Students of Limited English Proficiency for additional information, pages 3 and 8.

The effective date is 2000-01.

▶ Middle School - Gateway 3

In addition to meeting local promotion requirements, students in grade 8 shall demonstrate proficiency by having test scores at Level III or above on end-of-grade tests in both reading and mathematics. Additionally, the grade 7 writing assessment shall be used as a screen to determine whether students are making adequate progress in developing writing skills. If a student has not scored at or above proficiency level 2.5 on the grade 7 writing assessment, the school shall provide intervention and assistance to develop writing skills. The principal and teacher(s) shall use locally developed and scored writing samples during grade 8 to determine if students have made adequate progress to be promoted to grade 9.

Students scoring at Level III or above on reading and mathematics, meeting all local promotion standards, and making adequate progress in writing shall be promoted to grade 9, unless determined otherwise by the school principal, in consultation with teacher(s). See sections, Review Procedures, Students with Disabilities, and Students of Limited English Proficiency for additional information, pages 3 and 8.

The effective date is 2001-02.

▶ High School - Gateway 4

Students shall meet the following requirements to receive a North Carolina high school diploma.

1. Existing local and state graduation requirements.

2. A passing score on an exit exam of essential skills. Students shall take this exam in the spring of the students 11th grade year ***(Effective date: Graduating Class of 2003).***

3. A passing score on computer skills test ***(Effective date: Graduating Class of 2001).***

See sections, Review Procedures, Students with Disabilities, and Students

of Limited English Proficiency for additional information, pages 3 and 8.

▶ High School - Diploma Recognition

Any student receiving specified scores on the English language arts and mathematics parts of the exit exams shall be eligible for recognition given as a part of the North Carolina Scholars Program. These specified scores are in addition to the existing North Carolina Scholars Program requirements.

The effective date is for the graduating class of **2003.**

Review Procedures - Student Accountability

Each school district shall follow these procedures for students not meeting gateway standards:

▶ Elementary

Gateway 1.

For students not scoring at Level III or above on the reading and mathematics tests, the school district shall follow these procedures to determine if students are performing at grade level and able to succeed at the next grade:

1. Students scoring below Level III on an end-of-grade test are given a second test within a reasonable time from the receipt of test results. Parents may request that their child be excused from the second administration of the test. In this case, the parents and child accept participation in focused intervention.

2. Teachers or parents may request a promotion for students scoring below Level III on an end-of-grade test after the second or third test administration. Teachers shall provide documentation of the students performance during a review process.

Documentation may include:

- Student work samples
- Other test data
- Information supplied by parents
- For students with disabilities, information that is included in the individualized education program (IEP)
- Other information that verifies that a student is at grade level. (Students with disabilities shall be at grade level or be making adequate progress to meet requirements at upper elementary levels.)

3. Students who are not promoted after the second or third administration of the test shall be given focused intervention of a time period that is

instructionally sound. Strategies may include but are not limited to alternative learning models, special homework, smaller classes, tutorial sessions, extended school day, Saturday school, modified instructional programs, parental involvement, summer school instruction, or retention.

A committee shall be appointed to review student waiver requests. This committee, composed of teachers and principals from other schools or the central office staff, shall make recommendations to the student's principal about whether the student should be promoted to the next grade. This recommendation is based on documentation presented by teachers on behalf of the students. Special education personnel shall be on the committee if a student with a disability is being considered for a waiver. Parents of any student being presented for review shall have the right to be a non-voting participant, and further shall have the right to speak on behalf of their child.

Gateway 2.

For students not scoring at Level III or above on the reading and mathematics tests and not making adequate progress in developing writing skills, the school district shall follow these procedures to determine if students are performing at grade level and able to succeed at the next grade.

1. Students scoring below Level III on an end-of-grade test are given a second test within a reasonable time from the receipt of test results. Parents may request that their child be excused from the second administration of the test. In this case, the parents and child accept participation in focused intervention.

2. Teachers or parents may request a promotion for students scoring below Level III on an end-of-grade test after the second or third test administration. Teachers shall provide documentation of the students performance during a review process.

Documentation may include:

- Student work samples
- Other test data
- Information supplied by parents
- For students with disabilities, information that is included in the individualized education program (IEP)
- Other information that verifies that a student is at grade level. (Students with disabilities shall be at grade level or be making adequate progress to meet requirements at upper elementary levels.)

3. Students who are not promoted after the second or third administration of the test shall be given focused intervention of a time period that is instructionally sound. Strategies may include but are not limited to alternative learning models, special homework, smaller classes, tutorial sessions, extended school day, Saturday school, modified instructional programs, parental involvement, summer school instruction, or retention.

A committee shall be appointed to review student waiver requests. This committee, composed of teachers and principals from other schools or the central office staff, shall make recommendations to the student's principal

about whether the student should be promoted to the next grade. This recommendation is based on documentation presented by teachers on behalf of the students. Special education personnel shall be on the committee if a student with a disability is being considered for a waiver. Parents of any student being presented for review shall have the right to be a non-voting participant, and further shall have the right to speak on behalf of their child.

▶ **Middle School** - Gateway 3

For students not scoring at Level III or above on the reading and mathematics tests and not making adequate progress in developing writing skills, the school district shall follow these procedures to determine if students are performing at grade level and able to succeed at the next grade.

1. Students scoring below Level III on an end-of-grade test are given a second test within a reasonable time from the receipt of test results. Parents may request that their child be excused from the second administration of the test. In this case, the parents and child accept participation in focused intervention.

2. Teachers or parents may request a promotion for students scoring below Level III on an end-of-grade test after the second or third test administration. Teachers shall provide documentation of the students performance during a review process.

Documentation may include:

- Student work samples
- Other test data
- Information supplied by parents
- For students with disabilities, information that is included in the individualized education program (IEP)
- Other information that verifies that a student is at grade level. (Students with disabilities shall be at grade level or be making adequate progress to meet requirements at grade 9.)

3. Students who are not promoted after the second or third administration of the test shall be given focused intervention of a time period that is instructionally sound. Strategies may include but are not limited to alternative learning models, special homework, smaller classes, tutorial sessions, extended school day, Saturday school, modified instructional programs, parental involvement, summer school instruction, or retention.

A committee shall be appointed to review student waiver requests. This committee, composed of teachers and principals from other schools or the central office staff, shall make recommendations to the student's principal about whether the student should be promoted to the next grade. This recommendation is based on documentation presented by teachers on behalf of the students. Special education personnel shall be on the committee if a student with a disability is being considered for a waiver. Parents of any student being presented for review shall have the right to be a non-voting participant, and further shall have the right to speak on behalf of their child.

Local Accountability Procedures

Promotion decisions shall be made according to local policy and discretion, but shall include statewide student accountability standards at grades 3, 5, 8, and high school. At a minimum, each local board of education shall adopt procedures to ensure that students are treated fairly. The policy shall recognize the statutory authority of the principal to make promotion decisions.

Local boards of education policies shall be consistent with statewide student accountability policies. The policies should include: notification and involvement of parents and agreement of parental expectations signed by parents or guardians.

1. Intervention

School districts shall provide focused intervention to all students not meeting statewide student accountability standards. Such intervention shall involve extended instructional opportunities which are different and supplemental and which are specifically designed to improve these students performance to grade level proficiency. Students not promoted shall have personalized education plans with the following components:

- diagnostic evaluation
- intervention strategies
- monitoring strategies

Strategies may include but are not limited to alternative learning models, special homework, smaller classes, tutorial sessions, extended school day, Saturday school, modified instructional programs, parental involvement, summer school instruction, or retention.

2. Reporting
The Department of Public Instruction shall provide a mechanism for LEAs and schools to report annually their progress in increasing the number of students who meet the standard for grade-level promotion. Percentages of students above grade-level proficiency and those who have moved from Level I to Level II shall be used to compare progress from year to year. Annually, local boards of education shall report the following information by race, ethnicity, exceptionality, and socio-economic status to the State Board of Education:

a. number and percent of students promoted by school who did not score at Level III or above on the designated tests at gateways 1, 2, and 3.
b. number and percent of students who have moved across achievement levels in reading and mathematics at gateways 1, 2, and 3.

3. Standardized Transcript

The NC standardized high school transcript certifies a level of proficiency in high school courses through both grades and test scores. Test scores should be recorded on the standardized transcript.

In order to inform parents and students of student progress, beginning with the 1995-96 school year, the transcript shall be issued to students at the end of each year.

4. EOC Test Scores
End-of-Course test results should* be used as part of the student's final grade. Beginning with the 1995-96 school year, local school systems should set policies regarding the use of End-of-Course test results in assigning final grades.

**APA Policy 16NCAC6D.0305 changed should to shall, effective November 1, 1997.*

Students with Disabilities

1. To the extent possible, all students with disabilities shall participate in the statewide student accountability standards for elementary, middle, and high school levels.

2. Students with disabilities may be exempted from the statewide student accountability standards by the Individualized Education Program Team, including the principal or school district representative, if it is determined by the team that the students do not have the ability to participate in the State Standard Course of Study. However, they shall be enrolled in a functional curriculum and demonstrate acceptable outcomes on alternate assessments. These students may receive a certificate of achievement or graduation certificate.

3. All interventions/remediation and other opportunities, benefits and resources that are made available to students without disabilities shall be made available to students with disabilities who participate in the student accountability standards. All services offered are in addition to the special education services provided to the student.

Students of Limited English Proficiency

Students of limited English proficiency shall meet the same standards as all students. However, in accordance with federal law, English language proficiency cannot be the factor that determines that a student has not met performance standards at each gateway. Therefore, the following guidelines must be used:

1. Students who are exempt from statewide testing in accordance with the *Guidelines for Testing Students with Limited English Proficiency* shall also be exempt from the test standard for passage through each of the gateways. Instead, an instructional portfolio containing documentation of the student's English language proficiency and progress in all academic areas shall be submitted to a local committee of teachers and administrators to determine if students are ready to be promoted to the

next level.

2. Gateways 1, 2, and 3. Once limited English proficient students are no longer eligible for exemption from statewide testing, they may be eligible for a waiver up of to two additional years. They may receive a waiver from the test standard at the gateway students first encounter if their English language proficiency is below Superior in reading and writing. (See *Guidelines for Testing Students with Limited English Proficiency.*) A local committee of teachers and administrators shall examine the student's instructional portfolios to determine that:

- the students English language proficiency is the cause of their inability to perform at grade level on the required test
- documentation indicates that the students are making adequate progress in all academic areas to be promoted to the next level

3. High School Graduation Requirements. Limited English proficient students shall meet the same standards as all students for high school graduation.

4. School districts shall provide focused intervention for these students until they have met statewide accountability standards and high school graduation requirements *(up to age 21).* This intervention shall involve extended, supplemental instructional opportunities which include assistance in the development of English language proficiency. These students shall have personalized education plans with the following components:

- diagnostic evaluation
- intervention strategies
- monitoring strategies

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h: Final
Pweber - 4/01/99

Student Accountability Standards

Review of Impact on the Public School Fund

➢ Additional Remediation Resources

- An increase in funding per student
- Remediation items included in the State Board's Expansion Budget request.

➢ Cost for Intervention and Professional Development

- Additional time for instruction
- Smaller class sizes
- Additional funds for professional development.

➢ Retention

- An increase in the retention of students (estimated to be between 3% and 6%) in grades 3, 5, and 8
  - The standards for **Grade 3** will be implemented in **2001-02.**
    - Students retained in 2001-02 will impact ADM in 2011-12.
    - A 4% increase in retention would be 4,218 students and increase funding needs in 2011-12 by $14.6 million.
  - The standards for **Grade 5** will be implemented in **2000-01.**
    - Students retained in 2000-01 will impact ADM in 2008-09.
    - A 4% increase in retention would be 4,000 students and increase funding needs in 2008-09 by $13.8 million.
  - The standards for **Grade 8** will be implemented in **2001-02.**
    - Students retained in 2001-02 will impact ADM in 2006-07.
    - A 4% increase in retention would be 3,800 students and increase funding needs in 2006-07 by $13.3 million.
  - The standards for **Graduation from High School** will be implemented with the graduating class of **2002-03** (FY 1999-2000 ninth graders).
    - The impact of students not passing the exit exam is not expected to have a significant impact on ADM.

April 13, 1999

PS 152

Student Accountability Standards
Estimated Additional Funding Needed

Estimated FY 1999-2000 Student Population	Additional Funding per Student	Total Estimated Funding
1,268,870	$36	$45.7 million

This estimate is based on conversations with eight local school districts that have implemented student accountability standards. Each LEA had reviewed their funding sources and categories to determine what existing funds could be redirected to assist the implementation of the higher standards. The State Board's policy will require additional resources for the required writing standards and the high school accountability standards that are not currently in place in any LEA. These additional requirements and the need for additional resources to expand intervention (remediation) and professional development were anticipated to increase costs by approximately $36 per student. These funds would supplement the funds that the LEAs can redirect from their existing budgets.

April 13, 1999

Public Schools of North Carolina

North Carolina Department of Public Instruction

STATE PUBLIC SCHOOL FUND EXPANSION BUDGET REQUEST (Selected Items)

For 1999 - 2001 Biennium

High Student Performance	Cost
ABCs	
NC *HELPS* provide additional resources to schools that did not meet their growth expectations	$ 24 million
3 By 3 provide additional resources to ensure that all 3rd graders are performing at or above grade level	54 million
School Assistance Teams fully fund assistance teams for low-performing schools (cost in 1997-98 $4.3 million)	5 million
Testing Program expand program to cover cost of Computer Skills, HS Exit Exam, Alternate Assessments and inflationary increases	1.5 million
Children with Special Needs improve quality of education for children with special needs	25 million
Limited Proficiency in English expand services to children with limited proficiency in English	10 million
Safe and Orderly Schools	
At-Risk Student Services/Alternative Schools increase allotment for alternative school programs, school resource officers and other support personnel	34 million
Total State Public School Fund Expansion Request	**$ 153.5 million**

PS 154

Student Accountability Standards

April 13, 1999 Version

Examples of Intervention Cost:

Increase Instructional Days
For Students Performing Below Grade Level:
Estimated cost for an additional instructional day (beyond 180) ... **$ 3.3 million**
Cost to Add up to15 Instructional Days .....**$48.8 million**

Or

Reduce Class Size
For Students Performing Below Grade Level in Math and Reading:
$86.8 million. Estimated cost to reduce class size so one teacher will teach fifteen students who are performing below grade level in reading and math classes.

Additional Funding for Staff Development:

An additional day of employment for all teachers and instructional support personnel for professional development would cost $16.7 million. In FY 1998-1999, $12.5 million is budgeted to pay teachers for up to six days of vacation that they were not allowed to take during the school year. In FY 1997-98, there were 4 days available. Of the $8.5 million budget, $2 million was expended.

Or

Establish eight regional teams to serve as master trainers and coaches for teachers. Each regional team would conduct a one-week training program for four groups of 30 teachers each for three weeks a month. The training would concentrate on diagnosing student needs, developing and implementing effective instructional strategies, and continuous assessment of students who have not met student promotion standards. Estimated cost: $14.3 million.

Student Accountability Standards

April 13, 1999 Version

Potential Resources:

Based on Increases in the Governor's Continuation Budget:

- $13 million in At-Risk Services/Alternative Schools.
- $7.6 million in NCHELPS (total recurring budget increased by $4.9 million).
- $78,000 in staff development (total: $11.3 million – includes Assistance Teams).
- $4 million for 89.5 additional Instructional Support positions could be used for teachers.
- $3.2 million for middle school teachers to work with 6th graders that failed the 5th grade end-of-grade reading and/or math test.

Total: $27.9 million.

Based on Governor's Expansion Budget:

- $7.8 million for all third graders to be at grade level in reading and math (3 by 3).

Federal Resources (New Programs):

- $24.7 million to reduce class size.
- $7 to $15 million for staff development to improve reading.
- $17 million for Workforce Investment Act to target economically disadvantaged youth (high school students) with multiple barriers to graduation and employment.

Total: $31.7 to $56.7 million.

- *Proposed $600 million nation wide for 21st Century Community Learning Centers (Currently $200 million): After School Programs (LEA applies, competitive).*

Federal Programs Continuing Programs:

- $4 to $5 million in Goals 2000 resources might be available.
- Several federal grants have funding set aside for competitive projects.
- Title I can be used for remediation programs ... $146.8 million.
- Title VI can be used for remediation programs ... $8.8 million.
- Dwight D. Eisenhower is a staff development program ... $6.1 million.

Total: $166 million.

Sales Tax Refunds to Local Education Agencies (LEAs):

Effective July 1999, LEAs will be able to request a refund for all sales taxes paid from State, local, and federal resources. Federal resources must be returned to the federal grant from which they were paid; however, local and State refunds will not be restricted to a specific program.

Total: $15 million.

Administrative Outreach:

The North Carolina School Boards Association (NCSBA) is in the process of identifying resources that may flow to a local school system from federal Medicaid funding. The program is titled Administrative Outreach and may distribute at least $20 per average daily membership (ADM) to each LEA ($25 million). The reimbursement could be as much as $30 per ADM.

Total: $25 to $38 million.

VISITOR REGISTRATION SHEET

Education — 5-25-99

Name of Committee — Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Dana Norris	Public School Forum
Nicole Dusenberry	SBE
[illegible]	NCAE
Ashley Westbrook	Governor's Office
Harriet Dial	NCAE
Jane Jernigan	North Carolina PTA
Caroline Fahey	Governor's Office
[illegible]	John Locke Foundation
Melissa Suarez	John Locke Foundation
Brad Sneeden	DPI
MARVIN PITTMAN	DPI
Jan Coates	NCASA
Karen Starr	Gov's Office
Chris Nunnery	NC Ed + Law Project
Matty Lazo-Calderon	NC Justice & Comm Dev. Center
Ann Bedsaul	SBE
[illegible]	NCATA
Hal Miller	NCACCT
[illegible]	N.C. [illegible]
Dick Adams	Veterans Advocate
C. C. Dawson	N.C. Ret Sch personnel
Larry Brennen	" " " "
Susan Schmidt	NC Justice Center
Bill Wilson	NCAE

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

S 1

SENATE BILL 1099

Short Title: Alternative Schools Within Schools. (Public)

Sponsors: Senator Carter.

Referred to: Education/Higher Education.

April 15, 1999

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE SCHOOL IMPROVEMENT TEAMS TO DEVELOP STRATEGIES FOR THE CREATION OF ALTERNATIVE LEARNING PROGRAMS WITHIN SCHOOLS.

The General Assembly of North Carolina enacts:

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

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

In order to improve student performance, each school shall develop a school improvement plan that takes into consideration the annual performance goal for that school that is set by the State Board under G.S. 115C-105.35. The principal of each school, representatives of the assistant principals, instructional personnel, instructional support personnel, and teacher assistants assigned to the school building, and parents of children enrolled in the school shall constitute a school improvement team to develop a school improvement plan to improve student performance. Unless the local board of education has adopted an election policy, parents shall be elected by parents of children enrolled in the school in an election conducted by the parent and teacher organization of the school or, if none exists, by the largest organization of parents formed for this purpose. Parents serving on school improvement teams shall reflect the racial and socioeconomic composition of the students enrolled in that school and shall not be members of the building-level staff. Parental involvement is a critical component of school success and positive student achievement; therefore, it is the intent of the General Assembly that parents, along with teachers, have a substantial role in developing school improvement plans. To this end, school improvement team meetings shall be held at a convenient time to assure substantial parent participation.

The strategies for improving student performance shall include a plan for the use of staff development funds that may be made available to the school by the local board of education to implement the school improvement plan and shall include a plan to address school safety and discipline concerns in accordance with the safe school plan developed under Article 8C of this Chapter. The strategies may include a decision to use State funds in accordance with G.S. 115C-105.25. The strategies may also include the creation of an alternative learning program within the school. The strategies may also include requests for waivers of State laws, rules, or policies for that school. A request for a waiver shall meet the requirements of G.S. 115C-105.26.

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

The local board of education shall accept or reject the school improvement plan. The local board shall not make any substantive changes in any school improvement plan that it accepts. If the local board rejects a school improvement plan, the local board shall state with specificity its reasons for rejecting the plan; the school improvement team may then prepare another plan, present it to the principals, assistant principals, instructional personnel, instructional support personnel, and teacher assistants assigned to the school building for a vote, and submit it to the local board to accept or reject. If no school improvement plan is accepted for a school within 60 days after its initial submission to the local board, the school or the local board may ask to use the process to resolve disagreements recommended in the guidelines developed by the State Board under G.S. 115C-105.20(b)(5). If this request is made, both the school and local board shall participate in the process to resolve disagreements. If there is no request to use that process, then the local board may develop a school improvement plan for the school. The General Assembly urges the local board to utilize the school's proposed school improvement plan to the maximum extent possible when developing such a plan.

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

Section 2. This act becomes effective July 1, 1999.

Rep. Moore

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

S 2

SENATE BILL 338*
Education/Higher Education Committee Substitute Adopted 4/21/99

Short Title: School Personnel/Classroom Experience. (Public)

Sponsors:

Referred to:

March 15, 1999

A BILL TO BE ENTITLED

AN ACT TO GIVE CLASSROOM EXPERIENCE TO PROFESSIONAL PUBLIC SCHOOL EMPLOYEES WHO ARE NOT CLASSROOM TEACHERS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 115C-47 is amended by adding a new subdivision to read:

"(18a) To Enhance Professional Employees' Awareness of the Instructional Day. -- In order to improve professional employees' awareness of classroom climate and to give classroom experience to these employees, each local board of education shall adopt a policy that requires professional employees to deliver instruction or to have other contact with students in classrooms during the instructional day. This policy may require professional employees as a part of their regular duties to serve as substitute teachers in the classroom, teach model lessons in the classroom, assist the teacher in the classroom, tutor individual students in the classroom, or provide other instructional services in the classroom. This policy also may provide for up to one renewal credit every five years per professional employee for these activities. For the purpose of this subdivision, the term 'professional employees' means professional public school employees who do not have daily classroom instructional contact with students."

Section 2. This act is effective when it becomes law and applies beginning with the 1999-2000 school year.

SENATE BILL 338:
School Personnel/Classroom Experience

BILL ANALYSIS

Committee:	House Education	**Introduced by:**	Senator Hartsell
Date:	May 24, 1999	**Summary by:**	Kory Goldsmith
Version:	2nd Edition		Committee Counsel

SUMMARY: The bill directs local boards of education to adopt a policy that requires each professional employee who does not have daily instructional contact with students to deliver instruction or have other contact with students in classrooms during the instructional day.

CURRENT LAW: G.S. 115C-47 (18) gives local boards of education authority to make rules regarding the conduct and duties of teachers, principals, and supervisors.

BILL ANALYSIS: SB 338 directs local boards to adopt a policy that requires professional employees deliver instruction or have other contact with students in classrooms during the instructional day. The purpose of this policy would be to improve professional employees' awareness of classroom climate and to give them classroom experience.

The bill applies to "professional employees" who are defined as professional public school employees who do not have daily classroom instructional contact with students. The North Carolina Administrative Code defines "professional public school employees" as teachers, superintendents, assistant or associate superintendents, principals, assistant principals, supervisors, counselors, school social service workers, curriculum instructional specialists, school psychologists, and media personnel.

Local school administrative units currently determine what professional development activities earn renewal credit. The amount of credit is determined by the local board according to State Board guidelines. Under SB 338, the policy adopted by a local board may allow for up to one renewal credit every five years for these activities.

This act is effective when it becomes law and applies beginning with the 1999-2000 school year.

S338-SMRC-001(2nd Edition)

Dr. Shirley Iorio, Education Policy Specialist, contributed to this summary.

(1)
technical
adopted.

Rep Hunt - moved
passed

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 338

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

S338-ARC-001 Page 1 of __

Date_____,1999

Comm. Sub. [YES]
Amends Title []
Second Edition

Representative

moves to amend the bill on page 1, line 6, by deleting the "(18a)" and substituting "(18b)".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

EDITION No. _____

H. B. No. _____ DATE _____

S. B. No. _____ Amendment No. _____
(to be filled in by Principal Clerk)

COMMITTEE SUBSTITUTE _____

Rep.)
) _____
Sen.)

1 moves to amend the bill on page _____, line _____

2 ( ) WHICH CHANGES THE TITLE

3 by _____

4 _____

5 _____

6 _____

7 _____

8 _____

9 _____

10 _____

11 _____

12 _____

13 _____

14 _____

15 _____

16 _____

17 _____

18 _____

19 _____

SIGNED _____

ADOPTED _____ FAILED _____ TABLED _____

GA-33-A

COMMITTEE CLERK

VISITOR REGISTRATION SHEET

Name of Committee | Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Ann Bedsaul	SBE
Nicole Rosenberry	SBE
Ashley Bangs	SBE
Brad Sneeden	DPI
Linda Suggs	NCASA
Jeanne Winner	NCSBA
Amy VanOsdum	PENC
Bill Wilson	NCAE
Hamit Dial	NCAE
Doug Jones	Lt. Governor's Office
Emily Combado	CJPC
Cecil Bailey	Governor's Office
	TTAP/AP
	NCAICU
Gene Causby	NCSFSA
Thad Dann	NCAE
Ed Regan	N.C.A.C.C.

MINUTES

HOUSE EDUCATION COMMITTEE

JUNE 15, 1999

The meeting was called to order by Co-Chairman Representative Doug Yongue. The attendance was not taken due to the shortness of the meeting.

The purpose of the meeting was to confirm the Governor's appointments to the North Carolina State Board of Education. The Governor's appointments were Dr. Jane Norwood and Mr. Edgar Murphy, III.

Representative Saunders moved for acceptance of the Governor's appointments, seconded by Representative Warren. The House Education Committee confirmed the Governor's appointments.

The meeting adjourned.

Rep. Doug Yongue, Co-Chair

Rep. Alex Warner, Co-Chair

Jenny Umstead, Committee Asst.

Rep. Yongue
1303

STATE OF NORTH CAROLINA
OFFICE OF THE GOVERNOR
RALEIGH 27603-8001

JAMES B. HUNT JR.
GOVERNOR

May 10, 1999

The Honorable Jim Black
Speaker of the House
2304 Legislative Building
Raleigh, North Carolina 27601

Dear Mr. Speaker:

Pursuant to General Statute 115C-10-11, I hereby appoint Edgar David Murphy, III and Jane P. Norwood as a members of the North Carolina State Board of Education and submit their names for confirmation by the North Carolina General Assembly.

Mr. Murphy will replace Dr. Prezell Robinson as the Region Three representative. He will serve a term to begin immediately upon confirmation and to expire March 31, 2007.

Dr. Norwood will replace Mr. Ken Harris as the Region Six representative. She will serve a term to begin immediately upon confirmation and to expire March 31, 2007.

My warmest personal regards.

Sincerely,

James B. Hunt Jr.

JBH:mcb

cc: The Honorable Marc Basnight
The Honorable Dennis Wicker
Ms. Janet Pruitt
Ms. Denise Weeks

Referred to Education

MAY 11 1999

North Carolina General Assembly
House of Representatives
State Legislative Building
Raleigh 27601-1096

REPRESENTATIVE DOUGLAS Y. YONGUE
16TH DISTRICT
OFFICE ADDRESS: ROOM 1303 LEGISLATIVE BUILDING
RALEIGH, NC 27601-1096
TELEPHONE: (919) 733-5821
(919) 733-0034 FAX

COMMITTEES:
EDUCATION, CO-CHAIR
APPROPRIATIONS/EDUCATION
AGRICULTURE
ENVIRONMENT
ETHICS
LAW ENFORCEMENT
MILITARY, VETERANS, INDIAN AFFAIRS
PENSIONS AND RETIREMENT
RULES

June 16, 1999

The Speaker and Members of the House
North Carolina General Assembly
State Legislative Building
Raleigh, North Carolina 27601

Dear Mr. Speaker and Members of the House,

In compliance with the provisions of G.S. 115C-10-11, requiring appointees to the North Carolina State Board of Education to be confirmed by the General Assembly, Governor Hunt has submitted Mr. Edgar David Murphy, III, and Dr. Jane P. Norwood for confirmation.

The House Committee on Education has considered the appointments and makes the following recommendations to the General Assembly:

That the appointment of Mr. Edgar Murphy, III, to the North Carolina State Board of Education for a term to expire March 31, 2007, be confirmed.

That the appointment of Dr. Jane Norwood to the North Carolina State Board of Education for a term to expire March 31, 2007 be confirmed.

Respectfully submitted,

Douglas Y. Yongue
Representative Douglas Y. Yongue, Co-Chair
House Education Committee

Alex Warner
Representative Alex Warner, Co-Chair
House Education Committee

HOME ADDRESS: 604 PRINCE STREET, LAURINBURG, NORTH CAROLINA 28352 • PHONE (910) 276-1727

MINUTES

HOUSE EDUCATION COMMITTEE

JUNE 22, 1999

The House Education Committee was called to order by Co-Chair Doug Yongue. The attendance of the members is attached.

Rep. Yongue introduced Senator William Martin to talk on his bill, **SB 942,** ***IMPLEMENTATION OF STUDENT STANDARDS.*** After a few remarks by Senator Martin, Rep. Yongue introduced Dr. Jim Causby, Superintendent of Johnston County Public School System. Handouts are attached from Dr. Causby's remarks. After much discussion House Bill 942 was continued for further debate at the next meeting.

Meeting adjourned.

Rep. Alex Warner, Co-Chair

Rep. Douglas Yongue, Co-Chair

Ann Stancil, Committee Clerk

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

S 2

SENATE BILL 942
Second Edition Engrossed 4/28/99

Short Title: Implementation of Student Standards. (Public)

Sponsors: Senators Martin of Guilford; Albertson, Ballance, Dannelly, Gulley, Hoyle, Kerr, Lee, Lucas, Martin of Pitt, Perdue, Purcell, Rand, Warren, and Wellons.

Referred to: Education/Higher Education.

April 14, 1999

A BILL TO BE ENTITLED

AN ACT DIRECTING THE STATE BOARD OF EDUCATION TO DEVELOP PLANS FOR IMPLEMENTING THE STATEWIDE STUDENT ACCOUNTABILITY STANDARDS POLICY AND TO IDENTIFY RESOURCES TO ENSURE APPROPRIATE EARLY AND ONGOING ASSISTANCE FOR STUDENTS WHO NEED ASSISTANCE.

The General Assembly of North Carolina enacts:

Section 1. The Statewide Student Accountability Standards, as approved by the North Carolina State Board of Education April 1, 1999, under APA Policy 16CAC6D.0305, are predicated on the belief in the need to provide early and ongoing assistance to students who need it, and that all students shall have the reading and mathematics skills critical for participating in and benefiting from high school curricula in core academic and vocational areas. It is the intent of the General Assembly that Statewide Student Accountability Standards be implemented and that resources be identified and made available to provide necessary and appropriate early and ongoing assistance that will lead to academic success for students.

The State Board of Education shall develop plans for implementing the policy, including identification and quantification of federal, State, local governmental resources and private resources, and utilization plans for those resources so as to ensure appropriate early and ongoing assistance for students who

need that assistance. The State Board of Education shall report those plans and progress in implementing those plans quarterly to the Joint Legislative Education Oversight Committee, the House and Senate Appropriations Subcommittees on Education/Higher Education, and the Joint Legislative Commission on Governmental Operations commencing October 1, 1999, through July 1, 2000.

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

SENATE BILL 942:
Implementation of Student Standards

BILL ANALYSIS

Committee:	House Education	**Introduced by:**	Senator Martin of Guilford
Date:	May 25, 1999	**Summary by:**	Shirley Iorio, Ph.D.
Version:	Second Edition		Education Policy Analyst

SUMMARY: ***The State Board of Education would be required to develop an implementation plan for the Statewide Student Accountability Standards. This plan would include the identification and amount of all government and private resources. The State Board would also develop a utilization plan for those resources to ensure appropriate early and ongoing assistance to those students who need assistance.***

The State Board would be required to report the progress in implementing the plans quarterly to the Joint Legislative Education Oversight Committee, the House and Senate Appropriations Subcommittees on Education/Higher Education, and the Joint Legislative Commission on Governmental Operations beginning October 1, 1999 through July 1, 2000.

This act is effective when it becomes law.

BACKGROUND: The State Board of Education, on April 1, 1999, adopted the Statewide Student Accountability Standards. These standards are considered to be the next level of accountability in the ABCs. The ABCs moved accountability from the district to the school level and the student accountability standards will result in students and their parents being more accountable for performance.

The standards for Grade 5 will be in effect for the 2000-01 school year, with the standards for Grades 3 and 8 taking effect a year later in 2001-02. High school graduation standards will be effective with the graduating class of 2002-03.

Local school districts must provide focused intervention to all students not meeting the Statewide Student Accountability Standards. Where will local school systems get the resources to provide this focused intervention?

According to information on the North Carolina Public Schools web page, the State Board of Education is asking for $54 million in its biennium budget request for the 1999-2001 session of the General Assembly to fund the Three By Three initiative. These funds would be used by local districts to ensure that all third graders are performing at grade level (level III) or above at the end of the third grade. The Department of Public Instruction also is looking for other state funds that could be redirected for intervention at the local level. There will be certain federal funds available for the first time in 1999 that may be used for intervention. Also, superintendents of local school districts have been encouraged to look at their local budgets to see if funds could be redirected for intervention.

North Carolina General Assembly
Legislative Services Office

George R. Hall, Legislative Services Officer
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Raleigh, NC 27603-5925
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Gerry F. Cohen, Director
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Research Division
Suite 545, LOB
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Raleigh, NC 27603-5925
(919) 733-2578

TO: Representatives Warner and Yongue, Cochairs
House Education Committee
FROM: Shirley Iorio, Ph.D.
DATE: May 24, 1999
RE: SB 942

You are scheduled to hear SB 942 in the House Education Committee tomorrow. This is Senator Martin of Guilford's bill concerning the implementation of the Statewide Student Accountability Standards.

I wanted to remind you that Rep. Michaux presented HB 1148 to the committee in April. It was reported without prejudice and re-referred to Ed. Appropriations.

Rep. Michaux's bill is similar, but not identical to Sen. Martin's bill:

- H 1148 (Michaux) would postpone the effective date of the Statewide Student Accountability Standards until the State Board provides Ed Oversight with a detailed analysis of the resources needed by the LEAs to ensure that all students would have a full and fair opportunity to meet the standards.
- S 942 (Martin of Guilford) would require the State Board to develop an implementation plan for the Statewide Student Accountability Standards that would include the identification of resources, and a plan for the utilization of those resources to provide assistance to those students who need assistance. The State Board would report quarterly to Ed Oversight, Ed Appropriations, and the Joint Legislative Commission on Government Operations beginning October 1, 1999. It does not specifically say that the implementation would be postponed.

I hope this will give you a heads-up on possible questions from committee members who may remember Rep. Michaux's bill.

Please call me if you have questions.

AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER

SENATE BILL 942:
Implementation of Student Standards

BILL ANALYSIS

Committee:	House Education	**Introduced by:**	Senator Martin of Guilford
Date:	May 25, 1999	**Summary by:**	Shirley Iorio, Ph.D.
Version:	Second Edition		Education Policy Analyst

SUMMARY: ***The State Board of Education would be required to develop an implementation plan for the Statewide Student Accountability Standards. This plan would include the identification and amount of all government and private resources. The State Board would also develop a utilization plan for those resources to ensure appropriate early and ongoing assistance to those students who need assistance.***

The State Board would be required to report quarterly the progress in implementing the plans to the Joint Legislative Education Oversight Committee, the House and Senate Appropriations Subcommittees on Education/Higher Education, and the Joint Legislative Commission on Governmental Operations beginning October 1, 1999 through July 1, 2000.

This act is effective when it becomes law.

BACKGROUND: The State Board of Education, on April 1, 1999, adopted the Statewide Student Accountability Standards. These standards are considered to be the next level of accountability in the ABCs. The ABCs moved accountability from the district to the school level and the student accountability standards will result in students and their parents being more accountable for performance.

The standards for Grade 5 will be in effect for the 2000-01 school year, with the standards for Grades 3 and 8 taking effect a year later in 2001-02. High school graduation standards will be effective with the graduating class of 2002-03.

Local school districts must provide focused intervention to all students not meeting the Statewide Student Accountability Standards. Where will local school systems get the resources to provide this focused intervention?

According to information on the North Carolina Public Schools web page, the State Board of Education is asking for $54 million in its biennium budget request for the 1999-2001 session of the General Assembly to fund the Three By Three initiative. These funds would be used by local districts to ensure that all third graders are performing at grade level (level III) or above at the end of the third grade. The Department of Public Instruction also is looking for other state funds that could be redirected for intervention at the local level. There will be certain federal funds available for the first time in 1999 that may be used for intervention. Also, superintendents of local school districts have been encouraged to look at their local budgets to see if funds could be redirected for intervention.



North Carolina Public Schools
INFOWEB

Statewide Student Accountability Standards

News
New and Noteworthy
Teachers
Administrators
E-mail
Parents & Public
DPI Microsites
Employment
Calendar
Help
Search

Final (4/1/99)

SBE Policy Reference and ID No. O1A108
APA Policy NCAC6D.0305
(Note: Bold type represents current policy in ID No. O1A108)

North Carolina Statewide Student Accountability Standards Requirements

Grade-level Proficiency Guidelines

The following grade-level student accountability standards are based on a belief in the need to provide early and ongoing assistance to students who need it. Our aim must be that all students have the reading and mathematics skills critical for participating in and benefiting from high school curricula in core academic and vocational areas.

Standards

➤ Elementary

Gateway 1.

In addition to meeting local promotion requirements, students in grade 3 shall demonstrate proficiency by having test scores at Level III or above on end-of-grade tests in both reading and mathematics. Students scoring at Level III or above and meeting all local promotion requirements shall be promoted to grade 4 unless determined otherwise by the school principal, in consultation with teacher(s). See sections, Review Procedures, Students with Disabilities, and Students of Limited English Proficiency for additional information, pages 3 and 8.

*The effective date is **2001-02.***

Gateway 2.

In addition to meeting local promotion requirements, students in grade 5 shall demonstrate proficiency by having test scores at Level III or above on end-of-grade tests in both reading and mathematics. Additionally, the grade 4 writing assessment shall be used as a screen to determine whether students are making adequate progress in developing writing skills. If a

student has not scored at or above proficiency level 2.5 on the grade 4 writing assessment, the school shall provide intervention and assistance to develop writing skills. The principal and teacher(s) shall use locally developed and scored writing samples during grade 5 to determine if students have made adequate progress in order to be promoted to grade 6.

Students scoring at Level III or above on reading and mathematics, meeting all local promotion standards, and making adequate progress in writing shall be promoted to grade 6, unless determined otherwise by the school principal, in consultation with teacher(s). See sections, Review Procedures, Students with Disabilities, and Students of Limited English Proficiency for additional information, pages 3 and 8.

*The effective date is **2000-01.***

▶ **Middle School** - Gateway 3

In addition to meeting local promotion requirements, students in grade 8 shall demonstrate proficiency by having test scores at Level III or above on end-of-grade tests in both reading and mathematics. Additionally, the grade 7 writing assessment shall be used as a screen to determine whether students are making adequate progress in developing writing skills. If a student has not scored at or above proficiency level 2.5 on the grade 7 writing assessment, the school shall provide intervention and assistance to develop writing skills. The principal and teacher(s) shall use locally developed and scored writing samples during grade 8 to determine if students have made adequate progress to be promoted to grade 9.

Students scoring at Level III or above on reading and mathematics, meeting all local promotion standards, and making adequate progress in writing shall be promoted to grade 9, unless determined otherwise by the school principal, in consultation with teacher(s). See sections, Review Procedures, Students with Disabilities, and Students of Limited English Proficiency for additional information, pages 3 and 8.

*The effective date is **2001-02.***

▶ **High School** - Gateway 4

Students shall meet the following requirements to receive a North Carolina high school diploma.

1. Existing local and state graduation requirements.

2. A passing score on an exit exam of essential skills. Students shall take this exam in the spring of the students 11th grade year ***(Effective date: Graduating Class of 2003).***

3. A passing score on computer skills test ***(Effective date: Graduating Class of 2001).***

See sections, Review Procedures, Students with Disabilities, and Students

of Limited English Proficiency for additional information, pages 3 and 8.

▶ High School - Diploma Recognition

Any student receiving specified scores on the English language arts and mathematics parts of the exit exams shall be eligible for recognition given as a part of the North Carolina Scholars Program. These specified scores are in addition to the existing North Carolina Scholars Program requirements.

The effective date is for the graduating class of **2003.**

Review Procedures - Student Accountability

Each school district shall follow these procedures for students not meeting gateway standards:

▶ Elementary

Gateway 1.

For students not scoring at Level III or above on the reading and mathematics tests, the school district shall follow these procedures to determine if students are performing at grade level and able to succeed at the next grade:

1. Students scoring below Level III on an end-of-grade test are given a second test within a reasonable time from the receipt of test results. Parents may request that their child be excused from the second administration of the test. In this case, the parents and child accept participation in focused intervention.

2. Teachers or parents may request a promotion for students scoring below Level III on an end-of-grade test after the second or third test administration. Teachers shall provide documentation of the students performance during a review process.

Documentation may include:

- Student work samples
- Other test data
- Information supplied by parents
- For students with disabilities, information that is included in the individualized education program (IEP)
- Other information that verifies that a student is at grade level. (Students with disabilities shall be at grade level or be making adequate progress to meet requirements at upper elementary levels.)

3. Students who are not promoted after the second or third administration of the test shall be given focused intervention of a time period that is

instructionally sound. Strategies may include but are not limited to alternative learning models, special homework, smaller classes, tutorial sessions, extended school day, Saturday school, modified instructional programs, parental involvement, summer school instruction, or retention.

A committee shall be appointed to review student waiver requests. This committee, composed of teachers and principals from other schools or the central office staff, shall make recommendations to the student's principal about whether the student should be promoted to the next grade. This recommendation is based on documentation presented by teachers on behalf of the students. Special education personnel shall be on the committee if a student with a disability is being considered for a waiver. Parents of any student being presented for review shall have the right to be a non-voting participant, and further shall have the right to speak on behalf of their child.

Gateway 2.

For students not scoring at Level III or above on the reading and mathematics tests and not making adequate progress in developing writing skills, the school district shall follow these procedures to determine if students are performing at grade level and able to succeed at the next grade.

1. Students scoring below Level III on an end-of-grade test are given a second test within a reasonable time from the receipt of test results. Parents may request that their child be excused from the second administration of the test. In this case, the parents and child accept participation in focused intervention.

2. Teachers or parents may request a promotion for students scoring below Level III on an end-of-grade test after the second or third test administration. Teachers shall provide documentation of the students performance during a review process.

Documentation may include:

- Student work samples
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A committee shall be appointed to review student waiver requests. This committee, composed of teachers and principals from other schools or the central office staff, shall make recommendations to the student's principal

about whether the student should be promoted to the next grade. This recommendation is based on documentation presented by teachers on behalf of the students. Special education personnel shall be on the committee if a student with a disability is being considered for a waiver. Parents of any student being presented for review shall have the right to be a non-voting participant, and further shall have the right to speak on behalf of their child.

▶ **Middle School** - Gateway 3

For students not scoring at Level III or above on the reading and mathematics tests and not making adequate progress in developing writing skills, the school district shall follow these procedures to determine if students are performing at grade level and able to succeed at the next grade.

1. Students scoring below Level III on an end-of-grade test are given a second test within a reasonable time from the receipt of test results. Parents may request that their child be excused from the second administration of the test. In this case, the parents and child accept participation in focused intervention.

2. Teachers or parents may request a promotion for students scoring below Level III on an end-of-grade test after the second or third test administration. Teachers shall provide documentation of the students performance during a review process.

Documentation may include:

- Student work samples
- Other test data
- Information supplied by parents
- For students with disabilities, information that is included in the individualized education program (IEP)
- Other information that verifies that a student is at grade level. (Students with disabilities shall be at grade level or be making adequate progress to meet requirements at grade 9.)

3. Students who are not promoted after the second or third administration of the test shall be given focused intervention of a time period that is instructionally sound. Strategies may include but are not limited to alternative learning models, special homework, smaller classes, tutorial sessions, extended school day, Saturday school, modified instructional programs, parental involvement, summer school instruction, or retention.

A committee shall be appointed to review student waiver requests. This committee, composed of teachers and principals from other schools or the central office staff, shall make recommendations to the student's principal about whether the student should be promoted to the next grade. This recommendation is based on documentation presented by teachers on behalf of the students. Special education personnel shall be on the committee if a student with a disability is being considered for a waiver. Parents of any student being presented for review shall have the right to be a non-voting participant, and further shall have the right to speak on behalf of their child.

Local Accountability Procedures

Promotion decisions shall be made according to local policy and discretion, but shall include statewide student accountability standards at grades 3, 5, 8, and high school. At a minimum, each local board of education shall adopt procedures to ensure that students are treated fairly. The policy shall recognize the statutory authority of the principal to make promotion decisions.

Local boards of education policies shall be consistent with statewide student accountability policies. The policies should include: notification and involvement of parents and agreement of parental expectations signed by parents or guardians.

1. Intervention

School districts shall provide focused intervention to all students not meeting statewide student accountability standards. Such intervention shall involve extended instructional opportunities which are different and supplemental and which are specifically designed to improve these students performance to grade level proficiency. Students not promoted shall have personalized education plans with the following components:

- diagnostic evaluation
- intervention strategies
- monitoring strategies

Strategies may include but are not limited to alternative learning models, special homework, smaller classes, tutorial sessions, extended school day, Saturday school, modified instructional programs, parental involvement, summer school instruction, or retention.

2. Reporting
The Department of Public Instruction shall provide a mechanism for LEAs and schools to report annually their progress in increasing the number of students who meet the standard for grade-level promotion. Percentages of students above grade-level proficiency and those who have moved from Level I to Level II shall be used to compare progress from year to year. Annually, local boards of education shall report the following information by race, ethnicity, exceptionality, and socio-economic status to the State Board of Education:

a. number and percent of students promoted by school who did not score at Level III or above on the designated tests at gateways 1, 2, and 3.
b. number and percent of students who have moved across achievement levels in reading and mathematics at gateways 1, 2, and 3.

3. Standardized Transcript

The NC standardized high school transcript certifies a level of proficiency in high school courses through both grades and test scores. Test scores should be recorded on the standardized transcript.

In order to inform parents and students of student progress, beginning with the 1995-96 school year, the transcript shall be issued to students at the end of each year.

4. EOC Test Scores
End-of-Course test results should* be used as part of the student's final grade. Beginning with the 1995-96 school year, local school systems should set policies regarding the use of End-of-Course test results in assigning final grades.

**APA Policy 16NCAC6D.0305 changed should to shall, effective November 1, 1997.*

Students with Disabilities

1. To the extent possible, all students with disabilities shall participate in the statewide student accountability standards for elementary, middle, and high school levels.

2. Students with disabilities may be exempted from the statewide student accountability standards by the Individualized Education Program Team, including the principal or school district representative, if it is determined by the team that the students do not have the ability to participate in the State Standard Course of Study. However, they shall be enrolled in a functional curriculum and demonstrate acceptable outcomes on alternate assessments. These students may receive a certificate of achievement or graduation certificate.

3. All interventions/remediation and other opportunities, benefits and resources that are made available to students without disabilities shall be made available to students with disabilities who participate in the student accountability standards. All services offered are in addition to the special education services provided to the student.

Students of Limited English Proficiency

Students of limited English proficiency shall meet the same standards as all students. However, in accordance with federal law, English language proficiency cannot be the factor that determines that a student has not met performance standards at each gateway. Therefore, the following guidelines must be used:

1. Students who are exempt from statewide testing in accordance with the *Guidelines for Testing Students with Limited English Proficiency* shall also be exempt from the test standard for passage through each of the gateways. Instead, an instructional portfolio containing documentation of the student's English language proficiency and progress in all academic areas shall be submitted to a local committee of teachers and administrators to determine if students are ready to be promoted to the

next level.

2. Gateways 1, 2, and 3. Once limited English proficient students are no longer eligible for exemption from statewide testing, they may be eligible for a waiver up of to two additional years. They may receive a waiver from the test standard at the gateway students first encounter if their English language proficiency is below Superior in reading and writing. (See *Guidelines for Testing Students with Limited English Proficiency.*) A local committee of teachers and administrators shall examine the student's instructional portfolios to determine that:

- the students English language proficiency is the cause of their inability to perform at grade level on the required test
- documentation indicates that the students are making adequate progress in all academic areas to be promoted to the next level

3. High School Graduation Requirements. Limited English proficient students shall meet the same standards as all students for high school graduation.

4. School districts shall provide focused intervention for these students until they have met statewide accountability standards and high school graduation requirements *(up to age 21).* This intervention shall involve extended, supplemental instructional opportunities which include assistance in the development of English language proficiency. These students shall have personalized education plans with the following components:

- diagnostic evaluation
- intervention strategies
- monitoring strategies

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h: Final
Pweber - 4/01/99

Student Accountability Standards

Review of Impact on the Public School Fund

➢ Additional Remediation Resources

- An increase in funding per student
- Remediation items included in the State Board's Expansion Budget request.

➢ Cost for Intervention and Professional Development

- Additional time for instruction
- Smaller class sizes
- Additional funds for professional development.

➢ Retention

- An increase in the retention of students (estimated to be between 3% and 6%) in grades 3, 5, and 8
  - The standards for **Grade 3** will be implemented in **2001-02.**
    - Students retained in 2001-02 will impact ADM in 2011-12.
    - A 4% increase in retention would be 4,218 students and increase funding needs in 2011-12 by $14.6 million.
  - The standards for **Grade 5** will be implemented in **2000-01.**
    - Students retained in 2000-01 will impact ADM in 2008-09.
    - A 4% increase in retention would be 4,000 students and increase funding needs in 2008-09 by $13.8 million.
  - The standards for **Grade 8** will be implemented in **2001-02.**
    - Students retained in 2001-02 will impact ADM in 2006-07.
    - A 4% increase in retention would be 3,800 students and increase funding needs in 2006-07 by $13.3 million.
  - The standards for **Graduation from High School** will be implemented with the graduating class of **2002-03** (FY 1999-2000 ninth graders).
    - The impact of students not passing the exit exam is not expected to have a significant impact on ADM.

April 13, 1999

PS 152

Student Accountability Standards
Estimated Additional Funding Needed

Estimated FY 1999-2000 Student Population	Additional Funding per Student	Total Estimated Funding
1,268,870	$36	$45.7 million

This estimate is based on conversations with eight local school districts that have implemented student accountability standards. Each LEA had reviewed their funding sources and categories to determine what existing funds could be redirected to assist the implementation of the higher standards. The State Board's policy will require additional resources for the required writing standards and the high school accountability standards that are not currently in place in any LEA. These additional requirements and the need for additional resources to expand intervention (remediation) and professional development were anticipated to increase costs by approximately $36 per student. These funds would supplement the funds that the LEAs can redirect from their existing budgets.

April 13, 1999

Public Schools of North Carolina

North Carolina Department of Public Instruction

STATE PUBLIC SCHOOL FUND EXPANSION BUDGET REQUEST (Selected Items)
For 1999 - 2001 Biennium

High Student Performance	Cost
ABCs	
NC *HELPS* provide additional resources to schools that did not meet their growth expectations	$ 24 million
3 By 3 provide additional resources to ensure that all 3rd graders are performing at or above grade level	54 million
School Assistance Teams fully fund assistance teams for low-performing schools (cost in 1997-98 $4.3 million)	5 million
Testing Program expand program to cover cost of Computer Skills, HS Exit Exam, Alternate Assessments and inflationary increases	1.5 million
Children with Special Needs improve quality of education for children with special needs	25 million
Limited Proficiency in English expand services to children with limited proficiency in English	10 million
Safe and Orderly Schools	
At-Risk Student Services/Alternative Schools increase allotment for alternative school programs, school resource officers and other support personnel	34 million
Total State Public School Fund Expansion Request	**$ 153.5 million**

PS 154

Student Accountability Standards

April 13, 1999 Version

Examples of Intervention Cost:

Increase Instructional Days
For Students Performing Below Grade Level:
Estimated cost for an additional instructional day (beyond 180) ... **$ 3.3 million**
Cost to Add up to15 Instructional Days .....**$48.8 million**

Or

Reduce Class Size
For Students Performing Below Grade Level in Math and Reading:
$86.8 million. Estimated cost to reduce class size so one teacher will teach fifteen students who are performing below grade level in reading and math classes.

Additional Funding for Staff Development:

An additional day of employment for all teachers and instructional support personnel for professional development would cost $16.7 million. In FY 1998-1999, $12.5 million is budgeted to pay teachers for up to six days of vacation that they were not allowed to take during the school year. In FY 1997-98, there were 4 days available. Of the $8.5 million budget, $2 million was expended.

Or

Establish eight regional teams to serve as master trainers and coaches for teachers. Each regional team would conduct a one-week training program for four groups of 30 teachers each for three weeks a month. The training would concentrate on diagnosing student needs, developing and implementing effective instructional strategies, and continuous assessment of students who have not met student promotion standards. Estimated cost: $14.3 million.

Student Accountability Standards

April 13, 1999 Version

Potential Resources:

Based on Increases in the Governor's Continuation Budget:

- $13 million in At-Risk Services/Alternative Schools.
- $7.6 million in NCHELPS (total recurring budget increased by $4.9 million).
- $78,000 in staff development (total: $11.3 million – includes Assistance Teams).
- $4 million for 89.5 additional Instructional Support positions could be used for teachers.
- $3.2 million for middle school teachers to work with 6th graders that failed the 5th grade end-of-grade reading and/or math test.

Total: $27.9 million.

Based on Governor's Expansion Budget:

- $7.8 million for all third graders to be at grade level in reading and math (3 by 3).

Federal Resources (New Programs):

- $24.7 million to reduce class size.
- $7 to $15 million for staff development to improve reading.
- $17 million for Workforce Investment Act to target economically disadvantaged youth (high school students) with multiple barriers to graduation and employment.

Total: $31.7 to $56.7 million.

- *Proposed $600 million nation wide for 21st Century Community Learning Centers (Currently $200 million): After School Programs (LEA applies, competitive).*

Federal Programs Continuing Programs:

- $4 to $5 million in Goals 2000 resources might be available.
- Several federal grants have funding set aside for competitive projects.
- Title I can be used for remediation programs ... $146.8 million.
- Title VI can be used for remediation programs ... $8.8 million.
- Dwight D. Eisenhower is a staff development program ... $6.1 million.

Total: $166 million.

Sales Tax Refunds to Local Education Agencies (LEAs):

Effective July 1999, LEAs will be able to request a refund for all sales taxes paid from State, local, and federal resources. Federal resources must be returned to the federal grant from which they were paid; however, local and State refunds will not be restricted to a specific program.

Total: $15 million.

Administrative Outreach:

The North Carolina School Boards Association (NCSBA) is in the process of identifying resources that may flow to a local school system from federal Medicaid funding. The program is titled Administrative Outreach and may distribute at least $20 per average daily membership (ADM) to each LEA ($25 million). The reimbursement could be as much as $30 per ADM.

Total: $25 to $38 million.

0515

Student Accountability for Academic Achievement

Dr. Jim Causby

Johnston County Schools

Promotion Standards

- *Teacher Standards*
- *Attendance Standards*
- *Test Standards*

Parental Responsibilities

- *Attend conference with teacher*
- *Receive class expectations and Standard Course of Study*
- *Sign partner agreement*
- *Consequences for failing to attend conference*

Opportunities for Remediation

- *Individual School Remediation Plans*
  - *Local Board approved*
  - *In place by first school month*
- *MAP Plans for Retained and Waived Students*
- *Remediation Plans for At-Risk Students*
- *Summer School*

Test Standards

- *Grades 3 - 8*
  - *Achievement Level III on both math and reading*
  - *Achievement Level I must attend Summer School*
- *High School*
  - *Score of 70 using the state scoring program*

Opportunities for Retesting

- *First Administration used for State Accountability*
- *Five Hours of Remediation*
- *Second Administration before End of School*
  - *Released form in grades 3 - 8*
  - *Alternate form in high school*
- *Third Administration at End of Summer School*

Waivers

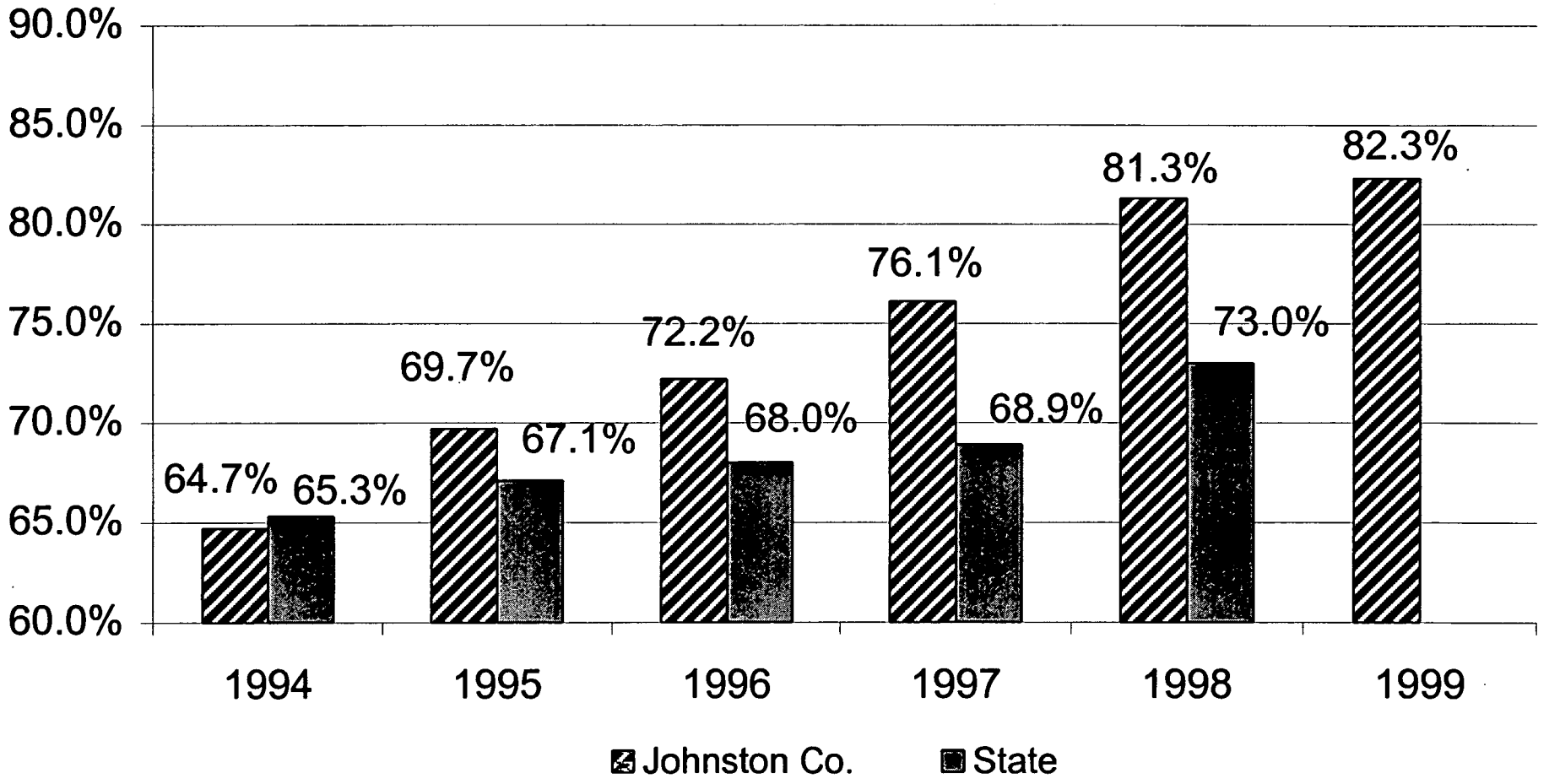
- *Previously Retained Students*
  - *Grades 3 - 5*
  - *Grades 6 - 8*
- *High School Students Passing the Teacher Standard Twice*

Appeals After Second Administration

- On Grade Level
  - Final average in subject of A, B, or C
  - Teacher must document grade level work for student
  - Teacher and principal appeal to central committee
- Exceptional Children
  - Similar to grade level appeal, but must be progressing to Achievement Level III

Johnston County Schools

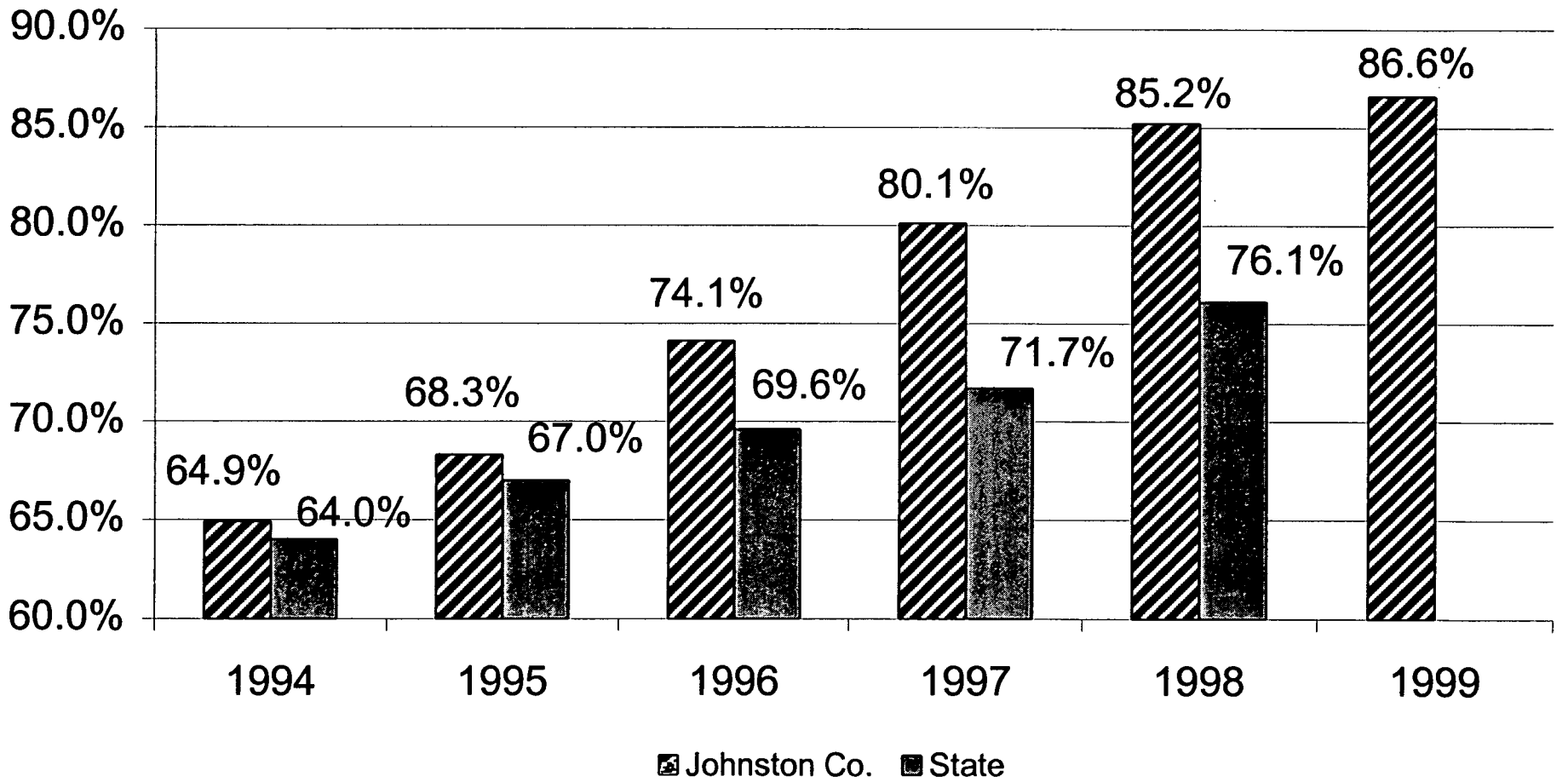
Percent Proficient in Reading
(Grade 3 - 8)



Johnston County Schools

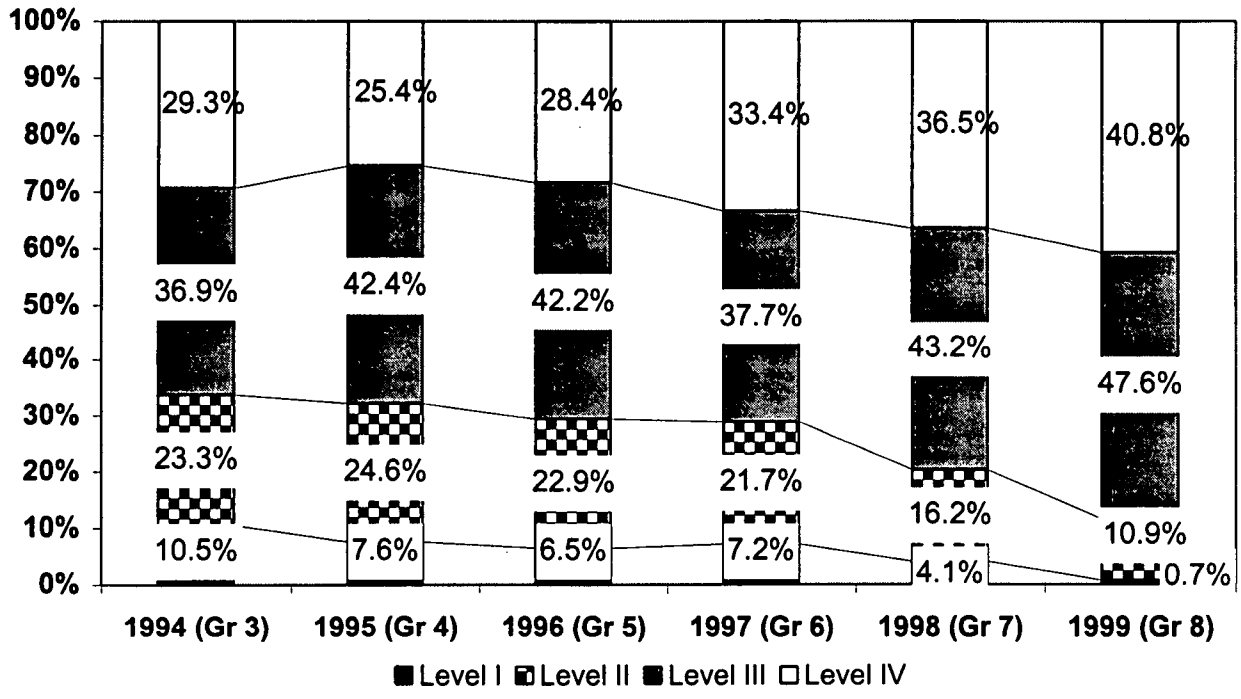
Percent Proficient in Math

(Grade 3 - 8)

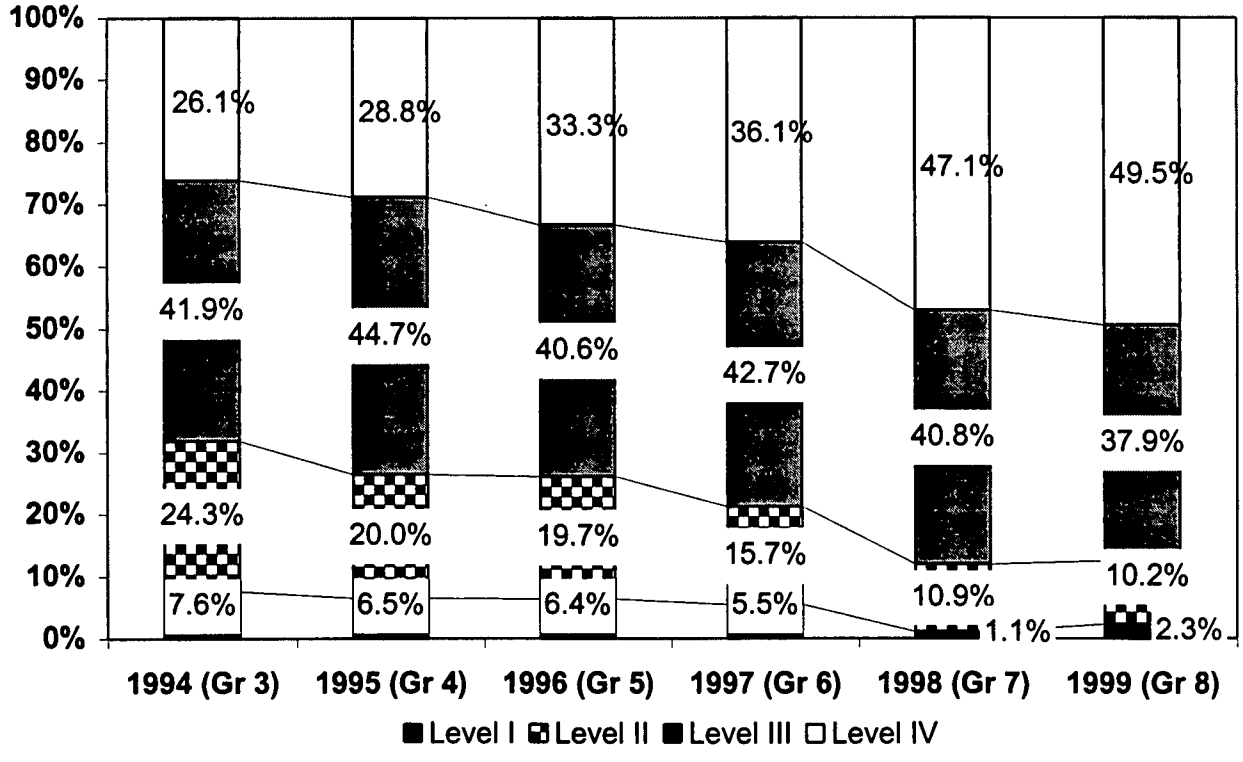


Cohort Data for 1998-1999 Eighth Graders (Johnston Co.)
Percent at Each Achievement Level

Reading

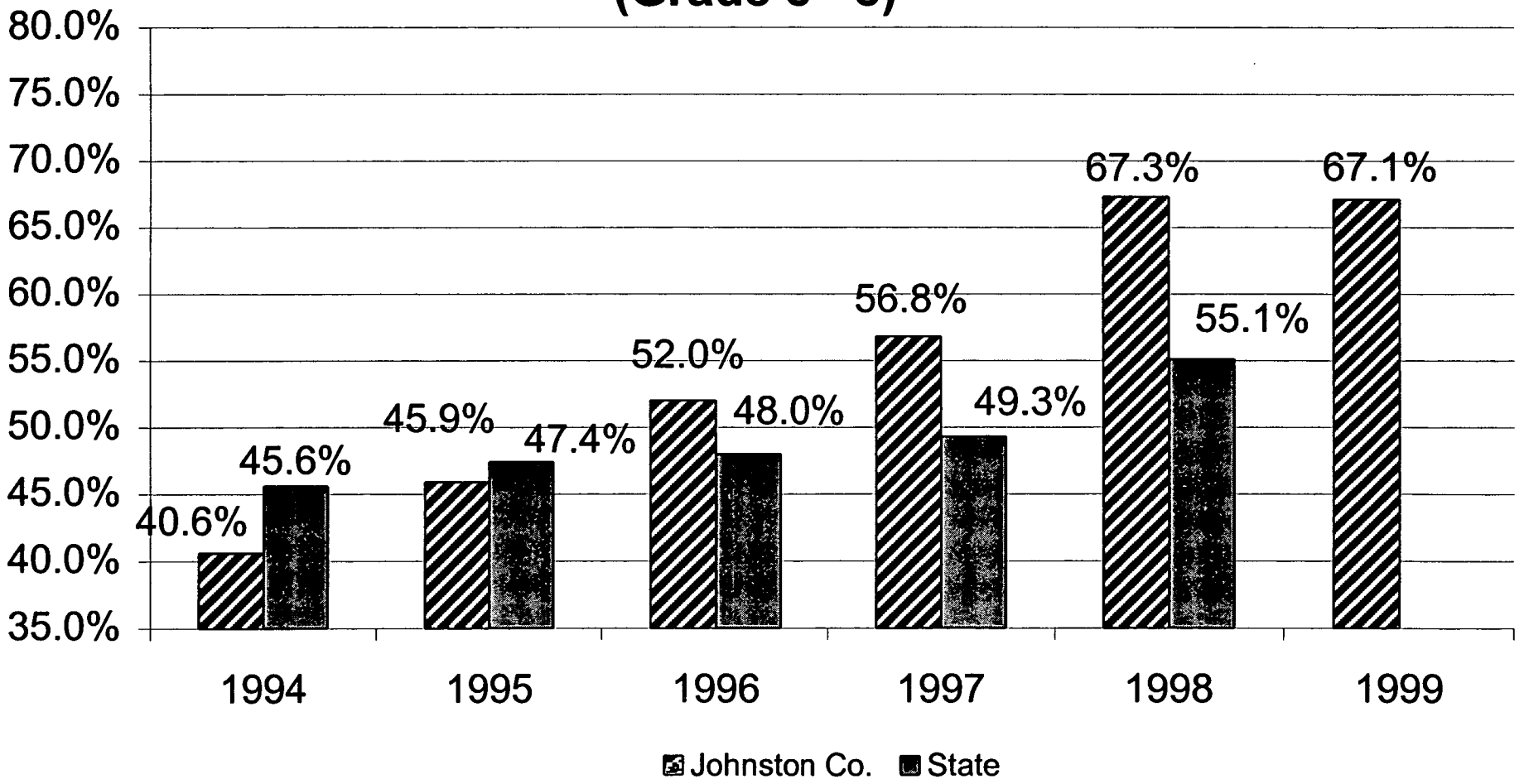


Math



Johnston County Schools

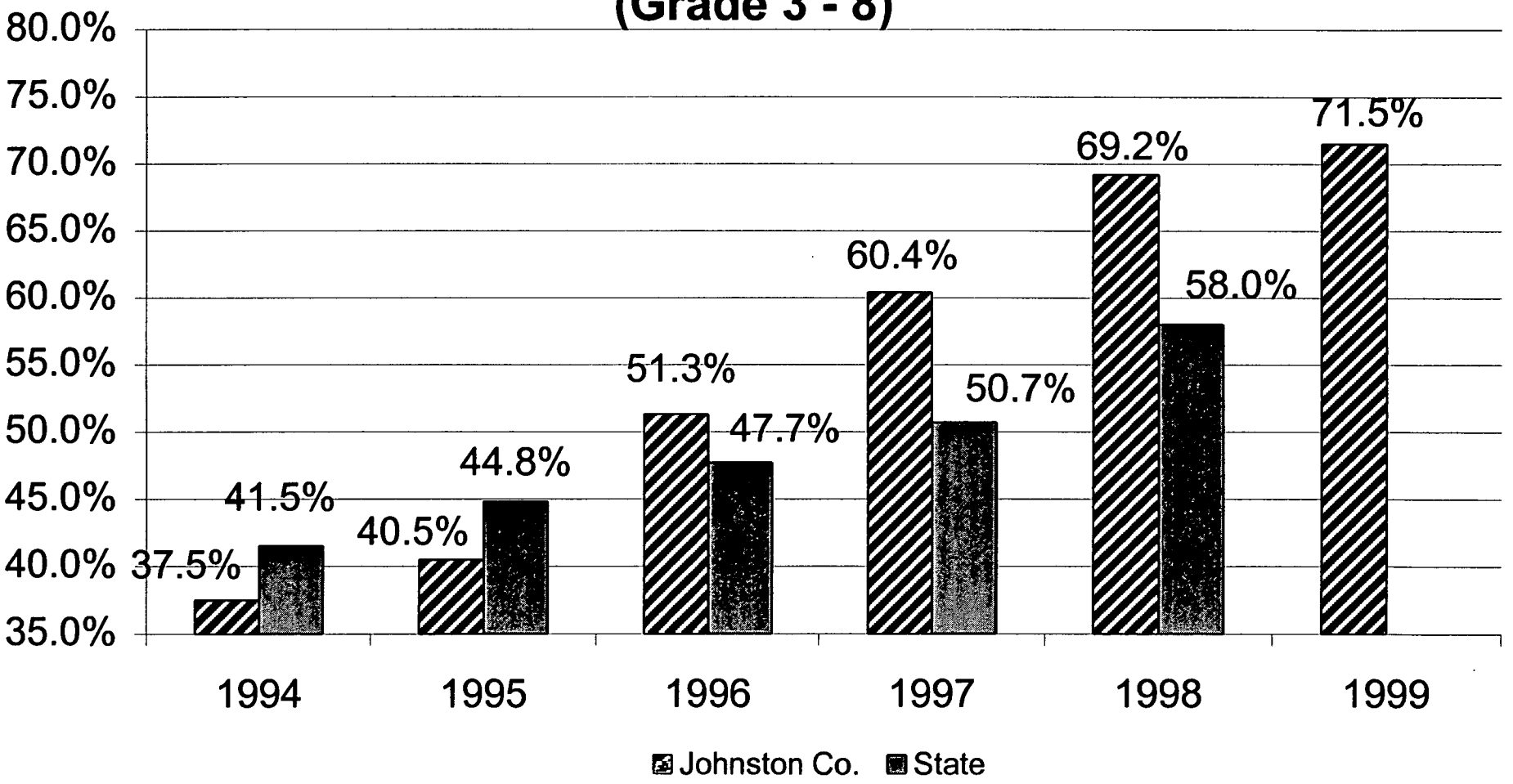
Percent of Black Students Proficient in Reading (Grade 3 - 8)



Johnston County Schools

Percent of Black Students Proficient in Math

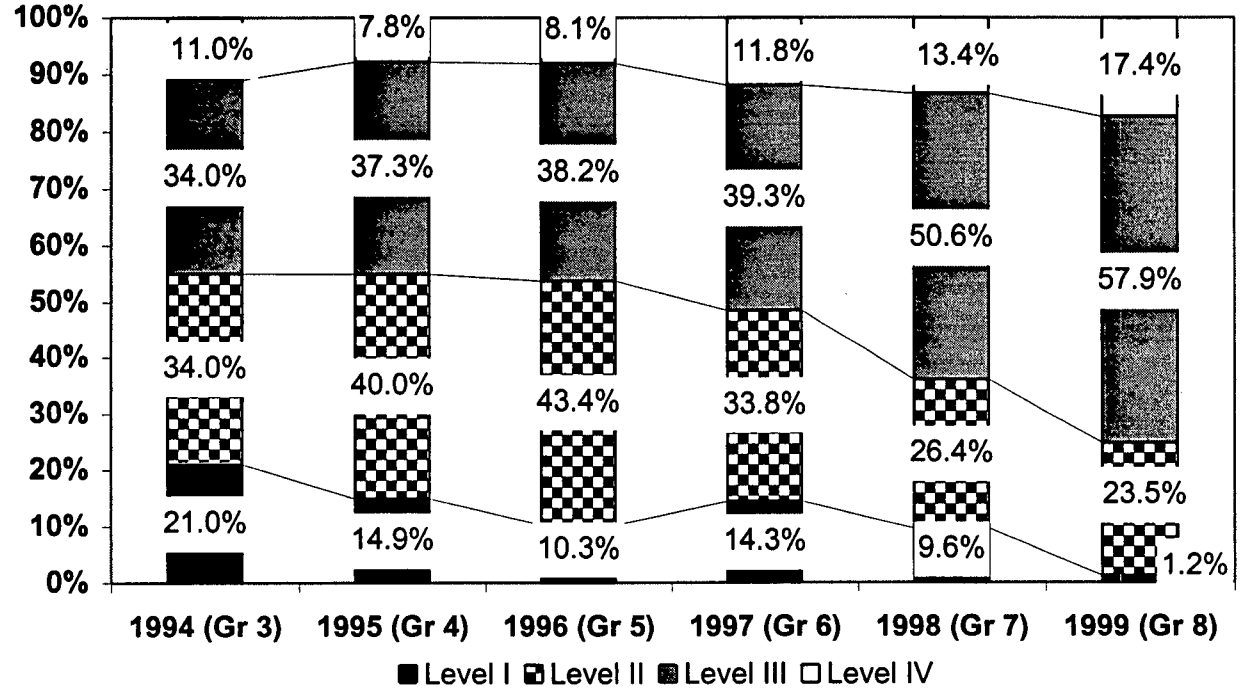
(Grade 3 - 8)



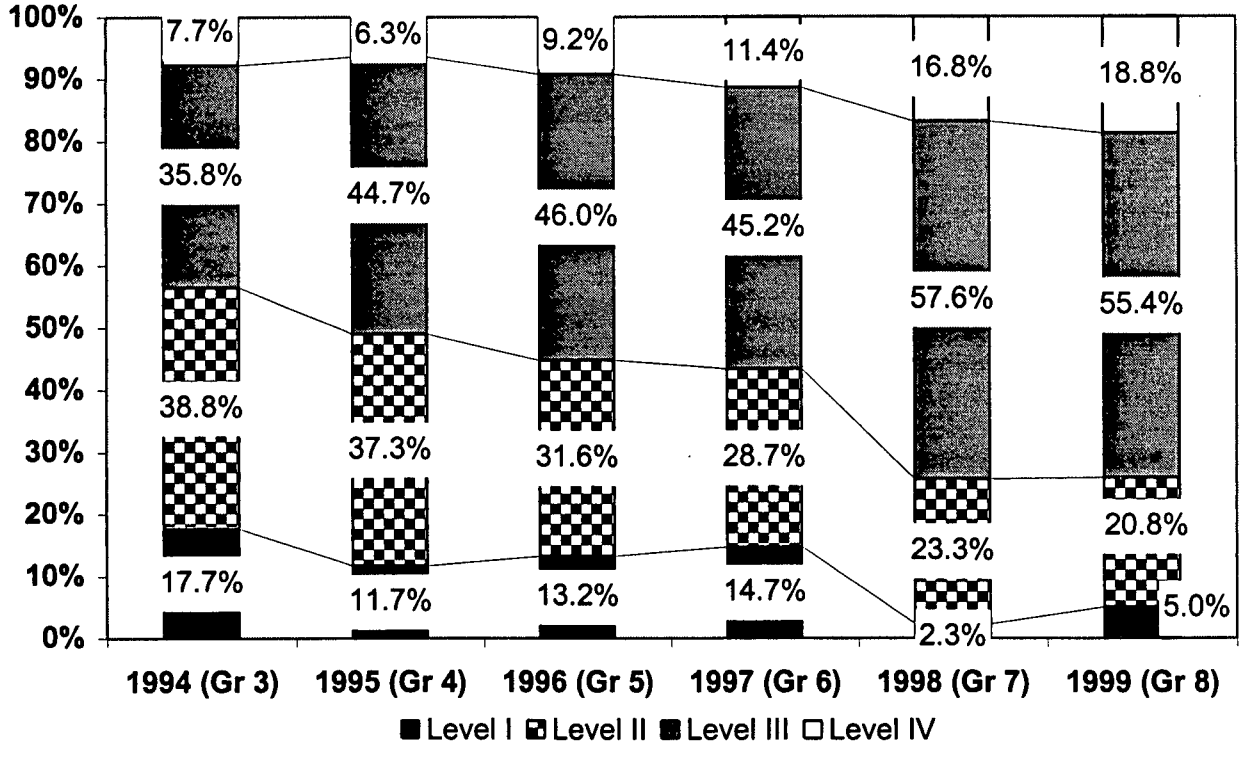
Cohort Data for 1998-1999 Eighth Graders (Johnston Co.)

Percent of Black Students at Each Achievement Level

Reading



Math



Student Accountability for Academic Achievement

(Explanation for Parents and Students)

1998-99

The Student Accountability policy was approved by the Johnston County Board of Education to ensure that students are performing on or above grade level before being promoted to the next grade. The policy also provides opportunities for students to receive extra help if they are performing below grade level.

The policy sets standards for promotion in grades 3-8 and standards in grades 9-12 that students must meet in order to receive course credit. Previously established standards for promotion and course credit still remain in effect.

GRADES 3-8

Students in grades 3-8 will take end-of-grade tests in math and reading during the spring of each year. The tests will be scored based on achievement Levels of I, II, III, and IV with Levels III and IV indicating student proficiency. A student who scores below Level III on either test will be retained in the same grade level unless one of the following conditions exist.

- the student receives additional remediation, retakes the test before the end of the year, and scores a Level III or better.
- the teacher and principal document that the student is on grade level and is receiving a final grade of A, B, or C in the course in question.
- the student is in grades 3-5 and has already repeated one grade in K-5, or the student is in grades 6-8 and has already repeated one grade in 6-8 or two grades while in K-8.
- the student is in the Exceptional Children's or Limited English Proficiency Programs, receives a final grade of A, B, or C in the course in question, and the teacher and principal document that the student is making progress to achieve a Level III by eighth grade.
- the student attends summer school or receives other summer tutoring, retakes the test a third time, and scores a Level III or better.

GRADES 9-12

Students enrolled in Algebra I, Algebra II, Geometry, English I, U.S. History, ELP, Physical Science, Biology, Chemistry, and Physics must score at least a 70 on the state required end-of course tests and meet all other course requirements in order to receive credit for the courses.

A high school student who fails to make a 70 may receive credit for the course if:

- the student receives additional remediation, retakes the test before the end of the school year, and scores a 70 or above.
- the teacher and principal can document that the student is on grade level and is receiving a final grade of A, B, or C in the course in question.
- the student attends summer school or receives other summer tutoring, retakes the test a third time, and scores a 70 or above.
- the student retakes the course and received a passing mark from the teacher both the first time and second time the course was taken.

REMEDIATION

At the beginning of the school year, pretesting and scores from the previous school year will be used to identify students who may need assistance in meeting the test standards. The major focus of the policy is to provide remediation opportunities for these students during the regular school year.

EXEMPTIONS

Students participating in the exceptional children's program and those identified as having limited English proficiency, who are exempt from the regular testing program, are also exempt from this policy.

TEACHER RESPONSIBILITIES

It shall be the responsibility of the teacher to provide opportunities for remediation during the school year. The teacher will also inform parents if their child has failed to meet the test standards and notify them of opportunities for retesting.

The records of any student who fails to meet the standards of the policy must be reviewed by the teacher to determine if the student is eligible for a waiver. Waivers are based on other evidence of on grade level performance, previous retentions, or exceptional children's status.

PARENT RESPONSIBILITIES

Parents are required to visit their child's school by the end of the first school month to have a conference with the teacher(s) and receive information regarding student expectations. They will also be expected to sign an agreement to be a partner in their child's education.

Failure to sign the agreement by the end of the first school month, will result in the student:

a. being excluded from participation in <u>any</u> extra-curricular activities
b. being ineligible to receive a report card
c. having a parking permit revoked, if applicable

(The agreement is printed on the back of this sheet)

1998-99

Student Accountability Agreement

The Johnston County Board of Education has adopted policies requiring students to meet local Board of Education standards for promotion in grades K-8. Similar standards must be met in order for students in grades 9-12 to receive high school course credit. The Board believes that learning can take place best when there is shared effort, interest, and motivation by students, parents, and staff.

We are committed to _____'s success in school and promise to work together to promote his or her achievement.

As a student in the Johnston County Schools, I pledge to ...

- respect myself and the rights of others
- attend school regularly
- follow the Code of Student Conduct
- come to school dressed appropriately, with necessary materials, and prepared to work
- ask my teacher questions when I don't understand
- complete all of my assignments on time

Signed _____ **Date** _____

As the parent of _____**, I pledge to ...**

- provide ample, quiet study time at home and encourage good study habits
- make sure my child is well-rested and at school on time
- support the school staff in their efforts to promote appropriate behavior
- encourage my child to read more
- communicate regularly with my child's teacher
- monitor my child's homework
- read, sign, and return my child's progress reports
- attend parent/teacher conferences as requested

Signed _____ **Date** _____

As a classroom teacher in the Johnston County Schools, I pledge to ...

- explain my expectations, instructional goals, and grading system to the student and parent
- teach the **North Carolina Standard Course of Study**
- provide a climate in my classroom that is conducive to learning
- communicate with parents through conferences, progress reports, report cards, and by telephone
- employ various teaching methods which work best for the student
- provide enrichment and remediation opportunities for the student as needed
- respect the cultural differences of my students

Signed _____ **Date** _____

The principal of your child's school is committed to providing a safe and orderly environment that is conducive to learning. As the instructional leader of the school, he or she will support the teachers in their efforts to teach all students. Opportunities for the establishment and attainment of high expectations will be made available to all students.

Parental involvement is essential as we work to give your child the best educational experiences possible.

STUDENT ACCOUNTABILITY FOR ACADEMIC ACHIEVEMENT

Policy Code: **IKE**

Johnston County students shall meet local board of education promotion standards (JCBE Policy IKEA) and attendance standards (JCBE Policy JE) for promotion to the next grade in K - 8 or to receive high school course credit. Johnston County students shall also meet the test standards as established herein.

Test Standards

K-8:
Students in grades 3 - 8 who perform at Achievement Level I on end of year administration of either the reading or math End-of-Grade test must attend summer school or other principal approved remediation program in order to be eligible for promotion. Students in grades 3 - 8 who score at an Achievement Level of less than a III during the end of year administration of the End-of-Grade tests in reading or math will be retained.

Notification of parents that the student has failed to meet the test standard as well as retesting and remediation opportunities will be the responsibility of the student's teacher in reading or math, as appropriate.

Opportunities for retesting and remediation will be provided as outlined below.

High School:
Students enrolled in high school courses with state required End-of-Course multiple choice tests who meet all other requirements for receiving course credit, will receive credit only if they achieve a grade of 70 or better on the End-of-Course test as determined by the locally developed grading scale using the state's scoring program. Students not achieving a grade of 70 on the End-of-Course test will receive a final grade no higher than 69.

Notification of parents that the student has failed to meet the test standard as well as retesting and remediation opportunities will be the responsibility of the student's teacher in that subject.

Opportunities for retesting and remediation will be provided as outlined below.

Opportunities for Retesting

K - 8:
Students in K- 8 who fail to pass the test standard will be provided remediation and a different form of the test will be administered to the student before the end of school. If the student scores at Achievement Level III or better, then the test standard will have been met. The student's first score on the test will be reported to the state for accountability purposes. The re-administration of the test shall only serve to provide the opportunity to demonstrate mastery of the test standard.

Students in grades 3 - 8 may also retake the End-of-Grade test at the end of summer school. If the test standard is met by retaking the test and other requirements for promotion are also met, then the student shall be promoted.

Students at Achievement Level I will have the opportunity to retake the End-of-Grade test after required summer school attendance. All other students may take the appropriate End-of-Grade test after having attended summer school, after having received private tutoring or neither.

High School:
In cases where high school students possess an average grade of 70 or higher in that course after taking the End-of-Course test and fail to pass the test standard, remediation will be provided and a

different form of the test will be administered to the student before the end of school. If the student scores 70 or better, then the test standard will have been met. The student's first score on the test will be reported to the state for accountability purposes and the student will receive the grade from the first administration of the test. The re-administration of the test shall only serve to provide the opportunity to demonstrate a score above 70.

High school students may also retake the End-of-Course test at the end of summer school. If the test standard is met by retaking the test and other requirements for course credit are also met, then the student shall receive course credit.

Students may retake the appropriate End-of-Course test after having attended summer school, after having received private tutoring or neither.

Opportunities for Remediation

K - 8:
Each school must submit to the board by the end of the first school month their plan for remediation. The remediation plan must address the following elements: Students in grades 3 - 8 who have been retained will receive differentiated instruction during the following school year. Remediation must be provided during the regular school year for students who have been identified as at risk of failing the test standard. Remediation must be provided for any students retaking the test prior to the end of the school year.

In addition, elementary and middle school summer school will focus on students meeting the test standard.

High School:
Each school must submit to the board by the end of the first school month their plan for remediation. High school remediation will be offered focusing on meeting individual student's needs. Remediation must be provided for any students retaking the test prior to the end of the school year.

High school summer school will focus on meeting the test standard. High school students must take the end of year administration of the End-of-Course test to be eligible for summer school.

Waivers

K - 8:
A student in grades 3 - 5 will have the test standard waived if the student has already been retained once in the grade span of K - 5. A student in grades 6 - 8 will have the test standard waived if the student has already been retained once in the grade span of 6 - 8 or if the student has been retained twice in the grade span of K - 8.

High School:
Students who have enrolled in a high school course twice and have on both occasions passed all standards but the test standard, will have the test standard waived.

Exceptional Children

Exceptional children enrolled in high school courses will be held to the same standards as all other students who are enrolled for diploma course credit.

Exceptional children in grades 3 - 8 who are exempt from the End-of-Grade test through their IEP will also be exempt from the test standard for promotion.

For exceptional children who take the EOG and do not meet the test standard for promotion but have an A, B or C average in a tested subject, teachers and principals must review the students' work to determine if a waiver request is appropriate based on evidence that the student is making satisfactory progress toward achieving grade level proficiency by the eighth grade. Parents of A or B or C students must be notified by the teacher regarding whether or not an appeal will be made. Parents who disagree with the decision not to appeal may meet with the teacher and principal to ask for reconsideration. Appeals shall be made to the Administrative Placement Committee. The appeal will be judged based on the teacher's ability to show through documentation that the student is making satisfactory progress toward achieving grade level proficiency by the eighth grade.

Students with Limited English Proficiency

Limited English Proficiency (LEP) students enrolled in high school courses will be held to the same standards as all other students who are enrolled for diploma course credit.

LEP students in grades 3 - 8 who are exempt from the End-of-Grade test based on their LEP status will also be exempt from the test standard for promotion.

LEP students may be eligible for a waiver for a maximum of two years after the two year sate test exemption period, if they do not meet the test standard for promotion but have an A, B or C average in a tested subject, teachers and principals must review the students' work to determine if a waiver request is appropriate based on evidence that the student is making satisfactory progress toward achieving grade level proficiency by the eighth grade. Parents of A or B or C students must be notified by the teacher regarding whether or not an appeal will be made. Parents who disagree with the decision not to appeal may meet with the teacher and principal to ask for reconsideration. Appeals shall be made to a central committee made up of central office staff, other principals, and other ESL teaching staff and will be the responsibility of the assistant superintendent for Curriculum and Instruction. The appeal will be judged based on the teacher's ability to show through documentation that the student is making satisfactory progress toward achieving grade level proficiency by the eighth grade.

Appeals

The teacher and principal of students who have an A or B or C average on grade level or above work in a subject and who fail to meet the test standard in the regular testing period and the retake period may jointly appeal to have the test standard waived. Teachers and principals must review the work of all students not meeting the standard who have an A or B or C average in a tested subject to determine if a waiver request is appropriate based on evidence that the student has mastered the standard course of study for the grade or course in question. Parents of A or B or C students must be notified by the teacher regarding whether or not an appeal will be made. Parents who disagree with the decision not to appeal may meet with the teacher and principal to ask for reconsideration. The appeal will be made to a central committee made up of central office staff, other principals and teaching staff from the subject area of concern and will be the responsibility of the assistant superintendent for Curriculum and Instruction. The appeal would be judged based on the teacher's ability to show through documentation that the student has mastered the standard course of study for the course in question.

Parental Responsibilities

Successful student achievement is dependent on the involvement of parents and guardians. Knowledge of the expectations of the school is essential to the successful involvement of parents and guardians. Therefore, by the end of the first month of school, the parent or guardian of each student must meet with their student's teachers in the core academic areas to receive information about the courses, course requirements and expectations for the year. Parents or guardians must sign at the time of the visit acknowledging receipt of the information and agreeing to be a partner in insuring the

success of their student in school. Parents of new students entering during the school year must complete this process before their child can begin classes.

Legal Reference(s):	None
Adopted:	June 18, 1996
Amended:	April 8, 1997
Amended:	July 8, 1997
Amended:	August 8, 1997
Amended:	June 9, 1998

VISITOR REGISTRATION SHEET

Education — 6-22-99

Name of Committee — Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Joyce Morris	Public School Forum
Henry Johnson	DPI
Ann Belcher	SBE
Phil Kirk	SBE, NCCBI, taxpayer, ex-educator, father, etc.
Nicole Quisenberry	SBE
Ashley Barnes	SBE
John Wilson	NCAE
Katherine Miller	
Jane Gratton	NCASA
Lyn McLofford	NCAICU
Leigh Thomas	TAP/AD
Gene Causby	NCSEA
Leanne Winner	NCSBA
Hal Miller	NCACCT
Yvonne Perry	NC Ed/Law Prog
Amy Mellon	" "
Heidi Yates	Sen. Ken Moore
Ben Claybrook	Pfizer
BRIAN STREET	PFIZER
Will Sean	Pfizer
TONY HARTMAN	PFIZER
Karl Bacon	Pfizer.
Maddy Fass - Clendenin	NC Justice Center - Ed & Law
Lindsay Mullen	Pfizer
Ben Gray	Pfizer
CLIFF Fairle	Pfizer 3P Oakland Dr Raleigh, NC 27615
Paul Houm	UNC
Emily Hanchrow	UNC-CH

VISITOR REGISTRATION SHEET

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

	NAME	FIRM OR AGENCY
1.	Joel Wilson	Sen. Lee
2.	Eddie Caldwell	EEBC
3.	Ronnie Moore	N.C. Democratic Party
4.	Byron Harris	OSBM
5.	J. W. Reel	✓
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MINUTES

HOUSE EDUCATION COMMITTEE

June 29, 1999

The meeting was called to order by Co-Chairman Representative Alex Warner. For a list of those in attendance, please see attendance sheet.

SENATE BILL 1099, ALTERNATIVE SCHOOLS WITHIN SCHOOLS, sponsored by Senator Carter was displaced from the agenda at the request of the bill sponsor.

The next order of business was a continuation of **SENATE BILL 942, IMPLEMENTATION OF STUDENT STANDARDS,** sponsored by Senator Bill Martin. (See copy of bill, bill summary and committee reporting form.) Representative Goodwin moved to refer the bill out of committee "without prejudice". After discussion he moved to amend his original motion by adding, "and re-refer to Appropriations". Representative Michaux stated he did not want to see any program implemented until the cost is known and the legislature knows what the policies of the implementation will be. After further discussion, the question was called, and Representative Goodwin's motion failed. Representative Adams moved for a favorable report. The question was called and the motion passed.

The meeting was adjourned.

Representative Alex Warner
Co-Chairman

Representative Douglas Y. Yongue
Co-Chairman

Jenny Umstead, Committee Assistant

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

S 1

SENATE BILL 1099

Short Title: Alternative Schools Within Schools. (Public)

Sponsors: Senator Carter.

Referred to: Education/Higher Education.

April 15, 1999

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE SCHOOL IMPROVEMENT TEAMS TO DEVELOP STRATEGIES FOR THE CREATION OF ALTERNATIVE LEARNING PROGRAMS WITHIN SCHOOLS.

The General Assembly of North Carolina enacts:

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

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

In order to improve student performance, each school shall develop a school improvement plan that takes into consideration the annual performance goal for that school that is set by the State Board under G.S. 115C-105.35. The principal of each school, representatives of the assistant principals, instructional personnel, instructional support personnel, and teacher assistants assigned to the school building, and parents of children enrolled in the school shall constitute a school improvement team to develop a school improvement plan to improve student performance. Unless the local board of education has adopted an election policy, parents shall be elected by parents of children enrolled in the school in an election conducted by the parent and teacher organization of the school or, if none exists, by the largest organization of parents formed for this purpose. Parents serving on school improvement teams shall reflect the racial and socioeconomic composition of the students enrolled in that school and shall not be members of the building-level staff. Parental involvement is a critical component of school success and positive student achievement; therefore, it is the intent of the General Assembly that parents, along with teachers, have a substantial role in developing school improvement plans. To this end, school improvement team meetings shall be held at a convenient time to assure substantial parent participation.

The strategies for improving student performance shall include a plan for the use of staff development funds that may be made available to the school by the local board of education to implement the school improvement plan and shall include a plan to address school safety and discipline concerns in accordance with the safe school plan developed under Article 8C of this Chapter. The strategies may include a decision to use State funds in accordance with G.S. 115C-105.25. The strategies may also include the creation of an alternative learning program within the school. The strategies may also include requests for waivers of State laws, rules, or policies for that school. A request for a waiver shall meet the requirements of G.S. 115C-105.26.

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

The local board of education shall accept or reject the school improvement plan. The local board shall not make any substantive changes in any school improvement plan that it accepts. If the local board rejects a school improvement plan, the local board shall state with specificity its reasons for rejecting the plan; the school improvement team may then prepare another plan, present it to the principals, assistant principals, instructional personnel, instructional support personnel, and teacher assistants assigned to the school building for a vote, and submit it to the local board to accept or reject. If no school improvement plan is accepted for a school within 60 days after its initial submission to the local board, the school or the local board may ask to use the process to resolve disagreements recommended in the guidelines developed by the State Board under G.S. 115C-105.20(b)(5). If this request is made, both the school and local board shall participate in the process to resolve disagreements. If there is no request to use that process, then the local board may develop a school improvement plan for the school. The General Assembly urges the local board to utilize the school's proposed school improvement plan to the maximum extent possible when developing such a plan.

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

Section 2. This act becomes effective July 1, 1999.

1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **WARNER AND YONGUE** for the Committee on **EDUCATION**.

☐ Committee Substitute for
S.B. 942 A BILL TO BE ENTITLED AN ACT DIRECTING THE STATE BOARD OF EDUCATION TO DEVELOP PLANS FOR IMPLEMENTING THE STATEWIDE STUDENT ACCOUNTABILITY STANDARDS POLICY AND TO IDENTIFY RESOURCES TO ENSURE APPROPRIATE EARLY AND ONGOING ASSISTANCE FOR STUDENTS WHO NEED ASSISTANCE.

☒ With a favorable report.

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

☐ With a favorable report, as amended.

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

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

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

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

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

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

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

☐ Without prejudice.

☐ With an indefinite postponement report.

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

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

2/24/99

FOR JOURNAL USE ONLY

____ Pursuant to Rule 36(b), the bill is placed on the Calendar of _____.

____ The (committee substitute) bill/resolution (, as amended,) is (ordered engrossed and) re-referred to the Committee on _____.

____ The bill/resolution is re-referred to the Committee on _____.

____ On motion of (Rep. _____,) (the Chair,) the (committee substitute) bill/resolution is (ordered engrossed and) re-referred to the Committee on _____.

____ Pursuant to Rule 36(b), the (House)committee substitute bill (No. ____)/resolution is placed on the Calendar of _____. (The original bill) (House Committee Substitute Bill No. ____)/resolution is placed on the Unfavorable Calendar.

____ On motion of Rep. _____, (the rules are suspended) (Rule ____ is suspended) and the bill/resolution is placed on today's calendar. (for immediate consideration.)

____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV____ ____).

____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV____ ____).

____ Rep. _____ offers Amendment No. _____ which (is adopted.) (fails of adoption.) (by EV ____ ____.) ( ) This amendment changes the title.

____ The bill/resolution (, as amended,) passes its second reading (by following vote, ____ ____ RC) (, by EV ____ ____,) and (remains on the Calendar,) (and there being no objection is read a third time).

____ The bill/resolution (, as amended,) passes its third reading (by the following vote, ____ ____ RC) (, by EV ____ ____,) and is ordered
____ sent to the Senate.
____ without engrossment. ____ by Special message.
____ sent to the Senate for concurrence in
_____ House amendment (s).
_____ House committee substitute.
____ enrolled.

____ On motion of Rep. _____, the House concurs in the (material) Senate _____ (by the following vote, ____ ____ RC) (, by EV ____ ____,) and the bill is ordered enrolled.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

S 2

SENATE BILL 942
Second Edition Engrossed 4/28/99

Short Title: Implementation of Student Standards. (Public)

Sponsors: Senators Martin of Guilford; Albertson, Ballance, Dannelly, Gulley, Hoyle, Kerr, Lee, Lucas, Martin of Pitt, Perdue, Purcell, Rand, Warren, and Wellons.

Referred to: Education/Higher Education.

April 14, 1999

A BILL TO BE ENTITLED

AN ACT DIRECTING THE STATE BOARD OF EDUCATION TO DEVELOP PLANS FOR IMPLEMENTING THE STATEWIDE STUDENT ACCOUNTABILITY STANDARDS POLICY AND TO IDENTIFY RESOURCES TO ENSURE APPROPRIATE EARLY AND ONGOING ASSISTANCE FOR STUDENTS WHO NEED ASSISTANCE.

The General Assembly of North Carolina enacts:

Section 1. The Statewide Student Accountability Standards, as approved by the North Carolina State Board of Education April 1, 1999, under APA Policy 16CAC6D.0305, are predicated on the belief in the need to provide early and ongoing assistance to students who need it, and that all students shall have the reading and mathematics skills critical for participating in and benefiting from high school curricula in core academic and vocational areas. It is the intent of the General Assembly that Statewide Student Accountability Standards be implemented and that resources be identified and made available to provide necessary and appropriate early and ongoing assistance that will lead to academic success for students.

The State Board of Education shall develop plans for implementing the policy, including identification and quantification of federal, State, local governmental resources and private resources, and utilization plans for those resources so as to ensure appropriate early and ongoing assistance for students who

need that assistance. The State Board of Education shall report those plans and progress in implementing those plans quarterly to the Joint Legislative Education Oversight Committee, the House and Senate Appropriations Subcommittees on Education/Higher Education, and the Joint Legislative Commission on Governmental Operations commencing October 1, 1999, through July 1, 2000.

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

SENATE BILL 942:
Implementation of Student Standards

BILL ANALYSIS

Committee:	House Education	**Introduced by:**	Senator Martin of Guilford
Date:	May 25, 1999	**Summary by:**	Shirley Iorio, Ph.D.
Version:	Second Edition		Education Policy Analyst

SUMMARY: ***The State Board of Education would be required to develop an implementation plan for the Statewide Student Accountability Standards. This plan would include the identification and amount of all government and private resources. The State Board would also develop a utilization plan for those resources to ensure appropriate early and ongoing assistance to those students who need assistance.***

The State Board would be required to report the progress in implementing the plans quarterly to the Joint Legislative Education Oversight Committee, the House and Senate Appropriations Subcommittees on Education/Higher Education, and the Joint Legislative Commission on Governmental Operations beginning October 1, 1999 through July 1, 2000.

This act is effective when it becomes law.

BACKGROUND: The State Board of Education, on April 1, 1999, adopted the Statewide Student Accountability Standards. These standards are considered to be the next level of accountability in the ABCs. The ABCs moved accountability from the district to the school level and the student accountability standards will result in students and their parents being more accountable for performance.

The standards for Grade 5 will be in effect for the 2000-01 school year, with the standards for Grades 3 and 8 taking effect a year later in 2001-02. High school graduation standards will be effective with the graduating class of 2002-03.

Local school districts must provide focused intervention to all students not meeting the Statewide Student Accountability Standards. Where will local school systems get the resources to provide this focused intervention?

According to information on the North Carolina Public Schools web page, the State Board of Education is asking for $54 million in its biennium budget request for the 1999-2001 session of the General Assembly to fund the Three By Three initiative. These funds would be used by local districts to ensure that all third graders are performing at grade level (level III) or above at the end of the third grade. The Department of Public Instruction also is looking for other state funds that could be redirected for intervention at the local level. There will be certain federal funds available for the first time in 1999 that may be used for intervention. Also, superintendents of local school districts have been encouraged to look at their local budgets to see if funds could be redirected for intervention.

VISITOR REGISTRATION SHEET

Education — 6/29/99

Name of Committee — Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Harriet C Dial	NCAE
Bill Wilson	NCAE
Anne Dunn	NCJCDA
Carol Love	Common Cause / NC
Ann Barham	SPE
Paula A Wolf	Covenant w/ NC's Children
Edan Sen	NCNAC
Roberta Forbes	Governors Office
JIM Peacock	UNC-CH
GREG FOREST	UNC-CH, College of Arts & Sciences
Barbara Billingsley	
Ann Moore	NCAHCU
Matty Fuzz. Clendenin	NC Justice & Com. Dev. Centers
Doug Tom	Lt. Gov.
Tanya Wheeless	Duke ITC, STAL, JLC & HCP
Hal Miller	NCACCT
Helen Dowdy	NCACCT
Keith Howell	UNCG
Maggie Jaggarty	UNCG + UNC Faculty Assembly
Rob Rees	JFM
Susan Colvin	Nationwide
Alan Miles	Banks & Associates
Mary Ann Talley	Atty
Patricia Skinner	Gaston College

MINUTES

HOUSE EDUCATION COMMITTEE

July 9, 1999

The meeting was called to order by Co-Chairman Representative Douglas Yongue. For a list of those in attendance, please see attendance sheet.

The only bill on the agenda was **SENATE BILL 1099, ALTERNATIVE SCHOOLS WITHIN SCHOOLS,** sponsored by Senator Carter. Representative Richard Moore explained the bill at the request of Senator Carter who could not be in attendance. (See attached bill summary, copy of the bill, proposed committee substitute.)

Representative Ronnie Smith moved to accept the proposed committee substitute for discussion and the motion passed. Representative Drew Saunders was called upon to introduce an amendment to the proposed committee substitute. (See attachment.) A quite lengthy discussion ensued on the amendment. Various questions were asked of Leanne Winner with the School Boards Association, Ann Berlam with the NC Department of Public Instruction and Jan Crotts, with the School Administrators Association. (See attached letters from State Superintendent of Public Instruction, Mike Ward and letter from John Wilson, Executive Director, North Carolina Association of Educators.) After these questions were answered, the question was called and the amendment passed.

Due to the length of discussion on the amendment, time ran out before a vote could be taken on the bill, and the bill was continued over until the next meeting of the House Education Committee.

Representative Douglas Y. Yongue
Co-Chairman

Representative Alex Warner
Co-Chairman

Jenny Umstead, Committee Assistant

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

S D

SENATE BILL 1099
House Proposed Committee Substitute
S1099-CSRH-001.5

Short Title: Alternative Schools/Learning Programs. (Public)

Sponsors:

Referred to: Education/Higher Education.

April 15, 1999

A BILL TO BE ENTITLED

AN ACT TO AMEND THE LAWS GOVERNING ALTERNATIVE SCHOOLS AND ALTERNATIVE LEARNING PROGRAMS SO AS TO IMPROVE THE QUALITY OF EDUCATIONAL SERVICES PROVIDED TO STUDENTS WHO ARE AT RISK OF ACADEMIC FAILURE AND TO INCREASE THE EDUCATIONAL EXPECTATIONS FOR THESE STUDENTS.

The General Assembly of North Carolina enacts:

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

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

In order to improve student performance, each school shall develop a school improvement plan that takes into consideration the annual performance goal for that school that is set by the State Board under G.S. 115C-105.35. The principal of each school, representatives of the assistant principals, instructional personnel, instructional support personnel, and teacher assistants assigned to the school building, and parents of children enrolled in the school shall constitute a school improvement team to develop a school improvement plan to improve student performance. Unless the local board of education has adopted an election policy, parents shall be elected by parents of children enrolled in the school in an election conducted by

the parent and teacher organization of the school or, if none exists, by the largest organization of parents formed for this purpose. Parents serving on school improvement teams shall reflect the racial and socioeconomic composition of the students enrolled in that school and shall not be members of the building-level staff. Parental involvement is a critical component of school success and positive student achievement; therefore, it is the intent of the General Assembly that parents, along with teachers, have a substantial role in developing school improvement plans. To this end, school improvement team meetings shall be held at a convenient time to assure substantial parent participation. The strategies for improving student performance shall include a plan for the use of staff development funds that may be made available to the school by the local board of education to implement the school improvement plan and shall include a plan to address school safety and discipline concerns in accordance with the safe school plan developed under Article 8C of this Chapter. The strategies may include a decision to use State funds in accordance with G.S. 115C-105.25. The strategies for improving student performance shall include a plan that specifies the effective instructional practices and methods to be used to improve the academic performance of students identified as at-risk of academic failure or at-risk of dropping out of school. For junior high schools, middle schools, and high schools, the strategies shall include the creation of an alternative school or alternative learning program within the school unless the plan includes a written statement explaining why an alternative school or alternative learning program is not needed at that school. The strategies may also include requests for waivers of State laws, rules, or policies for that school. A request for a waiver shall meet the requirements of G.S. 115C-105.26.

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

The local board of education shall accept or reject the school improvement plan. The local board shall not make any substantive changes in any school improvement plan that it accepts. If the local board rejects a school improvement plan, the local board shall state with specificity its reasons for rejecting the plan; the school improvement team may then prepare another plan, present it to the principals, assistant principals, instructional personnel, instructional support personnel, and teacher assistants assigned to the school building for a vote, and submit it to the local board to accept or reject. If no school improvement plan is accepted for a school within 60 days after its initial submission to the local board, the school or the local board may ask to use the process to resolve disagreements recommended in the guidelines developed by the State Board under G.S. 115C-105.20(b)(5). If this request is made, both the school and local board shall participate in the process to resolve disagreements. If there is no request to use that process, then the local board may develop a school improvement plan for the school. The General Assembly urges the local board to utilize the school's proposed school improvement plan to the maximum extent possible when developing such a plan.

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

Section 2. Article 8C of Chapter 115C of the General Statutes reads as rewritten:

"ARTICLE 8C.

"Local Plans for <u>Alternative Schools/Alternative Learning Programs and</u> Maintaining Safe and Orderly Schools.

"§ 115C-105.45. Legislative findings.

The General Assembly finds that all schools should be safe, secure, and orderly. If students are to aim for academic excellence, it is imperative that there is a climate of respect in every school and that every school is free of disruption, drugs, violence, and weapons. All schools must have plans, policies, and procedures for dealing with disorderly and disruptive behavior.

All schools and school units must have effective measures for assisting students who are at risk of academic failure or of engaging in disruptive and disorderly behavior.

"§ 115C-105.46. State Board of Education responsibilities.

In order to implement this Article, the State Board of Education:

(1) Shall adopt guidelines for developing local plans under ~~G.S. 115C-105.47;~~ G.S. 115C-105.47.

(2) Shall provide, in cooperation with the Board of Governors of The University of North Carolina, ongoing technical assistance to the local school administrative units in the development, implementation, and evaluation of their local plans under ~~G.S. 115C-105.57;~~ G.S. 115C-105.57.

(3) May require a local board of education to withhold the salary of any administrator or other employee of a local school administrative unit who delays or refuses to prepare and implement local safe school plans in accordance with ~~G.S. 115C-105.47; and~~ G.S. 115C-105.47.

(4) May revoke the certificate of the superintendent, pursuant to G.S. 115C-274(c), for failure to fulfill the superintendent's duties under a local safe school plan.

(5) Shall adopt policies that define who is an at-risk student.

"§ 115C-105.47. Local safe school plans.

(a) Each local board of education shall develop a local school administrative unit safe school plan designed to provide that every school in the local school administrative unit is safe, secure, and orderly, that there is a climate of respect in every school, and that appropriate personal conduct is a priority for all students and all public school personnel. The board shall include parents, the school community, representatives of the community, and others in the development or review of this plan. The plan may be developed by or in conjunction with other committees.

(b) Each plan shall include each of the following components:

(1) Clear statements of the standard of behavior expected of students at different grade levels and of school personnel and clear statements of the consequences that will result from one or more violations of those standards. There shall be a statement of consequences for students under the

age of 13 who physically assault and seriously injure a teacher or other individual on school property or at a school-sponsored or school-related activity. The consequences may include placement in an alternative setting.

(2) A clear statement of the responsibility of the superintendent for coordinating the adoption and the implementation of the plan, evaluating principals' performance regarding school safety, monitoring and evaluating the implementation of safety plans at the school level, and coordinating with local law enforcement and court officials appropriate aspects of implementation of the plan. The statement of responsibility shall provide appropriate disciplinary consequences that may occur if the superintendent fails to carry out these responsibilities. These consequences may include a reprimand in the superintendent's personnel file or withholding of the superintendent's salary, or both.

(3) A clear statement of the responsibility of the school principal for restoring, if necessary, and maintaining a safe, secure, and orderly school environment and of the consequences that may occur if the principal fails to meet that responsibility. The principal's duties shall include exhibiting appropriate leadership for school personnel and students, providing for alternative placements for students who are seriously disruptive, reporting all criminal acts under G.S. 115C-288(g), and providing appropriate disciplinary consequences for disruptive students. The consequences to the principal that may occur shall include a reprimand in the principal's personnel file and disciplinary proceedings under G.S. 115C-325.

(4) Clear statements of the roles of other administrators, teachers, and other school personnel in restoring, if necessary, and maintaining a safe, secure, and orderly school environment.

(5) Procedures for identifying and serving the needs of students who are at risk of academic failure or of engaging in disruptive or disorderly behavior.

(6) Mechanisms for assessing the needs of disruptive and disorderly ~~students,~~ students and students who are at-risk of academic failure, and providing them with services to assist them in achieving academically and in modifying their behavior, and removing them from the classroom when necessary.

(7) Measurable objectives for improving school safety and order.

(8) Measures of the effectiveness of efforts to assist students at risk of academic failure or of engaging in disorderly or disruptive behavior. The measures shall include an analysis of the effectiveness of procedures adopted under G.S. 115C-105.48 for students referred to alternative schools and alternative learning programs.

(9) Professional development clearly matched to the goals and objectives of the plan.

(10) A plan to work effectively with local law enforcement officials and court officials to ensure that schools are safe and laws are enforced.

(11) A plan to provide access to information to the school community, parents, and representatives of the local community on the ongoing implementation of the local plan, monitoring of the local plan, and the integration of educational and other services for students into the total school program.

(12) The name and role description of the person responsible for implementation of the plan.

(13) Direction to school improvement teams within the local school administrative unit to consider the special conditions at their schools and to incorporate into their school improvement plans the appropriate components of the local plan ~~for~~ for:

a. maintaining safe and orderly ~~schools.~~ schools; and

b. addressing the needs of students who are at-risk of academic failure or who are disruptive or both.

(13a) A clear statement of the services that will be provided to students who are assigned to an alternative school or an alternative learning program.

(14) A clear and detailed statement of the planned use of federal, State, and local funds allocated for at-risk ~~students,~~ students and alternative ~~schools, or both.~~ schools and alternative learning programs.

(15) Any other information the local board considers necessary or appropriate to implement this Article.

A local board may develop its plan under this section by conducting a comprehensive review of its existing policies, plans, statements, and procedures to determine whether they: (i) are effective; (ii) have been updated to address recent changes in the law; (iii) meet the current needs of each school in the local school administrative unit; and (iv) address the components required to be included in the local plan. The board then may consolidate and supplement any previously developed policies, plans, statements, and procedures that the board determines are effective and updated, meet the current needs of each school, and meet the requirements of this subsection.

Once developed, the board shall submit the local plan to the State Board of Education and shall ensure the plan is available and accessible to parents and the school community. The board shall provide annually to the State Board information that demonstrates how the At-Risk Student Services/Alternative Schools Funding allotment has been used to (i) prevent academic failure ~~or~~ and (ii) promote school safety.

(c) A local board may amend the plan as often as it considers necessary or appropriate.

"§ 115C-105.48. Placement of students in alternative schools/alternative learning programs.

(a) Prior to referring a student to an alternative school or an alternative learning program, the referring school shall:

(1) Document the procedures that were used to identify the student as being at risk of academic failure or as being disruptive or disorderly.

(2) Provide the reasons for referring the student to an alternative school or an alternative learning program.

(3) Provide to the alternative school or alternative learning program all relevant student records, including anecdotal information.

(b) When a student is placed in an alternative school or an alternative learning program, the appropriate staff of the alternative school or alternative learning program shall meet to review the records forwarded by the referring school and to determine what support services and intervention strategies are

recommended for the student. The parents shall be encouraged to provide input regarding the students' needs."

Section 3. G.S. 115C-12(24), as amended by Section 8.25(d) of S.L. 1999-237 reads as rewritten:

"**§ 115C-12. Powers and duties of the Board generally.**

The general supervision and administration of the free public school system shall be vested in the State Board of Education. The State Board of Education shall establish policy for the system of free public schools, subject to laws enacted by the General Assembly. The powers and duties of the State Board of Education are defined as follows:

....

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

The State Board of Education shall also adopt guidelines to require that local school administrative units shall use (i) the teachers allocated for students assigned to alternative learning programs pursuant to the regular teacher allotment and (ii) the teachers allocated for students assigned to alternative learning programs only to serve the needs of these students.

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

The State Board shall evaluate the effectiveness of alternative learning programs and, in its discretion, of any other programs funded from the Alternative Schools/At-Risk Student allotment. Local school administrative units shall report to

the State Board of Education on how funds in the Alternative Schools/At-Risk Student allotment are spent and shall otherwise cooperate with the State Board of Education in evaluating the alternative learning programs. As part of its evaluation of the effectiveness of these programs, the State Board shall, through the application of the accountability system developed under G.S. 115C-105.35, measure the educational performance and growth of students placed in alternative schools and alternative programs. If appropriate, the Board may modify this system to adapt to the specific characteristics of these schools."

Section 4. G.S. 115C-47(32a) is amended by adding the following at the end:

"Local boards shall assess on a regular basis whether the unit's alternative schools and alternative learning programs incorporate best practices for improving student academic performance and reducing disruptive behavior, are staffed with professional public school employees who are well trained and provided with appropriate staff development, are organized to provide coordinated services, and provide students with high quality and rigorous academic instruction."

Section 5. (a) During the 1999-2000 school year, school improvement teams shall review and revise their school improvement plans to incorporate the provisions of Section 1 of this act.

(b) Local boards of education shall review and revise their existing safe school plans to incorporate the provisions of Section 2 of this act. Local boards shall submit their revised plans to the State Board of Education by January 1, 2000. The State Board shall review the plans and may make recommendations regarding their implementation. Local boards of education are encouraged to consider these recommendations prior to implementing their revised safe school plans.

Section 6. G.S. 115C-105.48 as created in Section 2 of this act becomes effective January 1, 2000. The remainder of this act is effective when it becomes law.

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 1099

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

S1099-ARH-001 Page 1 of 1

Date _____ ,1999

Comm. Sub. [x]
Amends Title []
S1099-CSRH-001.5

Representative Saunders

moves to amend the bill on page 2, lines 24-29, by rewriting the lines to read:
"school. The strategies may also include requests".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

S 1

SENATE BILL 1099

Short Title: Alternative Schools Within Schools. (Public)

Sponsors: Senator Carter.

Referred to: Education/Higher Education.

April 15, 1999

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE SCHOOL IMPROVEMENT TEAMS TO DEVELOP STRATEGIES FOR THE CREATION OF ALTERNATIVE LEARNING PROGRAMS WITHIN SCHOOLS.

The General Assembly of North Carolina enacts:

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

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

In order to improve student performance, each school shall develop a school improvement plan that takes into consideration the annual performance goal for that school that is set by the State Board under G.S. 115C-105.35. The principal of each school, representatives of the assistant principals, instructional personnel, instructional support personnel, and teacher assistants assigned to the school building, and parents of children enrolled in the school shall constitute a school improvement team to develop a school improvement plan to improve student performance. Unless the local board of education has adopted an election policy, parents shall be elected by parents of children enrolled in the school in an election conducted by the parent and teacher organization of the school or, if none exists, by the largest organization of parents formed for this purpose. Parents serving on school improvement teams shall reflect the racial and socioeconomic composition of the students enrolled in that school and shall not be members of the building-level staff. Parental involvement is a critical component of school success and positive student achievement; therefore, it is the intent of the General Assembly that parents, along with teachers, have a substantial role in developing school improvement plans. To this end, school improvement team meetings shall be held at a convenient time to assure substantial parent participation.

The strategies for improving student performance shall include a plan for the use of staff development funds that may be made available to the school by the local board of education to implement the school improvement plan and shall include a plan to address school safety and discipline concerns in accordance with the safe school plan developed under Article 8C of this Chapter. The strategies may include a decision to use State funds in accordance with G.S. 115C-105.25. The strategies may also include the creation of an alternative learning program within the school. The strategies may also include requests for waivers of State laws, rules, or policies for that school. A request for a waiver shall meet the requirements of G.S. 115C-105.26.

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

The local board of education shall accept or reject the school improvement plan. The local board shall not make any substantive changes in any school improvement plan that it accepts. If the local board rejects a school improvement plan, the local board shall state with specificity its reasons for rejecting the plan; the school improvement team may then prepare another plan, present it to the principals, assistant principals, instructional personnel, instructional support personnel, and teacher assistants assigned to the school building for a vote, and submit it to the local board to accept or reject. If no school improvement plan is accepted for a school within 60 days after its initial submission to the local board, the school or the local board may ask to use the process to resolve disagreements recommended in the guidelines developed by the State Board under G.S. 115C-105.20(b)(5). If this request is made, both the school and local board shall participate in the process to resolve disagreements. If there is no request to use that process, then the local board may develop a school improvement plan for the school. The General Assembly urges the local board to utilize the school's proposed school improvement plan to the maximum extent possible when developing such a plan.

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

Section 2. This act becomes effective July 1, 1999.

SENATE BILL 1099:
Alternative Schools/Learning Programs

BILL ANALYSIS

Committee:	House Education	**Introduced by:**	Senator Carter
Date:	June 22, 1999	**Summary by:**	Robin S. Johnson
Version:	First Edition		Committee Counsel
	PCS S1099-CSRH-001.5		

SUMMARY: The House Proposed Committee Substitute would authorize school improvement teams to develop strategies for the creation of alternative schools and alternative learning programs within their schools, would direct the State Board to apply the ABC's model to evaluate the educational performance of students in these programs as part of the Board's evaluation of the effectiveness of these programs, would direct local boards of education to amend their safe school plans to address alternative schools and programs and the educational needs of at-risk students, and would require local boards to assess the quality of these schools and programs on a regular basis.

The provision dealing with procedures for referring students would take effect January 1, 2000; the remainder of the PCS would take effect when it becomes law.

CURRENT LAW: Local school administrative units may establish alternative schools and alternative learning programs. These may be at locations separate from, within, or adjacent to "traditional" schools. In recent years, the State Board of Education has adopted various guidelines related to these schools and programs. (See attached G.S. 115C-12(24))

Each school is required to have its school improvement team develop a school improvement plan to improve student performance. The strategies for improving student performance must include a plan for the use of staff development funds that may be made available by the local board, and a plan to address school safety and discipline concerns. The strategies may include a decision to use State funds in accordance with the budget flexibility provided to schools, or the strategies may include requests for waivers of State laws, rules or policies for that school. The school improvement plan must be voted on and approved by a majority of the staff who voted on the plan. The principal submits the plan to the local board, and the local board accepts or rejects the school improvement plan. If the local board rejects the plan, there is a specified course of action for the school to follow to get its plan approved. A school improvement plan remains in effect for no more than three years, but the school improvement team may amend the plan as often as is necessary or appropriate. Under certain conditions, the local board may direct the school to revise specified portions of the plan.

In 1997, the General Assembly enacted legislation requiring each local school administrative unit to develop a safe school plan designed to provide that (i) every school is safe, secure, and orderly, (ii) there is a climate of respect in every school, and (iii) appropriate personal conduct is a priority for students and school personnel. Once developed, local boards submitted their plans to the State Board of Education. Local boards may amend their safe school plans at any time.

(over)

BILL ANALYSIS:

- School improvement plans, which are developed at the building level by teachers, administrators, and parents, would be required to specify effective instructional practices and methods to improve academic performance of students at risk of academic failure or of dropping out of school.
- School improvement plans for middle schools, junior highs, and high schools, would be directed to include a strategy for the creation of an alternative school or alternative learning program at that school. If the team finds such a strategy is unnecessary at that school, it must develop a written statement explaining the reasons. This written statement must be included in the school improvement plan, which must be adopted by the school personnel at that school.
- School improvement teams would be required during the upcoming school year to review and revise their school improvement plans.
- The State Board of Education would be directed to define the term, "at-risk student".
- As part of its evaluation of the effectiveness of alternative schools and learning programs, the State Board would be required to apply the ABC's accountability model to measure the educational performance and growth of students placed in alternative schools and alternative learning programs. The Board may modify the model if needed to address the specific characteristics of these schools and programs.
- Local boards would be required to assess on a regular basis whether the unit's alternative schools and learning programs incorporate best practices, are staffed with well-trained personnel, are organized to provide coordinated services, and provide students with high quality and rigorous academic instruction.
- Each safe school plan developed at the unit level would be required to include the services that will be provided to students assigned to these schools and programs. Local boards must revise their current plans and submit them to the State Board by January 1, 2000, for the Board's review.
- Each safe school plan must include various measures to evaluate the success of these schools and programs.
- Effective January 1, 2000, schools that refer students to these schools and programs would be required to document procedures used to identify a student, provide the reasons for the referral, and provide to the alternative school or learning program all relevant student records.

S1099-SMRH-002c

Dr. Shirley Iorio, Education Specialist, contributed to this analysis

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Geraldine McNeill

Vice President
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Executive Director
John I. Wilson

Associate Executive Director
William T. Newkirk, Sr.

MEMORANDUM

To: Selected Members of the House Education Committee

From: John I. Wilson, Executive Director
Bill Wilson, Government Relations Director

Date: July 9, 1999

Re: Support Senate Bill 1099 – Alternative Schools/Learning Programs

Senate Bill 1099 "Alternative Schools/Learning Programs" remains in the House Education Committee after lengthy debate today. This bill is important if you want alternative schools and alternative learning programs to solve the problems of students with poor academic performance or disruptive behavior, rather than simply moving these students outside of the traditional classroom.

This legislation would help in the following ways:

- School improvement plans would be required to include information on the instructional practices and methods to help students at-risk of academic failure or of dropping out of school.

- Safe school plans would be required to study the effectiveness of procedures used to identify at-risk students and the reasons at-risk students are referred to an alternative school or alternative learning program.

- The procedures used to identify at-risk students, the reasons to refer at-risk students to an alternative school or alternative learning program, and the relevant student records would need to be in place and provided to the alternative school or alternative learning program before sending the student there.

- Staff at the alternative school or with the alternative learning program would be required to determine the support services and intervention strategies needed for the at-risk student. The bill also asks that the student's parents be involved regarding the student's needs.

- Local boards would be required to evaluate regularly the practices, staffing, and services to see that these students are provided with meaningful academic instruction.

These measures simply assure us that the proper attention is given to these students. We appreciate your support of Senate Bill 1099.

Public Schools of North Carolina

State Board of Education
Phillip J. Kirk, Jr., Chairman

http://www.dpi.state.nc.us

Department of Public Instruction
Michael E. Ward, State Superintendent

Doug Yongue
#84

July 9, 1999

The Honorable Richard Moore
North Carolina House of Representatives
Legislative Building
Raleigh, NC 27601

Dear Representative Richard Moore:

We appreciate the opportunity to work with you and Senator Carter on SB 1099, Alternative Schools/Learning Programs. The latest committee substitute bill that was presented in the House Education Committee Friday, July 9, 1999, and amended, addresses the concerns that we had about earlier versions of the bill and we can support this amended version of the bill.

The committee substitute 1.5 speaks to the needs of at-risk students. Local school systems need the flexibility to meet the unique needs of these students that are most appropriate in their local system. It is especially important that we meet the needs of all students with the student accountability standards that have been adopted by the State Board of Education.

Thank you for allowing us to work with you on this legislation and for your strong support for these at-risk students.

Sincerely,

Mike

Michael E. Ward
Superintendent

MEW:b

Now all parties involved are on board!!

VISITOR REGISTRATION SHEET

Education
Name of Committee

7/9/99
Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK.

NAME	FIRM OR AGENCY AND ADDRESS
Bill Wilson	NCAE
Hamit Dial	NCAE
Ashley Barnes	SBE
Roberta Forbes	Governors Office
Ann Belam	SBE
Nicole Dusenberry	SBE
Katherine Miller	NCASA
Jan Crotts	NCASA
Hal Miller	NCACT
Brent Simmons	NC Equity
John Bowdish	Zeb Alley P.A.
Dawn Kinnier	NCSBA

MINUTES

HOUSE EDUCATION COMMITTEE

July 13, 1999

The meeting was called to order by Co-Chairman, Representative Douglas Yongue. For a list of those in attendance, please see attendance sheet.

The only order of business was a continuation of discussion on **SENATE BILL 1099, ALTERNATIVE SCHOOLS WITHIN SCHOOLS**, introduced by Senator Carter. (See attached copy of new committee substitute, committee reporting form.)

Representative Arnold moved for a favorable report to proposed committee substitute as amended and rolled into a new committee substitute, unfavorable as to original bill. After some brief discussion, the motion passed.

This was the last scheduled meeting of the House Education Committee for the 1999 long session of the North Carolina General Assembly.

Representative Douglas Y. Yongue
Co-Chairman

Representative Alex Warner
Co-Chairman

Jenny Umstead, Committee Assistant

1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **YONGUE AND WARNER** for the Committee on **EDUCATION**.

☐ Committee Substitute for
S.B. 1099 A BILL TO BE ENTITLED AN ACT TO AUTHORIZE SCHOOL IMPROVEMENT TEAMS TO DEVELOP STRATEGIES FOR THE CREATION OF ALTERNATIVE LEARNING PROGRAMS WITHIN SCHOOLS.

☐ With a favorable report.

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

☐ With a favorable report, as amended.

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

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

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

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

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

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

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

☐ Without prejudice.

☐ With an indefinite postponement report.

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

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

2/24/99

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

S D

SENATE BILL 1099
Proposed House Committee Substitute S1099-PCS1789-RC

Short Title: Alternative Schools/Learning Programs. (Public)

Sponsors:

Referred to:

April 15, 1999

A BILL TO BE ENTITLED

AN ACT TO AMEND THE LAWS GOVERNING ALTERNATIVE SCHOOLS AND ALTERNATIVE LEARNING PROGRAMS SO AS TO IMPROVE THE QUALITY OF EDUCATIONAL SERVICES PROVIDED TO STUDENTS WHO ARE AT RISK OF ACADEMIC FAILURE AND TO INCREASE THE EDUCATIONAL EXPECTATIONS FOR THESE STUDENTS.

The General Assembly of North Carolina enacts:

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

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

In order to improve student performance, each school shall develop a school improvement plan that takes into consideration the annual performance goal for that school that is set by the State Board under G.S. 115C-105.35. The principal of each school, representatives of the assistant principals, instructional personnel, instructional support personnel, and teacher assistants assigned to the school building, and parents of children enrolled in the school shall constitute a school improvement team to develop a school improvement plan to improve student performance. Unless the local board of education has adopted an election policy, parents shall be elected by parents of children enrolled in the school in an election conducted by the parent and teacher organization of the school or, if none exists, by the largest organization of parents formed for this purpose. Parents serving on school improvement teams shall reflect the racial and socioeconomic composition of the students enrolled in that school and shall not be members of the building-level staff. Parental involvement is a critical component of school success and positive student achievement; therefore, it is the

intent of the General Assembly that parents, along with teachers, have a substantial role in developing school improvement plans. To this end, school improvement team meetings shall be held at a convenient time to assure substantial parent participation. The strategies for improving student performance shall include a plan for the use of staff development funds that may be made available to the school by the local board of education to implement the school improvement plan and shall include a plan to address school safety and discipline concerns in accordance with the safe school plan developed under Article 8C of this Chapter. The strategies may include a decision to use State funds in accordance with G.S. 115C-105.25. The strategies for improving student performance shall include a plan that specifies the effective instructional practices and methods to be used to improve the academic performance of students identified as at risk of academic failure or at risk of dropping out of school. The strategies may also include requests for waivers of State laws, rules, or policies for that school. A request for a waiver shall meet the requirements of G.S. 115C-105.26.

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

The local board of education shall accept or reject the school improvement plan. The local board shall not make any substantive changes in any school improvement plan that it accepts. If the local board rejects a school improvement plan, the local board shall state with specificity its reasons for rejecting the plan; the school improvement team may then prepare another plan, present it to the principals, assistant principals, instructional personnel, instructional support personnel, and teacher assistants assigned to the school building for a vote, and submit it to the local board to accept or reject. If no school improvement plan is accepted for a school within 60 days after its initial submission to the local board, the school or the local board may ask to use the process to resolve disagreements recommended in the guidelines developed by the State Board under G.S. 115C-105.20(b)(5). If this request is made, both the school and local board shall participate in the process to resolve disagreements. If there is no request to use that process, then the local board may develop a school improvement plan for the school. The General Assembly urges the local board to utilize the school's proposed school improvement plan to the maximum extent possible when developing such a plan.

A school improvement plan shall remain in effect for no more than three years; however, the school improvement team may amend the plan as often as is necessary or appropriate. If, at any time, any part of a school improvement plan becomes unlawful or the local board finds that a school improvement plan is impeding student performance at a school, the local board may vacate the relevant portion of the plan

and may direct the school to revise that portion. The procedures set out in this subsection shall apply to amendments and revisions to school improvement plans."

Section 2. Article 8C of Chapter 115C of the General Statutes reads as rewritten:

"ARTICLE 8C.

"Local Plans for Alternative Schools/Alternative Learning Programs and Maintaining Safe and Orderly Schools.

"§ 115C-105.45. Legislative findings.

The General Assembly finds that all schools should be safe, secure, and orderly. If students are to aim for academic excellence, it is imperative that there is a climate of respect in every school and that every school is free of disruption, drugs, violence, and weapons. All schools must have plans, policies, and procedures for dealing with disorderly and disruptive behavior.

All schools and school units must have effective measures for assisting students who are at risk of academic failure or of engaging in disruptive and disorderly behavior.

"§ 115C-105.46. State Board of Education responsibilities.

In order to implement this Article, the State Board of Education:

(1) Shall adopt guidelines for developing local plans under ~~G.S. 115C-105.47;~~ G.S. 115C-105.47.

(2) Shall provide, in cooperation with the Board of Governors of The University of North Carolina, ongoing technical assistance to the local school administrative units in the development, implementation, and evaluation of their local plans under ~~G.S. 115C-105.57;~~ G.S. 115C-105.57.

(3) May require a local board of education to withhold the salary of any administrator or other employee of a local school administrative unit who delays or refuses to prepare and implement local safe school plans in accordance with ~~G.S. 115C-105.47; and~~ G.S. 115C-105.47.

(4) May revoke the certificate of the superintendent, pursuant to G.S. 115C-274(c), for failure to fulfill the superintendent's duties under a local safe school plan.

(5) Shall adopt policies that define who is an at-risk student.

"§ 115C-105.47. Local safe school plans.

(a) Each local board of education shall develop a local school administrative unit safe school plan designed to provide that every school in the local school administrative unit is safe, secure, and orderly, that there is a climate of respect in every school, and that appropriate personal conduct is a priority for all students and all public school personnel. The board shall include parents, the school community, representatives of the community, and others in the development or review of this plan. The plan may be developed by or in conjunction with other committees.

(b) Each plan shall include each of the following components:

(1) Clear statements of the standard of behavior expected of students at different grade levels and of school personnel and clear statements of the consequences that will result from one or more violations of those standards. There shall be a statement of consequences for students under the age of 13 who physically assault and seriously injure a teacher or other individual on school property or at a school-sponsored or school-related activity. The consequences may include placement in an alternative setting.

(2) A clear statement of the responsibility of the superintendent for coordinating the adoption and the implementation of the plan, evaluating principals' performance regarding school safety, monitoring and evaluating the implementation of safety plans at the school level, and coordinating with local law enforcement and court officials appropriate aspects of implementation of the plan. The statement of responsibility shall provide appropriate disciplinary consequences that may occur if the superintendent fails to carry out these responsibilities. These consequences may include a reprimand in the superintendent's personnel file or withholding of the superintendent's salary, or both.

(3) A clear statement of the responsibility of the school principal for restoring, if necessary, and maintaining a safe, secure, and orderly school environment and of the consequences that may occur if the principal fails to meet that responsibility. The principal's duties shall include exhibiting appropriate leadership for school personnel and students, providing for alternative placements for students who are seriously disruptive, reporting all criminal acts under G.S. 115C-288(g), and providing appropriate disciplinary consequences for disruptive students. The consequences to the principal that may occur shall include a reprimand in the principal's personnel file and disciplinary proceedings under G.S. 115C-325.

(4) Clear statements of the roles of other administrators, teachers, and other school personnel in restoring, if necessary, and maintaining a safe, secure, and orderly school environment.

(5) Procedures for identifying and serving the needs of students who are at risk of academic failure or of engaging in disruptive or disorderly behavior.

(6) Mechanisms for assessing the needs of disruptive and disorderly ~~students,~~ students and students who are at risk of academic failure, and providing them with services to assist them in achieving academically and in modifying their behavior, and removing them from the classroom when necessary.

(7) Measurable objectives for improving school safety and order.

(8) Measures of the effectiveness of efforts to assist students at risk of academic failure or of engaging in disorderly or disruptive

behavior. The measures shall include an analysis of the effectiveness of procedures adopted under G.S. 115C-105.48 for students referred to alternative schools and alternative learning programs.

(9) Professional development clearly matched to the goals and objectives of the plan.

(10) A plan to work effectively with local law enforcement officials and court officials to ensure that schools are safe and laws are enforced.

(11) A plan to provide access to information to the school community, parents, and representatives of the local community on the ongoing implementation of the local plan, monitoring of the local plan, and the integration of educational and other services for students into the total school program.

(12) The name and role description of the person responsible for implementation of the plan.

(13) Direction to school improvement teams within the local school administrative unit to consider the special conditions at their schools and to incorporate into their school improvement plans the appropriate components of the local plan ~~for~~ for:

a. maintaining safe and orderly ~~schools.~~ schools; and

b. addressing the needs of students who are at risk of academic failure or who are disruptive or both.

(13a) A clear statement of the services that will be provided to students who are assigned to an alternative school or an alternative learning program.

(14) A clear and detailed statement of the planned use of federal, State, and local funds allocated for at-risk ~~students,~~ students and alternative ~~schools, or both.~~ schools and alternative learning programs.

(15) Any other information the local board considers necessary or appropriate to implement this Article.

A local board may develop its plan under this section by conducting a comprehensive review of its existing policies, plans, statements, and procedures to determine whether they: (i) are effective; (ii) have been updated to address recent changes in the law; (iii) meet the current needs of each school in the local school administrative unit; and (iv) address the components required to be included in the local plan. The board then may consolidate and supplement any previously developed policies, plans, statements, and procedures that the board determines are effective and updated, meet the current needs of each school, and meet the requirements of this subsection.

Once developed, the board shall submit the local plan to the State Board of Education and shall ensure the plan is available and accessible to parents and the school community. The board shall provide annually to the State Board information that demonstrates how the At-Risk Student Services/Alternative Schools Funding

allotment has been used to (i) prevent academic failure ~~or~~ and (ii) promote school safety.

(c) A local board may amend the plan as often as it considers necessary or appropriate.

"**§ 115C-105.48. Placement of students in alternative schools/alternative learning programs.**

(a) Prior to referring a student to an alternative school or an alternative learning program, the referring school shall:

(1) Document the procedures that were used to identify the student as being at risk of academic failure or as being disruptive or disorderly.

(2) Provide the reasons for referring the student to an alternative school or an alternative learning program.

(3) Provide to the alternative school or alternative learning program all relevant student records, including anecdotal information.

(b) When a student is placed in an alternative school or an alternative learning program, the appropriate staff of the alternative school or alternative learning program shall meet to review the records forwarded by the referring school and to determine what support services and intervention strategies are recommended for the student. The parents shall be encouraged to provide input regarding the students' needs."

Section 3. G.S. 115C-12(24), as amended by Section 8.25(d) of S.L. 1999-237, reads as rewritten:

"**§ 115C-12. Powers and duties of the Board generally.**

The general supervision and administration of the free public school system shall be vested in the State Board of Education. The State Board of Education shall establish policy for the system of free public schools, subject to laws enacted by the General Assembly. The powers and duties of the State Board of Education are defined as follows:

...

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

The State Board of Education shall also adopt guidelines to require that local school administrative units shall use (i) the teachers allocated for students assigned to alternative learning

programs pursuant to the regular teacher allotment and (ii) the teachers allocated for students assigned to alternative learning programs only to serve the needs of these students.

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

The State Board shall evaluate the effectiveness of alternative learning programs and, in its discretion, of any other programs funded from the Alternative Schools/At-Risk Student allotment. Local school administrative units shall report to the State Board of Education on how funds in the Alternative Schools/At-Risk Student allotment are spent and shall otherwise cooperate with the State Board of Education in evaluating the alternative learning programs. As part of its evaluation of the effectiveness of these programs, the State Board shall, through the application of the accountability system developed under G.S. 115C-105.35, measure the educational performance and growth of students placed in alternative schools and alternative programs. If appropriate, the Board may modify this system to adapt to the specific characteristics of these schools."

Section 4. G.S. 115C-47(32a) is amended by adding the following at the end:

"Local boards shall assess on a regular basis whether the unit's alternative schools and alternative learning programs incorporate best practices for improving student academic performance and reducing disruptive behavior, are staffed with professional public school employees who are well trained and provided with appropriate staff development, are organized to provide coordinated services, and provide students with high quality and rigorous academic instruction."

Section 5.(a) During the 1999-2000 school year, school improvement teams shall review and revise their school improvement plans to incorporate the provisions of Section 1 of this act.

Section 5.(b) Local boards of education shall review and revise their existing safe school plans to incorporate the provisions of Section 2 of this act. Local boards shall submit their revised plans to the State Board of Education by January 1, 2000. The State Board shall review the plans and may make recommendations regarding their implementation. Local boards of education are encouraged to consider these recommendations prior to implementing their revised safe school plans.

Section 6. G.S. 115C-105.48, as created in Section 2 of this act, becomes effective January 1, 2000. The remainder of this act is effective when it becomes law.

VISITOR REGISTRATION SHEET

EDUCATION
Name of Committee

7/13/99
Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK.

NAME	FIRM OR AGENCY AND ~~ADDRESS~~
Roberta Forbes	Gov.'s Office
Karen Gaskill	Governor's Office
Ashley Westbrook	Governor Office
Mark [illegible]	NCAE
Warrett Dial	NCAE
[illegible]	SOS
Larry Dix	OTF
Nicole Ousenberry	SBE
Lee Atkinson	SBE
Joanne Winnie	NCSBA
Eddie Caldwell	EBC
Gene Causby	NCSFSA
[illegible]	NCICU
Brenda Simmons	NC Equity
Bill Cobb	NC BOE

MINUTES

EDUCATION COMMITTEE

MAY 23, 2000

The meeting was called to order by Co-Chairman, Representative Douglas Yongue. All members were present with the exception of Representatives Boyd-Mcintyre, Dedmon, Dockham, Haire, Jeffus, Michaux, Sossamon, Morgan, Nesbitt, and Nye.

The first order of business was **HOUSE BILL 1539, QUALIFIED ZONE ACADEMY BONDS**. Representative Gene Rogers was called upon to explain the bill. A proposed committee substitute was introduced, and Representative Warner moved to accept the committee substitute for discussion with a second by Representative Jarrell. After some discussion, Representative McMahan moved for a favorable report to the proposed committee substitute, unfavorable as to original bill, and the committee substitute be re-referred to the House Finance Committee. Representative Womble made a second to the motion and the motion passed.

The next order of business was **HOUSE BILL 1540, IHE REPORT CARD CHANGES/STUDY HIGH SCHOOL PROGRAMS**. Representative Rogers was called upon to explain the bill. Staff had a technical amendment and Representative Rogers introduced the amendment and Representative Cox moved for adoption of the amendment. Representative Womble seconded the motion and the motion passed. After some discussion of the bill, Representative Cox moved for a favorable report to the bill as amended, unfavorable as to original bill. The motion passed.

The meeting was then adjourned.

Respectfully submitted,

Representative Douglas Y. Yongue
Co-Chairman

Representative Alex Warner
Co-Chairman

Jenny Umstead, Committee Assistant

1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **Warner and Yongue** for the Committee on **EDUCATION**.

☒ Committee Substitute for
H.B. 1539 A BILL TO BE ENTITLED AN ACT TO DESIGNATE THE STATE BOARD OF EDUCATION AS THE STATE EDUCATION AGENCG RESPONSIBLE FOR ADMINISTERING THE QUALIFIED ZONE ACADEMY BOND PROGRAM.

☐ With a favorable report.

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

☐ With a favorable report, as amended.

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

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

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

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

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

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

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

☐ Without prejudice.

☐ With an indefinite postponement report.

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

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

2/24/99

FOR JOURNAL USE ONLY

____ Pursuant to Rule 36(b), the bill is placed on the Calendar of _____.

____ The (committee substitute) bill/resolution (, as amended,) is (ordered engrossed and) re-referred to the Committee on _____.

____ The bill/resolution is re-referred to the Committee on _____.

____ On motion of (Rep. _____,) (the Chair,) the (committee substitute) bill/resolution is (ordered engrossed and) re-referred to the Committee on _____.

____ Pursuant to Rule 36(b), the (House)committee substitute bill (No. ____)/resolution is placed on the Calendar of _____. (The original bill) (House Committee Substitute Bill No. ____)/resolution is placed on the Unfavorable Calendar.

____ On motion of Rep. _____, (the rules are suspended) (Rule ____ is suspended) and the bill/resolution is placed on today's calendar. (for immediate consideration.)

____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV____ ____).

____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV____ ____).

____ Rep. _____ offers Amendment No. _____ which (is adopted.) (fails of adoption.) (by EV ____ ____.) ( ) This amendment changes the title.

____ The bill/resolution (, as amended,) passes its second reading (by following vote, ____ ____ RC) (, by EV ____ ____,) and (remains on the Calendar,) (and there being no objection is read a third time).

____ The bill/resolution (, as amended,) passes its third reading (by the following vote, ____ ____ RC) (, by EV ____ ____,) and is ordered
____ sent to the Senate.
____ without engrossment. ____ by Special message.
____ sent to the Senate for concurrence in
_____ House amendment (s).
_____ House committee substitute.
____ enrolled.

____ On motion of Rep. _____, the House concurs in the (material) Senate _____ (by the following vote, ____ ____ RC) (, by EV ____ ____,) and the bill is ordered enrolled.

HOUSE BILL 1539:
Qualified Zone Academy Bonds

BILL ANALYSIS

Committee:	House Education	**Sponsor:**	Rep. Rogers
Date:	May 22, 2000	**Analysis by:**	Kory Goldsmith
Version:	**H1539-CSRC-001**		Committee Counsel
	House Proposed Comm. Substitute		

SUMMARY: ***This bill is a recommendation of the Joint Legislative Education Oversight Committee. It authorizes the State Board of Education to administer selection and monitoring provisions of federal legislation (26 U.C.S. 1397E) that allows counties to issue Qualified Zone Academy Bonds (QZABs) on behalf of eligible public schools. The Proposed Committee Substitute makes technical changes to the 1st Edition.***

ANALYSIS: HB 1539 would authorize the State Board of Education to administer a program to select eligible schools to qualify to have county bonds (or installment financing) issued on their behalf under a federal program under which the county does not have to pay any interest on the bonds. The State Board will identify eligible schools, set up an application process, select one or more schools each year, and confirm that the bonds are issued in accordance with the federal restrictions described below. **The bill limits the purpose for which bond proceeds may be used to rehabilitating and repairing eligible public schools, which may include wiring and equipment related to this purpose but not personal computers or similar technology equipment.** The bill requires the Department of Public Instruction to provide support to the State Board of Education in administering the program.

G.S. 1159-123(b) is amended to allow the Local Government Commission to sell the QZABs at a private sale.

G.S. 150B-1(d) is amended to exempt the State Board from the Administrative Procedure Act for rulemaking related to administering the QZAB program.

BACKGROUND: The federal Taxpayer Relief Act of 1997 (see attached) provides federal funding for certain public schools (or programs within public schools) by allowing local governments to issue QZABs on which they pay no interest to the bondholders. The bondholders (banks, insurance companies, and other financial institutions) receive a federal tax credit in lieu of interest.

Only certain public schools (or programs within public schools) can qualify as qualified zone academies eligible for the bonds. To be a qualified zone academy, the public school or program must either:

1. Be located in an empowerment zone or enterprise community; or
2. Expect at least 35% of its students to be eligible for free or reduced-cost lunches under the federal school lunch program.

In addition, to be a qualified zone academy, the public school or program must be designed in cooperation with private business to improve education and must be subject to local academic standards and assessments. Private entities must have committed to contribute property or services in an amount equal to 10% of the QZABs to be issued.

QZABs may not be issued for new construction. The federal law allows QZABs to be issued for:

1. Rehabilitating or repairing the academy's school facility.
2. Providing equipment for the academy's use.
3. Developing course materials for the academy.
4. Training teachers and other personnel at the academy.

The federal government allows only a limited amount of QZABs to be issued in each State each year. Counties would issue the bonds (or certificates of purchase) under current State laws and procedures. The State Board would administer a program to allocate the limited amount of QZABs among eligible schools that apply. The State Board would determine which public schools are eligible qualified zone academies, solicit applications from counties who wish to borrow on their behalf, set priorities for awarding the QZAB allocations to applicants, and administer the monitoring and other determinations required by federal law.

Because legislation is needed to establish this program in North Carolina, the State Board requested that the Joint Legislative Education Oversight Committee introduce this authorizing legislation.

The act is effective when it becomes law.

If given a favorable report, the bill must be re-referred to House Finance.

Martha Harris of the Bill Drafting Division contributed to this summary.

H1539-SMRC-001(House Ed PCS)

26 U.S.C. 1397E

Sec. 1397E. Credit to holders of qualified zone academy bonds

(a) Allowance of credit-

In the case of an eligible taxpayer who holds a qualified zone academy bond on the credit allowance date of such bond which occurs during the taxable year, there shall be allowed as a credit against the tax imposed by this chapter for such taxable year the amount determined under subsection (b).

(b) Amount of credit-

(1) In general-

The amount of the credit determined under this subsection with respect to any qualified zone academy bond is the amount equal to the product of--

(A) the credit rate determined by the Secretary under paragraph (2) for the month in which such bond was issued, multiplied by

(B) the face amount of the bond held by the taxpayer on the credit allowance date.

(2) Determination-

During each calendar month, the Secretary shall determine a credit rate which shall apply to bonds issued during the following calendar month. The credit rate for any month is the percentage which the Secretary estimates will permit the issuance of qualified zone academy bonds without discount and without interest cost to the issuer.

(c) Limitation based on amount of tax-

The credit allowed under subsection (a) for any taxable year shall not exceed the excess of--

(1) the sum of the regular tax liability (as defined in section 26(b) plus the tax imposed by section 55, over

(2) the sum of the credits allowable under part IV of subchapter A (other than subpart C thereof, relating to refundable credits).

(d) Qualified zone academy bond-

For purposes of this section--

(1) In general-

The term "qualified zone academy bond" means any bond issued as part of an issue if--

(A) 95 percent or more of the proceeds of such issue are to be used for a qualified purpose with respect to a qualified zone academy established by an eligible local education agency,

(B) the bond is issued by a State or local government within the jurisdiction of which such academy is located,

(C) the issuer--

(i) designates such bond for purposes of this section,

(ii) certifies that it has written assurances that the private business contribution requirement of paragraph (2) will be met with respect to such academy, and

(iii) certifies that it has the written approval of the eligible local education agency for such bond issuance, and

(D) the term of each bond which is part of such issue does not exceed the maximum term permitted under paragraph (3).

(2) Private business contribution requirement-

(A) In general-

For purposes of paragraph (1), the private business contribution requirement of this paragraph is met with respect to any issue if the eligible local education agency that established the qualified zone academy has written commitments from private entities to make qualified contributions having a present value (as of the date of issuance of the issue) of not less than 10 percent of the proceeds of the issue.

(B) Qualified contributions-

For purposes of subparagraph (A), the term "qualified contribution" means any contribution (of a type and quality acceptable to the eligible local education agency) of--

(i) equipment for use in the qualified zone academy (including state-of-the-art technology and vocational equipment),

(ii) technical assistance in developing curriculum or in training teachers in order to promote appropriate market driven technology in the classroom,

(iii) services of employees as volunteer mentors,

(iv) internships, field trips, or other educational opportunities outside the academy for students, or

(v) any other property or service specified by the eligible local education agency.

(3) Term requirement-

During each calendar month, the Secretary shall determine the maximum term permitted under this paragraph for bonds issued during the following calendar month. Such maximum term shall be the term which the Secretary estimates will result in the present value of the obligation to repay the principal on the bond being equal to 50 percent of the face amount of the bond. Such present value shall be determined using as a discount rate the average annual interest rate of tax-exempt obligations having a term of 10 years or more which are issued during the month. If the term as so determined is not a multiple of a whole year, such term shall be rounded to the next highest whole year.

(4) Qualified zone academy-

(A) In general-

The term "qualified zone academy" means any public school (or academic program within a public school) which is established by and operated under the supervision of an eligible local education agency to provide education or training below the postsecondary level if--

(i) such public school or program (as the case may be) is designed in cooperation with business to enhance the academic curriculum, increase graduation and employment rates, and better prepare students for the rigors of college and the increasingly complex workforce,

(ii) students in such public school or program (as the case may be) will be subject to the same academic standards and assessments as other students educated by the eligible local education agency,

(iii) the comprehensive education plan of such public school or program is approved by the eligible local education agency, and

(iv) (I) such public school is located in an empowerment zone or enterprise community (including any such zone or community designated after the date of the enactment of this section), or

(II) there is a reasonable expectation (as of the date of issuance of the bonds) that at least 35 percent of the students attending such school or participating in such program (as the case may be) will be eligible for free or reduced-cost lunches under the school lunch program established under the Richard B. Russell National School Lunch Act.

(B) Eligible local education agency-

The term "eligible local education agency" means any local educational agency as defined in section 14101 of the Elementary and Secondary Education Act of 1965.

(5) Qualified purpose-

The term "qualified purpose" means, with respect to any qualified zone academy--

(A) rehabilitating or repairing the public school facility in which the academy is established,

(B) providing equipment for use at such academy,

(C) developing course materials for education to be provided at such academy, and

(D) training teachers and other school personnel in such academy.

(6) Eligible taxpayer-

The term "eligible taxpayer" means--

(A) a bank (within the meaning of section 581,

(B) an insurance company to which subchapter L applies, and

(C) a corporation actively engaged in the business of lending money.

(e) Limitation on amount of bonds designated-

(1) National limitation-

There is a national zone academy bond limitation for each calendar year. Such limitation is $400,000,000 for 1998, 1999, 2000, and 2001, and, except as provided in paragraph (4), zero thereafter.

(2) Allocation of limitation-

The national zone academy bond limitation for a calendar year shall be allocated by the Secretary among the States on the basis of their respective populations of individuals below the poverty line (as defined by the Office of Management and Budget). The limitation amount allocated to a State under the preceding sentence shall be allocated by the State education agency to qualified zone academies within such State.

(3) Designation subject to limitation amount-

The maximum aggregate face amount of bonds issued during any calendar year which may be designated under subsection (d)(1) with respect to any qualified zone academy shall not exceed the limitation amount allocated to such academy under paragraph (2) for such calendar year.

(4) Carryover of unused limitation-

If for any calendar year--

(A) the limitation amount for any State, exceeds

(B) the amount of bonds issued during such year which are designated under subsection (d)(1) with respect to qualified zone academies within such State,

the limitation amount for such State for the following calendar year shall be increased by the amount of such excess. Any carryforward of a limitation amount may be carried only to the first 2 years (3 years for carryforwards from 1998 or 1999) following the unused limitation year. For purposes of the preceding sentence, a limitation amount shall be treated as used on a first-in first-out basis.

(f) Other definitions-

For purposes of this section--

(1) Credit allowance date-

The term "credit allowance date" means, with respect to any issue, the last day of the 1-year period beginning on the date of issuance of such issue and the last day of each successive 1-year period thereafter.

(2) Bond-

The term "bond" includes any obligation.

(3) State-

The term "State" includes the District of Columbia and any possession of the United States.

(g) Credit included in gross income-

Gross income includes the amount of the credit allowed to the taxpayer under this section (determined without regard to subsection (c)).

(h) Credit treated as allowed under part IV of subchapter A

For purposes of subtitle F, the credit allowed by this section shall be treated as a credit allowable under part IV of subchapter A of this chapter.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H 1

HOUSE BILL 1539*

Short Title: Qualified Zone Academy Bond Act of 2000. (Public)

Sponsors: Representatives Rogers, Yongue, Bonner, Boyd-McIntyre, Buchanan, Insko, Jeffus, McLawhorn, Oldham, Preston, Warner, Warren, and Wood.

Referred to: Education, if favorable, Finance.

May 16, 2000

A BILL TO BE ENTITLED

AN ACT TO DESIGNATE THE STATE BOARD OF EDUCATION AS THE STATE EDUCATION AGENCY RESPONSIBLE FOR ADMINISTERING THE QUALIFIED ZONE ACADEMY BOND PROGRAM.

The General Assembly of North Carolina enacts:

Section 1. Article 3 of Chapter 115C of the General Statutes is amended by adding a new section to read:

"**§ 115C-23. Qualified zone academy bonds.**

(a) Findings. -- The General Assembly finds:

(1) Section 226 of the Taxpayer Relief Act of 1997, as codified at 26 U.S.C. § 1397E, provides funds for school improvements through taxable qualified zone academy bonds. Ninety-five percent (95%) or more of the proceeds of a qualified zone academy bond issue must be used for a qualified purpose with respect to a qualified zone academy established by an eligible local education agency.

(2) Partnerships between private entities and local schools are promoted through the use of qualified zone academy bonds. Issuers must certify that they have received written commitments from one or more private entities to make qualified contributions valued at ten percent (10%) of the proceeds of the issue.

(3) Eligible taxpayers may receive tax credits for holding the qualified zone academy bonds. It is intended that the qualified zone

academy bonds be sold at par value so that the tax credits received are instead of interest that otherwise would have been paid on the bonds. Therefore, issuers of qualified zone academy bonds are obligated to repay the principal amount of the qualified zone academy bonds but need not make interest payments.

(4) Applicable federal law limits the amount of qualified zone academy bonds that may be issued in North Carolina in a calendar year.

(b) State Board of Education to Administer Program. -- The State Board of Education is designated the State education agency responsible for administering the qualified zone academy bond program in North Carolina, for the purposes of 26 U.S.C. § 1397E. The State Board of Education shall perform all activities required to implement and carry out the qualified zone activity bond program in North Carolina. Those activities include:

(1) Defining those areas and schools that are eligible under federal law to participate in the qualified zone academy bond program in North Carolina.

(2) Designing an application process under which proposals may be solicited from qualified zone academies.

(3) Determining the eligibility of an applicant to be a participating qualified zone academy.

(4) Awarding the State's allocation of total funds among selected applicants and establishing conditions upon the usage of the allocation. These conditions must include:

a. Requiring that the bond proceeds be used only for rehabilitating or repairing the public school facility in which the qualified zone academy is located, which may include (i) wiring and other infrastructure improvements related to providing technology and (ii) equipment related to the rehabilitation or repair, but not personal computers or similar technology equipment.

b. Conditions designed to assure that the allocation is used in a timely manner.

(5) Confirming that the terms of any qualified zone academy bonds issued in accordance with this program are consistent with the terms of the federal program.

(c) Assistance. -- The Department of Public Instruction shall provide the State Board of Education any support it requires in carrying out this section.

(d) Consultation. -- In reviewing applications and awarding allocations, the State Board of Education shall consult with the Local Government Commission to determine whether a prospective issuer of qualified zone academy bonds is able to issue or incur marketable obligations.

(e) Issuance of Bonds. -- Any bonds designated as qualified zone academy bonds may be issued pursuant to the applicable provisions of and in compliance with the

Local Government Bond Act, Article 4 of Chapter 159 of the General Statutes, or pursuant to the applicable provisions of and in compliance with G.S. 160A-20. As provided in G.S. 159-123(b), bonds designated as qualified zone academy bonds to be issued pursuant to the Local Government Bond Act may be sold by the Local Government Commission at private sale."

Section 2. G.S. 159-123(b) reads as rewritten:

"(b) The following classes of bonds may be sold at private sale:

(1) Bonds that a State or federal agency has previously agreed to purchase.

(2) Any bonds for which no legal bid is received within the time allowed for submission of bids.

(3) Revenue bonds, including any refunding bonds issued pursuant to G.S. 159-84, and special obligation bonds issued pursuant to Chapter 159I of the General Statutes.

(4) Refunding bonds issued pursuant to G.S. 159-78.

(5) Refunding bonds issued pursuant to G.S. 159-72 if the Local Government Commission determines that a private sale is in the best interest of the issuing unit.

(6) Bonds designated as qualified zone academy bonds pursuant to G.S. 115C-23 if the Local Government Commission determines that a private sale is in the best interest of the issuing unit."

Section 3. G.S. 150B-1(d) is amended by adding a new subdivision to read:

"(d) Exemptions from Rule Making. -- Article 2A of this Chapter does not apply to the following:

. . .

(8) The State Board of Education and the Department of Public Instruction, in administering G.S. 115C-23."

Section 4. Interpretation of Act. (a) Additional Method. This act provides an additional and alternative method for the doing of the things it authorizes and is as supplemental and additional to powers conferred by other laws. Except as otherwise expressly provided, it does not derogate any powers now existing.

Section 4.(b) Statutory References. References in this act to specific sections or Chapters of the General Statutes are intended to be references to those sections or Chapters as they may be amended from time to time by the General Assembly.

Section 4.(c) Liberal Construction. This act, being necessary for the health and welfare of the people of the State, shall be liberally construed to effect its purposes.

Section 4.(d) Severability. If any provision of this act or its application is held invalid, the invalidity does not affect other provisions or applications of this act that can be given effect without the invalid provisions or application, and to this end the provisions of this act are severable.

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H D

HOUSE BILL 1539*
Proposed Committee Substitute H1539-PCS5052-RC001

Short Title: Qualified Zone Academy Bond Act of 2000. (Public)

Sponsors:

Referred to:

May 16, 2000

A BILL TO BE ENTITLED

AN ACT TO DESIGNATE THE STATE BOARD OF EDUCATION AS THE STATE EDUCATION AGENCY RESPONSIBLE FOR ADMINISTERING THE QUALIFIED ZONE ACADEMY BOND PROGRAM.

The General Assembly of North Carolina enacts:

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

"ARTICLE 34B.

"Qualified Zone Academy Bonds.

"**§ 115C-489.5. Qualified zone academy bonds; findings.**

The General Assembly finds:

(a) Section 226 of the Taxpayer Relief Act of 1997, as codified at 26 U.S.C. § 1397E, provides funds for school improvements through taxable qualified zone academy bonds. Ninety-five percent (95%) or more of the proceeds of a qualified zone academy bond issue must be used for a qualified purpose with respect to a qualified zone academy established by an eligible local education agency.

(b) Partnerships between private entities and local schools are promoted through the use of qualified zone academy bonds. Issuers must certify that they have received written commitments from one or more private entities to make qualified contributions valued at ten percent (10%) of the proceeds of the issue.

(c) Eligible taxpayers may receive federal tax credits for holding the qualified zone academy bonds. It is intended that the qualified zone academy bonds be sold at par value so that the tax credits received are instead of interest that otherwise would have

been paid on the bonds. Therefore, issuers of qualified zone academy bonds are obligated to repay the principal amount of the qualified zone academy bonds but need not make interest payments.

(d) Applicable federal law limits the amount of qualified zone academy bonds that may be issued in North Carolina in a calendar year.

"**§ 115C-489.6. Administration; consultation; issuance of bonds.**

(a) State Board of Education to Administer Program. -- The State Board of Education is designated the State education agency responsible for administering the qualified zone academy bond program in North Carolina for the purposes of 26 U.S.C. § 1397E. The State Board of Education shall perform all activities required to implement and carry out the qualified zone activity bond program in North Carolina. Those activities include:

(1) Defining those areas and schools that are eligible under federal law to participate in the qualified zone academy bond program in North Carolina.

(2) Designing an application process under which proposals may be solicited from qualified zone academies.

(3) Determining the eligibility of an applicant to be a participating qualified zone academy.

(4) Awarding the State's allocation of total funds among selected applicants and establishing conditions upon the usage of the allocation. These conditions must include:

a. Requiring that the bond proceeds be used only for rehabilitating or repairing the public school facility in which the qualified zone academy is located, which may include (i) wiring and other infrastructure improvements related to providing technology and (ii) equipment related to the rehabilitation or repair, but not personal computers or similar technology equipment.

b. Conditions designed to assure that the allocation is used in a timely manner.

(5) Confirming that the terms of any qualified zone academy bonds issued in accordance with this program are consistent with the terms of the federal program.

(b) Assistance. -- The Department of Public Instruction shall provide the State Board of Education any support it requires in carrying out this section.

(c) Consultation. -- In reviewing applications and awarding allocations, the State Board of Education shall consult with the Local Government Commission to determine whether a prospective issuer of qualified zone academy bonds is able to issue or incur marketable obligations.

(d) Issuance of Bonds. -- Any bonds designated as qualified zone academy bonds may be issued pursuant to the applicable provisions of and in compliance with the Local Government Bond Act, Article 4 of Chapter 159 of the General Statutes, or pursuant to the applicable provisions of and in compliance with G.S. 160A-20. As

provided in G.S. 159-123(b), bonds designated as qualified zone academy bonds to be issued pursuant to the Local Government Bond Act may be sold by the Local Government Commission at private sale."

Section 2. G.S. 159-123(b) reads as rewritten:

"(b) The following classes of bonds may be sold at private sale:

(1) Bonds that a State or federal agency has previously agreed to purchase.

(2) Any bonds for which no legal bid is received within the time allowed for submission of bids.

(3) Revenue bonds, including any refunding bonds issued pursuant to G.S. 159-84, and special obligation bonds issued pursuant to Chapter 159I of the General Statutes.

(4) Refunding bonds issued pursuant to G.S. 159-78.

(5) Refunding bonds issued pursuant to G.S. 159-72 if the Local Government Commission determines that a private sale is in the best interest of the issuing unit.

(6) Bonds designated as qualified zone academy bonds pursuant to G.S. 115C-489.6, if the Local Government Commission determines that a private sale is in the best interest of the issuing unit."

Section 3. G.S. 150B-1(d) is amended by adding a new subdivision to read:

"(d) Exemptions from Rule Making. -- Article 2A of this Chapter does not apply to the following:

. . .

(8) The State Board of Education in administering G.S. 115C-489.6."

Section 4. Interpretation of Act. (a) Additional Method. This act provides an additional and alternative method for the doing of the things it authorizes and is as supplemental and additional to powers conferred by other laws. Except as otherwise expressly provided, it does not derogate any powers now existing.

Section 4.(b) Statutory References. References in this act to specific sections or Chapters of the General Statutes are intended to be references to those sections or Chapters as they may be amended from time to time by the General Assembly.

Section 4.(c) Liberal Construction. This act, being necessary for the health and welfare of the people of the State, shall be liberally construed to effect its purposes.

Section 4.(d) Severability. If any provision of this act or its application is held invalid, the invalidity does not affect other provisions or applications of this act that can be given effect without the invalid provisions or application, and to this end the provisions of this act are severable.

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

DRAFT

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H D

H1539-CSRC-001
PROPOSED HOUSE COMMITTEE SUBSTITUTE
HOUSE BILL 1539
THIS IS A DRAFT 22-MAY-00 12:13:56
ATTENTION: LINE NUMBERS MAY CHANGE AFTER ADOPTION

Short Title: Qualified Zone Academy Bond Act of 2000. (Public)

Sponsors:

Referred to: Edcation, if favorable, Finance

May 16, 2000

A BILL TO BE ENTITLED

AN ACT TO DESIGNATE THE STATE BOARD OF EDUCATION AS THE STATE EDUCATION AGENCY RESPONSIBLE FOR ADMINISTERING THE QUALIFIED ZONE ACADEMY BOND PROGRAM.

The General Assembly of North Carolina enacts:

Section 1. Chapter 115C of the General Statutes is amended by adding a new Article 34B read:

"**Article 34B**

"**Qualified Zone Academy Bonds**

"**§ 115C-489.5 Qualified zone academy bonds; findings.**

The General Assembly finds:

(a) Section 226 of the Taxpayer Relief Act of 1997, as codified at 26 U.S.C. § 1397E, provides funds for school improvements through taxable qualified zone academy bonds. Ninety-five percent (95%) or more of the proceeds of a qualified zone academy bond issue must be used for a qualified purpose with respect to a qualified zone academy established by an eligible local education agency.

(b) Partnerships between private entities and local schools are promoted through the use of qualified zone academy bonds. Issuers must certify that they have received written commitments from one or more private entities to make qualified contributions valued at ten percent (10%) of the proceeds of the issue.

(c) Eligible taxpayers may receive federal tax credits for holding the qualified zone academy bonds. It is intended that the qualified zone academy bonds be sold at par value so that the tax credits received are instead of interest that otherwise would have been paid on the bonds. Therefore, issuers of qualified zone academy bonds are obligated to repay the principal amount of the qualified zone academy bonds but need not make interest payments.

(d) Applicable federal law limits the amount of qualified zone academy bonds that may be issued in North Carolina in a calendar year.

"**§ 115C-489.6 Administration; consultation; issuance of bonds.**

(a) State Board of Education to Administer Program. -- The State Board of Education is designated the State education agency responsible for administering the qualified zone academy bond program in North Carolina, for the purposes of 26 U.S.C. § 1397E. The State Board of Education shall perform all activities required to implement and carry out the qualified zone activity bond program in North Carolina. Those activities include:

(1) Defining those areas and schools that are eligible under federal law to participate in the qualified zone academy bond program in North Carolina.

(2) Designing an application process under which proposals may be solicited from qualified zone academies.

(3) Determining the eligibility of an applicant to be a participating qualified zone academy.

(4) Awarding the State's allocation of total funds among selected applicants and establishing conditions upon the usage of the allocation. These conditions must include:

a. Requiring that the bond proceeds be used only for rehabilitating or repairing the public school facility in which the qualified zone academy is located, which may include (i)

wiring and other infrastructure improvements related to providing technology and (ii) equipment related to the rehabilitation or repair, but not personal computers or similar technology equipment.

b. Conditions designed to assure that the allocation is used in a timely manner.

(5) Confirming that the terms of any qualified zone academy bonds issued in accordance with this program are consistent with the terms of the federal program.

(b) Assistance. -- The Department of Public Instruction shall provide the State Board of Education any support it requires in carrying out this section.

(c) Consultation. -- In reviewing applications and awarding allocations, the State Board of Education shall consult with the Local Government Commission to determine whether a prospective issuer of qualified zone academy bonds is able to issue or incur marketable obligations.

(d) Issuance of Bonds. -- Any bonds designated as qualified zone academy bonds may be issued pursuant to the applicable provisions of and in compliance with the Local Government Bond Act, Article 4 of Chapter 159 of the General Statutes, or pursuant to the applicable provisions of and in compliance with G.S. 160A-20. As provided in G.S. 159-123(b), bonds designated as qualified zone academy bonds to be issued pursuant to the Local Government Bond Act may be sold by the Local Government Commission at private sale."

Section 2. G.S. 159-123(b) reads as rewritten:

"(b) The following classes of bonds may be sold at private sale:

(1) Bonds that a State or federal agency has previously agreed to purchase.

(2) Any bonds for which no legal bid is received within the time allowed for submission of bids.

(3) Revenue bonds, including any refunding bonds issued pursuant to G.S. 159-84, and special obligation bonds issued pursuant to Chapter 159I of the General Statutes.

(4) Refunding bonds issued pursuant to G.S. 159-78.

(5) Refunding bonds issued pursuant to G.S. 159-72 if the Local Government Commission determines that a private sale is in the best interest of the issuing unit.

(6) Bonds designated as qualified zone academy bonds pursuant to G.S. 115C-489.6 if the Local Government Commission determines that a private sale is in the best interest of the issuing unit."

Section 3. G.S. 150B-1(d) is amended by adding a new subdivision to read:

"(d) Exemptions from Rule Making. -- Article 2A of this Chapter does not apply to the following:

. . .

(8) The State Board of Education in administering G.S. 115C-489.6."

Section 4. Interpretation of Act. (a) Additional Method. This act provides an additional and alternative method for the doing of the things it authorizes and is as supplemental and additional to powers conferred by other laws. Except as otherwise expressly provided, it does not derogate any powers now existing.

Section 4.(b) Statutory References. References in this act to specific sections or Chapters of the General Statutes are intended to be references to those sections or Chapters as they may be amended from time to time by the General Assembly.

Section 4.(c) Liberal Construction. This act, being necessary for the health and welfare of the people of the State, shall be liberally construed to effect its purposes.

Section 4.(d) Severability. If any provision of this act or its application is held invalid, the invalidity does not affect other provisions or applications of this act that can be given effect without the invalid provisions or application, and to this end the provisions of this act are severable.

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

1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **Warner and Yongue** for the Committee on **EDUCATION**.

☐ Committee Substitute for
H.B. 1540 A BILL TO BE ENTITLED AN ACT TO IMPLEMENT RECOMMENDATIONS OF THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE TO REQUIRE THE STATE BOARD OF EDUCATION TO REPORT ANNUALLY ON THE REPORT CARDS AND TO DIRECT THE EDUCATION CABINET TO STUDY VARIOUS HIGH SCHOOL PROGRAMS.

☐ With a favorable report.

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

☐ With a favorable report, as amended.

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

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

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

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

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

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

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

☐ Without prejudice.

☐ With an indefinite postponement report.

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

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

2/24/99

FOR JOURNAL USE ONLY

____ Pursuant to Rule 36(b), the bill is placed on the Calendar of _____.

____ The (committee substitute) bill/resolution (, as amended,) is (ordered engrossed and) re-referred to the Committee on _____.

____ The bill/resolution is re-referred to the Committee on _____.

____ On motion of (Rep. _____,) (the Chair,) the (committee substitute) bill/resolution is (ordered engrossed and) re-referred to the Committee on _____.

____ Pursuant to Rule 36(b), the (House)committee substitute bill (No. ____)/resolution is placed on the Calendar of _____. (The original bill) (House Committee Substitute Bill No. ____)/resolution is placed on the Unfavorable Calendar.

____ On motion of Rep. _____, (the rules are suspended) (Rule ____ is suspended) and the bill/resolution is placed on today's calendar. (for immediate consideration.)

____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV____ ____).

____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV____ ____).

____ Rep. _____ offers Amendment No. _____ which (is adopted.) (fails of adoption.) (by EV ____ ____.) ( ) This amendment changes the title.

____ The bill/resolution (, as amended,) passes its second reading (by following vote, ____ ____ RC) (, by EV ____ ____,) and (remains on the Calendar,) (and there being no objection is read a third time).

____ The bill/resolution (, as amended,) passes its third reading (by the following vote, ____ ____ RC) (, by EV ____ ____,) and is ordered
____ sent to the Senate.
____ without engrossment. ____ by Special message.
____ sent to the Senate for concurrence in
_____ House amendment (s).
_____ House committee substitute.
____ enrolled.

____ On motion of Rep. _____, the House concurs in the (material) Senate _____ (by the following vote, ____ ____ RC) (, by EV ____ ____,) and the bill is ordered enrolled.

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 1540

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

H1540-ARJ-001

Page 1 of __

Date _____ ,2000

Comm. Sub. [ ]
Amends Title [ ]

Representative Rogers

moves to amend the bill on page 2, lines 19-21, by rewriting the lines to read:
"submitted. The State Board shall submit the performance report for the 1999-2000 school year to the Joint Legislative Education Oversight Committee by December 15, 2000. Subsequent performance reports shall be submitted to the Joint Legislative Education Oversight Committee on an annual basis by October 1.'".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

HOUSE BILL 1540:
IHE Report Card Changes/Study HS Progs.

BILL ANALYSIS

Committee:	House Education	**Introduced by:**	Reps. Rogers and Yongue
Date:	May 23, 2000	**Summary by:**	Sara Kamprath
Version:	First Edition		Education Policy Analyst

SUMMARY: ***Recommended by the Joint Legislative Education Oversight Committee (Ed Oversight), House Bill 1540 would set a date certain for the State Board of Education to submit the annual performance report card for each N.C. teacher education program. The annual reporting date would be either December 15 or the date that coincides with the date for the federal performance report. House Bill 1540 also directs the Education Cabinet to study the programs offered to high school students by the public schools, community colleges, and universities. The Education Cabinet shall report its findings or recommendations to Ed Oversight by November 15, 2000. The bill would take effect when it becomes law.***

BACKGROUND: In the 1997 Excellent Schools Act, G.S. 115C-296(b) was amended to require that all N.C. institutions of higher education with a teacher education program provide information about their performance to the State Board of Education (State Board). The State Board was directed to implement a performance report for each teacher education program based on that information. Beginning with the 1998-99 school year, the performance reports shall be submitted annually through the 2000-01 school year. Thereafter, the performance reports shall be submitted biannually to coincide with the Board of Governor's biannual report on institutional effectiveness. The State Board was also directed to develop a rewards and sanctions plan to be implemented in the 1998-99 school year.

On April 6, 2000, the State Board released the first IHE (Institutions of Higher Education) Performance Report. This report rated the performance of the State's 46 public and private institutions with teacher education programs that served students in 1998-99. The ratings in this report were used as baseline data to set the cutoff points for the rewards and sanctions.

At the April 11, 2000 meeting of Ed Oversight, the State Board of Education and the State Board of Community Colleges presented their final report on ways to increase the number of qualified high school students participating in cooperative high school education programs provided by the community colleges. (Attachment 1)

BILL ANALYSIS: **Section 1** of the bill amends G.S. 115C-296(b1) by keeping the reports on an annual basis after the 2000-01 school year and by setting a specific reporting date. The performance reports will be due on December 15 or the date that the federal report is due.

Section 2 of the bill directs the Education Cabinet to review the courses offered to high school students by the public schools, the community colleges and the universities for student accountability, program accountability, access and efficiency. The Cabinet's study shall examine the following: the most appropriate place for each program, distance education, tuition waivers, minimum age for participation in the adult high school program and examine the recommendations concerning the cooperative high school program (especially the weighting of courses for college transcripts). The programs to be reviewed include the cooperative high school program, adult high school program and advanced placement courses. (See Attachment 2)

Attachment 1

ENROLLMENT OF HIGH SCHOOL STUDENTS IN COMMUNITY COLLEGE COURSES

Summary of major changes proposed in current policies regulating the enrollment of high school students in community colleges:

1. Course offerings

Current policy:

- Curriculum, non-developmental courses may be offered to groups of high school students.

- Individual high school students may register, if space is available, concurrently in existing college courses, except adult high school and developmental courses.

Proposed policy:

- Curriculum courses from the North Carolina Community College Common Course Library (including developmental courses) and occupational extension courses from the *Master Course List for Continuing Education* may be offered to groups of high school students.

- Individual high school students may register, as space is available, concurrently in any courses, except adult high school.

Rationale: The committee identified a need to increase the course offerings available to high school students as to more adequately address the variable needs in all geographic areas across the state. In particular, a need for occupational and developmental courses was identified. Community Colleges and Local Educational Agencies (LEA's) would still be required to specify in an annual agreement what course the college would offer specifically to high school students and to certify that the courses offered would not duplicate existing efforts and could not be feasibly offered by the local high school.

2. Tuition and fee waivers

Current policy:

- Tuition for high school students taking non-remedial curriculum courses is waived.

Proposed policy:

- Tuition for high school students taking curriculum courses, and fees for remedial and continuing education occupational extension registration for high school students would be waived.

Rationale: To make educational opportunities more accessible to high school students, as well as providing a wide array of course registration fees for continuing education occupational extension classes would need to be waived for high school students just as curriculum tuition is currently waived.

3. Student Eligibility

Current policy:

- High school students (grades 9-12) may enroll in college credit classes set up specifically for high school students under the Huskins Bill.
- High schools students, age 16 or older, may enroll individually in community college classes except those which are remedial in nature.

Proposed policy:

- High school students, age 16 or older or who will become 16 during the current academic year, may enroll in classes set up specifically for high school students or may enroll in existing community college classes.

Rationale: Currently, age requirements differ for high school students depending on whether they enroll in a class that is specifically designed for high school students (Huskins) or enter a regularly scheduled class at the college (concurrent enrollment). To make age eligibility policies consistent, and to ensure that all high school students, including those in private schools or home schooled, have the same access to educational opportunities in the community college system; the committee recommends that one age requirement be applied. The above eligibility requirement would be applicable regardless of whether the class was set up specifically for high school students or not.

Often, students who may be otherwise qualified may miss the age cut off by a few days because they turn 16 during the course of the year rather than prior to the course start date. This is particularly true for students with birth dates late in the academic year. However, the committee felt that all high school students, particularly those in 9th grade who may only be 14 or 15 years old, did not have the maturity and social skills necessary to enter college courses, even though they may have the academic aptitude. By using only one age requirement (students 16 or over or who will turn 16 during the academic year) students would not be ineligible to take appropriate courses based on the time of year in which they were born. This proposed student age eligibility requirement would be uniformly applied to all enrolling high school students while still restricting renrollment to those students who are most likely to have the maturity and social skills to handle college level work. Any high school student taking community college courses would still be required to meet the other eligibility requirements currently required.

4. Enrichment Classes

Current policy:

- Colleges may offer non-credit enrichment courses to students of any age during the summer months only.

Proposed policy:

- Colleges may offer non-credit enrichment courses to students of any age at any time throughout the year.

Rationale: Allowing Community Colleges to offer classes on a self-supporting basis at any time throughout the year would increase educational opportunities for high school students by allowing colleges to address educational needs in the community (such as SAT preparation classes) without expending State funds.

5. Inclusion of Non-public and Home School Students

Current policy:

- Community colleges may offer college level, for credit classes specifically for high school students in conjunction with public high schools.

Proposed policy:

- Community colleges may offer classes designed specifically for high school students for both public and non-public high school students.

Rationale: Current legislation does not mention private high school students or home schooled students, therefore, it appears that these students do not have access to some of the same educational opportunities available to public school students due to the omission under current legislation. Changing the wording of current legislation to include non-public entities would allow colleges, if feasible, to offer classes for non-public high school students as well.

Proposed Policies to be Established
Accountability

The following accountability measures must be adhered to:

(1) A college's curriculum or continuing education occupational extension FTE generated by high school students must not exceed 20 percent of the colleges total FTE in those categories. If a college's FTE for Huskins/concurrent enrollment exceeds 20 percent, then the college must perform a review and write a justification for the exception. This report must be filed with the Vice President of Academic and Student Services at the North Carolina Community College System office by April 30 of each year.

(2) All cooperative agreements between a community college and a high school must ensure that courses offered by the college are cost effective and do not duplicate high school advanced placement courses that are currently being offered or could feasibly be offered by the high school. **This statement must be signed by the chief academic officer of the college, or the local education agent or non-public governing body.**

Weighted Credit

This proposed policy should be presented to the Joint Education Boards for an amendment to their policy addressing G.S.116-11.

Students who complete Common Course Library (CCL) courses numbered 100 and above for use as elective high school credit that are listed in the Comprehensive Articulation Agreement (CAA) between the North Carolina Community College System and the University of North Carolina System will receive the same weighted credit on a high school transcript as a student who is enrolled in a high school Advanced Placement (AP) course. Weighted credit for high school honor's courses should be eliminated.

Note: Typically, students do not receive weighted credit for classes taken at the community college but do receive weighted credit for Advanced Placement courses whether or not they take or pass the AP exam.

PROGRAM SERVICES

Cooperative Programs (Huskins Bill/Concurrent Enrollment)

Cooperative programs allow students to enroll in selected college level courses while in high school. Huskins Bill and concurrent enrollment policies provide for educational programs and services to foster the effective utilization of available resources and to provide for more comprehensive educational opportunities. Cooperative programming is intended to enhance educational choices for high school students without duplication of services.

BASIC SKILLS

Adult High School

The Adult High School Diploma program is offered in cooperation with the public school system. Persons aged 18 or older may enter the program. Sixteen or 17 year-olds who are considered students with special needs and who are not enrolled in high school may also be admitted provided that certain requirements are met. Instruction may be offered in a classroom setting or through learning laboratory courses or a combination of both. A diploma is awarded upon program completion and passing of the North Carolina Competency Test. Forty-four colleges offer Adult High School Diploma programs.

General Educational Development (GED)

The General Educational Development (GED) program provides instruction and testing for adults to complete their high school equivalency. The GED test consists of five tests in the areas of writing, social studies, science, literature and mathematics. Adults who achieve a minimum qualifying standard score of 40 on each test and a total minimum score of 225 are awarded a High School Diploma Equivalency by the State Board of Community Colleges. Individuals 16 or 17 years of age who are not enrolled in high school may be considered to have special needs and be admitted into the program, provided certain requirements are met. All 58 community colleges offer the GED program.

Adult Basic Education (ABE)

The Adult Basic Education (ABE) program is designed for adults, 16 or older, who are no longer enrolled in high school and are functioning below the high school level. The major objective of the program is to increase adults' abilities to function in society by providing instruction in reading, writing, speaking and computation. This program is offered at no charge to participants at all 58 colleges and at many off-campus sites.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H 1

HOUSE BILL 1540

Short Title: IHE Rep Card Changes/Study HS Progs. (Public)

Sponsors: Representatives Rogers, Yongue (Primary Sponsors), Bonner, Boyd-McIntyre, Buchanan, Insko, Jeffus, McLawhorn, Oldham, Preston, Warner, Warren, Wood; Wainwright and Barefoot.

Referred to: Education.

May 16, 2000

A BILL TO BE ENTITLED

AN ACT TO IMPLEMENT RECOMMENDATIONS OF THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE TO REQUIRE THE STATE BOARD OF EDUCATION TO REPORT ANNUALLY ON IHE REPORT CARDS AND TO DIRECT THE EDUCATION CABINET TO STUDY VARIOUS HIGH SCHOOL PROGRAMS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 115C-296(b1) reads as rewritten:

"(b1) The State Board of Education shall develop a plan to provide a focused review of teacher education programs and the current process of accrediting these programs in order to ensure that the programs produce graduates that are well prepared to teach. The plan shall include the development and implementation of a school of education performance report for each teacher education program in North Carolina. The performance report shall include at least the following elements: (i) quality of students entering the schools of education, including the average grade point average and average score on preprofessional skills tests that assess reading, writing, math and other competencies; (ii) graduation rates; (iii) time-to-graduation rates; (iv) average scores of graduates on professional and content area examination for the purpose of certification; (v) percentage of graduates receiving initial certification; (vi) percentage of graduates hired as teachers; (vii) percentage of graduates remaining in teaching for four years; (viii) graduate satisfaction based on a common survey; and (ix) employer satisfaction based on a common survey. The performance reports shall follow a common format. The performance reports shall be

submitted ~~annually for the 1998-99, 1999-2000, and 2000-2001 school years. The performance reports shall be submitted biannually thereafter to coincide with the Board of Governors' biannual report institutional effectiveness.~~ annually. The State Board of Education shall develop a plan to be implemented beginning in the 1998-99 school year to reward and sanction approved teacher education programs and masters of education programs and to revoke approval of those programs based on the performance reports and other criteria established by the State Board of Education.

The State Board also shall develop and implement a plan for annual performance reports for all masters degree programs in education and school administration in North Carolina. To the extent it is appropriated, the performance report shall include similar indicators to those developed for the performance report for teacher education programs. The performance reports shall follow a common format.

Both plans for performance reports also shall include a method to provide the annual performance reports to the Board of Governors of The University of North Carolina, the State Board of Education, and the boards of trustees of the independent colleges. The State Board of Education shall review the schools of education performance reports and the performance reports for masters degree programs in education and school administration each year the performance reports are submitted. The State Board shall submit the performance reports to the Joint Legislative Education Oversight Committee on an annual basis by December 15 or by a date that coincides with the federal reporting date once it is adopted."

Section 2. The General Assembly believes educational programs for high school students should provide student accountability, program accountability, access, and efficiency. Therefore, the Education Cabinet, created under G.S. 116C-1, shall study public school, community college, and university programs offered to high school students. These programs include the cooperative high school program, the adult high school diploma program, advanced placement courses, honors courses, and university courses offered to high school students. The Cabinet shall do the following:

(1) Examine these programs for overlap.

(2) Consider which education entity is the most appropriate one to offer each program.

(3) Consider distance learning options.

(4) Examine whether there should be tuition waivers for high school students who take courses at community colleges or universities.

(5) Determine whether there should be a minimum age for participation in the adult high school program.

(6) Determine the feasibility, advantages and disadvantages, procedures, and costs for requiring students who participate in the adult high school program to take tests required of high school students taking the same courses.

(7) Evaluate the recent recommendations concerning the cooperative high school program that were made to the Joint Legislative Education Oversight Committee by the State Board of Education

and the State Board of Community Colleges. In particular, the Cabinet shall determine whether students should receive weighted credit on their high school transcripts for college level courses taken at community colleges, universities, or colleges, and whether this program is an appropriate venue for developmental courses.

The Cabinet shall report its findings, including any recommendations, to the Joint Legislative Education Oversight Committee by November 15, 2000.

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

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 1540

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

H1540-ARJ-001

Page 1 of __

Date_____,2000

Comm. Sub. [ ]
Amends Title [ ]

Representative Rogers

moves to amend the bill on page 2, lines 19-21, by rewriting the lines to read:
"submitted. The State Board shall submit the performance report for the 1999-2000 school year to the Joint Legislative Education Oversight Committee by December 15, 2000. Subsequent performance reports shall be submitted to the Joint Legislative Education Oversight Committee on an annual basis by October 1.'".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H D

HOUSE BILL 1540
Proposed Committee Substitute H1540-PCS7342-RJ

Short Title: IHE Rep Card Changes/Study HS Progs. (Public)

Sponsors:

Referred to:

May 16, 2000

A BILL TO BE ENTITLED

AN ACT TO IMPLEMENT RECOMMENDATIONS OF THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE TO REQUIRE THE STATE BOARD OF EDUCATION TO REPORT ANNUALLY ON IHE REPORT CARDS AND TO DIRECT THE EDUCATION CABINET TO STUDY VARIOUS HIGH SCHOOL PROGRAMS.

The General Assembly of North Carolina enacts:

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(4) Examine whether there should be tuition waivers for high school students who take courses at community colleges or universities.

(5) Determine whether there should be a minimum age for participation in the adult high school program.

(6) Determine the feasibility, advantages and disadvantages, procedures, and costs for requiring students who participate in the adult high school program to take tests required of high school students taking the same courses.

(7) Evaluate the recent recommendations concerning the cooperative high school program that were made to the Joint Legislative

Education Oversight Committee by the State Board of Education and the State Board of Community Colleges. In particular, the Cabinet shall determine whether students should receive weighted credit on their high school transcripts for college level courses taken at community colleges, universities, or colleges, and whether this program is an appropriate venue for developmental courses.

The Cabinet shall report its findings, including any recommendations, to the Joint Legislative Education Oversight Committee by November 15, 2000.

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

MINUTES

EDUCATION COMMITTEE

JUNE 6, 2000

The meeting was called to order by Co-Chairman, Rep. Alex Warner. The following members were present: Reps. Adams, Alexander, Allen, Arnold, Bonner, Bridgeman, Cansler, Cox, Crawford, Edwards, Gillespie, Goodwin, Gulley, Haire, Hensley, Hiatt, Horn, Jarrell, Jeffus, Justus, Luebke, McCombs, McLawhorn, Sossamon, Nye, Oldham, Rayfield, Russell, Sexton, Sherrill, Thomas, Thompson, Tolson, Tucker, Walend, Warren, Warwick, Womble, Warner, Yongue and West.

The first order of business was **HB 1182, ALLOCATIONS FOR ADM GROWTH IN SCHOOLS,** sponsored by Rep. Barefoot. However, without objection from the committee, the identical bill, **HB 1686, ALLOCATIONS FOR ADM GROWTH IN SCHOOLS**, with the exception of the date change was heard before the committee. Rep. Barefoot explained the bill and Superintendent Martin Eaddy, Lincoln County Schools spoke on behalf of the bill. After much discussion from the committee members, Rep. Yongue made a motion for a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations. The motion passed.

Rep. Warner called on Rep. Juffus to explain **HB 1827, INCREASE SCHOOL THERAPIST PAY.** Mr. William Potter, attorney, NC Physical Therapy Association spoke on the bill. After much discussion, Rep. Warner determined that the bill needed to be postponed since there was not enough time left to fully discuss the bill.

The meeting adjourned.

Representative Alex Warner
Co-Chairman

Representative Doug Yongue
Co-Chairman

Ann Stancil
Committee Assistant

2000 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **WARNER AND YONGUE** for the Committee on **EDUCATION**.

☐ Committee Substitute for
H.B. 1686 A BILL TO BE ENTITLED AN ACT DIRECTING THE STATE BOARD OF EDUCATION TO ALLOCATE ADDITIONAL RESOURCES TO LOCAL SCHOOL ADMINISTRATIVE UNITS EXPERIENCING A LOSS OF STUDENTS TO CHARTER SCHOOLS BUT AN OVERALL INCREASE IN AVERAGE DAILY MEMBERSHIP IN NONCHARTER SCHOOLS.

☐ With a favorable report.

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

☐ With a favorable report, as amended.

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

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

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

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

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

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

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

☐ Without prejudice.

☐ With an indefinite postponement report.

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

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

5/25/00

HOUSE BILL 1686:
Allocations for ADM Growth in Schools

BILL ANALYSIS

Committee: House Education
Date: June 1, 2000
Version: First Edition

Introduced by: Representative Barefoot
Summary by: Kory Goldsmith
Committee Counsel

SUMMARY: ***House Bill 1686 directs the State Board to allocate additional resources to local school administrative units who lose students to charter schools but have an overall increase in ADM in the noncharter schools The additional resources are to come from the Resere for Increases in Average Daily Membership.***

BACKGROUND: The Reserve for Increases in Average Daily Membership is used by the State Board to pay for emergency changes in average daily membership after the projections for the budget have been made. The reserve is at about $5.5 million.

In its February 15th report to the Joint Legislative Education Oversight Committee, the State Board of Education found that charter schools have an impact on local school administrative units. This impact manifests in two ways: (1) It takes more money to serve the same number of students from more schools rather than fewer schools; and (2) the impact on existing schools is not uniform. The State Board has adopted a funding process that minimizes the impact of charter schools after the first year. However, the impact on local funding is not addressed. G.S. 115C-238.29H(b) provides that if a student attends a charter school, the local school administrative unit in which the child resides shall transfer to the charter school an amount equal to the per pupil current expense appropriation to the local school administrative unit for the fiscal year.

16 new charter schools are scheduled to open during the 2000-2001 school year.

BILL ANALYSIS: House Bill 1686 directs the State Board to allocate additional monies to local school administrative units where the overall average daily membership in noncharter schools has risen in spite of the loss of students to charter schools. The funds shall come from the Reserves for Increases in Average Daily Membership.

ISSUES: The bill does not define what constitutes "additional resources". The fiscal note assumes that amount to be equal to the State's per pupil funding to the local school administrative unit.

The bill does not limit the number of years a school administrative unit may receive the additional resources. The additional resources appear to be in addition to the adjustments the State Board has adopted after Year 1 of a charter school opening.

The bill does not address the impact on local funding.

The fiscal note indicates the act would cost $49.7 million dollars during the 2000-2001 fiscal year.

The bill should be re-referred to the Committee on Appropriations.

The act becomes effective July 1, 2000.

Sara Kamprath contributed substantially to this summary.

H1182-SMRC-001

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H 1

HOUSE BILL 1686

Short Title: Allocations for ADM Growth in Schools. (Public)

Sponsors: Representatives Barefoot; Goodwin, Wainwright, and Yongue.

Referred to: Rules, Calendar, and Operations of the House.

May 24, 2000

A BILL TO BE ENTITLED

AN ACT DIRECTING THE STATE BOARD OF EDUCATION TO ALLOCATE ADDITIONAL RESOURCES TO LOCAL SCHOOL ADMINISTRATIVE UNITS EXPERIENCING A LOSS OF STUDENTS TO CHARTER SCHOOLS BUT AN OVERALL INCREASE IN AVERAGE DAILY MEMBERSHIP IN NONCHARTER SCHOOLS.

The General Assembly of North Carolina enacts:

Section 1. The State Board of Education shall use funds from the Reserve for Increases in Average Daily Membership to allocate additional resources to local school administrative units experiencing a loss of students to charter schools but an overall increase in average daily membership in noncharter schools.

The State Board shall report to the Joint Legislative Education Oversight Committee on resources allocated pursuant to the provisions of this act.

Section 2. This act becomes effective July 1, 2000.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H 1

HOUSE BILL 1182

Short Title: Allocations for ADM Growth in Schools. (Public)

Sponsors: Representative Barefoot.

Referred to: Education.

April 15, 1999

A BILL TO BE ENTITLED

AN ACT DIRECTING THE STATE BOARD OF EDUCATION TO ALLOCATE ADDITIONAL RESOURCES TO LOCAL SCHOOL ADMINISTRATIVE UNITS EXPERIENCING A LOSS OF STUDENTS TO CHARTER SCHOOLS BUT AN OVERALL INCREASE IN AVERAGE DAILY MEMBERSHIP IN NONCHARTER SCHOOLS.

The General Assembly of North Carolina enacts:

Section 1. The State Board of Education shall use funds from the Reserve for Increases in Average Daily Membership to allocate additional resources to local school administrative units experiencing a loss of students to charter schools but an overall increase in average daily membership in noncharter schools.

The State Board shall report to the Joint Legislative Education Oversight Committee on resources allocated pursuant to the provisions of this act.

Section 2. This act becomes effective July 1, 1999.

NORTH CAROLINA GENERAL ASSEMBLY

LEGISLATIVE FISCAL NOTE

BILL NUMBER: House Bill 1686

SHORT TITLE: Allocations for ADM Growth in Schools

SPONSOR(S): Representative Barefoot

FISCAL IMPACT

Yes (x) **No ( )** **No Estimate Available ( )**

	FY 2000-01	FY 2001-02	FY 2002-03	FY 2003-04	FY 2004-05
REVENUES					
EXPENDITURES	$49.7 M.	$50.8M.	$51.9M	$53.0 M	$54.2 M
POSITIONS:					

PRINCIPAL DEPARTMENT(S) & PROGRAM(S) AFFECTED: State Board of Education, State Public School Fund

EFFECTIVE DATE: July 1, 2000

BILL SUMMARY: Directs the State Board of Education to allocate additional resources to local school administrative units experiencing a loss of students to charter schools but an overall increase in average daily membership in noncharter schools. Requires State Board of Education to use funds from Reserve for Increases in Average Daily Membership as title indicates. Requires State Board to report to Joint Legislative Education Oversight Committee on resources allocated.

ASSUMPTIONS AND METHODOLOGY:

1. Requires the allocation of additional resources to public schools following a loss of students to charter schools.
2. 28 LEAs had charter school students and had a student population increase (excluding charter school students). 13,430 students within these 28 LEAs attended a charter school.
3. Assume no more than 100 charter schools for the next four-years. Current legislative cap.

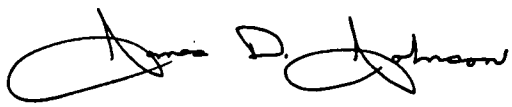
4. Estimated cost per student lost to a charter school is based on each LEAs State funding per child.

5. Local funding has not been included. Local funds, from the district in which the student resides, must follow the student to the charter school.
6. Annual growth tied to ADM growth in the 28 LEAs (2.2%).

TECHNICAL CONSIDERATIONS:
The bill as written can be interpreted very broadly. All local school systems which have any open charter schools within their districts and have any overall increase in average daily membership (ADM) in non-charter schools would be eligible for funding. The majority of the impact on the pubic schools is in the first year that a new charter school opens, or when a charter school grows by more than 10% in any one year. However, the bill does not limit the funding assistance to the first year of a charter school's opening or to exceptional growth periods. Without some alteration to the bill and some limitation on the amount of assistance, the Reserve for Increases in Average Daily Membership would be inadequate to fund the bill.

FISCAL RESEARCH DIVISION 733-4910
PREPARED BY: Philip Price/Eric Thanos

APPROVED BY: James D. Johnson



DATE: June 6, 2000

HOUSE BILL 1827:
Increase School Therapist Pay

BILL ANALYSIS

Committee:	House Education	**Introduced by:**	Rep. Jeffus
Date:	June 6, 2000	**Summary by:**	Shirley Iorio, PhD
Version:	First Edition		Education Specialist

SUMMARY: This bill would make the first step of the salary schedule for public school occupational therapists and physical therapists equivalent to Step 5 on the salary schedule for certified personnel who are classified as "G" teachers (Masters Degree Level). Occupational therapists and physical therapists would be placed on the salary schedule at an appropriate step based on their years of experience, and they would receive longevity payments based on years of State service in the same manner as teachers.

Occupational therapists and physical therapists with certification based on academic preparation at the six-year degree level would receive a salary supplement of $126 per month in addition to their regular compensation, and those with certification based on academic preparation at the doctoral level would receive a salary supplement of $253 per month in addition to their regular compensation.

$120,000 would be appropriated to implement the provisions of this act.

The law would become effective July 1, 2000 and would apply to the 2000-2001 school year.

CURRENT LAW: Currently, occupational therapists and physical therapists are paid as Noncertified Personnel at a pay grade of 76. The salary range for pay grade 76 is $3156.67-$5598.06 per month. They receive longevity payments based on years of State service.

BILL ANALYSIS: The salary range for the State pay grade of 76 and the proposed salary schedule are comparable:

Pay Grade 76 (current)	Step 5-29+ (proposed)
$3156.67 - $5598.06	$3135 - $4656

The longevity payment for teachers is different from the longevity payment for State employees:

Years of Service	Longevity for State Employees	Longevity for Teachers
10-14 years	1.5%	1.0%
15-19 years	2.25%	1.5%
20-24 years	3.25%	2.0%
25+ years	4.5%	4.5%

BACKGROUND: Placing occupational therapists and physical therapists on the "G" salary schedule beginning at Step 5, would make their compensation similar to that of school psychologists and masters level speech pathologists and audiologists. School psychologists, speech pathologists, and audiologists are Certified employees:

Employment Area	Requirements
School Psychologist	• A school psychologist's license • Completion of an approved program in school psychology at the sixth year level • NTE/Praxis School Psychology
Speech-Language Pathologist	• A speech-language pathologist license • Completion of an approved program in speech pathology at the master's level or above • NTE/Praxis Speech-Language Pathology
Audiologist	• An audiologist license • Completion of an approved program in audiology at the master's level or above **or** • An audiology license from the American Speech-Language-Hearing Association, **or** • A license from the North Carolina Board of Examiners for Speech and Language Pathologist and Audiologist, **and** • NTE/Praxis Audiology

Occupational therapists and physical therapists are Noncertified employees:

Employment Area	Requirements
Occupational Therapist	• Graduation from a four year accredited program of occupational therapy and two years of experience, **or** • A master's degree in occupational therapy • License as an occupational therapist in North Carolina
Physical Therapist	• Graduation from a four year accredited program of physical therapy and two years of experience, **or** • A master's degree in physical therapy • License as a physical therapist in North Carolina

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H 1

HOUSE BILL 1827

Short Title: Increase School Therapist Pay. (Public)

Sponsors: Representatives Jeffus; Adams and Wainwright.

Referred to: Education, if favorable, Appropriations.

May 30, 2000

A BILL TO BE ENTITLED

AN ACT TO APPROPRIATE FUNDS TO INCREASE THE PAY OF OCCUPATIONAL THERAPISTS AND PHYSICAL THERAPISTS IN THE PUBLIC SCHOOLS.

The General Assembly of North Carolina enacts:

Section 1. Section 8.13 of S.L. 1999-237 is amended by adding a new subsection to read:

Section 8.13.(f) Effective for the 2000-2001 school year, the first step of the salary schedule for occupational therapists and physical therapists in the public schools shall be equivalent to Step 5, corresponding to five years of experience, on the salary schedule established in this section for certified personnel of the public schools who are classified as "G" teachers. Occupational therapists and physical therapists shall be placed on the salary schedule at an appropriate step based on their years of experience. Occupational therapists and physical therapists shall receive longevity payments based on years of State service in the same manner as teachers.

Occupational therapists and physical therapists with certification based on academic preparation at the six-year degree level shall receive a salary supplement of one hundred twenty-six dollars ($126.00) per month in addition to the compensation provided for occupational therapists and physical therapists. Occupational therapists and physical therapists with certification based on academic preparation at the doctoral degree level shall receive a salary supplement of two hundred fifty-three dollars ($253.00) per month in addition to the compensation provided for occupational therapists and physical therapists.

Section 2. There is appropriated from the General Fund to State Aid to Local School Administrative Units the sum of one hundred twenty thousand dollars ($120,000) for the 2000-2001 fiscal year to implement the provisions of this act.

Section 3. This act becomes effective July 1, 2000.

VISITOR REGISTRATION SHEET

Education — 6-6 — 2000

Name of Committee — Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Martin McEaddy	Lincoln Co. Schools
	P.O. 400 Lincolnton, N.C. 28092
Elizabeth Brownsolen	OSBM
Ginger Jones	OSBM
Sam Lee	OSBM
Audrey A. Galloway	NCAE
Jarrell Ijames	DPI
Sandy Sabstrom	DPI
Travis G. Hill	Lt. Gov's office
Stuart Albright	Lt. Gov. office
Jennifer Bennett	NC-DPI
Hank Hurd	NC DPI
Paul LaSieur	NC DPI
	NCFPC
	C.A.L.
	NCICU
Bill Clinton	[illegible]
Ann Belcher	SBE
Donna Kinnair	NCSBA
Rebecca F. Fox	MH/DD/SAS – Davidson County
Paula D. Newman	OPC Mental Health
Janet Pierce	PSS – Person Co.
Rubye P. Greene	2101 Lynchmid Dr. Raleigh, N.C.
ELIZABETH OWENS	FIRST IN FAMILIES OF NC. 5869 Brandywood Rd Ral. 27609
Mac Borden	
Bessie S. Lewis	
Jeanne B. Holmes	AKA
Delilah P. Donaldson	AKA

Name	FIRM/Agency
Mary L. Canty	Alpha Kappa Alpha Sorority, Inc.
Felecia Dixon	Alpha Kappa Alpha Sorority
Betty Camp	Alpha Kappa Alpha Sorority
Mary Dudley Aldrich	Alpha Theta Omega chapter Alpha Kappa Alpha Sorority, Inc.
Bill Wilson	NCAE
Marc Sanders	Governor's Office
[illegible]	[illegible]
David Brown	DSBM
Helen Logan	Meck Co
Amber Perrell	PENC
Crystal Belfield	Alpha Kappa Alpha Sorority
Kathy Anderson	Alpha Kappa Alpha Sorority
Sharon Williams	Alpha Kappa Alpha Sorority
[illegible]	Alpha Kappa Alpha Sorority
Ann Drum	Coastal Res. Ed. Partnership
Nancy Rangeen	" " "
Essie Short	" " "
Claire Kennedy	" " "
Jean Fagan	"
[illegible]	" " "
[illegible]	NCPTA
Susan Harris	UNCSS
Carol D. Scott	The Workshop of Dare County
ALLEN WILSON	COASTAL RESOURCES

MINUTES

EDUCATION COMMITTEE

JUNE 20, 2000

The meeting was called to order by Representative Yongue. All members were in attendance.

The only order of business was **HOUSE BILL 1862, A HOUSE RESOLUTION SETTING THE DATE FOR THE HOUSE OF REPRESENTATIVES TO ELECT A MEMBER TO FILL AN UNEXPIRED TERM ON THE STATE BOARD OF COMMUNITY COLLEGES.** Representative Tolson was called upon to explain the bill and, after some brief discussion, Representative Owens moved for a favorable report. The motion was seconded by Representative Womble and the motion for a favorable report passed.

The meeting was then adjourned.

Respectfully submitted,

Rep. Douglas Yongue, Co-Chairman

Rep., Alex Warner, Co-Chairman

Jenny Umstead, Committee Assistant

2000 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) YONGUE AND WARNER for the Committee on EDUCATION

☐ Committee Substitute for
H.R. 1862 A HOUSE RESOLUTION SETTING THE DATE FOR THE HOUSE OF REPRESENTATIVES TO ELECT A MEMBER TO FILL AN UNEXPIRED TERM ON THE STATE BOARD OF COMMUNITY COLLEGES.

☐ With a favorable report.

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

☐ With a favorable report, as amended.

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

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

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

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

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

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

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

☐ Without prejudice.

☐ With an indefinite postponement report.

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

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

5/25/00

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H 1

HOUSE RESOLUTION 1862

Sponsors: Representative Tolson.

Referred to: Education.

June 13, 2000

A HOUSE RESOLUTION SETTING THE DATE FOR THE HOUSE OF REPRESENTATIVES TO ELECT A MEMBER TO FILL AN UNEXPIRED TERM ON THE STATE BOARD OF COMMUNITY COLLEGES.

Be it resolved by the House of Representatives:

Section 1. Pursuant to G.S. 115D-2.1(b)(4)e., the House of Representatives shall elect a member to the State Board of Community Colleges to fill a vacancy occurring among the members elected by the House of Representatives and to serve for the remainder of the unexpired term. This election shall be held during the regular session of the House of Representatives on Thursday, June 22, 2000.

Section 2. The House of Representatives shall follow the procedure set out in G.S. 115D-2.1 for the nomination and election of members of the State Board.

Section 3. This resolution is effective upon adoption.

VISITOR REGISTRATION SHEET

Education
Name of Committee

Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Marc Sanders	Governor's Office
Stuart Albright	Lt. Gov's office
Hal Miller	NC ACCT

MINUTES

HOUSE EDUCATION COMMITTEE

JUNE 27, 2000

The meeting was called to order by Co-Chairman Representative Alex Warner. Members not present were Representatives Adams, Allen, Boyd-McIntyre, Cansler, Dedmon, Dockham, Gillispie, Haire, Hiatt, Insko, Kinney, McAllister, McMahan, Michaux, Morgan, Nesbitt, Nye, Oldham, Saunders, Thomas, and Walend. Representatives Tolson and Nye had excused absences.

The only order of business on the agenda was **HOUSE BILL 1833, GROUP HOMES/LOCAL EDUCATION FUNDING.** Representative Bill Hurley was called upon to explain the bill. After some brief discussion a committee substitute was proposed and distributed to the members. Representative Tucker moved and Representative Edwards seconded to consider the committee substitute. The motion passed, and the committee substitute was discussed. After more brief discussion, Representative Goodwin moved for a favorable report as to the committee substitute, unfavorable as to original bill, and re-referred to Appropriations. Representative Justus seconded the motion and the motion passed.

The meeting was then adjourned.

Respectfully submitted,

Rep. Alex Warner, Co-Chair

Rep. Douglas Yongue, Co-Chair

Jenny Umstead, Committee Assistant

2000 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **Warner/Yongue** for the Committee on **EDUCATION.**

☒ Committee Substitute for
H.B. 1833 A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE LEGISLATIVE RESEARCH COMMISSION TO STUDY ISSUES RELATED TO PLACING AND PROVIDING A SPECIAL EDUCATION FOR CULDREN IN GROUP HOMES, FOSTER HOMES, AND OTHER FACILITIES FOR CHILDREN WITH SPECIAL NEEDS, AND TO APPROPRIATE FUNDS.

☐ With a favorable report.

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

☐ With a favorable report, as amended.

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

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

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

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

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

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

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

☐ Without prejudice.

☐ With an indefinite postponement report.

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

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

5/25/00

FOR JOURNAL USE ONLY

____ Pursuant to Rule 36(b), the bill is placed on the Calendar of _____.

____ The (committee substitute) bill/resolution (, as amended,) is (ordered engrossed and) re-referred to the Committee on _____.

____ The bill/resolution is re-referred to the Committee on _____.

____ On motion of (Rep. _____ _____,) (the Chair,) the (committee substitute) bill/resolution is (ordered engrossed and) re-referred to the Committee on _____.

____ Pursuant to Rule 36(b), the (House)committee substitute bill (No. ____)/resolution is placed on the Calendar of _____. (The original bill) (House Committee Substitute Bill No. ____)/resolution is placed on the Unfavorable Calendar.

____ On motion of Rep. _____, (the rules are suspended) (Rule ____ is suspended) and the bill/resolution is placed on today's calendar. (for immediate consideration.)

____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV____ ____).

____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV____ ____).

____ Rep. _____ offers Amendment No. _____ which (is adopted.) (fails of adoption.) (by EV ____ ____.) ( ) This amendment changes the title.

____ The bill/resolution (, as amended,) passes its second reading (by following vote, ____ ____ RC) (, by EV ____ ____,) and (remains on the Calendar,) (and there being no objection is read a third time).

____ The bill/resolution (, as amended,) passes its third reading (by the following vote, ____ ____ RC) (, by EV ____ ____,) and is ordered
____ sent to the Senate.
____ without engrossment. ____ by Special message.
____ sent to the Senate for concurrence in
_____ House amendment (s).
_____ House committee substitute.
____ enrolled.

____ On motion of Rep. _____, the House concurs in the (material) Senate _____ (by the following vote, ____ ____ RC) (, by EV ____ ____,) and the bill is ordered enrolled.

HOUSE BILL 1833:
Group Homes/Local Educ. Funding.

BILL ANALYSIS

Committee:	House Education	**Introduced by:**	Representative Hurley
Date:	June 27, 2000	**Summary by:**	Robin S. Johnson
Version:	First Edition		Committee Counsel

SUMMARY: ***House Bill 1833 would amend G.S. 115C-140.1 to require the local board of education (resident LEA) of the county where a child's parent, guardian, or legal custodian resides to bear the cost of providing a special education. This would apply to children with special needs who are placed in a group home, foster home, or similar facility. The bill also would appropriate $613,328 for the 2000-2001 fiscal year to increase the State allotment for the special education of children in these facilities. The bill would become effective July 1, 2000.***

CURRENT LAW: Both federal and State law guarantee a "free, appropriate public education" (also known as special education) for every child with a disability. Current law requires the receiving LEA (i.e., the local board of education where a group home, foster home, or similar facility is located) to pay the cost of this special education for the children with disabilities who are placed in that facility. A reserve fund is available from which the State Board of Education reimburses receiving LEAs for these education costs.

BACKGROUND: Local departments of social services, area mental health authorities, and the court system can place a child in a group home, foster home, or similar facility – when this is an appropriate placement for that child. These facilities are not necessarily located in the county where the placement decision is made. The Department of Health and Human Services licenses the actual facilities, but not their programs, personnel or where they are located. Generally, the facilities are operated by private entities that select the county where they will be located. Actual placement of a group home hinges on the local government's zoning laws.

In 1981, G.S. 115C-140.1 was enacted to require receiving LEAs to bear the special education costs for children placed in these facilities. Before that time, LEAs would refuse to claim responsibility for paying these costs – often because of the very real difficulty in locating these children's parents.

Currently, the receiving LEA notifies the State Board when a child with special needs is placed in a facility located in that LEA's county. The State Board reimburses the receiving LEA $6781, on a pro rata basis, for the first year of school enrollment. These funds include the per pupil State ADM, the State per pupil exceptional children's allotment, and the federal per pupil exceptional children's allotment. During this first year, these children are excluded from the 12.5% cap on funds going to the LEA for exceptional children. In subsequent years of enrollment, these children are counted as part of the receiving LEA's ADM. If that LEA is over the special education cap, then the LEA would not receive additional funds for the special education of that child.

ISSUES:

- What amount will the resident LEA be required to pay? The total actual cost? The amount in excess of the amount coming from the State? A per pupil portion of the local funding that goes to the resident LEA? If local funding includes capital funds, would they be considered?

- Who will determine this amount? What if the resident LEA's per pupil local funding is greater than that of the receiving LEA's per pupil local funding?
- If a child has both a parent and a legal guardian or custodian (for example, the local DSS has legal custody of some foster children), how will residence be determined?
- Neither version of the budget bill includes the appropriation.

H1833-SMRH-001a

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H 1

HOUSE BILL 1833*

Short Title: Group Homes/Local Educ. Funding. (Public)

Sponsors: Representatives Hurley; and Morris.

Referred to: Education, if favorable, Appropriations.

May 30, 2000

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT THE COST OF EDUCATING A CHILD PLACED IN A GROUP HOME, FOSTER HOME, OR OTHER SIMILAR FACILITY, SHALL BE BORNE BY THE LOCAL BOARD OF EDUCATION IN THE COUNTY IN WHICH THE CHILD'S PARENT, GUARDIAN, OR LEGAL CUSTODIAN RESIDES, AND TO APPROPRIATE FUNDS TO INCREASE THE STATE ALLOTMENT FOR THE EDUCATION OF CHILDREN WITH SPECIAL NEEDS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 115C-140.1 reads as rewritten:

"**§ 115C-140.1. Cost of education of children in group homes, foster homes, etc.**

(a) Notwithstanding the provisions of any other ~~statute and without regard for the place of domicile of a parent or guardian,~~ statute, the cost of a free appropriate public education for a child with special needs who is placed in or assigned to a group home, foster home or other similar facility, pursuant to State and federal law, shall be borne by the local board of education in the county in which the child's parent, guardian, or legal custodian resides. ~~which the group home, foster home or other similar facility is located.~~ Nothing in this section obligates any local board of education to bear any cost for the care and maintenance of a child with special needs in a group home, foster home or other similar facility.

(b) The State Board of Education shall use State and federal funds appropriated for children with special needs to establish a reserve fund to reimburse local boards of education for the education costs of children assigned to group homes or other facilities as provided in subsection (a) of this section."

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H D

HOUSE BILL 1833*
Proposed Committee Substitute H1833-PCS8211-RH001B

Short Title: LRC Study LEA Funding/Group Homes. (Public)

Sponsors:

Referred to:

May 30, 2000

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE LEGISLATIVE RESEARCH COMMISSION TO STUDY ISSUES RELATED TO PLACING AND PROVIDING A SPECIAL EDUCATION FOR CHILDREN IN GROUP HOMES, FOSTER HOMES, AND OTHER FACILITIES FOR CHILDREN WITH SPECIAL NEEDS, AND TO APPROPRIATE FUNDS.

The General Assembly of North Carolina enacts:

Section 1. The Legislative Research Commission may study issues related to placing and providing a special education for children in group homes, foster homes, and other similar facilities. If this study is undertaken, the Commission shall examine the following issues:

(1) The per pupil cost of providing special education to children placed in these facilities.

(2) The procedures and criteria for establishing a group home, foster home, or similar facility in a county and for placing children in a particular facility.

(3) The location of these facilities.

(4) The standards of care or quality of care provided to children placed in these facilities.

(5) If it is determined that the cost of providing a special education exceeds State funds allocated to the local education agency, whether a county other than the one where the facility is located should provide the excess costs.

The Commission may report to the 2001 Session of the General Assembly on its findings and may make any legislative recommendations it considers appropriate.

Section 2. There is appropriated from the General Fund to the General Assembly the sum of twenty-five thousand dollars ($25,000) for the 2000-2001 fiscal year to implement this act.

Section 3. This act becomes effective July 1, 2000.

MINUTES

HOUSE EDUCATION COMMITTEE
JULY 6, 2000

The meeting was called to order by Representative Douglas Yongue. Members not present were Representatives Allen, Cox, Dedmon, Dockham, Hiatt, Kinney, McAllister, McMahan, Morgan, Nesbitt, Sexton, Tucker and Warwick.

The only item of business was **SENATE BILL 1177, ENHANCED CHARACTER EDUCATION.** Senator Dalton was called upon to explain the bill. After some discussion and questions asked and answered, Representative Sherrill introduced an amendment to amend the bill on page 1 line 8 by deleting the word "shall" and by substituting the word "may". After some discussion a vote was called for on the amendment. As the chairman could not determine the outcome of the voice vote, the Chair requested a show of hands. A physical count showed 22 in favor and 15 against the amendment.

Representative Thompson requested to hear an opinion on the bill from the School Board Association. Leanne Winner of that organization stated they had no problem with the bill. An opinion from the NCAE was requested, and Ms. Harriet Dial Baker of that organization stated that they did support the bill.

After some more discussion, Representative Arnold moved for an unfavorable report as amended. Representative Michaux seconded the motion. Representative Thomas spoke against that motion, and requested a count of the "ayes" and "noes". Representative Nye made a substitute motion for a favorable report. That motion was ruled out of order. Representative Nye then moved to adjourn the meeting and Representative Sherrill seconded.

The meeting was adjourned without any action being taken on the bill.

Respectfully submitted,

Rep. Douglas Y. Yongue, Co-Chair

Rep. Alex Warner, Co-Chair

Jenny Umstead, Committee Assistant

SENATE BILL 1177:
Enhanced Character Education

BILL ANALYSIS

Committee:	House Education	**Introduced by:**	Senators Lee and Dalton
Date:	July 5, 2000	**Summary by:**	Robin Johnson
Version:	Third Edition		Committee Counsel

SUMMARY: ***Senate Bill 1177 would require local local boards of education that require the teaching of character education to incorporate into their curriculum the following three additional character traits: respect for teachers, responsibility for school safety, and good citizenship. The bill also would amend current law to strongly encourage local boards of education to require the teaching of character education and to clarify that character education programs may incorporate volunteerism and service learning. The bill also would appropriate $25,000 for the 2000-2001 fiscal year to the State Board of Education to aid LEA's in implementing the Act. Other than the appropriation, the bill would take effect September 1, 2001.***

BACKGROUND: Based on a recommendation from the Joint Legislative Education Oversight Committee, the General Assembly amended the Basic Education Program in 1995 by giving local boards of education discretion in adopting a character education program. The following 8 character traits were to be taught: courage; good judgment; integrity; kindness; perseverance; respect; responsibility and self-discipline. This change was part of the legislation that implemented the ABC's Plan.

BILL ANALYSIS: Senate Bill 1177 would create a new G.S. 115C-81(h1) to direct local boards of education that require character education under G.S. 115C-81(h) to incorporate three additional character traits into their programs. These include respect for teachers, responsibility for school safety and school citizenship. As a part of the respect for teachers character trait, the curriculum may include instruction on respectful forms of address to be used when addressing school employees on school property. The forms of address can include the use of `yes, ma'am', `no ma'am', `yes, sir', `no, sir', and appropriate titles such as Mr., Mrs., Miss, or Ms. The responsibility for school safety character trait encourages the use of peer mediation and other peaceful means of solving conflicts and disagreements.

The bill also would amend G.S. 115C-81(h) to strongly encourage local boards of education to require the teaching of character education. Currently, local boards "may" require this.

G.S. 115C-81(h) also would be amended to clarify that character education programs under both subsections (h) and (h1) may incorporate volunteerism and service-learning.

SB 1177 would appropriate $25,000 to the State Board of Education for the 2000-01 fiscal year to implement the act.

The appropriation would take effect July 1, 2000. The remainder of the bill would become effective September 1, 2001.

This summary substantially contributed to by Sara Kamprath, Committee Policy Analyst.

S1177-SMRH-003

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

EDITION No. 3

H. B. No. _____ DATE _____

S. B. No. 1177 Amendment No. _____
(to be filled in by Principal Clerk)

COMMITTEE SUBSTITUTE _____

Rep.) Sherrill
Sen.)

1 moves to amend the bill on page 1, line 8
2 ( ) WHICH CHANGES THE TITLE
3 by deleting the word "shall" & by
4 substituting the word "may".
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SIGNED _____

ADOPTED _____ FAILED _____ TABLED _____

GA-33-A

PRINCIPAL CLERK'S OFFICE (FOR ENGROSSMENT)

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

S 3

SENATE BILL 1177
Education/Higher Education Committee Substitute Adopted 6/15/00
Education/Higher Education Committee Substitute No. 2 Adopted 6/22/00

Short Title: Enhanced Character Education. (Public)

Sponsors:

Referred to:

May 9, 2000

A BILL TO BE ENTITLED

AN ACT TO STRENGTHEN AND ENHANCE THE CURRICULUM FOR CHARACTER EDUCATION AND TO APPROPRIATE FUNDS TO IMPLEMENT THE CURRICULUM.

The General Assembly of North Carolina enacts:

Section 1. G.S. 115C-81 is amended by adding a new subsection to read:

"(h1) Enhanced Character Education. -- Local boards of education that require the teaching of character education under subsection (h) of this section shall incorporate into their programs the following additional curriculum:

(1) Respect for teachers. -- Holding teachers, school administrators, and all school personnel in high esteem; demonstrating in words and deeds that all school personnel deserve to be treated with courtesy and proper deference. In order to emphasize this character trait, schools may include instruction on respectful forms of address that students should use when addressing school employees on school property. These forms of address may include the use of 'Yes, Ma'am', 'No, Ma'am', 'Yes, Sir', 'No, Sir', and the use of an appropriate title such as 'Mr.', 'Mrs.', 'Miss', or 'Ms.'.

(2) Responsibility for school safety. -- Creating a harmonious school atmosphere that is free from assaultive threats, weapons, and violent or disruptive behavior; cultivating an orderly learning

environment where students and school personnel feel safe and secure; encouraging the resolution of conflicts and disagreements through peaceful means including peer mediation.

(3) Good citizenship. -- Obeying the laws of the nation and this State; abiding by school rules; understanding the rights and responsibilities of the members of a democracy."

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

"(h) Character Education. -- Local boards of education ~~may~~ are strongly encouraged to require the teaching of the following character traits in the public schools:

(1) Courage. -- Having the determination to do the right thing even when others don't and the strength to follow your conscience rather than the crowd; and attempting difficult things that are worthwhile.

(2) Good judgment. -- Choosing worthy goals and setting proper priorities; thinking through the consequences of your actions; and basing decisions on practical wisdom and good sense.

(3) Integrity. -- Having the inner strength to be truthful, trustworthy, and honest in all things; acting justly and honorably.

(4) Kindness. -- Being considerate, courteous, helpful, and understanding of others; showing care, compassion, friendship, and generosity; and treating others as you would like to be treated.

(5) Perseverance. -- Being persistent in the pursuit of worthy objectives in spite of difficulty, opposition, or discouragement; and exhibiting patience and having the fortitude to try again when confronted with delays, mistakes, or failures.

(6) Respect. -- Showing high regard for authority, for other people, for self, for property, and for country; and understanding that all people have value as human beings.

(7) Responsibility. -- Being dependable in carrying out obligations and duties; showing reliability and consistency in words and conduct; being accountable for your own actions; and being committed to active involvement in your community.

(8) Self-Discipline. -- Demonstrating hard work and commitment to purpose; regulating yourself for improvement and restraining from inappropriate behaviors; being in proper control of your words, actions, impulses, and desires; choosing abstinence from premarital sex, drugs, alcohol, and other harmful substances and behaviors; and doing your best in all situations.

A program to teach the above character traits and those under subsection (h1) of this section may incorporate volunteerism. Volunteerism includes rendering a service of one's own free will with no promise of compensation to others in the community, being actively involved in school by offering to help other students achieve academic success through programs such as student mentoring, developing a sense of caring for

others, and participating as a responsible citizen in the community. Public schools also may use service-learning as a tool to enrich the curriculum by helping students to relate their service experience directly to knowledge and skills learned in the classroom."

Section 3. There is appropriated from the General Fund to the State Board of Education the sum of twenty-five thousand dollars ($25,000) for the 2000-2001 fiscal year. The State Board shall use these funds to assist local school administrative units to implement this act.

Section 4. Section 3 of this act becomes effective July 1, 2000. The remainder of this act becomes effective September 1, 2001.

VISITOR REGISTRATION SHEET

Education — 7/6/00

Name of Committee — Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Stuart Albright	Lt. Gov's office
Travis Hill	Lt. Gov's office
[illegible]	Sen. Garrou's office
Erin Gray	Senator Garrou's office
M. Suom	JLF
Ali C Shec	NCCCS
Greg Owens	ACCU-NC
[illegible]	ACLU
Roz Savitt	NCCCS
[illegible]	NCSBA
Ann Bedam	SBE
Ann Quarles	SBE
Katherine Miller	NCASA
David Ferrell	Hafer, McNamara, Edwards, Attal
[illegible]	OSBPM
[illegible]	OSBPM
[illegible]	NCFPC
[illegible]	NCASA
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Hal Miller	NCACCT
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David Knight	NC Sierra
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Susan Harrison	WCPSS
Fred Allen	NC Aggregates Assn