1999

SENATE EDUCATION/ HIGHER EDUCATION

MINUTES



North Carolina General Assembly

Senate Committee on Education/Higher Education
State Legislative Building
Raleigh, North Carolina 27601-2808

1999 Session

Senator Howard Lee, Co-Chair
Room 406
Legislative Office Building
Telephone: (919) 715-3030

Senator Walter Dalton, Co-Chair
Room 409
Legislative Office Building
Telephone: (919) 715-3038

MEMBERSHIP

SENATE EDUCATION/ HIGHER EDUCATION

1999 SESSION

Senator Howard N. Lee, Co-Chair
Senator Walter H. Dalton, Co-Chair

Senator Charlie S. Dannelly, Vice-Chair
Senator Ed Warren, Vice-Chair
Senator David W. Hoyle, Vice-Chair
Senator Fletcher L. Hartsell, Jr., Vice-Chair

Senator Austin M. Allran, Ranking Minority

Senator William R. Purcell
Senator Betsy Cochrane
Senator Roy A. Cooper, III
Senator Virginia Foxx
Senator Wib Gulley
Senator Hamilton C. Horton, Jr.
Senator Jeanne Hopkins Lucas
Senator John Garwood
Senator William N. Martin
Senator Robert A. Rucho
Senator Beverly Eaves Perdue
Senator James S. Forrester
Senator Kay R. Hagan
Senator Charles Carter
Senator McDaniel Robinson
Senator Linda Garrou

NORTH CAROLINA GENERAL ASSEMBLY

COMMITTEE SUMMARY REPORT

1999-2000 Biennium — SENATE: EDUCATION / HIGHER EDUCATION — Valid Through 27-JUL-1999

BILL	INTRODUCER	SHORT TITLE	LATEST ACTION ON BILL	IN DATE	OUT DATE
H 216	PRESTON	EVALUATE CHARTER SCHOOLS	*R -CH. SL 99-0027	04-05-99	04-07-99
H 244	MCLAWHORN	STUDENT ON COMM., COLL. BOARD	*R -CH. SL 99-0061	04-21-99	05-05-99
H 260	BAREFOOT	COMMUNITY COLLEGE TECH. CHANGES	R -CH. SL 99-0084	04-21-99	05-05-99
H 274=	WARNER	ASST. PRINCIPAL PROVISIONAL CERT	H -PRES. TO GOV. 07-20	03-29-99	07-07-99
H 293	BRIDGEMAN	PROPRIETARY SCH./CIVIL PENALTIES	*H -CONF COM APPOINTED	04-28-99	06-03-99
H 517=	MOORE R	STOP THREATS/ACTS OF SCHOOL VIOLENCE	*R -CH. SL 99-0257	04-28-99	05-05-99
H 517=	MOORE R	STOP THREATS/ACTS OF SCHOOL VIOLENCE	*R -CH. SL 99-0257	05-11-99	05-12-99
H 848	COLE	NO CHARTER SCHOOL DEADLINE/ROCKINGHA	*S -RE-REF COM ON RULES &	04-21-99	07-07-99
H 967=	GRADY	CHARTER SCHOOL TESTING REQUIREMENTS	S -REF TO COM ON ED/HIED	04-26-99	
H1046	THOMPSON	CELL PHONES/PAGERS IN SCHOOLS	*S -REF TO COM ON ED/HIED	04-28-99	
H1107	GARDNER	CREDIT CARD SOLICITATION/COLLEGES	*S -REF TO COM ON ED/HIED	04-29-99	
H1150	JEFFUS	SCH. IMPROVEMENT TEAM REPS ELECTED	R -CH. SL 99-0271	04-27-99	06-30-99
H1154	MICHAUX	WEAPONS AT SCHOOL/LAW CLARIFIED	*H -PRES. TO GOV. 07-15	04-23-99	07-08-99
H1167	MOORE R	LATERAL ENTRY SIMPLIFIED	*R -CH. SL 99-0108	04-28-99	05-12-99
H1187	HUNTER	COMMUNICATION DEVICES ON SCHOOL BUSE	R -CH. SL 99-0275	04-27-99	06-23-99
H1267	BOYD-MCINTYRE	TEACHER HARASSMENT PROTECTION	*H -PRES. TO GOV. 07-13	05-03-99	05-19-99
S 19	RAND	UNC TUITION/SCHOLARSHIP/MILITARY	*S -RE-REF COM ON APPROPR	02-02-99	03-18-99
S 20=	**RAND**	**LOW-WEALTH SCHOOL SUPP. FUNDS**	**S -RE-REF COM ON APPROPR**	**02-02-99**	**05-11-99**
S 56=	LEE	SUNSET/TERM OF ENERGY SAVINGS CTRCT	*R -CH. SL 99-0235	02-09-99	03-17-99
S 68	DALTON	ELECT UNC BD OF GOV	S -ADOPTED	02-10-99	02-11-99
S 95	LEE	MODIFY C.C. & UNC BD MEMBERSHIP	*H -RE-REF COM ON RULES	02-15-99	04-01-99
S 118=	RUCHO	COMMUNITY-BASED SCHOOL ASSIGNMENTS	S -REF TO COM ON ED/HIED	02-17-99	
S 225=	DALTON	ASS'T PRINCIPAL PROVISIONAL CERT	*R -CH. SL 99-0030	03-04-99	03-17-99
S 335	DANNELLY	BONUS CLARIFIED/MECKLENBURG SCHOOLS	*R -CH. SL 99-0047	03-11-99	04-01-99
S 338	HARTSELL	SCHOOL PERSONNEL/CLASSROOM EXPER.	*H -REF TO COM ON EDUCATN	03-15-99	04-21-99
S 340=	RUCHO	BONUS CLARIFIED/MECKLENBURG SCHOOLS	S -REF TO COM ON ED/HIED	03-15-99	
S 392	KINNAIRD	CAMPUS VOTER REGISTRATION	S -RE-REF COM ON JUDICII	03-16-99	04-14-99
S 441=	DANNELLY	SCHOOL PERFORMANCE GOAL PILOT PROG.	S -REF TO COM ON ED/HIED	03-22-99	
S 469	LEE	ST.BD OF EDUC. CONFIRMATION	*R -CH. RES 99-17	03-23-99	06-10-99
S 471	LEE	SURPLUS COMPUTERS TO SCHOOLS	S -REF TO COM ON ED/HIED	03-23-99	

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 — SENATE: EDUCATION / HIGHER EDUCATION — Valid Through 27-JUL-1999

BILL	INTRODUCER	SHORT TITLE	LATEST ACTION ON BILL	IN DATE	OUT DATE
S 482	LUCAS	LOCAL FLEXIBILITY/SCH. EVALUATIONS	S -REF TO COM ON ED/HIED	03-23-99	
S 520=	RUCHO	MECKLENBURG SCH. ELECTION CHANGES-2	S -REF TO COM ON ED/HIED	03-25-99	
S 521=	RUCHO	MECKLENBURG SCH. ELECTION CHANGES-1	S -REF TO COM ON ED/HIED	03-25-99	
S 586	LEE	TEXTBOOK DISTRIBUTION SYST. MODIFIED	*H -REF TO COM ON RULES	03-29-99	04-28-99
S 735	ALBERTSON	COMM. COLL. TRUSTEE ELIGIBILTY	H -RE-REF COM ON RULES	04-01-99	04-07-99
S 739	MARTIN W	NC A&T STATE UNIV./ED. DEGREE	S -RE-REF COM ON APPROPR	04-05-99	04-21-99
S 740	WELLONS	TEST STDS./SPECIAL NEEDS CHILDREN	S -RE-REF COM ON APPROPR	04-05-99	04-22-99
S 748	FOXX	TEACHER CREDIT/EXCESS PERSONAL LEAVE	S -RE-REF COM ON APPROPR	04-05-99	04-22-99
S 757	**RUCHO**	**PRE-K PROGRAM TO MEET EDUC. NEEDS**	**S -RE-REF COM ON ED/HIED**	**05-13-99**	
S 765=	LEE	VOLUNTARY SHARED LEAVE	S -REF TO COM ON ED/HIED	04-06-99	
S 795	DALTON	CC BD. ELECTION	R -CH. RES 99-09	04-12-99	04-21-99
S 818	HARTSELL	POSTSECONDARY EDUCATION PROGRAM	S -REF TO COM ON ED/HIED	04-12-99	
S 826=	LEE	UNC/HORACE WILLIAMS CAMPUS	S -REF TO COM ON ED/HIED	04-12-99	
S 898	DALTON	SCHOOL PERSONNEL LAW CHANGES	R -CH. SL 99-0096	04-14-99	04-21-99
S 942	MARTIN W	IMPLEMENTATION OF STUDENT STANDARDS	R -CH. SL 99-0317	04-14-99	04-28-99
S 976=	CARTER	DROPOUT RATE COMPUTATION/ABCS PROG	S -REF TO COM ON ED/HIED	04-15-99	
S 977=	CARTER	SCHOOL TEAM AUTHORITY/SCH. CALENDAR	*S -PRES. TO GOV. 07-19	04-15-99	04-22-99
S 978=	CARTER	SCHOOL EMPLOYEE RETIREMENT CREDIT	*S -RE-REF COM ON APPROPR	04-15-99	04-26-99
S 980=	CARTER	NO COST TO TEACHER FOR PERSONAL LEAV	S -REF TO COM ON ED/HIED	04-15-99	
S1075	RAND	SPECIAL NEEDS FUNDING/TRANSPORTATION	R -CH. SL 99-0117	04-15-99	04-22-99
S1093=	GARROU	DUTY FREE PERIOD/ALL TEACHERS	*R -CH. SL 99-0163	04-15-99	04-28-99
S1099	CARTER	ALTERNATIVE SCHOOLS WITHIN SCHOOLS	*S -PRES. TO GOV. 07-20	04-15-99	04-22-99
S1151=	CARTER	CHARTER SCHOOL TESTING REQUIREMENTS	S -REF TO COM ON ED/HIED	04-15-99	
S1162	LUCAS	SCHOOL HEALTH CURRICULUM MODIFIED	S -REF TO COM ON ED/HIED	04-15-99	
S1167	CARTER	EXCESS SNOW DAYS EXCUSED/PUBLIC SCH.	*S -RE-REF COM ON APPROPR	04-15-99	04-22-99

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.

SENATE EDUCATION/HIGHER EDUCATION COMMITTEE

AGENDA

February 11, 1999
Thursday

8:30 A.M.
Room 414

CALL TO ORDER AND WELCOME — Senator Lee, Co-Chair Presiding

RESOLUTIONS TO BE CONSIDERED

Senate Resolution 68 — **Senator Walter Dalton**

A SENATE RESOLUTION TO ESTABLISH THE PROCEDURE FOR NOMINATING AND ELECTING MEMBERS OF THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA.

ADJOURNMENT

MINUTES

EDUCATION/HIGHER EDUCATION COMMITTEE

February 11, 1999

Room 414, Legislative Office Building

The Education/Higher Education Committee met on February 11, 1999, at 8:30 A.M. in Room 414, of the Legislative Office Building. There were 18 members present. Senator Howard Lee, Co-Chair, presided.

Senator Lee introduced and recognized all of the returning members of the Committee. He welcomed the four newly appointed Senators to the Education/Higher Education Committee. They are Senators Charles Carter; Linda Garrou; Kay Hagan and Dan Robinson.

Senator Lee praised the leadership of the Co-Chair, Senator Walter Dalton. Next, Senator Lee explained the pending resolution, which establishes the procedure and time line for nominating and electing members to the Board of Governors of the University of North Carolina System. He stated it was the responsibility of the Education Committee to first review and approve the resolution before it is carried to the floor of the Senate for a vote by the full Senate. Secondly, he explained that it is the responsibility of the Education Committee to review all of the candidates to assure their legitimacy for service and to certify that they are acceptable as candidates before they are then taken to the full Senate for an election.

Next, Senator Lee introduced and welcomed Kerri Davenport, a Senate Page from Forest City. Senator Dalton sponsored Ms. Davenport.

Senator Dalton, Co-Chair, briefed the members of the Education Committee on the legislative statues of Senate Resolution 68. *(Please see Attachment 1).* He reviewed the Timeline for the members. *(Please see Attachment 2).* Senator Dalton noted that nomination forms for the Board of Governors would be available in both he and Senator Lee's Office and in the Senate Principal Clerk's Office. *(Please see Attachment 3).* The due date of the nominations is 5 P.M., February 16, 1999, and they are required to be filed in the Senate Principal Clerk's Office.

The Education/Higher Education Committee is scheduled to meet on Wednesday, February 17, to consider the ballot to approve the candidates and to approve the ballot. The elections for the Board of Governors for the University of North Carolina System would be held on February 18, 1999.

There were no further questions or comments. Senator Lee entertained a motion from the floor. Senator Foxx moved that ***Senate Resolution 68*** be given a ***Favorable Report.*** *(Please see Attachment 4).* It was unanimously adopted and will be so reported.

Senator Lee presented a short-term synopsis of the pending meeting dates. He invited all members of the Education/Higher Education Committee to suggest topics for future discussion at the Committee Meetings.

Senator Lee adjourned the meeting at 9 A.M.

Senator Howard Lee, Co-Chair

Senator Walter Dalton, Co-Chair

Christina K. Minard

Christina K. Minard, Education Committee Assistant

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

EDUCATION/HIGHER EDUCATION COMMITTEE REPORT
Senator Howard Lee, Co-Chair
Senator Walter Dalton, Co-Chair

Thursday, February 11, 1999

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

FAVORABLE AS TO ADOPTION

S.R.	**68**	Bd. of Gov. Election Procedure	
		Sequential Referral:	None
		Recommended Referral:	None

TOTAL REPORTED: 1

Committee Clerk Comment:

North Carolina General Assembly
Legislative Services Office

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

Attachment 1

Elaine W. Robinson, Director
Administrative Division
Legislative Building
16 W. Jones Street
Raleigh, NC 27603-5925
(919) 733-7500

Gerry F. Cohen, Director
Bill Drafting Division
Suite 401, LOB
300 N. Salisbury St.
Raleigh, NC 27603-5925
(919) 733-6660

Thomas L. Covington, Director
Fiscal Research Division
Suite 619, LOB
300 N. Salisbury St.
Raleigh, NC 27603-5925
(919) 733-4910

Tony C. Goldman, Director
Information Systems Division
Suite 400, LOB
300 N. Salisbury St.
Raleigh, NC 27603-5925
(919) 733-6834

Terrence D. Sullivan, Director
Research Division
Suite 545, LOB
300 N. Salisbury St.
Raleigh, NC 27603-5925
(919) 733-2578

To: Senators Dalton and Lee, Cochairs, Senate Education/Higher Education Committee
From: Kory Goldsmith, Committee Counsel KG
Date: February 10, 1999
Re: Summary SR68 – 1999 Senate Election of UNC Board of Governors

The Board of Governors of The University of North Carolina has thirty-two elected members serving staggered four-year terms. During each odd numbered year, the General Assembly elects sixteen individuals to the Board of Governors - eight by the Senate and eight by the House. Each chamber separately prepares a resolution governing its nomination and election procedure. The chambers alternate electing members from among four categories: at-large, racial minority, minority political party, and female. In 1999, the Senate must fill two minority political party seats and six at-large seats.

If adopted, SR 68 provides the following procedure:

1. The Senate Committee on Education/Higher Education ("Committee") is responsible for receiving proposed suggestions for Board of Governors nominees.

2. The nomination process closes on **Tuesday, February 16, 1999**. Only nominations submitted on a form provided by the Committee cochairs and received by 5 p.m. in the Office of the Senate Principle Clerk shall be eligible for consideration.

3. Members of the Senate may nominate persons only in the following categories:
   (a) minority political party (2 seats); and
   (b) at-large (6 seats).

Each Senator may nominate up to 2 individuals in the minority political party category and up to 6 individuals in the at-large category.

4. No member of the General Assembly, no officer or employee of the State, no officer of employee of a constituent institution, and no spouse of any of these persons is eligible to serve.

5. On or after **Wednesday, February 17, 1999**, the Committee shall consider the nominees to determine whether each candidate is willing and able to serve and has no statutory disability. The Committee then votes on the nominees. A nominee who receives the vote of a majority of the Committee members present and voting shall be a candidate and shall be listed on the Senate ballot. If a sufficient number of nominees are received in a category, the ballot must include at least twice the number of candidates as there are seats to be filled in that category. After the Committee finishes voting, the cochairs prepare a ballot listing the names of the candidates selected by the Committee.

6. The Senate must hold its election no later than the beginning of the daily session on **Thursday, February 18, 1999**. The Committee cochairs will explain the voting procedure set out in SR 68. No floor nominations may be accepted.

7. In order to be elected, a candidate must receive the votes of a majority of the Senators present and voting. In order to be counted, a ballot must be signed by the Senator casting it.

8. The cochairs of the Committee are responsible for canvassing the ballots and declaring the results.

9. After the Senate finishes the election, the cochairs will forward the results to the Secretary of the Board of Governors.

NORTH CAROLINA GENERAL ASSEMBLY
LEGISLATIVE BUILDING
RALEIGH 27601

February 10, 1999

-MEMORANDUM-

TO: All Members of the North Carolina Senate

FROM: Senators Howard Lee and Walter Dalton
Co-Chairs, Senate Education/Higher Education Committee

RE: UNC Board of Governors Election Timeline

Pursuant to the requirements of G.S. 116-6(c), we will be co-sponsoring the Senate Simple Resolution which establishes the procedure for preparing the slate of candidates to be considered for election to the University of North Carolina Board of Governors by the Senate during the 1999 Session. The Senate will be electing a total of eight (8) members. By law, at least two of the candidates elected by the Senate this year must be members of the political party to which the largest minority of the members of the General Assembly belong. We are filing this Resolution today.

So that you may be fully informed of the procedure proposed in this Resolution, the timeline for 1999 Board of Governors elections is outlined on the attached page. As in the past, candidates must be nominated by a current member of the Senate, and the nomination must be made in writing on the prescribed nomination form. In addition, all other nomination procedures and requirements provided for in the Resolution must be met.

Nomination forms are currently available in the offices of Senator Lee, Senator Dalton, the President *Pro Tempore*, and the Senate Principal Clerk. A copy of the nomination form is alson attached to this memorandum.

If you have any questions, please feel free to call either of us.

attachments

HNL/WHD:nm

NORTH CAROLINA SENATE - 1999 SESSION
UNC BOARD OF GOVERNORS ELECTION TIMELINE

WED FEB 10	RESOLUTION INTRODUCED IN SENATE
THUR FEB 11	SENATE EDUCATION/HIGHER EDUCATION COMMITTEE CONSIDERS RESOLUTION
THUR FEB 11	SENATE ADOPTS RESOLUTION
TUE FEB 16	NOMINATIONS DEADLINE ***(NOTE: All nomination forms MUST be complete and returned to the Senate Principal Clerk's Office by 5:00 p.m. on this date in order to be considered)***
WED FEB 17	SENATE EDUCATION/HIGHER EDUCATION COMMITTEE CONSIDERS BALLOT
THUR FEB 18	SENATE HOLDS BOG ELECTIONS

Nomination forms are available in the offices of Sen. Howard Lee (406 LOB), Senator Walter Dalton (2113 LB), the President Pro Tempore (2007 LB), and the Senate Principal Clerk

NORTH CAROLINA GENERAL ASSEMBLY

LEGISLATIVE BUILDING

RALEIGH 27601

February 10, 1999

MEMORANDUM

TO: Members of the Senate

FROM: Senators Dalton and Lee, Cochairs, Senate Education/Higher Education Committee

RE: **Nomination Form/1999 UNC Board of Governors Election**

Only the submission of the attached completed nomination form to the Office of the Senate Principal Clerk no later than 5:00 p.m. on Tuesday, February 16, 1999, shall constitute official nomination of an individual.

NOTE: No member of the General Assembly, State officer, State employee, employee of a constituent institution, nor any spouse of these persons may serve on the UNC Board of Governors.

MEMORANDUM

TO: Members of the Senate
attachment

FROM: Senators Dalton and Lee, Cochairs, Senate Education/Higher Education Committee

RE: **Nomination Form/1999 UNC Board of Governors Election**

Only the submission of the attached completed nomination form to the Office of the Senate Principal Clerk no later than 5:00 p.m. on Tuesday, February 16, 1999, shall constitute official nomination of an individual.

NOTE: No member of the General Assembly, State officer, State employee, employee of a constituent institution, nor any spouse of these persons may serve on the UNC Board of Governors.

TO: Members of the Senate
attachment

FROM: Senators Dalton and Lee, Cochairs, Senate Education/Higher Education Committee

RE: Nomination Form/1999 UNC Board of Governors Election

NORTH CAROLINA SENATE
UNC BOARD OF GOVERNORS
1999 CANDIDATE NOMINATION FORM

(1) Senator _____ (Sponsor's Name)

proposes _____(Nominee's name) as a nominee for election to the board of Governors of The University of North Carolina in the following category for a four-year term to commence July 1, 1999.

[Check applicable box]

[ ] Political minority party category

[ ] At-large category

(2) Nominee's Name:

Nominee's Occupation:

Nominee's Address:

Home Phone:

Work Phone:

Fax #

(3) List (if any) all state or local offices, either elected or appointed, which the nominee currently holds:

(4) List (if any) all state or local offices, either elected or appointed, which the nominee's spouse currently holds:

(5) Is the nominee a state employee or an employee of one of the UNC constituent institutions?

(6) Is the nominee's spouse a state employee or an employee of one of the UNC constituent institutions?

(7) If elected, will the nominee serve?

(8) If elected, will the nominee (or if applicable, the nominee's spouse) resign from any elected or appointed offices or any positions of employment which conflict with service on the Board of Governors of The University of North Carolina?

_____

Signature of Sponsor/Date

I certify the above information is accurate, and I will serve if elected.

_____

Signature of Nominee/Date

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

S **1**

SENATE RESOLUTION 68

Sponsors: Senators Dalton and Lee.

Referred to: Education/Higher Education.

GENERAL ASSEMBLY OF NORTH CAROLINA
February 10, 1999
SESSION 1999

A SENATE RESOLUTION TO ESTABLISH THE PROCEDURE FOR NOMINATING AND ELECTING MEMBERS OF THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA.

Be it resolved by the Senate:

Section 1. The following procedures for nominating and electing members of the Board of Governors of The University of North Carolina are adopted:

I. COMMITTEE RESPONSIBILITIES.

1. It is the duty of the Senate Committee on Education/Higher Education (hereinafter referred to as the "Senate Committee") to choose nominees for each opening in each category of seats on the Board of Governors of The University of North Carolina to which the Senate is to elect members.

2. The Senate Committee shall receive suggestions of proposed candidates for nomination for election to the Board of Governors of The University of North Carolina through February 16, 1999. A Senator may propose as a candidate for nomination as many persons in a category as there are positions to fill in a category. In 1999 the total number of positions is eight. In order for a person to have standing to be considered as a candidate for nomination by the Senate Committee, that person must be formally proposed as a candidate for nomination by a member of the Senate. Only a written nomination on a form provided by the cochairs of the Senate Committee for that purpose and received in the Office of the Senate Principal Clerk no later than 5:00 p.m. on February 16, 1999, shall constitute formal proposal of a candidate. An individual cannot be a candidate for nomination or be nominated in more than one category.

3. A Senator may propose candidates for nomination only for the categories available for election by the Senate. In the 1999 Session, the Senate will elect:

(a) Two persons in the political minority party, for four-year terms; and

(b) Six persons in the at-large category, for four-year terms.

4. On or after February 17, 1999, the Senate Committee shall list all proposed candidates for nomination by category. The Senate Committee shall screen the proposed candidates for nomination as to their qualifications and background and may interview each one to make sure that suitable persons are nominated for each category. The Senate Committee shall ascertain that each candidate for nomination is willing and able to serve and has no statutory disability. On completion of the screening process, the Senate Committee shall vote on each candidate proposed for nomination. (a) If a sufficient number of nominees who are legally qualified are submitted in a category, then the slate of candidates shall list at least twice the number of candidates for the total seats open in a category. (b) A candidate for nomination that receives the vote of a majority of those members of the Senate Committee present and voting shall become a nominee on the Senate ballot. (c) All screening the proposed candidates for nomination as to their qualifications and background and 5. The cochairs of the Senate Committee shall ascertain whether the nominees for election by the Senate would serve if elected. Any nominee may withdraw without the approval of the sponsor.

6. Senate Committee nominees shall be placed before and recommended to the Senate for election.

II. ELECTIONS IN THE SENATE

1. A ballot shall be prepared under the supervision of the cochairs of the Senate Committee for the use of the Senate.

2. The ballot shall list only the names of those nominees proposed by the Senate Committee who have consented to run and for whom the Senate is entitled to vote. Their names shall be arranged: (i) by category; and (ii) within each category, alphabetically by surname.

3. The Senate shall hold its election no later than the beginning of the daily session on February 18, 1999. Before the voting begins, one of the cochairs of the Senate Committee shall explain the voting rules, which are:

(a) No nomination shall be received from the floor.

(b) In order to be chosen, a nominee must receive the votes of a majority of all members present and voting in the nominee's category.

(c) Each member present and voting shall vote for as many nominees as there are positions to be filled in each category, and any ballot not so marked shall be deemed void as to that category.

(d) When fewer than two nominees in the political minority party category, or fewer than six nominees in the at-large category, receive the votes of a majority of all members present and voting for positions in those categories, a runoff to fill the open position

or positions shall be conducted among the nominees who were not elected but who received the highest number of votes cast in each category, and the number of nominees eligible to be voted on in the runoff shall be twice the number of positions to be filled.

(e) If there is a tie for the last position between two nominees who are eligible for the next runoff, both nominees shall be included in the next runoff balloting, even though there would be more than two nominees per available position, unless the deciding vote is cast in accordance with the North Carolina Constitution, Article II, Section 13.

(f) If more than two nominees in the political minority party category, or more than six nominees in the at-large category, receive the votes of a majority of all members present and voting for positions in those categories, then the two nominees in the political minority party category, and the six nominees in the at-large category, receiving the highest number of votes in the category shall be deemed to have been chosen.

4. The Senators shall proceed to mark their ballots for the following:

(a) Two persons in the political minority party category, for four-year terms; and

(b) Six persons in the at-large category, for four-year terms.

Every ballot shall be signed by the Senator casting it, and no unsigned ballots shall be counted.

5. The cochairs of the Senate Committee shall be responsible for canvassing the vote and declaring the results. All ballots shall be retained by the Principal Clerk as part of the permanent records of the Senate and shall be open for immediate public inspection.

6. When the cochairs of the Senate Committee have determined that the Senate has chosen two persons from the political minority party category, and six persons from the at-large category to serve as members of the Board of Governors for terms of four years, the President of the Senate shall declare those eight persons to have been elected.

7. The results of the election in the Senate shall then be sent by Special Messenger to the House of Representatives.

III. NOTIFICATION OF ELECTION RESULTS.

When the election process is complete, the cochairs of the Senate Committee shall notify the Secretary of the Board of Governors of The University of North Carolina of the names of the persons elected by the Senate and the category and term for which each person was elected.

Section 2. This resolution is effective upon adoption.

VISITOR REGISTRATION SHEET

Education/Higher Education Committee — **Name of Committee**

February 11, 1999 — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
S. Lynne Hamrick	Sen. Lee
Evelyn Hawthorne	UNC-CH
Clifton B. Metcalf	UNC Gen. Admin.
Joann P. Morris	Public School Forum
Eddie Caldwell	Education is Everybody's Business Coalition
David Ferrell	Hofer, McNamara, Caldwell, et al
Jim Brotherton	UNC-GA / NCSU
Joann Wrenn	NCSBA
Kyle Armstrong	NC Senate
Elizabeth Groves	OSBM
David Blum	OSBM

VISITOR REGISTRATION SHEET

Education/Higher Education Committee — February 11, 1999

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Kevin Howell	Office of Governor

SENATE EDUCATION/HIGHER EDUCATION COMMITTEE

AGENDA

February 17, 1999
Wednesday

10:00 A.M.
Room 414

CALL TO ORDER — Senator Lee, Co-Chair Presiding

AGENDA:

I. Consideration of Nominations for the Board of Governors of the University of North Carolina System.

II. Adoption of the Senate Ballot for the Board of Governors.

ADJOURNMENT

MINUTES

EDUCATION/HIGHER EDUCATION COMMITTEE

Wednesday, February 17, 1999
10:00 A.M.
Room 414, LOB

Senator Lee, Co-Chair opened the meeting at 10:00 A.M. in Room 414, the Legislative Office Building. There were 19 Senators present. Senator Lee called the meeting to order and welcomed Senator Metcalf to the meeting. Next, he recognized Page Katie McNeill, of Raeford, North Carolina. Senator David Weinstein sponsored Katie.

Senator Lee stated the purpose of this meeting was to consider those candidates whose names have been put forth as nominees for the eight positions that are currently up for reappointment on the Board of Governors at the University of North Carolina System.

Senator Lee recognized Senator Dalton, Co-Chair. Senator Dalton briefed the members on the list of candidates. *(See Attachment 1).* He reported the staff had verified that all the candidates are qualified and willing to serve and that no statuary prohibition exists. Senator Dalton noted that Candidate McDuffy Cummings did show a statuary disability. However, Mr. Cummings had indicated if elected, he would resign that position. Therefore, it is proper to consider his application. Senator Dalton then returned the podium to Senator Lee.

Senator Lee opened the floor for any member of the Education/Higher Education Committee to speak on behalf of any candidate.

Senators speaking on behalf of candidates were:

Senator Carter - *Kerrie Owens*

Senator Cochrane - *Teena Little*

Senator Purcell - *McDuffie Cummings*

Senator Robinson - *Kelly Leonard*

Senator Horton - *Teena Little and Kerrie Owens*

Senator Metcalf - *Kerrie Owens*

Senator Lee - *Kerrie Owens*

Senator Dalton then explained the specifics of the voting process. Senator Dalton moved that all applicants be placed upon the Ballot for consideration by the full Senate, subject to removal of a name, only if the candidate requests removal prior to the printing of the Ballot.

Senator Dalton and Senator Lee noted the ground rules that determine the process of nominating and subsequently electing, the members of the Board of Governors as set forth in ***Senate Resolution 68.*** *(See Attachment 2).*

The motion to approve the Ballot for the Board of Governors for the University of North Carolina System was approved.

The meeting was adjourned at 10:45 A.M.

Senator Howard Lee, Co-Chair

Senator Walter Dalton, Co-Chair

Christina K. Minard, Senate Education Assistant

North Carolina General Assembly
Legislative Services Office
George R. Hall, Legislative Services Officer
(919) 733-7044

Attachment 1

[redacted] W. Robinson, Director
Legislative Drafting Division
Room 5, Legislative Building
16 W. Jones Street
Raleigh, NC 27603-5925
(919) 733-7500

Gerry F. Cohen, Director
Bill Drafting Division
Suite 401, LOB
300 N. Salisbury St.
Raleigh, NC 27603-5925
(919) 733-6660

Thomas L. Covington, Director
Fiscal Research Division
Suite 619, LOB
300 N. Salisbury St.
Raleigh, NC 27603-5925
(919) 733-4910

Donald W. Fulford, Director
Information Systems Division
Suite 400, LOB
300 N. Salisbury St.
Raleigh, NC 27603-5925
(919) 733-6834

Terrence D. Sullivan, Director
Research Division
Suite 545, LOB
300 N. Salisbury St.
Raleigh, NC 27603-5925
(919) 733-2578

TO: Senators Dalton and Lee, Cochairs, Senate Education/Higher Education Committee
FROM: Kory Goldsmith, Committee Counsel KG
DATE: February 17, 1999
RE: Legal Qualifications of Nominees for Election to UNC Board of Governors

The following is a listing of the Senate nominees for the Board of Governors election. I have reviewed the applications that were submitted and indicated whether each nominee has any statutory disabilities. My opinion as to any nominee's statutory disability is based **solely** upon the information provided in the nominees' application. Each nominee has certified that the information provided in the application is accurate.

At-Large Candidates (elect 6)	**Sponsor(s)**	**Date/Time Received**	**Statutory Disabilities**
Freeman Edward "Ed" [redacted]vell, Jr.	Senators Carter, Metcalf, and Robinson	2/16/99; 9:42 am	None
William T. Brown	Sen. L. Shaw	2/11/99; 11:55 am	None
William L. Burns, Jr.	Sen. Gulley	2/16/99; 2:34 pm	None
C. Cliff Cameron	Senators Hoyle and Rand	2/16/99; 10:05 am	None
McDuffie Cummings	Sen. Weinstein	2/15/99; 4:05 pm	Yes, nominee would have to resign position as member of Bd. Of Trustees at UNC Pembroke.
Robert V. Owens, Jr.	Sen. Soles	2/16/99; 11:07 am	None
Benjamin S. Ruffin	Sen. Ballance	2/15/99; 7:01 pm	None

Minority Political Party	**Sponsor(s)**	**Date/Time Received**	**Statutory Disabilities**
Kelly Leonard	Sen. Robinson	2/16/99; 2:00 pm	None
Teena Little	Sen. Cochrane	2/15/99; 3:52 pm	None
Cary Caperton Owen	Sen. Garwood	2/16/99; 1:06 pm	None
Barbara S. Perry	Senators Kerr and Perdue	2/16/99; 2:06 pm	None

Senate – legal qualifications

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

S

Simple Resolution Adopted

SENATE RESOLUTION 68
Adopted 2/11/99

Sponsors: Senators Dalton and Lee.

Referred to: Education/Higher Education.

February 10, 1999

A SENATE RESOLUTION TO ESTABLISH THE PROCEDURE FOR NOMINATING AND ELECTING MEMBERS OF THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA.

Be it resolved by the Senate:

Section 1. The following procedures for nominating and electing members of the Board of Governors of The University of North Carolina are adopted:

I. COMMITTEE RESPONSIBILITIES.

1. It is the duty of the Senate Committee on Education/Higher Education (hereinafter referred to as the "Senate Committee") to choose nominees for each opening in each category of seats on the Board of Governors of The University of North Carolina to which the Senate is to elect members.

2. The Senate Committee shall receive suggestions of proposed candidates for nomination for election to the Board of Governors of The University of North Carolina through February 16, 1999. A Senator may propose as a candidate for nomination as many persons in a category as there are positions to fill in a category. In 1999 the total number of positions is eight. In order for a person to have standing to be considered as a candidate for nomination by the Senate Committee, that person must be formally proposed as a candidate for nomination by a member of the Senate. Only a written nomination on a form provided by the cochairs of the Senate Committee for that purpose and received in the Office of the Senate Principal Clerk no later than 5:00 p.m. on February 16, 1999, shall constitute

formal proposal of a candidate. An individual cannot be a candidate for nomination or be nominated in more than one category.

3. A Senator may propose candidates for nomination only for the categories available for election by the Senate. In the 1999 Session, the Senate will elect:

(a) Two persons in the political minority party, for four-year terms; and

(b) Six persons in the at-large category, for four-year terms.

4. On or after February 17, 1999, the Senate Committee shall list all proposed candidates for nomination by category. The Senate Committee shall screen the proposed candidates for nomination as to their qualifications and background and may interview each one to make sure that suitable persons are nominated for each category. The Senate Committee shall ascertain that each candidate for nomination is willing and able to serve and has no statutory disability. On completion of the screening process, the Senate Committee shall vote on each candidate proposed for nomination. If a sufficient number of nominees who are legally qualified are submitted in a category, then the slate of candidates shall list at least twice the number of candidates for the total seats open in a category. A candidate for nomination that receives the vote of a majority of those members of the Senate Committee present and voting shall become a nominee on the Senate ballot.

5. The cochairs of the Senate Committee shall ascertain whether the nominees for election by the Senate would serve if elected. Any nominee may withdraw without the approval of the sponsor.

6. Senate Committee nominees shall be placed before and recommended to the Senate for election.

II. ELECTIONS IN THE SENATE.

1. A ballot shall be prepared under the supervision of the cochairs of the Senate Committee for the use of the Senate.

2. The ballot shall list only the names of those nominees proposed by the Senate Committee who have consented to run and for whom the Senate is entitled to vote. Their names shall be arranged: (i) by category; and (ii) within each category, alphabetically by surname.

3. The Senate shall hold its election no later than the beginning of the daily session on February 18, 1999. Before the voting begins, one of the cochairs of the Senate Committee shall explain the voting rules, which are:

(a) No nomination shall be received from the floor.

(b) In order to be chosen, a nominee must receive the votes of a majority of all members present and voting in the nominee's category.

(c) Each member present and voting shall vote for as many nominees as there are positions to be filled in each category, and any ballot not so marked shall be deemed void as to that category.

(d) When fewer than two nominees in the political minority party category, or fewer than six nominees in the at-large category,

receive the votes of a majority of all members present and voting for positions in those categories, a runoff to fill the open position or positions shall be conducted among the nominees who were not elected but who received the highest number of votes cast in each category, and the number of nominees eligible to be voted on in the runoff shall be twice the number of positions to be filled.

(e) If there is a tie for the last position between two nominees who are eligible for the next runoff, both nominees shall be included in the next runoff balloting, even though there would be more than two nominees per available position, unless the deciding vote is cast in accordance with the North Carolina Constitution, Article II, Section 13.

(f) If more than two nominees in the political minority party category, or more than six nominees in the at-large category, receive the votes of a majority of all members present and voting for positions in those categories, then the two nominees in the political minority party category, and the six nominees in the at-large category, receiving the highest number of votes in the category shall be deemed to have been chosen.

4. The Senators shall proceed to mark their ballots for the following:

(a) Two persons in the political minority party category, for four-year terms; and

(b) Six persons in the at-large category, for four-year terms.

Every ballot shall be signed by the Senator casting it, and no unsigned ballots shall be counted.

5. The cochairs of the Senate Committee shall be responsible for canvassing the vote and declaring the results. All ballots shall be retained by the Principal Clerk as part of the permanent records of the Senate and shall be open for immediate public inspection.

6. When the cochairs of the Senate Committee have determined that the Senate has chosen two persons from the political minority party category, and six persons from the at-large category to serve as members of the Board of Governors for terms of four years, the President of the Senate shall declare those eight persons to have been elected.

7. The results of the election in the Senate shall then be sent by Special Messenger to the House of Representatives.

III. NOTIFICATION OF ELECTION RESULTS.

When the election process is complete, the cochairs of the Senate Committee shall notify the Secretary of the Board of Governors of The University of North Carolina of the names of the persons elected by the Senate and the category and term for which each person was elected.

Section 2. This resolution is effective upon adoption.

VISITOR REGISTRATION SHEET

EDUCATION/HIGHER EDUCATION COMMITTEE — **Name of Committee**

FEBRUARY 17, 1999 — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Garland Hamlett	Gov Office
Jo Anne L. Norris	Public School Forum of NC
Tom Worth	Carolina Coal NCCA Fy Le
S. Lynne Hamlett	Sen. Lee
Ann Bellamy	SBE
Clifton B. Metcalf	UNC Gen Admin -
HAROLD H. WEBB	NEW MILLINNEUM, INC
CAROLYN WALLER	NC CENTER FOR PUBLIC POLICY RESEARCH
Hal Miller	NCACCT
Butch Gunnells	NCSDA
Mark Grayson	The Capital Group

VISITOR REGISTRATION SHEET

EDUCATION/HIGHER EDUCATION COMMITTEE **FEBRUARY 17, 1999**

Name of Committee **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Elizabeth Greenstein	OSBM
Herbert Lange	Dem
Jim Hobbs	NCPC
Lu-Ann Coe	F3
Paul B. Johnson	High Point Enterprise newspaper
Ken D. Hawley	Gov.'s Office
Suzanne Williams	NCCCS

SENATE EDUCATION/HIGHER EDUCATION COMMITTEE

AGENDA

February 24, 1999
Wednesday

10:00 A.M.
Room 414

CALL TO ORDER — Senator Dalton, Co-Chair Presiding

AGENDA: **No Social Promotion, High School Exit Exam, and High School ABC Model.**

Michael E. Ward, Superintendent of Public Instruction
Phillip J. Kirk, Jr. Chairman, State Board of Education

ADJOURNMENT

MINUTES

EDUCATION/HIGHER EDUCATION COMMITTEE

Wednesday, February 24, 1999
10:00 A.M.
Room 414 LOB

The Education/Higher Education Committee met on Wednesday, February 24, 1999 at 10 A.M. in Room 414 of the Legislative Office Building. There were seventeen Senators present.

Senator Dalton, Co-Chair called the meeting to order. Senator Dalton recognized Page David Arnold from Fuquay-Varina. Senator Miller sponsored David. Senator Dalton recognized the following Senators who introduced their Interns:

Senator Lucas	Intern Kaisha Redd
Senator Gulley	Intern Kristen David
Senator Bill Martin	Intern Marilyn McDonald

Next, Senator Dalton introduced Phillip J. Kirk, Jr. Chairman, State Board of Education. Mr. Kirk spoke on the Proposed Student Promotion Standards. (See Attachment 1). He stated the State Board is committed to ending Social Promotions, with some safe guards. He stressed that the elimination of social promotions is not a retention policy. Mr. Kirk stated that the State Board of Education would implement the new policy of ending social promotions slowly and fairly. Mr. Kirk informed the Committee that one issue that is currently being discussed by the State Board of Education is differentiating diplomas, particularly in the area of exceptional children. Mr. Kirk thanked the Committee for the opportunity to meet with them.

Senator Dalton introduced Michael E. Ward, Superintendent of Public Instruction. Senator Dalton praised the leadership of Superintendent Ward and noted the improvements in student achievements throughout the state.

Mr. Ward began his presentation by emphatically stating that the key elements in implementing the new policy on promotions are:

1. It will be a proficiency based Promotion Policy.
2. The Policy will be fairly implemented via means of the correct Timetable, staff development and adequate resources which will result in fairness to all students.

Mr. Ward discussed the Proposed Statewide Student Promotion Standards (See Attachment 2). He stated the goals of the proposed policy are to assist greater numbers of students to achieve more proficiency. Mr. Ward presented a comprehensive explanation of the proposed standards. He explained each of the four Gateways. Some other considerations pertinent to the proposed promotion policy that were discussed included Intervention, Promotion and Retention Procedures; Reporting; Standardized Transcripts; EOC Test Scores; Students with Disabilities and Students of Limited English Proficiency.

Mr. Ward and Mr. Kirk responded to several questions and comments from the Committee. Senator Dalton stated that this topic needs more discussion and will be continued.

Senator Dalton adjourned the meeting at 11 A.M.

Senator Howard Lee, Co-Chair

Senator Walter Dalton, Co-Chair

Christina K. Minard, Education Assistant

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

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."

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

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

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)

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)

James B. Hunt Jr.
Governor

State of North Carolina
Office of the Governor

For Release:	IMMEDIATE	Contact:	Sean Walsh
Date:	April 1, 1999	Phone:	(919) 733-5612

GOV. HUNT PRAISES STATE BOARD, LEGISLATORS FOR SUPPORT OF HIGHER STANDARDS

RALEIGH -- Gov. Jim Hunt today praised the State Board of Education for taking an important step to keep North Carolina's public schools on the right track by supporting higher student standards, and he commended the General Assembly for directing the State Board to develop a policy on promotion standards.

Today, the board unanimously supported the new Student Accountability Standards Policy, which sets clear standards to help local school administrators and teachers determine when students have mastered the basics of reading, writing and math in grades 3, 5 and 8. The policy also establishes standards, including a new high school exit exam, that seniors must pass in order to receive a high school diploma.

"I strongly commend the State Board of Education and the General Assembly for their strong leadership, their support for raising student standards for promotion and graduation, and their commitment to making sure students in our public schools achieve those higher standards," Hunt said.

"This is not about holding students back. It is about helping make sure that all of our students succeed. And it is a critical part of our efforts to make our schools First in America by 2010, to prepare our young people for success, and to strengthen our economic growth and quality of life in North Carolina.

"Many of our schools across North Carolina are successfully raising the bar, identifying students who need additional help and providing the resources necessary to make sure their students clear that bar. And we are committed to finding the necessary resources to make sure that *all* students in North Carolina are meeting these higher standards. That includes nearly $25 million from the federal government to provide additional teachers to reduce class size, $7 million in state funds through efforts like NC HELPS, and additional local resources.

"We can provide the resources to help our students achieve higher standards, and I am committed to working closely with the General Assembly, local school districts and the federal government to find the funds necessary to provide our students the best education possible, and prepare them for good jobs and successful careers."

(Attached is a fact sheet on the new policy and what steps are being taken across North Carolina to implement higher standards, and help students achieve them.)

-30-

Governor's Press Office
State Capitol, Raleigh, NC 27603-8001
(919) 733-5612 - Toll Free 1-800-662-7005
FAX (919) 733-5166

Raising Standards in North Carolina
Helping Every Student Succeed

In his State of the State address, Gov. Jim Hunt laid out a goal to make North Carolina's schools First in America by 2010. As part of that effort, Gov. Hunt supports the State Board of Education's plan to end social promotions, making sure students are on par with their grade level in grades 3, 5, 8 and 12.

North Carolina is recognized for having one of the most complete accountability systems in the country. Today, the State Board of Education took another important step toward keeping the state's public schools on the road to progress. The new Student Accountability Standards Policy adopted by the Board sets clear standards to help local schools determine when students have mastered the basics of reading, math and writing in grades 3, 5 and 8. These standards -- along with a new high school exit exam -- will improve the academic performance of all students by identifying and helping those students that need extra help in their learning.

North Carolina is already using funds to address this issue, and many school systems have accepted this challenge and are working to make sure all their students are performing at grade level and receiving a high school diploma that means something:

Giving Students the Help They Need

- **3x3** -- State Superintendent Mike Ward's 3x3 plan sets the goal of having every third grader at grade level. Students in kindergarten through third grade can get help improving their math and reading skills to ensure that they attain the standards set for 3rd grade. Gov. Hunt's budget includes funding to give teachers extra pay for helping these students before and after school and on Saturdays. *$7.7 million request in 1999-2000 expansion budget (recurring)*

- **Reducing class size** -- North Carolina will receive about *$25 million* from the federal government to reduce class size in grades 1-3 in 1999-2000.

- **Local flexibility to help students** -- Many counties across North Carolina have already implemented higher promotion standards and are using innovative methods and existing funds to help students at-risk of failing get to grade level.

    * **Nash County Schools** instituted the Prep School program in 1997 with existing school funds to help 8th graders who are not performing at grade level get the skills they need to be successful in the 9th grade, including summer school and intensive, individualized remediation in a separate classroom especially designed for them. Before the Prep School began, 45% of 9th graders were not at 8th grade level in reading and math. At the end of the 1997-98 school year, that number had dropped to 24%. The school system is now looking to expand the program to 6th and 12th grades.

* At Fred L. Wilson Elementary School in **Cabarrus County**, only half of the students were above grade level four years ago. Now, thanks to dedication by administrators, teachers and parents, 76% of the students are above grade level. Teachers at the school often work weekends and after school tutoring students. Parents and teachers have regular dinners together. The school also sponsors a mentoring program for parents and a K-2 literacy program.

* In **Johnston County** five years ago, only 65% of students were performing at grade level. Parents, teachers, principals and community leaders developed the Student Accountability for Academic Achievement Policy to get students on grade level. Now, parents must sign contracts stating that they will be involved with their child's education, and schools must develop plans to get every student to grade level and to help students who need a boost. Those students who don't perform at grade level get intensive remediation after-school and in summer school. Just three years after this policy was put into effect, almost 90% of 3rd through 8th graders are at grade level.

* In **Lenoir County** in 1994, only 62% of students were performing at grade level. After a task force made up of community leaders, business leaders, parents and educators recommended putting an end to social promotion, students who weren't performing at grade level were given an individual education plan -- which laid out a strategy and set specific goals that parents, teachers and students all had to agree upon. Teachers received additional training to help them work with students who were having trouble, and the community got involved by supporting after-school and mentoring programs. Now, 93% of the students are performing at grade level.

- **21st Century Learning Grants and Reading Excellence Act** -- Local school systems who end social promotion will have priority in competing for President Clinton's 21st Century Learning Grants, which will total *$600 million.* This money can be used to fund after-school programs and provide mentors for students who need extra help. The Reading Excellence Act also provides *$241 million* nationwide in competitive grants to state partnerships, made up of the Governor, Superintendent of Public Instruction, legislative leaders and others, to promote professional development for teachers, tutoring programs for students, and family literacy programs.

Supporting Schools and Teachers

- **NC HELPS** -- NC HELPS, created in 1998 by Gov. Hunt and state education, university and community college leaders, gives assistance to schools at-risk of becoming a low-performing school. Schools can use NC HELPS money to pay teachers to work extra days and take on extra duties, including helping students improve their performance and get to grade level. In 1998, 90 schools received grants to development improvement strategies, and another 118 schools in 41 counties will receive NC HELPS funds when their plans are approved. *$7.5 million in continuation budget (recurring)*

- Right now, local school systems use *more than $100 million* from the **At-Risk/Alternative Schools fund** to support remediation and intervention efforts, such as hiring additional teachers, teacher assistants and tutors, as well as providing professional development and additional instructional supplies.

- In addition to these funds, the continuation budget includes *$11 million* of recurring funds for **staff development**, including workshops and seminars for teachers to learn how to help students who are at-risk of failing. *$11 million in continuation budget (recurring funds)*

Total funds currently in the continuation budget: $126.2 million

VISITOR REGISTRATION SHEET

EDUCATION/HIGHER EDUCATION

Name of Committee **Date: Wednesday, Feb. 24, 1999**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Henry Johnson	DPI
Jon Crotts	NCASA
Ann Bellamy	SBE
Paula A. Wolf	Covenant w/ NC's Children
Robin Dillon	Special Needs Federation
Greg Malhoit	N.C. Ed. Law Project
Yvonne Perry	NC Ed / Law Proj
Marlyn Wells	Exceptional Children's Assistance Ctr.
Thad Daise	NCAE
Michael Coffman	Common Sense Foundation
Chris Fitzsimon	

VISITOR REGISTRATION SHEET

EDUCATION/HIGHER EDUCATION

Name of Committee **Date: Wednesday, Feb. 24, 1999**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
S Markham	EGHS
Marvin R Pittman	SDPI
Jane Markham	SBE office
Hal Miller	NCACCT
WALTER PRICE	CHARLOTTE CHAMBER
Janet Pittard	OSBM
Elizabeth Greenstein	OSBM
Kyle Armentrout	NC Senate
David Brown	OSBM
Ellen Russell	The Arc of NC
Karen Garr	Governor's Office

VISITOR REGISTRATION SHEET

EDUCATION/HIGHER EDUCATION

Name of Committee **Date: Wednesday, Feb. 24, 1999**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Suzanne Williams	NCCCS
Penny VanJoshua	PENC
Brad Sneeden	DPI
Ann Norris	Public School Forum
Leslie Bulacan	NCCBE
John Rust	NCFPC
Jeff Nieman	UNC Board of Governors
Nic Heinke	UNC - CHAPEL HILL
Bill Wilson	NCAE
Eddie Caldwell	EEBC
Harriet Dial	NCAE

SENATE EDUCATION/HIGHER EDUCATION COMMITTEE

AGENDA

Wednesday, March 17, 1999
10:00 A.M.
Room 414

CALL TO ORDER

AGENDA: The following bills will be considered:

SB 225, Ass't Principal Provisional Cert	**Senator Dalton**
SB 19, UNC Tuition/Scholarship/Military	**Senator Rand**
SB 56, Sunset/Term of Energy Savings	**Senator Lee**

ADJOURNMENT

MINUTES

EDUCATION/HIGHER EDUCATION COMMITTEE

Wednesday, March 17, 1999
10:00 A.M.
Room 414, LOB

The Senate Education/Higher Education Committee met on Wednesday, March 17, 1999 at 10:00 A.M. in Room 414, Legislative Office Building. There were eighteen Senators present. Senator Dalton presided. Senator Dalton called the meeting to order and introduced Page Sara Glover who was sponsored by Senator Basnight.

SB 19

Senator Carter moved to adopt Committee Substitute S19-PCS7556-RC for purposes of discussion. *(See Attachment 1).* The motion carried.

The Short Title of Senate Bill 19 is UNC Tuition/Scholarship/Military. The Long Title is: *A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A SCHOLARSHIP STUDENT WHO ATTENDS A CONSTITUENT INSTITUTION OF THE UNIVERSITY OF NORTH CAROLINA SHALL BE TREATED AS A NORTH CAROLINA RESIDENT FOR ALL PURPOSES AND TO PROVIDE THAT A MEMBER OF THE MILITARY WHO ATTENDS A CONSTITUENT INSTITUTION OF THE UNIVERSITY OF NORTH CAROLINA OR A COMMUNITY COLLEGE SHALL ONLY BE CHARGED THE IN-STATE TUITION RATE. (See Attachment 2).*

Information provided to the Education/Higher Education Committee included a Summary *(See Attachment 3)* prepared by Kory Goldsmith, Committee Specialist and a Legislative Fiscal Note *(See Attachment 4).*

Senator Dalton introduced Senator Rand, sponsor of Senate Bill 19. Senator Rand presented a brief explanation of SB 19. He espoused the benefits of military personnel to their assigned areas. Senator Rand responded to comments and questions by the Committee. Senator Dalton asked if any member of the public wanted to comment. There were no public comments.

A motion to adopt Committee ***Substitute S19-PCS7556-RC*** and give it a ***Favorable Report, Unfavorable to Original Bill*** was carried unanimously. It was ***Re-Referred to Appropriation.*** *(See Attachment 5).*

SB 56

Senator Dalton recognized Senator Lee to explain Senate Bill 56. *(See Attachment 6).* Senator Lee stated that SB 56 is a continuation of an effort that began in 1991. Senator Lee stated that the purpose is to review alternatives to promoting greater action on the part of public organizations in developing ways to save energy. He said that in order to provide the maximum opportunity for organizations to come in and participate in enhancing the building and bringing it up to code which would result in saving energy. He stated that SB 56 recommends that General Statue 143-64.17B(A) is amended to increase the maximum term of the guaranteed energy savings contract from the present eight years to 2/3 of the anticipated remaining useful life of the facility or 25 years, which ever is less. He reported that Section 3 also amends G.S. 143-64.17B(e) to provide that if the local governmental unit maintains the energy conservation measures on its own or through another provider other than the original installer, then the maintenance must be in accordance with the manufacturer's standards or other reasonable standards provided for in the contract. Senator Lee reported that Section 4 repeals the sunset that prohibits a local governmental unit from entering into one of these contracts on or after July 1, 1999.

A summary of Senate Bill 56: Sunset/Term of Energy Savings Contracts *(See Attachment 7)* was prepared by Sara Kamprath.

Senator Lee recommended SB 56 to the Committee. A motion was made for a Favorable Report on Senate Bill 56. Senator Dalton asked if any member of the public wanted to comment on Senate Bill 56. The following members of the public spoke. First, was Mr. Henry Jones, a representative of the mechanical contractors in the Wake County area. Mr. Jones was supportive of SB 56. The next member of the public who spoke was Mr. Dave Simpson, a representative of Carolina Association of General Contractors. Mr. Simpson reported that he and his organization were supportive of SB 56. The third member of the public to address the Committee was Mr. Marvin Musselwhite, representing Johnson Controls. Mr. Musselwhite stated that his firm had done work on various school systems mechanical problems and is supportive of SB 56.

Senator Gully moved that the Committee give Senate Bill 56 a Favorable Report. **The Committee voted to give Senate Bill 56 a Favorable Report.**

SB 225

Senator Lee recognized Senator Dalton, sponsor of Senate Bill 225. *(See Attachment 8).* Senator Dalton stated that SB 225 is recommended by the State Board of Education. He stated that this bill would allow the State Board to approve a provisional Assistant Principal Certificate provided that person is enrolled in an approved program leading to a Degree in School Administration during that year and provided there is a shortage of qualified persons to fill that position. The State Board could extend that

provisional certification for two additional years provided the individual remains in the degree program.

There was extensive discussion of Senate Bill 225 by the Committee. Senator Horton prepared an Amendment, which clarified the wording. *(See Attachment 9).* **Senate Bill 225, as Amended, was rolled into a Committee Substitute and Senator Lucas moved to give SB225 an Unfavorable Report as to Original Bill, but a Favorable Report as to the Committee Substitute Bill. The motion passed.**

Senator Walter Dalton, Co-Chair

Christina K. Minard, Education
Committee Assistant

NORTH CAROLINA GENERAL ASSEMBLY
SENATE
COMMITTEE ON EDUCATION/HIGHER EDUCATION COMMITTEE REPORT
Senator Howard Lee, Co-Chair
Senator Walter Dalton, Co-Chair

Thursday, March 18, 1999

Senator Lee, Co-Chair

submits the following with recommendations as to passage:

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

S.B. 19 UNC Tuition/Scholarship/Military.

Draft Number:	PCS7556
Sequential Referral:	None
Recommended Referral:	Appropriations
Long Title Amended:	No

TOTAL REPORTED: 1

Committee Clerk Comment:

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

S D

SENATE BILL 19
Proposed Committee Substitute S19-PCS7556-RC

Short Title: UNC Tuition/Scholarship/Military. (Public)

Sponsors:

Referred to:

February 2, 1999

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT A SCHOLARSHIP STUDENT WHO ATTENDS A CONSTITUENT INSTITUTION OF THE UNIVERSITY OF NORTH CAROLINA SHALL BE DEEMED TO HAVE MADE FULL PAYMENT OF TUITION COSTS BY REMITTING THE IN-STATE TUITION AMOUNT AND TO PROVIDE THAT A MEMBER OF THE MILITARY ABIDING IN NORTH CAROLINA WHO ATTENDS A CONSTITUENT INSTITUTION OF THE UNIVERSITY OF NORTH CAROLINA OR A COMMUNITY COLLEGE SHALL ONLY BE CHARGED THE IN-STATE TUITION RATE.

The General Assembly of North Carolina enacts:

Section 1. Article 14 of Chapter 116 of the General Statutes is amended by adding a new section to read:

"**§ 116-143.5. Full scholarship students attending constituent institutions.**

(a) Notwithstanding any other provision of law, any nonresident person who receives a full scholarship to a constituent institution and who attends the institution shall be deemed to have made full payment of tuition costs by remitting the in-State tuition amount.

(b) The following definitions apply in this section:

(1) 'Full scholarship' means a grant that meets the full cost for a student to attend the constituent institution for an academic year.

(2) 'Full cost' means an amount calculated by the constituent institution that is no less than the sum of in-State tuition, required

fees, on-campus room and board, and required course-related books."

Section 2. G.S. 116-143.3(b) reads as rewritten:

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

Section 3. This act becomes effective July 1, 1999.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

S 1

SENATE BILL 19

Short Title: UNC Tuition/Scholarship/Military. (Public)

Sponsors: Senators Rand; Albertson, Ballance, Carrington, Carter, Clodfelter, Cooper, Dannelly, Forrester, Garrou, Garwood, Gulley, Hagan, Harris, Hartsell, Hoyle, Kerr, Kinnaird, Lee, Martin of Guilford, Metcalf, Miller, Perdue, Plyler, Purcell, Reeves, Robinson, Shaw of Guilford, Soles, Warren, and Weinstein.

Referred to: Education/Higher Education.

February 2, 1999

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT A SCHOLARSHIP STUDENT WHO ATTENDS A CONSTITUENT INSTITUTION OF THE UNIVERSITY OF NORTH CAROLINA SHALL BE TREATED AS A NORTH CAROLINA RESIDENT FOR ALL PURPOSES AND TO PROVIDE THAT A MEMBER OF THE MILITARY WHO ATTENDS A CONSTITUENT INSTITUTION OF THE UNIVERSITY OF NORTH CAROLINA OR A COMMUNITY COLLEGE SHALL ONLY BE CHARGED THE IN-STATE TUITION RATE.

The General Assembly of North Carolina enacts:

Section 1. Part 1 of Article 1 of Chapter 116 of the General Statutes is amended by adding a new section to read:

"**§ 116-25.1. Full scholarship grant students.**

(a) Notwithstanding any other provision of law, any nonresident person who receives a full scholarship to a constituent institution and who attends the institution shall be considered and treated for all purposes as a resident of North Carolina.

(b) The following definitions apply in this section:

(1) 'Full scholarship' means a grant that meets a student's full cost of attendance for an academic year.

(2) 'Cost of attendance' means an amount calculated by an institutional financial aid office using federal regulations that includes the total cost of in-State tuition and fees, books and

supplies, and other necessary expenses related to attendance at the institution of higher education."

Section 2. G.S. 116-143.3(b) reads as rewritten:

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

Section 3. This act becomes effective July 1, 1999.

SENATE BILL 19:
UNC Tuition/Scholarship/Military

BILL ANALYSIS

Committee: Senate Education/Higher Education
Date: March 16, 1999
Version: S19-CSRC-001

Introduced by: Senator Rand
Summary by: Kory Goldsmith
Committee Counsel

SUMMARY: Non-resident students who receive full scholarships to UNC institutions would be charged the in-State tuition rate. Members of the armed services who attend a UNC institution or a North Carolina community college would be charged the in-State tuition rate.

CURRENT LAW:

A resident for tuition purposes is a person who qualifies for in-State tuition. A nonresident for tuition purposes is a person who does not qualify for in-State tuition. In order to qualify as a resident for tuition purposes, a person must establish legal residence in North Carolina and maintain that status for at least 12 months prior to enrolling in a UNC institution or a North Carolina community college. G.S. 116-134.4 provides that a person who is eligible for the in-State tuition rate shall be considered an in-State applicant for purposes of admission.

Most members of the armed services stationed in North Carolina are charged the out-of-state tuition rate because they do not qualify as residents for tuition purposes. When a member of the armed services enrolls in UNC institution or a North Carolina community college, the institution bills the military for the out-of-State tuition rate. The federal government usually pays some, but not all, of that charge. In some instances, the federal government pays none of the tuition charge. G.S. 143.3(b) contains a formula for determining the portion of the difference that is paid by the member of the armed services. The formula is structured so that the student never pays more than the in-State rate. The difference between the federal contribution and the student contribution is called a tuition waiver. The State budget contains a line item estimating the tuition waiver.

In 1997, the General Assembly amended G.S. 116-143.3(b) to provide that if the federal government does not pay any portion of the out-of-State tuition charged for a member of the armed forces, the institution shall classify the student as a resident for tuition purposes.

BILL ANALYSIS:

Section 1 creates a new section, G.S. 116-143.5. Subsection (a) provides that a nonresident who receives a full scholarship and attends a UNC institution will be deemed to have made full payment of tuition costs by remitting the in-State tuition amount. Subsection (b) defines "full scholarship" and "full cost". A full scholarship is a grant that meets the full cost for a student to attend a UNC institution for an academic year. "Full cost" is the amount calculated by the institution as not less than the sum of in-State tuition, required fees, on-campus room and board, and required course-related books.

Section 2 amends G.S. 116-143.3(b) by removing from the law the requirement that non-resident members of the armed forces be charged out-of-State tuition. It also removes the statutory formula that had capped the amount that the service member would be charged, as well as the provision that allowed

an institution to charge the in-State rate if the military did not pay anything towards the out-of-State rate As amended, G.S. 116-143.3(b) provides that members of the armed forces may be charged in-State tuition provided they are abiding in North Carolina pursuant to active duty in this state.

The bill becomes effect July 1, 1999.

The bill should be re-referred to Appropriations.

S19-SMRC-001(Senate Ed PCS)

NORTH CAROLINA GENERAL ASSEMBLY

LEGISLATIVE FISCAL NOTE

BILL NUMBER: Senate Bill 19 (PCS S19-CSRC-001.1)

SHORT TITLE: UNC TUITION/SCHOLARSHIP/MILITARY

SPONSOR(S): Sen. Rand

FISCAL IMPACT

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

	FY 1999-00	FY 2000-01	FY 2001-02	FY 2002-03	FY 2003-04
EXPENDITURES					
Section 1:					
Receipts	($ 23,575,974)	($24,165,373)	($24,769,507)	($25,388,745)	($26,023,464)
Gen. Fund App.	$ 23,575,974	$ 24,165,373	$ 24,769,507	$ 25,388,745	$ 26,023,464
Section 2:					
Requirements	$ (21,750)	$ (22,294)	$ (22,851)	$ (23,422)	$ (24,008)
Receipts	($1,135,371)	($1,163,755)	($1,192,849)	($1,222,670)	($1,253,237)
Gen. Fund App.	$ 1,113,621	$ 1,141,462	$ 1,169,998	$ 1,199,248	$ 1,229,229
Total Costs					
Requirements	$ (21,750)	$ (22,294)	$ (22,851)	$ (23,422)	$ (24,008)
Receipts	$(24,711,345)	$(25,329,128)	$(25,962,357)	$(26,611,415)	$(27,276,701)
Gen. Fund App.	$(24,689,595)	$(25,306,835)	$(25,939,505)	$(26,587,993)	$(27,252,693)

POSITIONS:

PRINCIPAL DEPARTMENT(S) & PROGRAM(S) AFFECTED: University of North Carolina campuses, Community Colleges

EFFECTIVE DATE: July 1, 1999

BILL SUMMARY: To provide that a scholarship student who attends a constituent institution of the University of North Carolina shall be treated as a North Carolina resident for tuition purposes and to provide that a member of the military student who attends a constituent institution of the University of North Carolina or a community college shall only be charged the

in-state tuition rate. Adds new GS 116-143.5 to allow any nonresident who receives a full scholarship to and attends a constituent school of The University of North Carolina to be treated as a resident for tuition purposes. Rewrites GS 116-143.3(b) to allow nonresident members of the armed services to be charged the in-state tuition rate. Effective July 1, 1999. (Adapted from Bill Digest 2/2/1999).

ASSUMPTIONS AND METHODOLOGY:
Section 1: Provides that out-of-state students receiving scholarships equal to in-state tuition and fees, room and board, and books shall be charged in-state tuition rates.

1. The number of out-of-state students who would qualify for this benefit is estimated using the student data file and actual individual financial aid awards for 1997-98. The cost of attendance for 1997-98 was also used as a threshold for qualifying for in-state tuition. Based on 1997-98 data, 2,715 non-residents would have been eligible last year.

2. The tuition differential between in-state and out-of-state tuition for 1998-99 was used to establish a baseline cost. Tuition differential is estimated to increase 2.5% annually based on inflation. For each student meeting the limits for the benefit, the cost was calculated by multiplying the difference between in-state and out-of-state tuition at the campus attended.

3. The number of students who qualify will increase as the UNC enrollment increases. The ratio of non-resident to resident enrollment is assumed to remain constant. The number of students qualifying in 1997-98 was 2,715, which was used as a base number.

4. According to some legal interpretations, the proposed wording would require campuses to treat the students offered scholarships as in-state students for admissions purposes. This would have the effect of removing these scholarship students from the 18% cap placed on out-of-state freshmen by policy of the UNC Board of Governors. This would have the effect of allowing UNC campuses to admit more non-residents as freshmen. No estimate is made of the increased cost to the General Fund from this potential shift in enrollment.

5. The additional cost to the General Fund results directly from the reduced tuition revenue to each UNC campus. The General Assembly may choose to replace these tuition receipts with additional General Fund appropriations, or the cost will in effect be a budget cut to each campus that has to absorb the loss of receipts.

6. Because the effect of the bill is to reduce the cost of financial aid to "full scholarship" students, the reduction in cost accrues to various groups paying for the financial assistance. These groups include private foundations, athletic departments or foundations, institutional trust funds, and other sources of financial aid, including the federal government. In effect, additional General Fund appropriations would replace funds from these various sources.

7. If the sources providing the financial aid choose to use the aid freed up by the change in law (due to the lower tuition cost) to provide assistance to additional out-of-state students, the potential cost could be significantly higher. If all of the "excess" financial aid is used for this

purpose, the total potential General Fund cost for the 1999-2000 fiscal year could approach $55 million, based on the current difference between in-state and out-of-state tuition. Therefore, this cost estimate, resulting from direct tuition revenue reductions, should be considered as the low end of a range of estimates.

Section 2: Provides that military personnel stationed in North Carolina shall only be charged the in-state tuition rate. Currently, the out-of-state rate is charged, but the individual is only responsible for an amount up to the in-state rate.

1. The NC Community Colleges and the UNC campuses were surveyed to assess the costs of the proposed legislation. Three community colleges and seven UNC campuses would be affected by the change in law. The majority of the cost will be incurred by the community colleges.

2. The number of military personnel taking courses will not change in substantial numbers. A similar estimate made in 1994-95 had similar costs.

3. The current law was rewritten in 1984 to hold the cost for active military personnel to the in-state tuition rate, while increasing receipts from the military services.

4. The impact of Section 2 will be to reduce the tuition assistance payments of the military services, thereby reducing the tuition revenues of the community colleges and the UNC campuses that enroll significant numbers of military personnel.

5. No attempt has been made to estimate the increased enrollment of military personnel as a result of the proposed change. To the extent that the military services increase the number of service members receiving tuition assistance if SB 19 passes, the increased enrollment will increase the General Fund costs to the community colleges and UNC. Therefore, this cost estimate should be considered as the low end of a range of estimates.

6. Most of the cost is due to a loss of tuition receipts, which will increase the General Fund appropriations requirements. Colleges were asked about administrative savings, and these have been used to offset the loss of tuition.

7. Costs have been inflated at a rate of 2.5% annually, based on potential increases in tuition.

Data sources include survey of UNC and Community College campuses (Section 2) and Student Data Files for 1997-98 maintained by UNC General Administration

TECHNICAL CONSIDERATIONS:

FISCAL RESEARCH DIVISION 733-4910
PREPARED BY: Jim Newlin

APPROVED BY: Tom Covington



DATE: Wednesday, March 17, 1999

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

SENATE COMMITTEE ON EDUCATION/HIGHER EDUCATION COMMITTEE REPORT
Senator Howard Lee, Co-Chair
Senator Walter Dalton, Co-Chair

Monday, March 22, 1999

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

FAVORABLE

S.B. **56** Sunset/Term of Energy Savings Contracts.
Sequential Referral: None
Recommended Referral: None

TOTAL REPORTED: 1

Committee Clerk Comment:

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

S 1

SENATE BILL 56

Short Title: Sunset/Term of Energy Savings Contracts. (Public)

Sponsors: Senator Lee.

Referred to: Education/Higher Education.

February 9, 1999

A BILL TO BE ENTITLED

AN ACT TO REPEAL THE SUNSET REGARDING THE AUTHORITY OF LOCAL GOVERNMENTAL UNITS TO ENTER INTO GUARANTEED ENERGY SAVINGS CONTRACTS FOR LOCAL PUBLIC FACILITIES AND TO EXTEND THE CURRENT MAXIMUM DURATION OF THESE CONTRACTS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 143-64.17(1) reads as rewritten:

"(1) 'Energy conservation measure' means a facility ~~alteration or training~~ alteration, or training or services related to the operation of the ~~facility~~ facility, ~~that reduces energy consumption or operating costs and includes~~ when the alteration, training, or services provide anticipated energy savings. Energy conservation measure includes any of the following:

a. Insulation of the building structure and systems within the ~~building;~~ building.

b. Storm windows or doors, caulking, weatherstripping, multiglazed windows or doors, heat-absorbing or heat-reflective glazed or coated window or door systems, additional glazing, reductions in glass area, or other window or door system modifications that reduce energy ~~consumption;~~ consumption.

c. Automatic energy control ~~systems;~~ systems.

d. Heating, ventilating, or air-conditioning system modifications or ~~replacements;~~ replacements.

e. Replacement or modification of lighting fixtures to increase the energy efficiency of a lighting system without increasing the overall illumination of a facility, unless an increase in illumination is necessary to conform to the applicable State or local building code or is required by the light system after the proposed modifications are ~~made;~~ made.

f. Energy recovery ~~systems;~~ systems.

g. Cogeneration systems that produce steam or forms of energy such as heat, as well as electricity, for use primarily within a building or complex of ~~buildings; or~~ buildings.

h. Other energy conservation ~~measures that provide long-term operating cost reductions or significantly reduce energy consumed~~ measures."

Section 2. G.S. 143-64.17(2) reads as rewritten:

"(2) 'Energy savings' means a measured reduction in ~~fuel,~~ fuel costs, ~~energy,~~ energy costs, or operating costs created from the implementation of one or more energy conservation measures when compared with an established baseline of previous ~~fuel,~~ fuel costs, ~~energy,~~ energy costs, or operating costs developed by the local governmental unit."

Section 3. G.S. 143-64.17B reads as rewritten:

"**§ 143-64.17B. Guaranteed energy savings contracts.**

(a) A local governmental unit may enter into a guaranteed energy savings contract with a qualified provider if all of the following apply:

(1) The term of the contract does not exceed ~~eight years from the date~~ of two-thirds of the anticipated remaining useful life of the facility after the installation ~~or acceptance by the local governmental unit~~ or commencement of the energy conservation measures provided for under the ~~contract.~~ contract or 25 years, whichever is less.

(2) The local governmental unit finds that the energy savings resulting from the performance of the contract will equal or exceed the total cost of the contract.

(3) The energy conservation measures to be installed under the contract are for an existing building.

(b) Before entering into a guaranteed energy savings contract, the local governmental unit shall provide published notice of the meeting at which it proposes to award the contract; the names of the parties to the proposed contract, and the contract's purpose. The notice must be published at least 15 days before the date of the meeting.

(c) A qualified provider entering into a guaranteed energy savings contract under this Part shall provide a bond to the local governmental unit in the amount equal to one hundred percent (100%) of the total cost of the guaranteed energy savings

contract to assure the provider's faithful performance. Any bonds required by this subsection shall be subject to the provisions of Article 3 of Chapter 44A of the General Statutes. If the savings resulting from a guaranteed energy savings contract are not as great as projected under the contract and all required shortfall payments to the local governmental unit have not been made, the local governmental unit may terminate the contract without incurring any additional obligation to the qualified provider.

(d) As used in this section, 'total cost' shall include, but not be limited to, costs of construction, costs of financing, and costs of maintenance and training during the term of the contract. 'Total cost' does not include any obligations on termination of the contract before its expiration, provided that those obligations are disclosed when the contract is executed.

(e) A guaranteed energy savings contract may not require the local governmental unit to purchase a maintenance contract or other maintenance agreement from the qualified provider who installs energy conservation measures under the contract if the local unit of government takes appropriate action to budget for its own forces or another provider to maintain new systems installed and existing systems affected by the guaranteed energy savings ~~contract.~~ contract, in accordance with manufacturer's standards or other reasonable standards specifically provided in the guaranteed energy savings contract."

Section 4. Section 10 of Chapter 775 of the 1993 Session Laws, as amended by Section 3 of Chapter 295 of the 1995 Session Laws, reads as rewritten:

"~~Sec. 10. A local governmental unit may not enter into a guaranteed energy savings contract under Part 2 of Article 3B of Chapter 143 of the General Statutes, as enacted by this act, on or after July 1, 1999.~~"

Section 5. Sections 1 through 3 of this act become effective July 1, 1999, and apply to contracts entered into on or after that date. The remaining sections of this act are effective upon ratification.

SENATE BILL 56:
Sunset/Term of Energy Savings Contracts

BILL ANALYSIS

Committee:	Senate Education/Higher Education	**Introduced by:**	Senator Lee
		Summary by:	Sara Kamprath Committee Counsel
Date:	March 16, 1999		
Version:	First Edition		

SUMMARY: The maximum term of guaranteed energy savings contracts would be extended to two-thirds of the anticipated remaining useful life of the facility or 25 years, whichever is less. The sunset date of July 1, 1999 for local governmental units to enter into these contracts would be repealed.

BACKGROUND: Part 2 of Article 3B of Chapter 143 (Guaranteed Energy Savings Contracts for Local Government Units) was a recommendation of the 1991 LRC Committee on Ways to Promote the Conservation of Energy and the Use of Renewable Energy Sources in Residential, Commercial, Industrial and Public Facilities. Local units of government, including any board of a community college or a school board, are allowed to enter into a guaranteed energy savings contract if all of the following conditions are met:

1. The term of the contract does not exceed eight years from the date of installation and acceptance of the energy conservation measures provided for in the contract;
2. The energy savings will equal or exceed the total cost of the contract; and
3. The energy conservation measures are for an existing building.

The guaranteed energy savings contracts are awarded through a request for proposals (RFP) process set out in the statute. Once a contract is awarded, the contract and its terms must be reported to the Local Government Commission. The Local Government Commission shall compile this information and report it to the Joint Legislative Commission on Governmental Operations. In 1995, the General Assembly extended local government's authority to enter into guaranteed energy savings contracts for an additional two years until July 1, 1999.

BILL ANALYSIS: **Section 3** of Senate Bill 56 amends G.S. 143-64.17B(a) to increase the maximum term of a guaranteed energy savings contract from the current 8 years to two-thirds of the anticipated remaining useful life of the facility or 25 years, whichever is less. **Section 3** also amends G.S. 143-64.17B(e) to provide that if the local governmental unit maintains the energy conservation measures on its own or through another provider other than the original installer, then the maintenance must be in accordance with the manufacturer's standards or other reasonable standards provided for in the contract.

Section 4 repeals the sunset that prohibits a local governmental unit from entering into one of these contracts on or after July 1, 1999.

Sections 1 through 3 of the bill become effective July 1, 1999 and apply to contracts entered into on or after that date. The remaining sections of the act are effective upon ratification.

S56-SMRJ-001

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

SENATE COMMITTEE ON EDUCATION/HIGHER EDUCATION COMMITTEE REPORT
Senator Howard Lee, Co-Chair
Senator Walter Dalton, Co-Chair

Monday, March 22, 1999

Senator Dalton, Co-Chair

submits the following with recommendations as to passage:

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

S.B. **225** Ass't Principal Provisional Cert./AB.

Draft Number:	PCS2597
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	No

TOTAL REPORTED: 1

Committee Clerk Comment:

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

S 3

SENATE BILL 225*
Education/Higher Education Committee Substitute Adopted 3/17/99
House Committee Substitute Favorable 4/7/99

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.

SENATE BILL 225:
Ass't Principal Provisional Cert./AB

BILL ANALYSIS

Committee:	Education/Higher Education	**Introduced by:**	Senator Dalton
Date:	March 17, 1999	**Summary by:**	Shirley Iorio, PhD
Version:	1st Edition		Education Policy Analyst

SUMMARY: 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.

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.

BILL ANALYSIS: The State Board of Education 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.

S225-SMSF-001

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

S D

SENATE BILL 225*
Proposed Committee Substitute S225-PCS2597-RC

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 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 only if (i) the local board finds that 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 during that year. 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 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) Individuals who hold a provisional assistant principal's certificate under G.S. 115C-284(c) shall be considered school administrators 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 receiving a provisional assistant principal's certificate, and the State Board does not extend the school administrator's provisional assistant principal's certificate for any reason, 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.

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 225

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

S225-ARC-001.1

Date_____,1999

Comm. Sub. []
Amends Title [YES]

Senator

moves to amend the bill on page 1, line 2, by inserting after the word "CERTIFICATION" the following: "AND EMPLOYMENT";

and on page 1, lines 22-23, by rewriting the lines to read:
"The Board shall issue a one-year provisional assistant principal certificate to an employee of a local board only if (i) the local board finds that there is a";

and on page 2, line 17, by rewriting the line to read:
"Education. Persons who hold a provisional assistant principal's certificate shall be employed under G.S. 115C-287.1(h).'";

and on page 2, line 18, by rewriting the line to read:
"Section 3. G.S. 115C-287.1 is amended by adding a new subsection to read:
'(h) Individuals who hold provisional assistant principal certificates under G.S. 115C-284(c) shall be considered school administrators 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 certificate. If the school administrator held career status as a teacher in the local school administrative unit prior to receiving a provisional assistant principal certificate, and the State Board does not extend the school administrator's provisional assistant principal certificate for any reason, the school administrator shall retain career status as a teacher unless the school administrator voluntarily relinquished that right or is

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 225

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

S225-ARC-001.1

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 certificate.'

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

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

Attachment 9

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.)
) Hunt
Sen.)

moves to amend the bill on page _____, line _____

( ) WHICH CHANGES THE TITLE

by _____

deleting from line 7 of the amendment the phrase

"to an employee of a local board".

SIGNED Hunt

ADOPTED _____ FAILED _____ TABLED _____

GA-33-A

PRINCIPAL CLERK'S OFFICE (FOR ENGROSSMENT)

VISITOR REGISTRATION SHEET

EDUCATION/HIGHER EDUCATION — Name of Committee

10:00 A.M., WEDNESDAY, March 17, 1999 — Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Tim M Stuart	NCAICU
Jim Hibbard	NCLM
Hal Miller	NCACCT
Kathi Carstens	State Construction
Sperro Pleggn	State Const. Office
Cliff VanMeter	UNC GA
JB Miller	UNC
Elizabeth Mooneyham	OSBM
Thos W. Ellis	SRS
Dave Horne	Smith Anderson
Angela Jones	JCA
David Gregory	Poyner & Spruill
Ronald Clark	Johnson Controls, Inc.
Mac Mannheimer	Poyner & Spruill
Don Treadway	Poyner & Spruill
Kathy Sullivan	DPI
Ann Bellamy	SBE
Harriet Dial	NCAE
Thad Kaiser	NCAE
Bryan Morris	Public School Forum
W. Hal Throwbridge	TAP/AP
Jim Ledbetter	Fay. observer
Leanne Winner	NCSBA
Stephanie Wilkerson	NCACS

SENATE EDUCATION/HIGHER EDUCATION COMMITTEE

AGENDA

Wednesday, March 24, 1999
10:00 A.M.
Room 414

CALL TO ORDER **Presiding:** Senator Lee

AGENDA: The following bills will be considered:

- **SB 335 Bonus Clarified/Mecklenburg Schools Senator Dannelly**
- **SB 95 Modify C.C. & UNC Bd. Membership Senator Lee**
- **SB 338 School Personnel/Classroom Experience Senator Hartsell**

Senator Lee, Co-Chair
Senator Walter Dalton, Co-Chair

MINUTES

EDUCATION/HIGHER EDUCATION

Wednesday, March 24, 1999
10:00 A.M.
Room 414 LOB

The Senate Education/Higher Education Committee met on Wednesday, March 24, 1999 at 10:00 A.M. in Room 414, Legislative Office Building. Senator Lee, Co-chair presided. There were twenty-three Senators present. Senator Lee called the meeting to order and introduced Page Nathan J. New from Moore County. Senator Marc Basnight sponsored Nathan.

SB 338

Senator Lee recognized Senator Hartzell to explain the Amendment to Senate Bill 338. The Short Title is *School Personnel/Classroom Experience.* The Long Title *An Act to Give Classroom Experience to School Personnel Who are Certified Teachers but are not Classroom Teachers.* Senator Hartzell explained the Amendment to Senate Bill 338. *(See Attachment 1).* Following Senator Hartzell's briefing, a motion was made and approved to adopt the Amendment. Senate Bill 338, as Amended, was discussed at length by the Education/Higher Education Committee. *(See Attachment 2).* The Education/Higher Education Committee did not present a final recommendation for SB 338. It was decided that a Subcommittee would be formed to further study SB 338.

Senator Lee announced that the Chairs of the Education/Higher Education Committee had invited all Board Certified Teachers in North Carolina to briefly appear before the Committee. The first Board Certified Teacher recognized was Mrs. Alice Hagaman. Mrs. Hagaman teaches at Easley Elementary School in Durham. The Committee extended a warm welcome to Mrs. Easley.

Senator Lee welcomed and introduced former Senator Paul Smith.

Senator Lee adjourned the meeting at 10:55 A.M.

Senator Howard Lee, Co-chair

Christina K. Minard, Education Committee Assistant

Attachment 1

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 338

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

S338-ASF-001 Page 1 of __

Date_____,1999

Comm. Sub. []
Amends Title [yes]

Senator Hartsell

moves to amend the bill on page 1, lines 2-4,
by rewriting the lines to read:
" AN ACT TO GIVE CLASSROOM EXPERIENCE TO PROFESSIONAL PUBLIC SCHOOL EMPLOYEES WHO ARE NOT CLASSROOM TEACHERS.";

and on page 1, lines 14-19,
by rewriting the lines to read:
"each school year.'".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

Attachment 2

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

S 1

SENATE BILL 338*

Short Title: School Personnel/Classroom Experience. (Public)

Sponsors: Senator Hartsell.

Referred to: Education/Higher Education.

March 15, 1999

A BILL TO BE ENTITLED

AN ACT TO GIVE CLASSROOM EXPERIENCE TO SCHOOL PERSONNEL WHO ARE CERTIFIED TEACHERS BUT 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 Make Rules Requiring Certain Employees to Serve as Substitute Teachers. -- In order to improve employees' awareness of classroom climate and to enhance school discipline, local boards of education shall require each professional public school employee who does not have daily instructional contact with students to serve as a substitute teacher in the classroom for the equivalent of at least two days each school year. The State Board of Education shall adopt a policy providing that the time spent as a substitute teacher is an activity that earns renewal credit. The State Board of Education shall determine the amount of renewal credit for this activity, and that amount shall be a part of the total number of required units for certificate renewal."

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:	Education/Higher Education	**Introduced by:**	Senator Hartsell
Date:	March 24, 1999	**Summary by:**	Shirley Iorio, PhD
Version:	1st Edition		Education Policy Analyst

SUMMARY: The bill directs local boards of education to require each professional public school employee who does not have daily instructional contact with students to serve as a substitute teacher in a classroom for the equivalent of at least two days each school year. The State Board of Education must adopt policy providing that time spent as a substitute teacher is an activity that earns renewal credit, and authorizes the Board to determine the amount of renewal credit for this activity.

CURRENT LAW: G.S. 115C-47 (18) gives local boards of education full power to make all just and needful rules and regulations concerning the conduct and duties of teachers, principals, and supervisors.

BILL ANALYSIS: Local boards of education currently have the authority to make rules concerning the duties of personnel. This bill adds a new subdivision (18a) to G.S. 115C-47 which directs local boards to require all professional public school personnel who don't have daily instructional responsibilities to serve as a substitute teacher for at least two days each school year.

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.

The local school administrative units currently determine what is awarded as renewal credit for their employees. The amount of credit for specific activities is determined by the local board according to State Board guidelines. This bill requires the State Board to determine through policy that this activity (substitute teaching) qualifies for renewal credit, and the Board sets the amount of credit.

This act is effective when it becomes law and applies beginning with the 1999-2000 school year.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

S 1

SENATE BILL 338*

Short Title: School Personnel/Classroom Experience. (Public)

Sponsors: Senator Hartsell.

Referred to: Education/Higher Education.

March 15, 1999

A BILL TO BE ENTITLED

AN ACT TO GIVE CLASSROOM EXPERIENCE TO SCHOOL PERSONNEL WHO ARE CERTIFIED TEACHERS BUT 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 Make Rules Requiring Certain Employees to Serve as Substitute Teachers. -- In order to improve employees' awareness of classroom climate and to enhance school discipline, local boards of education shall require each professional public school employee who does not have daily instructional contact with students to serve as a substitute teacher in the classroom for the equivalent of at least two days each school year. The State Board of Education shall adopt a policy providing that the time spent as a substitute teacher is an activity that earns renewal credit. The State Board of Education shall determine the amount of renewal credit for this activity, and that amount shall be a part of the total number of required units for certificate renewal."

Section 2. This act is effective when it becomes law and applies beginning with the 1999-2000 school year.

VISITOR REGISTRATION SHEET

SENATE
EDUCATION/HIGHER EDUCATION

DATE: Wednesday March 24, 1999

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Jo Ann Norris	Public School Forum
Amy Van Dostrum	PENC
Kathy Sullivan	DPI
Anne Bellamy	SBE
Harriet Dial	NCAE
Bill Wilson	NCAE
Jeanette Hagen	daughter of senator
Gene Causby	NCSFSA
Nancy Salmon	LWV - Chapel Hill Area
Karen Diamond	LWV - Chapel Hill Area

VISITOR REGISTRATION SHEET

SENATE
EDUCATION/HIGHER EDUCATION

DATE: _____

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Ann Denning	LWV - Durham
Dora Griswold	LWV-CHA - Durham
Sally Coughlin	LWV CHA - Durham
Elizabeth Grossenstein	OSBM
Jennifer Dellinger	Jackson County
Leanne Winner	NCSBA
Allison Mulcahy	UNC GA
Alice F. Hagaman	National Board Certified Teacher - Durham

SENATE EDUCATION/HIGHER EDUCATION

AGENDA

Wednesday, March 31, 1999
10:00 A.M.
Room 414

CALL TO ORDER — Presiding: Senator Dalton

AGENDA The following Bills will be considered:

- **SB 335 Bonus Clarified/Mecklenburg Schools** — **Senator Dannelly**
- **SB 95 Modify C.C. & UNC Bd. Membership** — **Senator Lee**

Senator Lee, Co-Chair
Senator Dalton, Co-Chair

MINUTES

SENATE EDUCATION/HIGHER EDUCATION

Wednesday, March 31, 1999
10:00 A.M.
Room 414 LOB

The Senate Education/Higher Education Committee met on Wednesday, March 31, 1999 at 10:00 A.M. in Room 414 of the Legislative Office Building. Senator Dalton, Co-Chair presided. There were twenty-one Senators present. Senator Dalton called the meeting to order and introduced Page Jamie L. Wolf from Wilson, North Carolina. Senator Wellons sponsored Ms. Wolf.

Senator Lee recognized Mrs. Betty Worrell, a North Carolina Board Certified Teacher from Tabor City, in Columbus County. Mrs. Worrell teaches at Guideway Elementary School in Tabor City. Mrs. Worrell spoke briefly to the Committee about the benefits of being a Board Certified Teacher.

SB 335

Senator Dalton recognized Senator Dannelly, sponsor of Senate Bill 335. *The Short Title of SB 335 is Bonus Clarified/Mecklenburg Schools. The Long Title: An Act To Clarify the Law Regarding Reduction or Continuation of a Teacher's bonus, as it Applies to the Charlotte-Mecklenburg County School Administrative Unit.* **SB 335 WAS UNFAVORABLE AS TO BILL, BUT FAVORABLE AS TO C.S. BILL.** *(See Attachment 1).*

SB95

Senator Dalton recognized Senator Lee, sponsor of Senate Bill 95. The Short Title of SB95 is Modify C.C. & UNC BD. Membership. The Long Title: 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. An Amendment to SB95 was adopted. **SB95 was UNFAVORABLE TO BILL, BUT FAVORABLE AS TO C.S. BILL.** *(See Attachment 2).*

SB338

Senator Dalton appointed the following Education/Higher Education Subcommittee to study SB333: Senators Dalton, Garrou, Hartsell and Lucas.

Senator Dalton adjourned the meeting at 10:50 A.M.

Senator Walter Dalton, Co-Chair

Christina K. Minard, Education
Committee Assistant

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

COMMITTEE ON EDUCATION/HIGHER EDUCATION COMMITTEE REPORT
Senator Howard Lee, Co-Chair
Senator Walter Dalton, Co-Chair

Thursday, April 1, 1999

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

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

S.B. **335** Bonus Clarified/Mecklenburg Schools.

Draft Number:	PCS6599
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	No

TOTAL REPORTED: 1

Committee Clerk Comment:

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

COMMITTEE ON EDUCATION/HIGHER EDUCATION COMMITTEE REPORT
Senator Howard Lee, Co-Chair
Senator Walter Dalton, Co-Chair

Thursday, April 1, 1999

SENATOR DALTON,
Submits the following with recommendations as to passage:

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

S.B. 95 Modify C.C. & UNC Bd. Membership.

Draft Number:	PCS4621
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	No

TOTAL REPORTED: 1

Committee Clerk Comment:

GENERAL ASSEMBLY OF NORTH CAROLINA

Attachment 1

SESSION 1999

S 1

SENATE BILL 335

Short Title: Bonus Clarified/Mecklenburg Schools. (Local)

Sponsors: Senators Dannelly; Albertson, Ballance, Clodfelter, Cochrane, Cooper, Hoyle, Kerr, Lucas, Martin of Pitt, Martin of Guilford, Odom, Perdue, Rucho, and Warren.

Referred to: Education/Higher Education.

March 11, 1999

A BILL TO BE ENTITLED

AN ACT TO CLARIFY THE LAW REGARDING REDUCTION OR CONTINUATION OF A TEACHER'S BONUS, AS IT APPLIES TO THE CHARLOTTE-MECKLENBURG COUNTY SCHOOL ADMINISTRATIVE UNIT.

The General Assembly of North Carolina enacts:

Section 1. If a local school administrative unit provides a bonus or other salary increment to a teacher because the teacher teaches at a targeted school with high proportions of at-risk students, neither reassignment of that teacher to a school at which there is no such bonus or other salary increment nor discontinuance or reduction of the bonus or other salary increment at that school shall constitute a demotion as that term is defined in G.S. 115C-325(a)(4).

If a local school administrative unit provides a bonus or other salary increment to a teacher because the teacher is certified to teach in an area in which there is a shortage of teachers, neither discontinuance nor reduction of the bonus or other salary increment for teachers certified to teach in that area shall constitute a demotion as that term is defined in G.S. 115C-325(a)(4).

Section 2. This act applies only to the Charlotte-Mecklenburg County School Administrative Unit.

Section 3. This act is effective when it becomes law and applies beginning with the 1999-2000 school year.

SENATE BILL 335:
Bonus Clarified/Mecklenburg Schools

BILL ANALYSIS

Committee: Senate Education/Higher Education
Date: March 23, 1999
Version: First Edition

Introduced by: Senator Dannelly
Summary by: Kory Golsmith
Committee Counsel

SUMMARY: SB 335 provides that if a local school administrative unit gives bonuses or other salary increments to teachers who teach at targeted schools or to teachers who are certified in shortage areas, and the administrative unit later reduces or eliminates the bonus, that shall not constitute a demotion for purposes of115C-325. This is a local bill that applies only to the Charlotte-Mecklenburg County School Administrative Unit.

CURRENT LAW: G.S. 115C-325(a)(4) defines "demotion" as a reduction in the salary of a person who is classified or paid by the State Board of Education as a classroom teacher or as a school administrator. However, the "elimination or reduction of bonus payments, including merit-based supplements, or a systemwide modification in the amount of any applicable local supplement" is not a demotion. The statute does not define "bonus payments" or "merit-based supplements". The same procedures that apply for a teacher dismissal apply for a demotion.

G.S. 115C-302.1(h) provides that local boards may adopt salary schedules for teachers paid from local funds. It also provides that no teacher shall be paid a salary that is higher than what is provided in the salary schedule, unless there is a board action that allows a higher salary for "special fitness, special duties, or under extraordinary circumstances." The law also provides that the local board may authorize the superintendent to supplement the salaries of all teachers and the minutes shall reflect what increase is allowed each teacher.

It appears, but is not entirely clear, that a local board may use local funds to provide differentiated bonuses, salary supplements, or salary increments based upon the special characteristics of certain teachers or under special circumstances. It also appears that a local board could eliminate or reduce that bonus or supplement without having to go through a demotion procedure.

BILL ANALYSIS: The bill provides that if a local school administrative unit provides a bonus or other salary increment to a teacher because the teacher works at a targeted school with high proportions of at-risk students, then if the board later reassigns the teacher to a school where the bonus is not available, or if the board discontinues or reduces the bonus, that shall not constitute a demotion for purposes of 115C-325. It also would not constitute a demotion if the board provides a bonus for a teacher who is certified in an area in which there is a teacher shortage and the board later reduces or discontinues the bonus. These provisions apply only to the Charlotte-Mecklenburg Local School Administrative Unit.

The bill has the primary effect of eliminating any doubt that if the Charlotte-Mecklenburg school board provides bonuses or salary increments to certain teachers and later reduces or discontinues those bonuses or salary increments, that action shall not constitute a demotion. As stated earlier, a local board may already have this authority under G.S. 115C-325(a)(4)(ii). The bill, by expressly clarifying this issue with regard to only one local school administrative unit, may have the effect of casting doubt as to the meaning and application of the general law as it applies to all school administrative units.

GENERAL ASSEMBLY OF NORTH CAROLINA

Attachment 2

SESSION 1999

S

SENATE BILL 95

Short Title: Modify C.C. & UNC Bd. Membership. (Public)

Sponsors: Senators Lee, Cooper; and Perdue.

Referred to: Education/Higher Education.

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 is effective when it becomes law.

SENATE BILL 95:
Modify C.C. & UNC Bd. Membership

BILL ANALYSIS

Committee: Senate Education/Higher Education
Date: March 24, 1999
Version: First Edition

Introduced by: Senators Lee and Cooper
Summary by: Robin S. Johnson
Committee Counsel

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 employees of the Department of Community Colleges (DCC), the spouses of current employees of the DCC, and employees within the five prior years of the DCC will continue to be prohibited from membership on the SBCC. The bill would take effect when it becomes law.

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):

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 95

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

S95-ARH-001

Date_____,1999

Comm. Sub. [ ]
Amends Title [ ]

Senator _____

moves to amend the bill on page 1, line 23, by rewriting the line to read:

"Section 3. This act becomes effective July 1, 1999, and applies to elections held after that date.".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if **Senate** Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

VISITOR REGISTRATION SHEET

SENATE
EDUCATION/HIGHER EDUCATION

DATE: Wednesday March 31, 1999
10 A.M.

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Glenn Morris	Public School Forum of N/C
Betty Worrell	Columbus County Schools
Karen Gale	Governor's Office
Bill Wilson	NCAE
Harriet Dial	NCAE
Ann Belcher	SBE
Donny Kent	NCCCS
Elizabeth Drowerstein	OSBM
Mary Carmichael	Mecklenburg County
Walter Price	Charlotte Chamber
Betty Stoddard	GA Senate

VISITOR REGISTRATION SHEET

SENATE
EDUCATION/HIGHER EDUCATION

DATE:_____

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Whitney Thrower	TAA/AD
Kathy Rhoades	Teacher on Loan DPI
Ashley Westbrook	Governors Office
Kyle Arrentrout	Senate Staff
Amy Van Oostrum	PENC
Peyton Maynard	CMSB
Kristin David	Legislative Intern

SENATE EDUCATION/HIGHER EDUCATION

AGENDA

Wednesday, April 7, 1999
10:00 A.M.
Room 414

CALL TO ORDER **Presiding:** Senator Lee

AGENDA: The following bills will be considered:

- **SB 735 Comm. Coll. Trustee Eligibility** **Senator Albertson**
- **SB 748 Teacher Credit/Excess Personal Leave** **Senator Foxx**
- **H 216 Evaluate Charter Schools** **Representative Preston**

Senator Lee, Co-Chair
Senator Dalton, Co-Chair

MINUTES

SENATE EDUCATION/HIGHER EDUCATION
Wednesday, April 7, 1999
10:00 A.M.
Room 414 LOB

The Senate Education/Higher Education Committee met on Wednesday, April 7, 1999 at 10:00 A.M. in Room 414 of the Legislative Office Building. There were nineteen Senators present. Senator Lee, Co-chair presided. Senator Lee introduced Page Heather Lowman. Heather is from Rutherford County and was sponsored by Senator Dalton.

Senator Lee introduced the invited North Carolina National Board Certified Teachers to the Committee. They were: Carrie Sue Florence, a teacher at Central Elementary School in Hillsborough; Valerie Kearson from New Hope Elementary School in Henderson; Carol Midgett from Southport Elementary School in Southport and Kathy Rhodes a NBCT on loan to the Department of Public Instruction. Mrs. Florence addressed the Committee. She thanked the Committee for their support for the National Board Certified Teacher efforts in North Carolina. Mrs. Florence stated the benefits of becoming a National Board Certified Teacher included a daily striving for excellence in her profession, a higher profile within her teaching profession and provided her the opportunity to be a mentor to other teachers. Mrs. Florence was featured on the cover of the National Magazine *NEA TODAY (See Attachment 1)*

SB 748

Senator Lee stated that Senate Bill 748, sponsored by Senator Foxx, had been withdrawn for consideration until a later date.

SB 735

Senator Lee recognized Senator Albertson, sponsor of Senate Bill 735. The Short Title of SB 735 is *Comm. Coll. Trustee Eligibility.* The Long Title: An *Act to Prohibit Members of the General Assembly from Serving on the Board of Trustees of A Community College.* **SB 735 was given a FAVORABLE REPORT.** *(See Attachment 2).*

H216

Senator Lee recognized Representative Preston, sponsor of House Bill 216. The Short Title of HB 216 is *Evaluate Charter Schools*. The Long Title: 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.* **HB 216 was given a FAVORABLE REPORT.** *(See Attachment 3).*

Senator Lee adjourned the meeting at 10:40 A.M.

Senator Howard Lee, Co-Chair

Christina K. Minard, Education
Committee Assistant

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

COMMITTEE ON EDUCATION/HIGHER EDUCATION COMMITTEE REPORT
Senator Howard Lee, Co-Chair
Senator Walter Dalton, Co-Chair

Wednesday, April 07, 1999

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

FAVORABLE

H.B. **216** Evaluate Charter Schools
Sequential Referral: None
Recommended Referral: None

S.B. **735** Comm. Coll. Trustee Eligibility
Sequential Referral: None
Recommended Referral: None

TOTAL REPORTED: 2

Committee Clerk Comment:

GENERAL ASSEMBLY OF NORTH CAROLINA

Attachment 2

SESSION 1999

S 1

SENATE BILL 735

Short Title: Comm. Coll. Trustee Eligibility. (Public)

Sponsors: Senators Albertson; Allran, Carrington, Clodfelter, Cochrane, Cooper, Dannelly, East, Forrester, Garrou, Garwood, Hartsell, Horton, Hoyle, Jordan, Kerr, Kinnaird, Lee, Lucas, Martin of Pitt, Martin of Guilford, Miller, Moore, Odom, Perdue, Phillips, Plyler, Rand, Reeves, Shaw of Cumberland, Shaw of Guilford, Soles, Warren, Weinstein, and Wellons.

Referred to: Education/Higher Education.

April 1, 1999

A BILL TO BE ENTITLED

AN ACT TO PROHIBIT MEMBERS OF THE GENERAL ASSEMBLY FROM SERVING ON THE BOARD OF TRUSTEES OF A COMMUNITY COLLEGE.

The General Assembly of North Carolina enacts:

Section 1. G.S. 115D-12(b1) reads as rewritten:

"(b1) No person who has been employed full time by the community college within the prior 5 years and no spouse or child of a person currently employed full time by the community college shall serve on the board of trustees of that college. Notwithstanding G.S. 115D-16, no member of the General Assembly shall be eligible to serve on the board of trustees of a community college."

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

SENATE BILL 735:
Comm. Coll. Trustee Eligibility

BILL ANALYSIS

Committee:	Senate Education	**Introduced by:**	Senator Albertson
Date:	April 6, 1999	**Summary by:**	Robin S. Johnson
Version:	First Edition		Committee Counsel

SUMMARY: ***Senate Bill 735 would prohibit legislators from serving on the boards of trustees of community colleges. The bill would take effect when it becomes law and would aply to terms beginning on or 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, specific statutes prohibit State legislators from serving as members of the UNC Board of Governors, the boards of trustees of the constituent institutions, and the State Board of Community Colleges. Legislators are prohibited from serving as members of other State entities (such as the State Board of Education) because of "incompatibility". Members of the General Assembly are prohibited from serving as members of local boards of education because both are elected offices.

State legislators may serve as community college trustees because it is allowed under G.S. 128-1.1 since one is an elected office and the other is an appointive office. In addition, there is no statute that specifically prohibits this. At this time, there are a few legislators who also serve as trustees of a community college.

BILL ANALYSIS: Senate Bill 735 would amend G.S. 115D-12(b1) to specifically prohibit State legislators from serving as community college trustees. Legislators currently serving as trustees would be allowed to continue to serve until the end of their present terms.

S735-SMRH-001

§ 115D-12. Each institution to have board of trustees; selection of trustees.

(a) Each community college established or operated pursuant to this Chapter shall be governed by a board of trustees consisting of 13 members, or of additional members if selected according to the special procedure prescribed by the third paragraph of this subsection, who shall be selected by the following agencies.

Group One - four trustees, elected by the board of education of the public school administrative unit located in the administrative area of the institution. If there are two or more public school administrative units, whether city or county units, or both, located within the administrative area, the trustees shall be elected jointly by all of the boards of education of those units, each board having one vote in the election of each trustee, except as provided in G.S. 115D-59. No board of education shall elect a member of the board of education or any person employed by the board of education to serve as a trustee, however, any such person currently serving on a board of trustees shall be permitted to fulfill the unexpired portion of the trustee's current term.

Group Two - four trustees, elected by the board of commissioners of the county in which the institution is located. Provided, however, if the administrative area of the institution is composed of two or more counties, the trustees shall be elected jointly by the boards of commissioners of all those counties, each board having one vote in the election of each trustee. Provided, also, the county commissioners of the county in which the community college has established a satellite campus may elect an additional two members if the board of trustees of the community college agrees. No more than one trustee from Group Two may be a member of a board of county commissioners. Should the boards of education or the boards of commissioners involved be unable to agree on one or more trustees the senior resident superior court judge in the superior court district or set of districts as defined in G.S. 7A-41.1 where the institution is located shall fill the position or positions by appointment.

Group Three - four trustees, appointed by the Governor.

Group Four - the president of the student government or the chairman of the executive board of the student body of each community college established pursuant to G.S. 115D shall be an ex officio nonvoting member of the board of trustees of each said institution.

(b) All trustees shall be residents of the administrative area of the institution for which they are selected or of counties contiguous thereto with the exception of members provided for in G.S. 115D-12(a), Group Four.

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

(c) Vacancies occurring in any group for whatever reason shall be filled for the remainder of the unexpired term by the agency or agencies authorized to select trustees of that group and in the manner in which regular selections are made. Should the selection of a trustee not be made by the agency or agencies having the authority to do so within 60 days after the date on which a vacancy occurs, whether by creation or expiration of a term or for any other reason, the Governor shall fill the vacancy by appointment for the remainder of the unexpired term.

§ 128-1. No person shall hold more than one office; exception.

No person who shall hold any office or place of trust or profit under the United States, or any department thereof or under this State, or under any other state or government, shall hold or exercise any other office or place of trust or profit under the authority of this State, or be eligible to a seat in either house of the General Assembly except as provided in G.S. 128-1.1, or by other General Statute.

§ 128-1.1. Dual-office holding allowed.

(a) Any person who holds an appointive office, place of trust or profit in State or local government is hereby authorized by the General Assembly, pursuant to Article VI, Sec. 9 of the North Carolina Constitution, to hold concurrently one other appointive office, place of trust or profit, or an elective office in either State or local government.

(b) Any person who holds an elective office in State or local government is hereby authorized by the General Assembly, pursuant to Article VI, Sec. 9 of the North Carolina Constitution to hold concurrently one other appointive office, place of trust or profit, in either State or local government.

(c) Any person who holds an office or position in the federal postal system or is commissioned as a special officer or deputy special officer of the United States Bureau of Indian Affairs is hereby authorized to hold concurrently therewith one position in State or local government.

(d) The term "elective office," as used herein, shall mean any office filled by election by the people when the election is conducted by a county or municipal board of elections under the supervision of the State Board of Elections.

§ 115D-16. Elective officials serving as trustees.

The office of trustee of any institution established or operated pursuant to this Chapter is hereby declared to be an office which may be held by the holder of any elective office, as defined in G.S. 128-1.1(d), in addition to and concurrently with those offices permitted by G.S. 128-1.1. Appointments made on or before July 1, 1985, by boards of county commissioners or local boards of education of their own members as trustees are hereby validated, ratified, and confirmed.

Attachment 3

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H 2

HOUSE BILL 216
Second Edition Engrossed 3/30/99

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 predominantly 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.

(4) Other information the State Board considers appropriate."

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

HOUSE BILL 216:
Evaluate Charter Schools

BILL ANALYSIS

Committee: Senate Education/Higher Education
Date: April 6, 1999
Version: 2nd Edition

Introduced by: Representative Preston
Summary by: Sara Kamprath
Education Policy Analyst

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, best practices coming out of charter schools, and other information that the State Board considers appropriate. 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 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 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 made its second and final report to Ed Oversight in January 1999. 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.

Robin Johnson, Research Division, contributed to the preparation of this summary.

H216-SMRJ-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.

VISITOR REGISTRATION SHEET

SENATE
EDUCATION/HIGHER EDUCATION Wednesday - 10 A.M.

DATE: April 7, 1999

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Carol Midgett	National Board Certified Teacher
Sue Florence	National Board Certified Teacher
Valerie Kearson	NBCT - Middle Childhood Generalist Vance Cty.
Kathy Rhoades	NBCT Teacher on Loan to DPI
Karen Gale	Gov's Office
Sandy Carmany	NC PTA
Evelyn Hawthorne	UNC-CH
Harriet Dial	NCAE
Bill Wilson	NCAE
Thad Daise	NCAE
Cecil Cahoon	NCAE

VISITOR REGISTRATION SHEET

SENATE
EDUCATION/HIGHER EDUCATION

DATE: _____

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Gene Causby	NC SFSA
Kyle Armentrout	NC Senate
Hal Miller	NCACCT
Elizabeth Groeneveld	OSBM
Suzanne Williams	NCCCS
Dan Crabtree	NCASA
T. Tait	The Pilot (So. Pines)

VISITOR REGISTRATION SHEET

SENATE
EDUCATION/HIGHER EDUCATION

DATE: _____

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Robin Allen	Carolina Legal Assistance

SENATE EDUCATION/HIGHER EDUCATION

AGENDA

Wednesday, April 14, 1999
10:00 A.M.
Room 414

CALL TO ORDER **Presiding:** Senator Dalton

AGENDA: The following Bill will be considered.

- **SB 441 School Performance Goal Pilot Prog. Senator Dannelly**

Senator Lee, Co-Chair
Senator Dalton, Co-Chair

MINUTES

SENATE EDUCATION/HIGHER EDUCATION

Wednesday, April 14, 1999
10:00 A.M.
Room 414 LOB

The Senate Education/Higher Education Committee met on Wednesday, April 14, 1999 at 10:00 A.M. in Room 414 of the Legislative Office Building. Senator Dalton, Co-Chair presided. There were twenty Senators present. Senator Dalton called the meeting to order and introduced Pages Charlie Chrisawn from Wake County, sponsored by Representative Bowie and Tiffani Marshall from Granville sponsored by Representative Crawford.

Senator Dalton welcomed two North Carolina Board Certified teachers to the Committee. Ms. Sharon Johnson from Clayton and who teaches at East Clayton Elementary School and Ms. Karen Kromenacker from Cary who teaches at East Cary Middle School. Ms. Johnson spoke briefly to the Committee. She thanked the North Carolina Legislature for their support of the North Carolina Board Certified program. Senator Lee commended Ms. Johnson and Ms. Kromenacker for their accomplishments. Senator Dalton noted the NC Board Certified Teacher Newsletter prepared by the Governor's Office. *(See Attachment 1).*

SB 441

Senator Dalton recognized Senator Dannelly to explain Senate Bill 441. *(See Attachment 2).* Senator Dannelly presented a comprehensive description of Senate Bill 441. The Short Title of SB 441 is *School Performance Goal Pilot Prog.* The Long Title: *An Act to Establish A Pilot Program to Test and Evaluate Alternative School-Based Accountability Standards for the ABC'S Program.* Dr. Shirley Iorio, Committee Specialist, prepared the SB 441 Summary. *(See Attachment 3).*

Senator Dalton recognized former Senator Leslie Winner to further explain the need for SB 441. Senator Winner explained that the Charlotte/*Mecklenburg* schools had noted those students achieving in the lower and middle ranges, did not participate in upper level courses. She explained that students in the lower and middle ranges were those most in need of assistance. SB 441 is designed to provide assistance to those students and increase their participation in the upper level courses.

Senator Dalton recognized the following *Senators who spoke in support of SB 441: Senators Cochrane, Hagan, Lucas, Martin and Rucho.*

Senator Dalton then recognized members of the public who spoke on behalf of SB 441. *Dr. Henry Johnson, Department of Public Instruction stated that the Department of Public Instruction was supportive of SB 441.* He stated that he liked the concept of a Pilot program and that the standard must be higher than the ABC program.

Next, Senator Dalton recognized Mr. John Wilson, Director of the North Carolina Association of Educators. *Mr. Wilson stated that the NCAE is not supportive of SB 441.*

Senator Dalton then recognized Ms. Karen Garr from the Governor's Office. Ms. Garr stated that *Governor Hunt has expressed concern regarding SB 441.* She stated that Governor Hunt feels the Promotion Standards are the vehicle to change student's growth. She stated the Governor feels there are alternatives to additional funding, one of which is low-performance funding. She suggested that school assignments could be done so that the best teachers are assigned to the low-risk students. She thanked the Committee.

Then next person recognized by Senator Dalton was Leanne Winner. Ms. Winner is a Lobbyist for the NC School Boards Association. She stated the *NC School Boards Association is supportive of SB 441.*

Peyton Maynard, a *Lobbyist for the Charlotte-Mecklenburg Board of Education* was recognized by Senator Dalton and stated that he was *in support of SB 441.*

Senator recognized Mr. Greg Malhoit, representing the North Carolina Education and Law project. Mr. Malhoit stated that the *North Carolina Education and Law project did support SB 441.*

Senator Dalton recognized former Senator Winner for a few additional comments. Senator Dannelly was then recognized for some closing remarks. Senator Dannelly emphasized that SB 441 is a PILOT, and allows the Department of Public Instruction to monitor the progress or lack of progress of the pilot. He stressed that the purpose of SB 441 is to aid children and is not about the Charlotte/Mecklenburg School System gaining in a monetary manner.

Senator Dalton stated that the Senate Education/Higher Education Committee would return to SB 441 at a later time.

Senator Dalton adjourned the meeting at 10:55 A.M.

Signature Page
Senate Education/Higher Education
Minutes
Wednesday, April 14, 1999

Senator Walter Dalton, Co-Chair

Christina K. Minard, Education
Committee Assistant

Attachment 1

Evidence and Artifacts

Volume 2, Issue 3 March, 1999

North Carolina NBCTs pioneer new approach to professional development

Five board-certified teachers in North Carolina are among thirteen teachers who are leading a national effort to institutionalize an innovative model of professional development for K-12 teachers.

The project is being funded by the William R. Kenan, Jr. Charitable Trust and is under the direction of the National Humanities Center, an institute for advanced study in history, literature and language, philosophy, and criticism of the arts located in Research Triangle Park.

The North Carolina NBCTs along with board-certified and other master teachers in South Carolina, Minnesota, Ohio, and Oklahoma are pioneering a new role for classroom teachers, that of professional development coordinator. In this capacity they will help their colleagues design professional development seminars following a model created by the Humanities Center.

Implementation of the model spans two academic years and



ideally should involve a team of two coordinators.

The first year is a planning period during which the coordinators help teachers in their schools, usually twelve to twenty from a variety of disciplines, come together to frame a topic for collective study. Once the seminar participants have chosen a topic and defined lines of inquiry, the coordinators bring them into collaboration with consulting scholars,usually a team of two, from local colleges and universities.

The consultants help the participants identify resources — books, films, articles, paintings, websites, etc. — that will enable them to explore their topics with depth and sophistication. At the end of the planning year, the seminar participants and consultants receive the seminar texts for study over the summer. During the second year, the teachers and consultants together explore their topics in a series of four or five seminar sessions.

The center tested this model in ten high schools in North Carolina, two in Virginia, and one in Texas and had it assessed by evaluators on the staff of the Learning Research and Development Center at the University of Pittsburgh, a national leader in program evaluation.

The evaluators concluded that the model achieves goals that traditional professional development usually overlooks. It provides teachers intellectual stimulation and renewal, offers new knowledge and approaches for classroom use, promotes collegiality, reduces the isolation of classroom teaching, enhances the participants' sense of professionalism, enables teachers to take

(See **Pioneer** on page two)

Evidence and Artifacts

Volume 2, Issue 3 March, 1999

Pioneer (from page one)

responsibility for their own professional development,and heightens teacher morale.

These results coincide with goals set for professional development by the National Commission for Teaching and America's Future and other organizations seeking to reform professional development in the schools. Because of its effectiveness, the center's model has been labeled a "best practice" by the Public School Forum of North Carolina.

According to Richard Schramm, the Humanities Center's Director of Education Programs who is leading the project, the center was especially eager to work with board-certified teachers.

"We thought that board-certified teachers would make excellent seminar coordinators," he said. "They are usually faculty leaders, well positioned in a school to drive innovation.

"In addition, the certification process itself teaches valuable lessons for professional development because it requires candidates to reflect upon the nature of good teaching and what it takes to sustain it."

Schramm also pointed out that the center's approach to professional development shares many of the same goals and values found in the National Board's Core Propositions. It gives teachers the opportunity to learn more about the subjects they teach.

The seminar planning process requires teachers to be creative, take risks, and adopt an experimental, problem-solving frame of mind. The seminars them-

(See Pioneer,on page 6)

National Humanities Center
Professional Development Initiative
North Carolina Sites

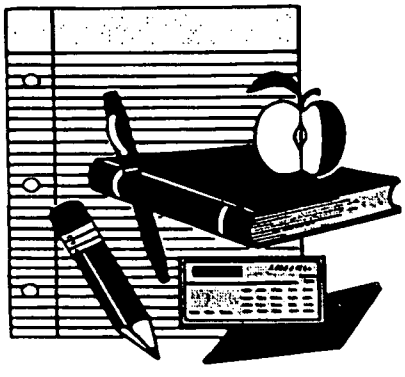
Sam D. Bundy Elementary School, Farmville
Coordinators: Deborah Metcalf, NBCT
Sandra Flowers
Partner: East Carolina University
Topic: Childhood: Evolution and Influences

Clinton High School, Clinton
Coordinators: Mary Lou Faircloth, NBCT
Lee Howard
Partner: University of NC at Wilmington
Topic: Adolescence in America

Level Cross Elementary School, Randleman
Coordinator: Leslie Maniotes, NBCT
Partner: University of NC at Greensboro
Topic:American-ness: What 's the US in U.S.?

Louisburg Elementary School, Louisburg
Coordinator: Judy Stover, NBCT
Partner: University of NC at Chapel Hill
Topic: The Art of Multicultural America

North Buncome Middle School, Weaverville
Coordinator: Judy McGuire, NBCT
Partners: UNC-Asheville and Appalachain SU
Topic: The Changing South



Evidence and Artifacts
Volume 2, Issue 3 March, 1999

National Board certification opens many new doors for Judy Stover

By Judy Stover

Privileged is how I felt to be in the pilot test in 1994-1995 for National Board Certification in the Early Childhood/Generalist category. Many teachers considering the boards ask me and themselves the question,"Why would someone go through this detailed process?"

When asked to reflect on how National Board certification has embellished my career status as an educator, my first response is that the reflection component has allowed me to continually look at all aspects of my teaching and validate what I do successfully as well as honestly critique my methods. I then can work on specific strategies to daily improve how I deliver subject material, assess students, and use my interpersonal strategies more effectively with parents, students, peers, and the community at large.

Some other amenities that have occurred because of National Board certification are opportunities to be a guest lecturer at seminars, workshops, universities, colleges, and other school districts on educational topics such as curriculum development, assessment strategies, parental and community involvement, and professionalism in the educational field. I have also begun teaching education courses at my local community college at night. This process has encouraged me to share with other educators. Speaking to the Southeastern region's Teachers of the Year about the National Board process was an electrifying experience. You could feel the exhilaration in that group of top-notch educators, and it helped me to feel inspired to continue to improve.

This fall Scholastic employed me to speak to 300 early childhood educators in the Charlotte-Mecklenburg School System about language arts integrated in the pre-k classroom curriculum. I taught small group break-out sessions as well as conducting an hour-long presentation to the entire group about storytelling strategies in the early childhood classroom.

National Board has given me the chance to meet educators from all over the United States in all curriculum and grade levels by asking me to serve on the National Performance Standards Panels as well as on a panel of pre-k through 12th grade educators to begin to develop the re-certification 10-year renewal process for NBPTS.

After being encouraged to become a public speaker for children at our National Board annual meetings, I have tried to take the initiative for children by speaking on the local radio station, allowing television crews to film me in my classroom, and speaking to local, state, and national (See **Stover,** page 4.)

Note from the Editors

We need to hear from you. Please send articles and other submissions to the editors at the following addresses:

Sherry Harrison:
(H) Phone (910) 235-0769
(W) Phone (910) 576-6511
Work Fax (910) 576-2044
E-mail:
harrisons@prodigy.net.
205 Longleaf Drive NW
Pinehurst, NC 28374

Mary Lou Faircloth:
Phone (910) 592-4174
Fax (910) 592-8590
E-mail:
mlf@intrstar.net
507 East Powell Street
Clinton, NC 28328

Evidence and Artifacts
Volume 2, Issue 3 March, 1999

Stover (from page 3)
officials in person about children and their families. My willingness to speak with vice-President Al Gore about this great validation process at a town meeting last May was spurred by my strong feelings for the National Board certification process.

The National Humanities Center's Professional Development Initiative was designed to create teacher-initiated professional development. I was fortunate to be chosen as a Professional Development Coordinator for my elementary school. This year, three elementary, three middle, and three high schools were chosen for this opportunity.

My staff is creating a syllabus about the topic Cultural Diversity through the Arts. Our linking university is the University of North Carolina at Chapel Hill. As we begin this new process, my school site is finding it enlightening and thrilling.

These are only a few of the varied new professional opportunities that National Board certification has opened to me. I look forward to each new day as an exciting opportunity to become the best educator I can be, and I want to share the fruits of my journey with others.

Please encourage your colleagues to seriously consider National Board certification.

Marie Mullins models indefatigable spirit

The second-time candidate told this story to the National Board Academy in Orlando in August and to the Virginia Association of Educators in Roanoke last October

By Marie Mullins

I learned of the National Board of Professional Teaching Standards in December of 1994, ordered my application, and embarked on what I thought would be just an assessment of me as a teacher.

I am fortunate to teach in North Carolina where Governor James Hunt, the past chairman of the National Board, has strongly supported teachers as they attempt certification. The fee ($975 that year) was paid by my state, and the box arrived. Opening it with anticipation, I quickly surveyed its contents, closed the lid carefully, and delegated it back to an unused bedroom. I couldn't do this! What was I thinking! They wanted me to video my students daily, then splice 2-3 minute vignettes together in a 60-minute video using 2 VCRs and 2 TVs — I could barely turn my VCR on without the instructions! What had I gotten myself into?

Attending a meeting for North Carolina candidates in February, 1995, I heard from candidates awaiting word of their certification. They imparted these words of wisdom, "OPEN THE BOX."

We were told by Karen Garr, Teacher Advisor to Governor Hunt, that we were risk takers, part of 350 teachers nationwide (150 in North Carolina), the first non-trial group; we were considered exemplary for attempting the process.

I returned home ready to begin. Students were videoed and videoed and videoed. I wrote notes on everything I did or said in the class. I kept all my students' work. Stacks of paperwork began surrounding me in my home. My family was admonished to "touch nothing." I struggled with writing my analysis and reflection. I began questioning my practices but still felt that what I was doing was right; the problem was that I just

(See **Mullins**, page 7.)

Evidence and Artifacts
Volume 2, Issue 3 March, 1999

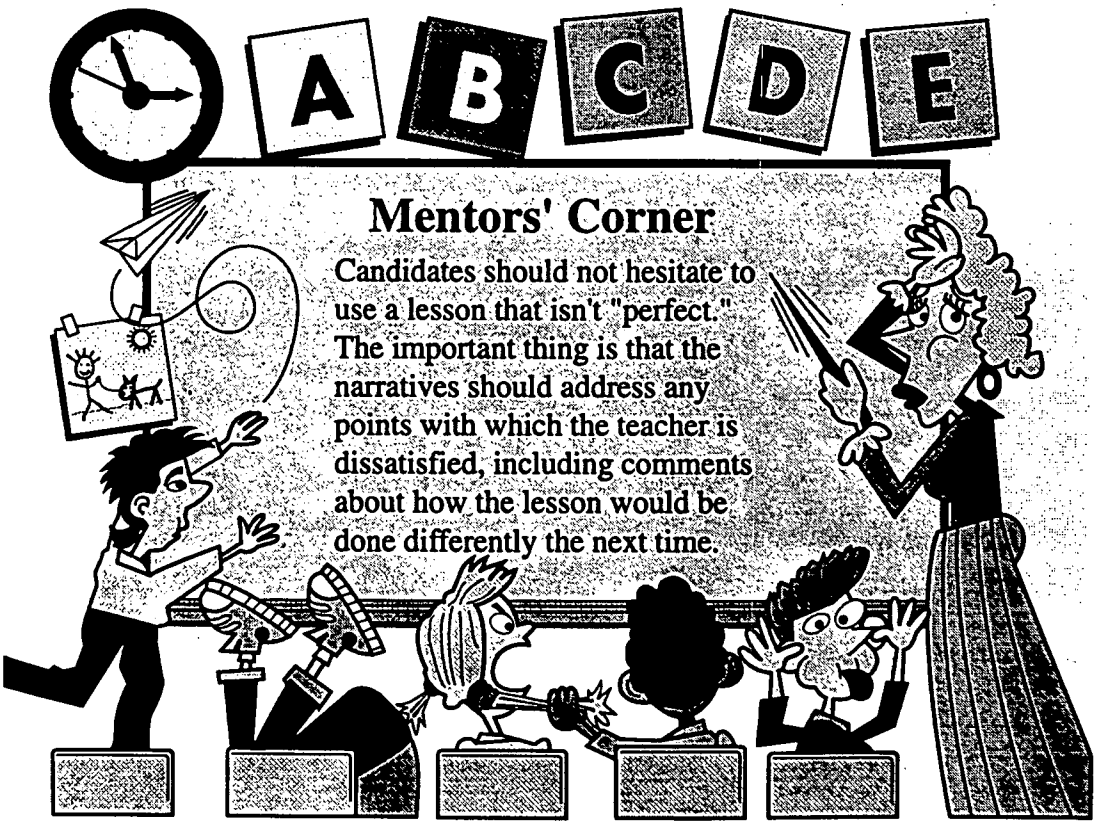
NBCTs — Let Your Voices Be Heard

As a National Board Certified teacher, you and your colleagues will be called on more often than you might imagine to tell the NBC story to legislators, school board members, and higher education officials — to name a few. Nobody tells the story better than an NBCT. But even the best of us can sometimes use some pointers from those teachers who have worked with policy makers, so here are tips from your colleagues, from the NBPTS staff, and from Karen Garr. Feel free to add your own tips from your experience. Send them to Karen or to one of the *E& A* editors for publication in the next edition.

Notes from Karen Garr

1. Relax. No one knows National Board better than you do. Be yourself. Let the accomplished teacher you are show when sharing information.
2. Always share your portfolio and the standards. In fact, your portfolio is like your American Express card: Don't leave home without it.
3. Be brief when talking to policy makers. They usually don't have much time, so tell the story succinctly and allow them to ask questions.
4. Go in pairs when possible so you can fill the gaps for one another. If you need details about how NBPTS operates or about NC legislation, call Karen Garr.
5. Focus on the **students**. They are the reason we are doing this. Tell how this process made a difference in your teaching. Please don't tell legisislators that this process makes no difference in your life as a teacher. How could that possibly be true?
6. Focus on your colleagues. Policy makers want to know how your work with the standards made a difference at your school.

(See **Voices**, page 12)



Mentors' Corner

Candidates should not hesitate to use a lesson that isn't "perfect." The important thing is that the narratives should address any points with which the teacher is dissatisfied, including comments about how the lesson would be done differently the next time.

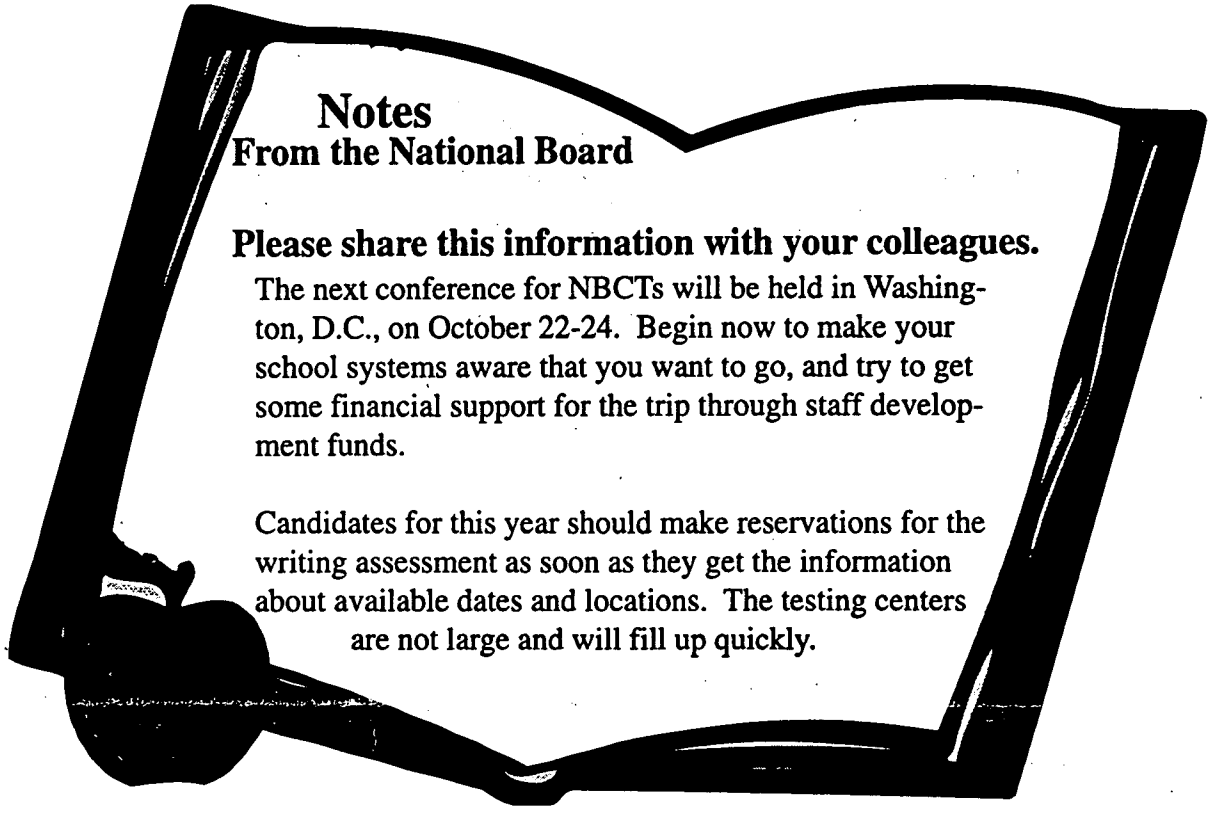
Evidence and Artifacts
Volume 2, Issue 3 March, 1999

Notes From the National Board

Please share this information with your colleagues.

The next conference for NBCTs will be held in Washington, D.C., on October 22-24. Begin now to make your school systems aware that you want to go, and try to get some financial support for the trip through staff development funds.

Candidates for this year should make reservations for the writing assessment as soon as they get the information about available dates and locations. The testing centers are not large and will fill up quickly.



Pioneer (continued from page 2)

selves, with their emphasis on the reasoned exchange of ideas, put a premium on intellectual curiosity, tolerance, honesty, fairness, respect for diversity, and appreciation of cultural differences, qualities that, as the Core Propositions assert, accomplished teachers "seek to inspire in students."

Finally, the model creates a learning community by providing teachers the occasion to collaborate over a sustained period with each other and with colleagues at colleges and universities.

"The model fosters within a faculty the same high intellectual standards, the same spirit of collegiality, and the same emphases on continuous learning that a good school seeks to inculcate within its students," said Schramm.

"A teacher's participation in a seminar exemplifies for students the ideal of life-long learning that all educators want to impart to children," Schramm said. "When students discover that their teacher is in a seminar, they are always curious and often end up borrowing seminar texts. The seminars have turned out to be a good way for teachers to explore new subjects and lose new books."

In collaboration with the National Humanities Center the trail-blazing professional-development seminar coordinators will design a training and technical assistance program for schools wanting to adopt this model of professional development.

In 2000 the Center plans to bring eight to ten more board-certified teachers and their schools into the project to be guinea pigs for the new training. Thereafter the center will make it available to schools across North Carolina and the nation.

For more information about this project, call Richard Schramm toll-free at 1-800-271-7444 or E-mail him at: <rschramm@ga.unc.edu>

Evidence and Artifacts
Volume 2, Issue 3 March, 1999

Mullins (continued from page 4)
couldn't write reflectively.

I mailed my completed portfolio April 28, 1995. All I had remaining was the assessment portion, three days of written and verbal assessment. I felt the portfolio was good — it represented what I did best — teach. I was less confident about the assessment center.

"On behalf of the board of directors of the National Board for Professional Teaching Standards, thank you for your hard work and dedication . . . . " With this opening statement I received notification in November of 1995 that my performance did not meet the standards for certification. I was devastated. How could I tell my family, students, and colleagues? They, too, listened in disbelief. I put the results away, too hurt to read further.

In the meantime, I had begun work on my master's in reading. During the process of certification, I had begun questioning some of my practices. Something was wrong, but what was it? I finally took the results of my portfolio and assessment out and read the summary scoring of my exercises. I began to realize that my responses were limited: that although I met some of the exercise expectations, I had significant weaknesses.



I entered the world of teaching at 43, believing I was going to make an immediate impact on the students I touched. I expected to "turn on that light" so often discussed by educators. Thrust into the isolation of my self-contained classroom along with the county-adopted basal reader, I taught reading, writing, and spelling in specified blocks daily.

I began to extend my language arts program beyond the basal by co-writing units for five class novels. Although these units added interest to my program and there was a slight rise in my students' End of Grade Reading Test scores, when I stopped to reflect, I realized my students were doing little more than seatwork. My failure to achieve National Board certification led me to beleive that I needed to strengthen my teaching practice.

I began to immerse my students in language experiences. I kept coming across the idea of "immersion" as I devoured Atwell, Weaver, and Calkins. I came to see that as I extended multiple opportunities for my students to use all their aspects, their linguistic base would keep building.

Surrounded by a classroom library of over 500 titles, my students became empowered as they began to choose what to read and learn. In addition to allowing more student choice, I began to guide students to set expectations and define goals with me instead of this always coming from the teacher. Letting go of the control I had always assumed was difficult for me, and I struggled with the whole concept. I tried to move away from so much teacher assessment and move closer to students' assessment of their own work. My role evolved into encourager and material provider, and of course, model.

Each time I stepped back to reflect upon a change made or a new step taken, I had to admit that my classroom had never held the student excitement for ownership of learning that I was witnessing during the time of transforming my program.

I knew I was no longer the same teacher who, although questioning some of her practices, had sent in that first portfolio with confidence. I was now able to reflect with real confidence on my strengths and weaknesses.(See **Mullins,** p. 8)

Evidence and Artifacts
Volume 2, Issue 3 March, 1999

Mullins (continued from page 7)

During the entire first process, I worked in virtual isolation. I lacked the confidence to ask my colleagues for their input into my work. My media coordinator, a staunch supporter, offered her assistance constantly, but I only used her knowledge of resource materials. I learned a valuable lesson from this self-imposed isolation.

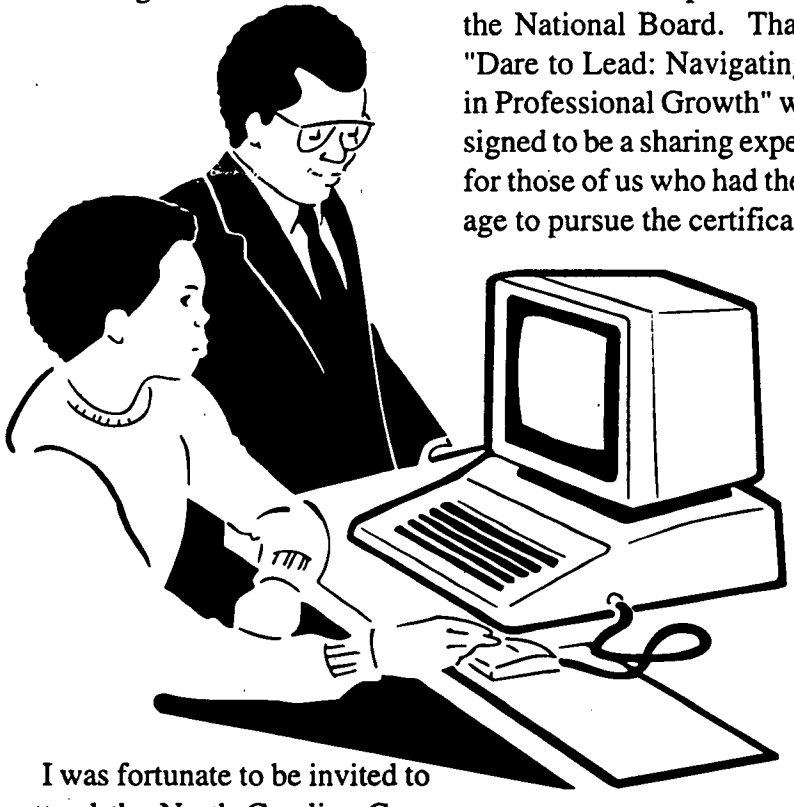
As stated in *Teacher to Teacher*, the National Board's official newsletter for teachers, "Collaboration is the 'jewel' of the certification process." My superintendent was pleased to have a candidate for National Board and was supportive; however, I didn't realize how supportive until I failed to be certified.

As I reflected on my new teaching styles, I knew I was ready to pursue the process a second time. By now the fee was $2,000, a fee my husband and I were prepared to pay.

My superintendent heard that I was interested and told me that he would pay the fee. I was elated and ordered my second application. At that point there was no banking of portflio scores. I had to compete the entire process again.

The box arrived. This time was different. I unpacked it and put the empty box away. I read everything in the box. I read and re-read. More importantly, my superintendent put me in touch with a certified teacher (200 miles away), and I began to collaborate weekly with her. I enlisted the help of colleagues, family, and students to read and critique my work.

The new portfolio reflected the constant work of improving the document by the National Board. Videos were shorted, instructions were clearer, and the testing was reduced to one entire day. Computers were added to the testing sites for the first time.



I was fortunate to be invited to attend the North Carolina Center for the Advancement of Teaching in Cullowhee, NC, for "Teachers Scholars in Residence: National Board Certification." Margaret Rose Simon-Hall, the Program Associate for NCCAT, has partnered with the National Board to offer a paid week for candidates to come together and collaborate as they work on their portfolios. Mentors who had completed the process were there to assist candidates. At that time, I developed new friendships among colleagues who, like myself, were struggling to get their reflections on paper in a meaningful context.

Two weeks later I attended NCCAT again to participate in another seminar partnered with the National Board. That time "Dare to Lead: Navigating Risk in Professional Growth" was designed to be a sharing experience for those of us who had the courage to pursue the certification in the initial years but were not certified. It was a chance to spend a week talking about our experiences as candidates and as risk takers in a risk-averse profession. I joined 23 other selected veteran candidates (See **Mullins**, page 9)

Evidence and Artifacts
Volume 2, Issue 3 March, 1999

Mullins (continued from page 8)

in a situation in which we were able to share stories about the certification process, give National Board staff our ideas about how to improve communication with candidates before, during, and after the process, and find ways to use our experience as risk takers in the role of professional leaders.

Meeting with Mary-Dean Barringer and Barbara Kelley from the National Board, we were able to express concerns and offer positive reinforcement for the ideals of certification. We were informed at that time that future candidates could bank their scores. I had turned in my second portfolio by that time and was awaiting my assessment date.

I was concerned that banking would not begin until the following year. As a group, we were able to voice our concerns over this, and through the efforts of Mary-Dean and Barbara, the Board of Directors decided to bank the work of the 1996-97 candidates. In November of 1997, I received word that I was certified as a Middle Childhood Generalist.

My students have benefited directly by my National Board experience. I have had several students tell me that they were proud of me for not giving up after not being certified the first



time. I changed my way of thinking of myself as a teacher and became a facilitator of knowl edge.

My classroom has been transformed from one that was teacher-centered into a student-centered, integrated learning environment where students develop a love of learning. I have learned the valuable lesson of sharing with other teachers and asking for their assistance when needed.

The process led me to a master's degree in reading, an invitation to score portfolios for three weeks this summer, and the opportunity to mentor candidates at the North Carolina Center for the Advancement of Teaching. I was also invited by my state to help in the re-writing of the state mentoring program "Mentoring North Carolina Novice Teachers."

When I began the process for certification, there was a 4% incentive to become certified in my state. By the time I sent in my portfolio, my state was offering a 12% bonus to all certified teachers. North Carolina currently pays the $2,000 fee and offers teachers up to three days of paid leave to work on their portfolios.

Whether or not a state pays an incentive should not be the deciding factor as to whether a teacher pursues certification a first or second time. I am as passionate about certification as I am about teaching. It empowers teachers because they must examine what they consider to be good practices.

While pursuing certification for the second time, I stated that I would pursue it a third time if necessary. I came to realize that I did not fail the first time; I won, because I had learned to reflect on my teaching and in the process became a better teacher.

Evidence and Artifacts
Volume 2, Issue 3 March, 1999

NORTH CAROLINA'S PUBLIC SCHOOLS: A REMARKABLE RECORD OF PROGRESS

"I believe that if North Carolina can lead the nation in education progress, we can lead the nation in education – period."

– Gov. Jim Hunt
State of the State Address
February 1, 1999

++++++++++++++++++++++++++++++++

North Carolina is being lauded across the nation -- by education and bipartisan political leaders -- for the progress its public schools have made in the last six years.

- **On math and reading tests given nationwide to fourth and eighth-graders, North Carolina's students are making the highest gains of any state, and for the first time they're scoring above the national average.**
- **A national study ranked North Carolina one of the top two states in improving teaching, and the state has more National Board Certified Teachers than any other state – 536.**
- **The National Education Goals Panel said North Carolina is one of the top two states in business and community support for public education.**
- **North Carolina's SAT scores have gone up more than any other state in the last 10 years, up 34 points.**
- **More students are graduating from high school, the number of students who scored high on advanced placement tests has doubled and more college students, especially minorities and women, are earning degrees in math and science.**
- **The school violence rate is down 19 percent, and the number of guns found in schools has been cut by two-thirds.**
- **With Smart Start, the state is doing more than any other to make sure children are coming to school healthy and ready to learn. The number of babies born with health problems is down, and the number of children with immunizations is up. Just since October, this state has provided health insurance to almost 38,000 children who didn't have it before.**
- **The state is raising salaries and standards for teachers and North Carolina is the first state to require computer proficiency for high school graduation.**
- ***Education Week* says that no other state is doing more than North Carolina to put in place real and meaningful accountability measures and to improve teacher quality.**
- ***Education Week* also ranks North Carolina as one of the top 12 states overall in public education.**

Evidence and Artifacts
Volume 2, Issue 3 March, 1999

FIRST IN AMERICA: A GOAL FOR NORTH CAROLINA'S SCHOOLS

"Let's commit ourselves to this ambitious goal: By the year 2010, North Carolina will build the best system of public schools of any state in America. By the end of the first decade of the 21st Century, we will be the first in education."

-- Gov. Jim Hunt
State of the State Address
February 1, 1999

North Carolina is making great progress in its schools, but Gov. Jim Hunt wants North Carolina to raise its sights and raise its public schools up to even higher levels.

Gov. Hunt has laid out 10 specific measures of excellence in education, goals to ensure that North Carolina's schools can become No. 1 by the year 2010:

- **Getting young children ready to start school.**
- **Putting in rigorous academic standards.**
- **Ensuring that teachers are trained in the subjects they teach.**
- **Requiring all teachers to undergo stringent evaluations throughout their careers.**
- **Turning around schools that consistently perform poorly.**
- **Enforcing tough discipline policies.**
- **Requiring meaningful high school graduation exams.**
- **Getting parents, businesses and communities involved in the schools.**
- **Finding a volunteer mentor for every child who needs one.**
- **Developing a report card that gives parents and taxpayers information about things like test scores, class sizes and teacher qualifications.**

To meet these goals, Gov. Hunt has charged the Education Cabinet -- comprising public school, university and community college leaders -- assisted by the state's teachers, parents and business leaders: to develop a set of "First in America School Goals" by Sept. 1, 1999 and set benchmarks to measure the state's progress and compare our state to others.

Evidence and Artifacts
Volume 2, Issue 3 March, 1999

Voices(continued from page 5)
Did you share with a teammate or your principal? Are you mentoring a candidate now? How is NBC changing our schools?

7. Say "thank you." Thank legislators for the funding that makes candidacy possible and provides the salary increase. Thank the State Board of Education and DPI officials for the licensure renewal policy. Some of you can thank local school board members and central office personnel for special local incentives and support.

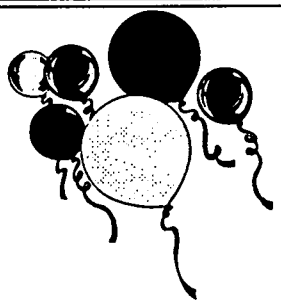
As you know, the General Assembly is in session now and will be, at least through June. If you have not met with your legislator, please make plans now to do so. Let Karen Garr know if you are not clear on who your NC House and Senate members are or if you need help in getting in touch with them.

Finally, please call Karen immediately if questions or comments arise (in conversation with legislators or others) which need to be addressed with more information.arise

You are our most valuable resource in telling the National Board Certification story. Every time you share your story, you enhance the teaching profession and help ensure that teachers for years to come will have the same opportunity to grow.

See box on page 15.

Congratulations!



Cynthia Wilson recently returned from Washington, D.C., where she worked on a draft of the standards for library media. It is hoped that the draft will go to the National Board in June. She also saw the work being done on the NBPTS and A&E partnership in which 20,000 eighth grade classrooms will be able to receive six shows from the Biography series along with NBCT lesson plans and activities.

Governor Hunt was a part of the promotional tape, and Cynthia says , "Once again, I could sit proudly as we moved to number one in the number of candidates for this year."

Cynthia has also been invited to Boston to work with candidates there as they see the excellence of education in North Carolina.

Two NC NBCTs have made national news in the past two months. Carrie Sue Florence of Orange County was the subject of the February cover story in *NEA Today,* **and** she was **on** the cover! That same edition carried an article entitled "What's So Special About NC Teachers?" and it focused on the fact that our state has 29% of the nation's NBCTs.

Shirley Harris of Montgomery County was pictured and quoted in a March *NEA Today* article about the NC Teacher Academy. *NEA Today* has a circulation of 2.3 million readers. Congratulations to Shirley and Carrie Sue!

On February 18, three NC NBCTs met with Dean Sammie Campbell-Parrish and other education faculty at NCCU's School of Education to help the university develop a support system for National Board Certification candidates. Marie Mullins for Edgecombe County led a presentation on NBCT. She was assisted by Ardith Roddy of Warren County and Carrie Sue Florence of Orange County. The three will continue to serve as advisors to the NCCU group setting up the support system. The project is headed by Dr. Doris Williams.

Evidence and Artifacts
Volume 2, Issue 3 March, 1999

Dr. Erika supports teachers in column



This column is reprinted with permission from Dr. Erika V. Shearin Karres and the *Durham Herald- Sun.*

Dear Dr. Erika,

My daughter Selena comes home every day and tells me what's been going on in school. You won't believe what she says about some classes.

Why can't the teachers do something? Are they less capable than their predecessors?

Just Wondering Parent

Dear Just Wondering Parent,

No, just the opposite is true. Today's teachers are the best we've ever had.

Overall, they're better educated. Most young teachers these days have a master's degree or are close to one before they enter the profession. Then they take additional college courses for credit as they advance in their careers.

At the beginning of the century, teachers only needed a high school diploma. Back then, many worked on their undergraduate degrees during the summer while they taught school the rest of the year.

Today's teachers also are much more versed in technology. Most do their lesson plans and grade averages by computer.

They take attendance the same way, send out absentee reports and report cards electronically, and tap into teaching resources through the Internet.

Yesterday's teachers would fail miserably if they had to step into today's classrooms.

Today's teachers also know much more about sound learning theories and the different strategies for reaching reluctant students.

Half a century ago, kids who didn't want to study simply were booted out of school. Students who didn't behave were beaten with a ruler, called names, and made to wear silly hats, or worse.

These days, much more of an effort is being made to treat youngsters as the human beings they are — and to help them with their learning problems. The goal is keeping them in school.

Furthermore, today's teachers are much more professional. At no other time in our country has there ever been a national certification program. Yet now we have one.

Just think what that means — the more faculty members in a particular school who are nationally certified, the more the student body will thrive.

But most of all, today's teachers are the most dedicated ones we have ever had. Just think of the explosion of new knowledge and the eruptions of serious problems we have faced as a nation. So for any college graduate to choose teaching as a career, he or she must truly be dedicated. After all, so many other professions offer better financial rewards and more respect.

But teachers, especially at the beginning, have to fight a tough daily battle. Yet they forge ahead because they realize that they have a unique mission: to prepare the younger generation for the new millennium.

What other profession has opened its arms wide enough to take in *all* our youngsters, no matter what state they are in when they enter school, then propel them daily toward their fullest potential, while receiving only minimal financial rewards plus constantly being berated for society's failures?

Only our teachers have done so,, and they have done so well.

They have taken it on the chin time and again and still have emerged recharged to teach even harder than before.

So if some classes in Selena's school resemble a circus, they have to be reined in. But, in fact, they're only proof positive of what our teachers have wrought in this country over the past decades. They, and only they, have fashioned a magnificent masterpiece out of a very young, tumultuous country that's still going strong despite great odds.

You can reach Dr. Erika by email at drerika@mindspring.com, by fax at (919) 419-0441, or by letter c/o The Herald/Sun, P.O. Box 2092, Durham, NC 27702.

Editor's note:
We thank Dr. Erika for her support and for her willingness to allow us to reprint her column.

Evidence and Artifacts
Volume 2, Issue 3 March, 1999

Janet Lloyd shares thoughts about NBPTS certification

It's not easy being a candidate

By Janet K. Lloyd

The National Board certification process is about learning new things about a teaching practice and revitalizing it to make it more effective. Teachers who have participated in the process believe this statement, and most report that they think they are better teachers for having gone through it.

Becoming more aware of what is and learning what can be has a profound impact on the preparation of lesson plans and classroom performance.

The deadline for most of the National Board certification portfolios is approaching, and I have been talking with several of this year's candidates either in person, by telephone, or by Email. They are struggling to finish on time and juggle their family responsibilities and careers at the same time.

It's hectic, frustrating, and tiring. A lot of candidates "just want the whole thing to be over," but they know the assessment center exercises are looming. It occurs to me that, quite possibly, it would be helpful to this year's candidates to know that they are not alone in their feelings.

Having been through the process myself, I know completing the portfolio is both personally and professionally demanding. When I first heard about NBPTS and national standards, I thought it would be a professional challenge and a meaningful growth opportunity, but I had no idea how great a challenge it would be. I soon discovered that it was largely a personal quest, and I would have to bare my soul, so to speak, to complete it. I remember going to a help session sponsored by NCAE in January. I had already written one entry by the workshop date, and I was pleased with myself. As I sat through the sessions, my confidence began to wane, and by the end of the day, I convinced myself that I didn't have a chance of passing.

I was really upset when I went home. Why, I wondered, did I ever think I could do something that monumental, anyway?

The entire experience was an emotional roller coaster ride. Every time I looked at the requirements of a new entry, I felt unsure that I could fulfill them. I found myself daydreaming in front of the computer instead of writing. It was during these times that I did some deep soul-searching. (See **Lloyd**, page 15)

Attention:
NBCTs who were NC Teaching Fellows

Please contact Gladys Graves at her Email address given below. She needs your name, address, home and work telephone numbers, and your Email address, if possible.

You may reach Gladys Graves at ggraves@ncforum.org or at the Public School Forum of NC, Telephone (919) 781-6833 or Fax (919) 781-6527.

Evidence and Artifacts
Volume 2, Issue 3 March, 1999

Lloyd(continued from p.14)

I found that I truly do believe teachers should be lifelong learners and model it in our classrooms because that is exactly what we profess to want to instill in our students.

I also discovered that I really believe that it is important for teachers to take professional risks because it enables students to develop a richer understanding of the importance of growth. It was this realization that enabled me to devise some solutions to my writing problems and caused me to enlist my students' assistance with the lessons and the quality of my videotapes. I found their input not only to be helpful but often also insightful.

Every time I finished an entry to my satisfaction, my self-esteem got a boost, and I felt an enormous sense of accomplishment. My confidence grew, and I built momentum. By the time I was ready to pack the box, I was exhausted and anxious, but I knew I had done my best.

I had come to believe more solidly in my capabilities, and I knew I had grown in professional leaps and bounds. The real contest was in measuring my practice against my potential. No matter what the outcome, I decided, I was still a winner.

Being a candidate reminds me of entrophy, a concept or "Big Idea" in chemistry. Basically, this concept says that the universe is in a constant state of change.

Robert Fulghum, the guy who wrote that he learned everything he needed to know in kindergarten, refers to entrophy as Chaos Science: "that which will not hold still . . . the study of that which is becoming rather than what is."

Isn't that really what we are experiencing as we work on portfolios? One of the hardest things about the process is that the way we look at what we are doing changes completely. and our entire system of teaching is thrown into disequilibrium.

As we reflect on our practices, we alter our pedagogies in search of the elusive "perfect lessons" and " perfect videotapes." We soon realize that there really are no such things, and we obsess about details we normally could handle because we feel compelled to be precise.

It's crunch time for all the candidates, and I encourage them to learn from the universe. Teaching could not possibly be effective if it were always calm and orderly.

The National Board certification process is a vehicle that will lead you a bit closer to the stars, but you have to endure the ride.

The times are changing; our schools are changing; and, you are changing. That's a lot of entrophy, if you ask me. Look directly into the face of change, make it your friend, and use it for growth.

In the meantime, remember that there are a lot of people (educators and otherwise) standing on the sidelines watching with anticipation and cheering for you.

After all, we are in this business together, and together we will build a bright future for our children.

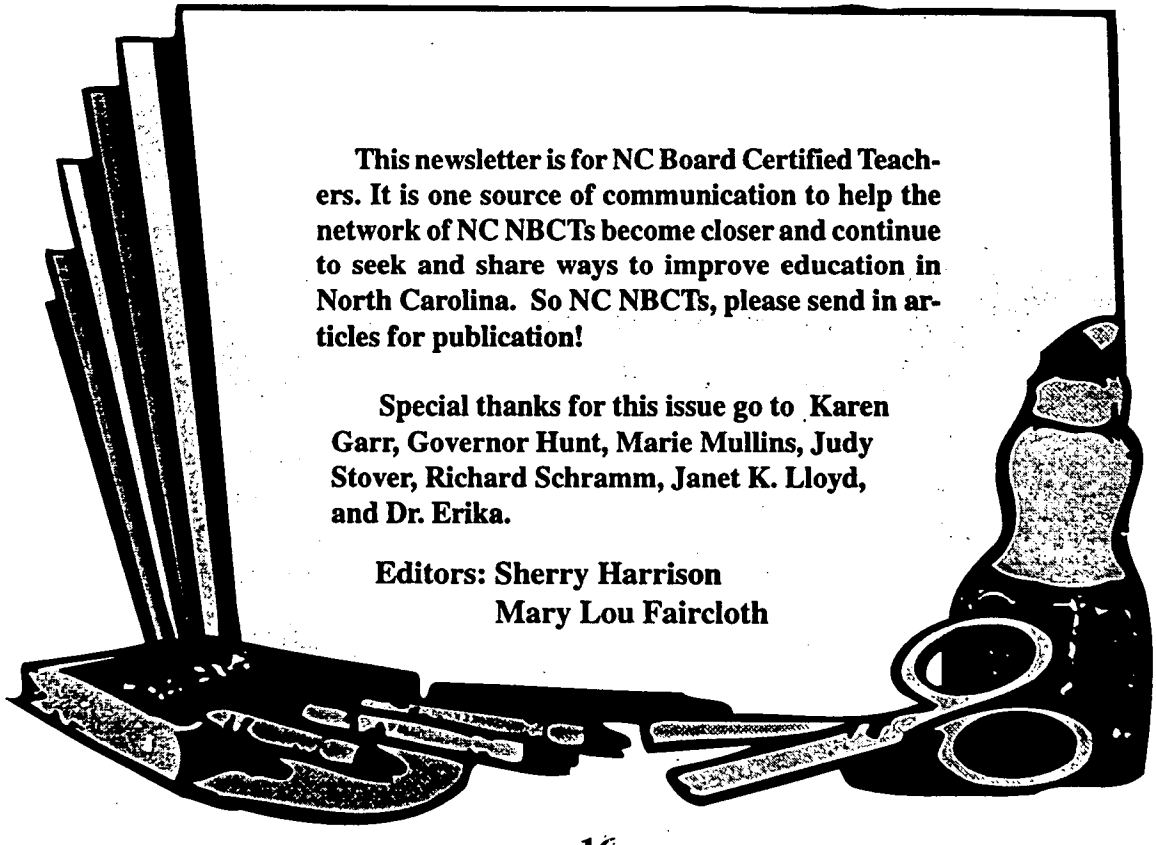
Attention: NBCTs

The Senate Committee on Education/Higher Education meets on Wednesday mornings at 10:00 A.M. in the Legislative Office Building in Raleigh. They would like to hear from NBCTs.

If you are interested in attending a meeting of the committee, call Lynne Hamlet at (919) 715-3030 to ask about attending on a given date.

Evidence and Artifacts

c/o Karen Garr
Office of the Governor
116 West Jones Street
Raleigh, NC 27603



This newsletter is for NC Board Certified Teachers. It is one source of communication to help the network of NC NBCTs become closer and continue to seek and share ways to improve education in North Carolina. So NC NBCTs, please send in articles for publication!

Special thanks for this issue go to Karen Garr, Governor Hunt, Marie Mullins, Judy Stover, Richard Schramm, Janet K. Lloyd, and Dr. Erika.

Editors: Sherry Harrison
Mary Lou Faircloth

Attachment 2

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

S 1

SENATE BILL 441*

Short Title: School Performance Goal Pilot Prog. (Public)

Sponsors: Senators Dannelly; Ballance, Carter, Clodfelter, Cooper, Dalton, Gulley, Hoyle, Jordan, Lee, Lucas, Martin of Pitt, Martin of Guilford, Odom, Perdue, Phillips, Purcell, Rucho, Shaw of Cumberland, Soles, Warren, and Wellons.

Referred to: Education/Higher Education.

March 22, 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.

SENATE BILL 441:
School Performance Goal Pilot Program

Attachment 3

BILL ANALYSIS

Committee: Education/Higher Education
Date: April 14, 1999
Version: 1st Edition

Introduced by: Senator Dannelly
Summary by: Shirley Iorio, Ph.D.
Education Policy Analyst

SUMMARY: This bill requires the State Board of Education to 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 LEAs that volunteer to participate, that are located geographically throughout the State, and that have different demographic profiles.

Under the pilot, the State Board may, at the request of a local board, waive State laws, rules, and policies pertaining to incentive awards for personnel in schools that meet or exceed their projected levels of growth or gain. The bill specifies the factors the Board must consider in deciding whether to grant the waiver.

The Department of Public Instruction must evaluate the pilots annually and make recommendations to the State Board. The State Board of Education must evaluate the pilot program and report its findings to the Joint Legislative Education Oversight Committee prior to October 1, 2000, and annually thereafter.

There is a sunset provision.

CURRENT LAW: Legislation passed in 1996 directed the State Board of Education to develop a School-Based Management and Accountability Program. The primary goal of this Program is to improve student performance. In response to that legislation, the State Board of Education created the ABCs of Public Education.

Currently, all public schools in North Carolina must participate in the ABCs of Public Education, a reform effort that emphasizes accountability at the school level, instruction in the basics of reading, writing and mathematics, and control at the local level. The current school year (1998-99) is the third year that K-8 schools have participated in the ABCs and the second year for high schools under the ABCs accountability model. The ABCs Program, now in its third year, is still evolving. This is especially true for the high school model.

The ABCs accountability model is the statewide program for all public schools. Although standards are set by the State for each individual school, the process used to set those standards is based on a uniform formula, and is designed to measure growth and improvement. Schools that attain specified levels of growth or improvement are eligible for incentive awards or other recognition. Schools where growth and performance fall below specified levels are designated as low-performing.

School performance under the ABCs means incentive bonuses for personnel in schools that meet or exceed expected growth in student achievement.

BILL ANALYSIS: **Section 1:** In effect, this bill allows accountability standards for the pilot sites that are different from the statewide program. However, in all the pilot cases, the performance standards for incentive awards must be at least as high as the State standards that would otherwise apply.

The waivers will permit the local unit to set student performance standards that are more rigorous than the State standards for the receipt of incentive awards, and/or to condition receipt of incentive awards at a given school on successfully improving the performance of students within designated subpopulations of the school.

The State Board must consider these factors when determining whether to grant the requested waiver to a pilot unit:

- 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 State Board may terminate the pilot program in a local school administrative unit at any time. Also, a pilot unit may request that the State Board terminate its pilot program. If a pilot program is terminated in a local school administrative unit, employees of that unit are eligible to receive incentive awards under the statewide program.

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.

VISITOR REGISTRATION SHEET

(1)

SENATE
EDUCATION/HIGHER EDUCATION

DATE: Wednesday
April 14, 1999

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Karen Kronenacker	Wake Co. Public Schools
Sharon Johnson	Johnston Co. Public Schools
Karen Gard	Governor's Office
Ciral Calhoon	NCAE
Harriet Dial	NCAE
Bill Wilson	NCAE
Thad Daise	NCAE
PEYTON MAYNARD	CMS
[illegible]	Public School Forum of NC
Rebecca Garland	SBE
Henry Johnson	DPI

VISITOR REGISTRATION SHEET

(2)

SENATE
EDUCATION/HIGHER EDUCATION

DATE: 4-14-99

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
John W. Wilson	NCAE
Cathy C Yatta	NCPTA
Dee Atkinson	SBE
Cecil Banks	Governor's Office
Elizabeth Grovenstein	OSBM
Dale Lyon	NCAJE
Jan Watts	NCASA
Leanne Winner	NCSBA
Gary Malhoit	Ed. Law Project
Gerry Aumack	EGHS

VISITOR REGISTRATION SHEET

SENATE
EDUCATION/HIGHER EDUCATION

(3)

DATE: 4-14-99

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Kevin Howell	Gov's Office
Evelyn Hawthorne	UNC-CH
Amy VanDoshum	DENC
[illegible]	NCAJU
Thomas Vance Bennett	NCCFTF

SENATE EDUCATION/HIGHER EDUCATION

AGENDA

Wednesday, April 21, 1999
10:00 A.M.
Room 414 LOB

CALL TO ORDER **Presiding: Senator Lee**

AGENDA: The following bills or resolutions will be considered.

- **SB 338 School Personnel/Classroom Exper. Senator Hartsell**
- **SB 739 NC A&T State Univ./Ed. Degree Senator Martin of Guilford**
- **SB 740 Test Stds./Special Needs Children Senator Wellons**
- **SB 795 CC Bd. Election Senators Dalton and Lee**
- **SB 898 School Personnel Law Changes Senators Dalton and Lee**

Senator Howard Lee, Co-Chair
Senator Walter Dalton, Co-Chair

MINUTES

SENATE EDUCATION/HIGHER EDUCATION

Wednesday, April 21, 1999
10:00 A.M.
Room 414 LOB

The Senate Education/Higher Education Committee met on Wednesday, April 21, 1999 at 10:00 A.M., in Room 414 of the Legislative Office Building. Senator Lee, Co-Chair presided. There were twenty-one Senators present. Senator Lee welcomed the Committee and visitors and introduced Page William Justin Roper from Kings Mountain, North Carolina and sponsored by Senator Dalton.

Senator Lee recognized a visiting National Board Certified North Carolina Teacher. She was Cynthia Orsillo who teaches at Pinebrook Elementary School in Mocksville. Ms. Orsillo is a constituent of Senator Cochrane. Ms. Orsillo spoke briefly to the Committee and thanked them for their support of the National Board Certified Teachers Program.

Senator Lee asked the Committee to share a moment of silence due to the tragedy at Columbine High School in Littleton, Colorado the previous day.

Senator Lee requested the Committee consider the following Bills and Resolutions.

SENATE RESOLUTION 795

Senator Lee recognized Senator Dalton who briefly explained Senate Resolution 795. The Title is *A Joint Resolution Setting the Date for the House of Representatives and Senate to Elect Members to the State Board of Community Colleges.* **Senate Joint Resolution 795 was given a Favorable Report.** *(See Attachment 1).*

SB 739

Senator Lee recognized Senator Bill Martin who presented a synopsis of SB 739. The Short Title is *NC A&T State Univ./Ed. Degree*. The Long Title: *An Act to Increase the Number of School Administrator Programs That May be Established by the Board of Governors of the University of North Carolina and to Provide That One of Those Programs Shall be at North Carolina Agricultural and Technical State University.* **SB 739 was given a Favorable Report *and* given a *Sequential Referral to Appropriations/Base Budget.*** *(See Attachment 2).*

SB 898

Senator Lee recognized Senator Dalton to discuss SB 898. Senator Dalton presented an Amendment to SB 898. **The Amendment was Adopted.**
Senator Dalton explained the changes to SB 898. The Short Title is *School Personnel Changes.* The Long Title: *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.*

Senator Lee recognized Jo Ann Norris from the Public School Forum who spoke in support of SB 898.

SB 898 was rolled into a *new* Committee Substitute and the *Committee Substitute PCS3784* was given a Favorable Report. *(See Attachment 3).*

SB 338

Senator Lee recognized Senator Hartsell who explained the Proposed Committee Substitute 338. **The Proposed Committee Substitute was Adopted**. The Short Title is *School Personnel/Classroom Experience*. The Long Title: *An Act to Give Classroom Experience to Professional Public School Employees Who are not Classroom Teachers.* **SB 338 was given an Unfavorable Report as to Bill, but given a Favorable Report as to Committee Substitute.** *(See Attachment 4).*

Senator Lee adjourned the Committee meeting at 9:50 A.M.

Senator Howard Lee, Co-Chair

Christina K. Minard, Education
Committee Assistant

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

EDUCATION/HIGHER EDUCATION COMMITTEE REPORT

Senator Howard Lee, Co-Chair
Senator Walter Dalton, Co-Chair

Wednesday, April 21, 1999

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

FAVORABLE

S.B. **795** CC Bd. Election
Sequential Referral: none
Recommended Referral: none

S.B. **739** NC A&T State Univ./Ed. Degree
Sequential Referral: Appropriations/Base Budget
Recommended Referral: none

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

S.B. **338** School Personnel/Classroom Experience
Draft Number: PCS1718
Sequential Referral: none
Recommended Referral: none
Long Title Amended: Yes

S.B. **898** School Personnel Law Changes
Draft Number: PCS3784
Sequential Referral: none
Recommended Referral: none
Long Title Amended: Yes

TOTAL REPORTED: 4

Committee Clerk Comment:

GENERAL ASSEMBLY OF NORTH CAROLINA

Attachment 1

SESSION 1999

S

1

SENATE JOINT RESOLUTION 795

Sponsors: Senators Dalton and Lee.

Referred to: Education/Higher Education.

April 12, 1999

A JOINT RESOLUTION SETTING THE DATE FOR THE HOUSE OF REPRESENTATIVES AND SENATE TO ELECT MEMBERS TO THE STATE BOARD OF COMMUNITY COLLEGES.

Be it resolved by the Senate, the House of Representatives concurring:

Section 1. Pursuant to G.S. 115D-2.1(b)(4)f., the Senate and the House of Representatives shall elect members to the State Board of Community Colleges during the regular sessions of the two chambers held on Wednesday, May 26, 1999. At that time the Senate shall elect one member to the State Board for a term of six years beginning July 1, 1999; the House of Representatives shall elect one member to the State Board for a term of six years beginning July 1, 1999.

Section 2. Each chamber 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 ratification.

SENATE JOINT RESOLUTION 795: Community College Board Election

BILL ANALYSIS

Committee: Senate Education
Date: April 21, 1999
Version: 1st Edition

Introduced by: Senator Dalton
Summary by: Shirley Iorio, Ph.D.
Education Policy Analyst

SUMMARY: This joint resolution sets May 26, 1999 as the date for the House of Representatives and the Senate, during the regular sessions of the two chambers, to elect members to the State Board of Community Colleges.

CURRENT LAW: At each session of the General Assembly held in an odd-numbered year, the House and Senate must, by joint resolution, set a common date and time for the election of members of the State Board of Community Colleges. (G.S. 115D-2.1(b)(4)f.)

The resolution is effective upon ratification.

Attachment 2

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

S 1

SENATE BILL 739

Short Title: NC A&T State Univ./Ed. Degree. (Public)

Sponsors: Senators Martin of Guilford; Hagan, Shaw of Guilford, and Warren.

Referred to: Education/Higher Education.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999
April 5, 1999

S 1

A BILL TO BE ENTITLED

AN ACT TO INCREASE THE NUMBER OF SCHOOL ADMINISTRATOR PROGRAMS THAT MAY BE ESTABLISHED BY THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA AND TO PROVIDE THAT ONE OF THOSE PROGRAMS SHALL BE AT NORTH CAROLINA AGRICULTURAL AND TECHNICAL STATE UNIVERSITY.

The General Assembly of North Carolina enacts:

Section 1. G.S. 116-74.21(b) reads as rewritten:

"(b) No more than ~~nine~~ 10 school administrator programs shall be established ~~under the competitive proposal program. In selecting campus sites, the Board of Governors~~ shall be sensitive to the racial, cultural, and geographic diversity of the State. Special priority shall be given to the following factors: (i) the historical background of the institutions in training educators; (ii) the ability of the sites to serve the geographic regions of the State, such as, the far west, the west, the triad, the piedmont, and the east; and, (iii) whether the type of roads and terrain in a region make commuting difficult. A school administrator program may provide for instruction at one or more campus sites."

Section 2. The Board of Governors of the University of North Carolina shall include the Master of School Administration program at North Carolina Agricultural and Technical State University in Greensboro as one of the 10 school administrator programs established pursuant to G.S. 116-74.21.

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

Short Title: NC A&T State Univ./Ed. Degree. (Public)

Sponsors: Senators Martin of Guilford; Hagan, Shaw of Guilford, and Warren.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999
April 5, 1999

A BILL TO BE ENTITLED

AN ACT TO INCREASE THE NUMBER OF SCHOOL ADMINISTRATOR PROGRAMS THAT MAY BE ESTABLISHED BY THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA AND TO PROVIDE THAT ONE OF THOSE PROGRAMS SHALL BE AT NORTH CAROLINA AGRICULTURAL AND TECHNICAL STATE UNIVERSITY.

The General Assembly of North Carolina enacts:

Section 1. G.S. 116-74.21(b) reads as rewritten:

"(b) No more than ~~nine~~ 10 school administrator programs shall be established ~~under the competitive proposal program. In selecting campus sites, the Board of Governors~~ shall be sensitive to the racial, cultural, and geographic diversity of the State. Special priority shall be given to the following factors: (i) the historical background of the institutions in training educators; (ii) the ability of the sites to serve the geographic regions of the State, such as, the far west, the west, the triad, the piedmont, and the east; and, (iii) whether the type of roads and terrain in a region make commuting difficult. A school administrator program may provide for

SENATE BILL 739:
NC A&T State Univ./Ed. Degree

BILL ANALYSIS

Committee:	Senate Education	**Introduced by:**	Senator W. Martin
Date:	April 20, 1999	**Summary by:**	Sara Kamprath
Version:	First Edition		Education Policy Analyst

SUMMARY: ***Senate Bill 739 would increase the number of school administrator programs in the UNC system from nine to ten. The Master of School Administration program at North Carolina Agricultural and Technical University shall be included as one of the ten school administrator programs established by the UNC Board of Governors under G.S. 116-74.21. The bill becomes effective when it becomes law.***

BACKGROUND: In 1993, the Educational Leadership Task Force reported its findings on school administrator preparation to the Joint Legislative Education Oversight Committee. The task force recommended reducing the number of school administrator preparation programs by at least half and to direct the UNC Board of Governors to develop a plan to make the various universities compete to offer a school administrator program. In 1993, the General Assembly added Article 5B (School Administrator Training Programs) to Chapter 116 of the General Statutes. This article directed the Board of Governors to implement a competitive proposal process to establish no more than seven school administrator programs. Eleven constituent institutions offering a school administration degree submitted applications for authorization to establish a new program. The seven new Master of School Administration degree programs were authorized for the following institutions: East Carolina University; Fayetteville State University; UNC-Chapel Hill; UNC-Charlotte; UNC-Greensboro; UNC-Wilmington and Western Carolina University. In 1995, the General Assembly authorized a school administrator program at Appalachian State University and in 1998 at North Carolina State University.

BILL ANALYSIS: House Bill 739 increases the number of school administrator programs from nine to ten and directs the UNC Board of Governors to include the school administrator program at N.C. A&T University as one of those programs.

S739-SMRJ-001

GENERAL ASSEMBLY OF NORTH CAROLINA

Attachment 3

SESSION 1999

S D

SENATE BILL 898
Proposed Committee Substitute S898-PCS3784-RC

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.

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 898

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

S898-ARC-001.4 Page 1 of __

Date_____,1999

Comm. Sub. []
Amends Title [YES]

moves to amend the bill on page 1, by rewriting lines 2-3 to read:
"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."

and on page 2, by inserting the following between lines 38 and 39:
"Section 7. G.S. 115C-47 is amended by adding a new subsection 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

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 898

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

S898-ARC-001.4 Page 2 of __

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; and

d.

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.";

and by renumbering the remaining subsections accordingly.

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 898

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

S898-ARC-001.4

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

S 1

SENATE BILL 898

Short Title: School Personnel Law Changes. (Public)

Sponsors: Senators Dalton and Lee.

Referred to: Education/Higher Education.

April 14, 1999

A BILL TO BE ENTITLED

AN ACT TO MAKE CHANGES TO THE LAWS PERTAINING TO PUBLIC SCHOOL PERSONNEL.

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. 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: Senate Education/Higher Education
Date: April 20, 1999
Version: First Edition

Introduced by: Senators Dalton and Lee
Summary by: Kory J. Goldsmith
Committee Counsel

SUMMARY: The bill makes a number of changes to the law regarding teacher employment and dismissal. It also repeals the law that creates the Professional Practices Board.

BILL ANALYSIS: **Section 1** amends G.S. 115C-325 (h)(3) to increase from 5 to 10 the number of days within which a local board must hold a hearing if a teacher 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 in G.S 115C-325 that directs the local board to provide the teacher with all documentary evidence 7 days prior to the board hearing.

Section 2 amends G.S. 115C-325(j)(3) to clarify that either the superintendent, or the superintendent's designee, may be present at the case manager hearing.

Section 3 amends G.S. 115C-325(j1)(1) to build in time for the superintendent to obtain a transcript of the case manager hearing prior to 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 2 days, after receiving the transcript, to submit a recommendation to the local board.

Section 4 amends G.S. 115C-325(j3)(5) to decease, from 10 to 8 days, the amount of time within which the superintendent must submit the list of witnesses that will be called at a board hearing when there has been a reduction in force. This change is necessary due to another provision in the statute that requires the local board hold the hearing within 10 days of receiving the teacher's request.

Section 5 amends G.S. 115C-325(o) to change the date when a local board must inform teachers whether their probationary contract will be renewed. The change, from June 1 to June 15, makes this provision consistent with the date when local boards must inform teachers whether they have been granted career status.

Section 6 repeals G.S. 115C-295.3, which directed the State Board to establish a Professional Practices Board. The Board is to be composed of teachers, school administrators, and representatives of the general public. The Professional Practices Board was directed to develop a code of ethics for the teaching profession, to develop procedures to investigate violations of the code, to investigate complaints of ethical violations, and to make recommendations to the State Board regarding the revocation and suspension of

teacher certification as a result of ethical violations. G.S. 115C-295.3 was adopted in 1996, but the Professional Practices Board 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.

BACKGROUND: In 1997, the General Assembly passed the Excellent Schools Act. The Act made major modifications to G.S. 115C-325, the law that governs the granting of career status and the process for dismissing a teacher. After the law passed, it became apparent that there were several procedural deadlines that 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.

The act is effective when it becomes law. Sections 1, 2, 3, and 4 apply to preceedings initiated on or after that date.

Attachment 4

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

S D

SENATE BILL 338*
Proposed Committee Substitute S338-PCS1718-RH

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.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

S

DRAFT

S338-CSRH-001.1
PROPOSED COMMITTEE SUBSTITUTE
SENATE BILL 338
THIS IS A DRAFT 21-APR-99 09:02:25
ATTENTION: LINE NUMBERS MAY CHANGE AFTER ADOPTION

Short Title: School Personnel/Classroom Experience. (Public)

Sponsors:

Referred to: Education/Higher Education.

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:	Education/Higher Education	**Introduced by:**	Senator Hartsell
Date:	March 24, 1999	**Summary by:**	Shirley Iorio, PhD
Version:	1st Edition		Education Policy Analyst

SUMMARY: The bill directs local boards of education to require each professional public school employee who does not have daily instructional contact with students to serve as a substitute teacher in a classroom for the equivalent of at least two days each school year. The State Board of Education must adopt policy providing that time spent as a substitute teacher is an activity that earns renewal credit, and authorizes the Board to determine the amount of renewal credit for this activity.

CURRENT LAW: G.S. 115C-47 (18) gives local boards of education full power to make all just and needful rules and regulations concerning the conduct and duties of teachers, principals, and supervisors.

BILL ANALYSIS: Local boards of education currently have the authority to make rules concerning the duties of personnel. This bill adds a new subdivision (18a) to G.S. 115C-47 which directs local boards to require all professional public school personnel who don't have daily instructional responsibilities to serve as a substitute teacher for at least two days each school year.

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.

The local school administrative units currently determine what is awarded as renewal credit for their employees. The amount of credit for specific activities is determined by the local board according to State Board guidelines. This bill requires the State Board to determine through policy that this activity (substitute teaching) qualifies for renewal credit, and the Board sets the amount of credit.

This act is effective when it becomes law and applies beginning with the 1999-2000 school year.

VISITOR REGISTRATION SHEET (1)

SENATE
EDUCATION/HIGHER EDUCATION

10:00 A.M.

DATE: Wednesday April 21, 1999

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Bob Widen	NCAE
Jan Coates	NCASA
Jane Atkinson	DPI
Ann Belam	SBE
Brad Sneeden	DPI
Cindy B. Orsillo	Pinebrook Elementary School 477 Pinebrook School Rd. Mocksville, NC 27028
Karen Gaskell	Governor's Office
Gail Cohoon	NCAE
John Morris	Public School Forum of NC
Sandy Carmany	NC PTA

(2)

VISITOR REGISTRATION SHEET

SENATE
EDUCATION/HIGHER EDUCATION

DATE: 4-21-99

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Hal Miller	NCACCT
Elizabeth Groves	OSBM
Janet Patten	OSBM
[illegible]	News & Record
Yvonne Perry	NC Justice
Lloyd Thrasher	TRP/AP
John D. Bingham	Cary High School WCPSS
Carroll A Reed	Fuquay-Varina Middle School WCPSS
Kathy Rhoades	NCDPI Teacher On Loan
Judy Dudley	York Elem. Sch. (WCPSS)

(3)

VISITOR REGISTRATION SHEET

SENATE
EDUCATION/HIGHER EDUCATION

DATE: 4-21-99

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Sharon Willard	Partnership Elementary (WCPSS)
Tim Mcdowell	NCACLU

SENATE EDUCATION/HIGHER EDUCATION

AGENDA

Thursday, April 22, 1999
8:30 A.M.
Room 414 LOB

CALL TO ORDER **Presiding: Senator Dalton**

AGENDA The following bills or resolutions will be considered:

•	**SB 740**	**Test Stds./Special Needs Children**	**Senator Wellons**
•	**SB 748**	**Teacher Credit/Excess Personal Leave**	**Senator Foxx**
•	**SB 977**	**School Team Authority/Sch. Calendar**	**Senator Carter**
•	**SB 1075**	**Special Needs Funding/Transportation**	**Senator Rand**
•	**SB 1099**	**Alternative Schools within Schools**	**Senator Carter**
•	**SB 1167**	**Excess Snow Days Excused/Public Schools**	**Senator Carter**

Senator Howard Lee, Co-Chair
Senator Walter Dalton, Co-Chair

MINUTES

SENATE EDUCATION/HIGHER EDUCATION

Thursday, April 22, 1999
8:30 A.M.
Room 414 LOB

The Senate Education/Higher Education Committee met on Thursday, April 22, 1999 at 8:30 A.M. in Room 414 of the Legislative Office Building. Senator Dalton, Co-Chair presided. There were thirteen Senators present. Senator Dalton called the meeting to order and introduced Page William Justin Roper from Kings Mountain and sponsored by Senator Dalton.

SB 1099

Senator Dalton recognized Senator Carter who explained SB 1099. The Short Title is *Alternative Schools Within Schools.* The Long Title: An *Act to Authorize School Improvement Teams to Develop Strategies for the Creation of Alternative Learning Programs Within Schools.* **SB 1099 received a Favorable Report.** *(See Attachment 1).*

SB 977

Senator Dalton recognized Senator Carter to introduce SB 977. The Short Title is *School Team Authority/Sch. Calendar.* The Long Title: An *Act to Enhance the Authority of the School Improvement Team with Regard to the School Calendar.* **SB 977 received a Favorable Report.** *(See Attachment 2).*

SB 740

Senator Dalton recognized Senator Wellons who presented a brief description of SB 740. The Short Title of SB 740 is *Test Stds./ Special Needs Children.* The Long Title: *An Act to Allow for Alternative Testing Standards for Certain Children with Special Needs.* **SB 740 received a Favorable Report and was *referred to Appropriations/Base Budget.*** *(See Attachment 3).*

Public Member Robin Allen representing the Special Needs Coalition for North Carolina School Children stated that their group supported SB 740.

SB 748

Senator Dalton recognized Senator Foxx who explained SB 748. The Short Title is *Teacher Credit/Excess Personal Leave*. The Long Title: An *Act to Give Teachers Credit for the Excess Personal Leave Time That They Earn.* **SB 748 received a Favorable Report and was *referred to Appropriations/Base Budget.*** *(See Attachment 4).*

Public Member Mr. Bill Wilson representing the North Carolina Association of Educators, Inc. expressed support of SB 748.

SB 1075

Senator Dalton, on behalf of Senator Rand, explained SB 1075. Senator Dalton requested Jim Johnson from Fiscal Research Staff to present a brief explanation of SB 1075. The Short Title is *Special Needs Funding/Transportation*. The Long Title: *An Act Regarding Funding and Transportation for Children with Special Needs.* **SB 1075 received a Favorable Report.** *(See Attachment 5).*

SB 1167

Senator Dalton recognized Senator Carter who explained SB 1167. The Committee voted to adopt the Committee Substitute for SB 1167. The Short Title is *Excess Snow Days Excused/public Sch.* The Long title: *An Act to Authorize Local Boards of Education and the State Board of Education to Excuse Certain School Days Lost to Inclement Weather.* **SB 1167 received an Unfavorable as to Original Bill but Favorable as to Committee Substitute and *referred to Appropriations/Base Budget.*** *(See Attachment 6).*

Senator Dalton recognized the Members of the North Carolina Education Policy Fellowship Program and thanked them for attending the Committee Meeting. He complimented the group for their contributions to the state of North Carolina.

Senator Dalton adjourned the meeting at 9:40 A.M.

Senator Walter Dalton, Co-Chair

Christina K. Minard, Education
Committee Assistant

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

EDUCATION/HIGHER EDUCATION COMMITTEE REPORT
Senator Howard Lee, Co-Chair
Senator Walter Dalton, Co-Chair

REVISED

Thursday, April 22, 1999

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

FAVORABLE

S.B. **740** Test Stds./Special Needs Children
Sequential Referral: none
Recommended Referral: Appropriations/Base Budget

S.B. **748** Teacher Credit/Excess Personal Leave
Sequential Referral: Appropriations/Base Budget
Recommended Referral: none

S.B. **977** School Team Authority/Sch. Calendar
Sequential Referral: none
Recommended Referral: none

S.B. **1075** Special Needs Funding/Transportation
Sequential Referral: none
Recommended Referral: none

S.B. **1099** Alternative Schools Within Schools
Sequential Referral: none
Recommended Referral: none

TOTAL REPORTED: 5

Committee Clerk Comment:

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

EDUCATION/HIGHER EDUCATION COMMITTEE REPORT
Senator Howard Lee, Co-Chair
Senator Walter Dalton, Co-Chair

Thursday, April 22, 1999

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

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

S.B. **1167** Excess Snow Days Excused/Public Sch.

Draft Number:	CSRC-001
Sequential Referral:	none
Recommended Referral:	Appropriations/Base Budget
Long Title Amended:	No

TOTAL REPORTED: 1

Committee Clerk Comment:

GENERAL ASSEMBLY OF NORTH CAROLINA **Attachment 1**

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 Within Schools

BILL ANALYSIS

Committee: Senate Education
Date: April 22, 1999
Version: 1st Edition

Introduced by: Senator Carter
Summary by: Shirley Iorio, Ph.D.
Education Policy Analyst

SUMMARY: Schools are required to develop strategies to improve student performance. This bill would allow school improvement teams to include the creation of an alternative learning program within the school as a possible strategy for improving student performance.

This act becomes effective July 1, 1999.

CURRENT LAW: 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.

Attachment 2

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

S 1

SENATE BILL 977*

Short Title: School Team Authority/Sch. Calendar. (Public)

Sponsors: Senators Carter, Garrou; Metcalf and Robinson.

Referred to: Education/Higher Education.

April 15, 1999

A BILL TO BE ENTITLED

AN ACT TO ENHANCE THE AUTHORITY OF THE SCHOOL IMPROVEMENT TEAM WITH REGARD TO THE SCHOOL CALENDAR.

The General Assembly of North Carolina enacts:

Section 1. G.S. 115C-84.2(a) reads as rewritten:

"(a) School Calendar. -- Each local board of education shall adopt a school calendar consisting of 220 days all of which shall fall within the fiscal year. A school calendar shall include the following:

(1) A minimum of 180 days and 1,000 hours of instruction covering at least nine calendar months. The local board shall designate when the 180 instructional days shall occur. The number of instructional hours in an instructional day may vary according to local board policy and does not have to be uniform among the schools in the administrative unit. Local boards may approve school improvement plans that include days with varying amounts of instructional time. If school is closed early due to inclement weather, the day and the scheduled amount of instructional hours may count towards the required minimum to the extent allowed by State Board policy. The school calendar shall include a plan for making up days and instructional hours missed when schools are not opened due to inclement weather.

(2) A minimum of 10 annual vacation leave days.

(3) The same or an equivalent number of legal holidays occurring within the school calendar as those designated by the State Personnel Commission for State employees.

(4) ~~Ten~~ Five days, as designated by the local board, for use as teacher workdays, additional instructional days, or other lawful purposes. A local board may delegate to the individual schools some or all of the ~~10~~ five days to schedule under subdivision (5) of this subsection. A local board may schedule different purposes for different personnel on any given day and is not required to schedule the same dates for all personnel.

(5) The remaining days shall be scheduled by each individual school by the ~~school's principal in consultation with the school improvement team.~~ school improvement team in consultation with the principal. Days may be scheduled for any of the purposes allowed under subdivision (4) of this subsection. Days may be scheduled for different purposes for different personnel and there is no requirement to schedule the same dates for all personnel.

Local boards and individual schools are encouraged to use the calendar flexibility in order to meet the annual performance standards set by the State Board. Local boards of education shall consult with parents and the employed public school personnel in the development of the school calendar.

Local boards and individual schools shall give teachers at least 14 calendar days' notice before requiring a teacher to work instead of taking vacation leave on days scheduled in accordance with subdivision (4) or (5) of this subsection. A teacher may elect to waive this notice requirement for one or more such days."

Section 2. This act becomes effective July 1, 1999, and applies to all school years beginning with the 1999-2000 school year.

SENATE BILL 977:
School Team Authority/Sch. Calendar

BILL ANALYSIS

Committee:	Senate Education	**Introduced by:**	Senators Carter & Garrou
Date:	April 22, 1999	**Summary by:**	Robin S. Johnson
Version:	First Edition		Committee Counsel

SUMMARY: Senate Bill 977 would require local boards of education to allow school improvement teams in consultation with their principals to decide how to use an additional five days in a school year. These days may be used for teacher workdays, additional instructional days, or other lawful purposes.

The bill would take effect July 1, 1999, and would begin to apply with the 1999-2000 school year.

CURRENT LAW: The school calendar currently consists of 220 days, all falling within the fiscal year. Of those days, local boards must schedule at least 180 instructional days and at least 1000 instructional hours. The amount of time in each instructional day may vary according to local board rule. Of the remaining 40 days: 10 are scheduled as teacher vacation days; 10-11 are scheduled as holidays (depending on the number of State holidays in the particular year); 10 are scheduled by the local board for teacher workdays, additional instructional days, or other lawful purpose; and the remaining 9-10 are scheduled by the principal in consultation with the school improvement team for teacher workdays, additional instructional days, or other lawful purposes. Local boards may opt to shift any of their 10 days to individual schools to schedule. The following limitations apply to the calendar: (i) teachers employed for 10 months cannot be required to work more than 200 days; (ii) Veteran's Day is a required holiday for all students; (iii) the calendar must include at least 42 consecutive days when teachers are not required to report to work; and (iv) school cannot be taught on Sundays. Local boards also must develop a plan for making up days lost due to inclement weather. (See attached G.S. 115C-84.2)

BILL ANALYSIS: This bill would make two changes to the way a school calendar is created each year. First, it would shift from the local board to individual schools five of the 10 days it now has to use for teacher workdays, additional instructional days, or other lawful purposes. This would mean that individual schools would have 14-15 days, as compared to the 9-10 days they currently have. The second change would shift the decisionmaking on how to use those days from the principal in consultation with the school improvement team to the school improvement team in consultation with the principal.

ISSUE: Many school systems have already adopted their school calendars for the 1999-2000 school year. This bill, which would apply to school years beginning with the 1999-2000 school year, could be difficult for school boards if they have already adopted next year's calendar.

BACKGROUND: In 1997, the General Assembly enacted legislation that significantly rewrote the laws governing the way the school calendar is constructed. In connection with these changes, substantive changes were made to the laws related to teachers' salary payments and benefits.

S977-SMRH-001

§ 115C-84.2. School calendar.

(a) School Calendar. - Each local board of education shall adopt a school calendar consisting of 220 days all of which shall fall within the fiscal year. A school calendar shall include the following:

(1) A minimum of 180 days and 1,000 hours of instruction covering at least nine calendar months. The local board shall designate when the 180 instructional days shall occur. The number of instructional hours in an instructional day may vary according to local board policy and does not have to be uniform among the schools in the administrative unit. Local boards may approve school improvement plans that include days with varying amounts of instructional time. If school is closed early due to inclement weather, the day and the scheduled amount of instructional hours may count towards the required minimum to the extent allowed by State Board policy. The school calendar shall include a plan for making up days and instructional hours missed when schools are not opened due to inclement weather.

(2) A minimum of 10 annual vacation leave days.

(3) The same or an equivalent number of legal holidays occurring within the school calendar as those designated by the State Personnel Commission for State employees.

(4) Ten days, as designated by the local board, for use as teacher workdays, additional instructional days, or other lawful purposes. A local board may delegate to the individual schools some or all of the 10 days to schedule under subdivision (5) of this subsection. A local board may schedule different purposes for different personnel on any given day and is not required to schedule the same dates for all personnel.

(5) The remaining days shall be scheduled by each individual school by the school's principal in consultation with the school improvement team. Days may be scheduled for any of the purposes allowed under subdivision (4) of this subsection. Days may be scheduled for different purposes for different personnel and there is no requirement to schedule the same dates for all personnel.

Local boards and individual schools are encouraged to use the calendar flexibility in order to meet the annual performance standards set by the State Board. Local boards of education shall consult with parents and the employed public school personnel in the development of the school calendar.

Local boards and individual schools shall give teachers at least 14 calendar days' notice before requiring a teacher to work instead of taking vacation leave on days scheduled in accordance with subdivision (4) or (5) of this subsection. A teacher may elect to waive this notice requirement for one or more such days.

(b) Limitations. - The following limitations apply when developing the school calendar:

(c) 1999 by LEXIS Law Publishing, a division of Reed Elsevier Inc. and Reed Elsevier Properties Inc. All Rights Reserved.

(1) The total number of teacher workdays for teachers employed for a 10 month term shall not exceed 200 days.

(2) The calendar shall include at least 42 consecutive days when teacher attendance is not required unless: (i) the school is a year-round school; or (ii) the teacher is employed for a term in excess of 10 months. At the request of the local board of education or of the principal of a school, a teacher may elect to work on one of the 42 days when teacher attendance is not required in lieu of another scheduled workday.

(3) School shall not be held on Sundays.

(4) Veteran's Day shall be a holiday for all students enrolled in the public schools.

(c) Emergency Conditions. - During any period of emergency in any section of the State where emergency conditions make it necessary, the State Board of Education may order general, and if necessary, extended recesses or adjournment of the public schools.

(d) Opening and Closing Dates. - Local boards of education shall determine the dates of opening and closing the public schools under subdivision (a)(1) of this section. A local board may revise the scheduled closing date if necessary in order to comply with the minimum requirements for instructional days or instructional time. Different opening and closing dates may be fixed for schools in the same administrative unit.

(1997-443, s. 8.38(c); 1998-212, s. 9.18(b).)

(c) 1999 by LEXIS Law Publishing, a division of Reed Elsevier Inc. and Reed Elsevier Properties Inc. All Rights Reserved.

Attachment 3

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

S 1

SENATE BILL 740

Short Title: Test Stds./Special Needs Children. (Public)

Sponsors: Senators Wellons; Carter, Kinnaird, Lucas, Martin of Guilford, Metcalf, Phillips, and Robinson.

Referred to: Education/Higher Education.

April 5, 1999

A BILL TO BE ENTITLED

AN ACT TO ALLOW FOR ALTERNATIVE TESTING STANDARDS FOR CERTAIN CHILDREN WITH SPECIAL NEEDS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 115C-81(b) reads as rewritten:

"(b) The Basic Education Program shall include course requirements and descriptions similar in format to materials previously contained in the standard course of study and it shall provide:

(1) A core curriculum for all students that takes into account the special needs of children and includes appropriate modifications for the learning disabled, the academically or intellectually gifted students, and the students with discipline and emotional problems;

(2) A set of competencies, by grade level, for each curriculum area;

(3) A list of textbooks for use in providing the curriculum;

(4) Standards for student performance and promotion based on the mastery of competencies, including standards for graduation, that take into account children with special needs and, in particular, include appropriate modifications;

(5) A program of remedial education;

(6) Required support programs;

(7) A definition of the instructional day;

(8) Class size recommendations and requirements;

(9) Prescribed staffing allotment ratios;

(10) Material and equipment allotment ratios;
(11) Facilities guidelines that reflect educational program appropriateness, long-term cost efficiency, and safety considerations; and
(12) Any other information the Board considers appropriate and necessary.

The State Board shall not adopt or enforce any rule that requires Algebra I as a graduation standard or as a requirement for a high school diploma for any student whose individualized education program (i) identifies the student as learning disabled in the area of mathematics and (ii) states that this learning disability will prevent the student from mastering Algebra I. Also, the State Board shall not adopt or enforce any rule that requires a certain level of reading comprehension as a graduation standard or as a requirement for a high school diploma for any student (i) who demonstrates an appropriate level of listening comprehension, (ii) whose individualized education program identifies the student as having a learning disability in the area of reading (word identification) and directs that the student have tests read aloud, and (iii) who has successfully taken tests that were read aloud."

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

SENATE BILL 740:
Test Stds./Special Needs Children

BILL ANALYSIS

Committee:	Senate Education	**Introduced by:**	Senator Wellons
Date:	April 21, 1999	**Summary by:**	Robin S. Johnson
Version:	First Edition		Committee Counsel

SUMMARY: Senate Bill 740 would require the State Board of Education to exempt students with a reading disability from any rule requiring a certain level of reading comprehension as a requirement for graduation or for a high school diploma. The students would be required to demonstrate an appropriate level of listening comprehension. Their IEPs must identify them as having a learning disability in the area of word identification and must direct that tests be read aloud. And they would be required to successfully take tests that were read aloud to them.

The bill would be effective when it becomes law.

CURRENT LAW: Under current law and State Board policy, students must pass specific high school courses in order to graduate with a regular high school diploma. Students who do not pass the end-of-grade tests in eighth grade also are required to take and pass the competency test, which is administered in the ninth grade. Students with disabilities may be exempted from taking certain tests; however, they will not be eligible for a standard high school diploma. According to psychometricians, reading tests may not be administered orally to students because it would invalidate the test. (Some tests may be read to students because those tests are not testing the ability to read.)

BACKGROUND: In April, the State Board of Education adopted Statewide Student Accountability Standards. Effective with the graduating class of 2003, students will be required to pass an exit examination administered in the spring of their junior year as a requirement for a high school diploma. The policy requires "to the extent possible" students with disabilities to participate in the new standards for all levels, including high school. They may be exempted from the promotion standards by their IEP if the team that writes the IEP finds that they "do not have the ability to participate in the Standard Course of Study." If exempted, they must demonstrate acceptable outcomes on alternative assessments. They will be eligible for a certificate of achievement or a graduation certificate, but not a high school diploma.

In 1995, the General Assembly enacted similar legislation that applied to students with a learning disability in mathematics. That law exempted these students from the newly adopted State Board rule that added Algebra I to its list of courses required for a high school diploma.

There are some students whose only disability is in word identification. These students are unable to sound out or memorize words – they simply cannot decipher the words. These students often have average or above average intelligence, can do math, and can comprehend and analyze what is read or spoken to them.

S740-SMRH-001

Attachment 4

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

S 1

SENATE BILL 748

Short Title: Teacher Credit/Excess Personal Leave. (Public)

Sponsors: Senators Foxx; Allran, Ballantine, Carpenter, Carrington, Cochrane, East, Forrester, Garwood, Hartsell, Horton, Kerr, Moore, Rucho, and Webster.

Referred to: Education/Higher Education.

April 5, 1999

A BILL TO BE ENTITLED

AN ACT TO GIVE TEACHERS CREDIT FOR THE EXCESS PERSONAL LEAVE TIME THAT THEY EARN.

The General Assembly of North Carolina enacts:

Section 1. G.S. 115C-302.1(d) reads as rewritten:

~~"(d) Personal Leave. -- Teachers earn personal leave at the rate of .20 days for each full month or employment not to exceed two days per year. Personal leave may be accumulated to a maximum of five days.~~ without any applicable maximum until June 30 of each year. In order that only five days of personal 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 five days of personal leave shall convert to sick leave the excess accumulation. Personal leave may be used only upon the authorization of teacher's immediate supervisor, but if the request is made at least five days in advance, the teacher cannot be required to provide a reason for the request. Unless approved by the principal, a teacher shall not take personal leave on the first day the teacher is required to report for the school year, on required teacher workdays, or on the date before or the day after holidays or scheduled vacation days. Teachers may transfer personal leave days between local school administrative units. The local school administrative unit shall credit a teacher who has separated from service and is reemployed within 60 months from the date of separation with all personal leave accumulated at the time of separation. Local school administrative

units shall not advance personal leave. Teachers using personal leave receive full salary less the required substituted deduction."

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

SENATE BILL 748:
Teacher Credit/Excess Personal Leave

BILL ANALYSIS

Committee: Senate Education/Higher Education
Date: April 6, 1999
Version: First Edition

Introduced by: Senator Foxx
Summary by: Kory Goldsmith
Committee Counsel

SUMMARY: ***SB 748 would allow teachers to accumulate up to 5 days of personal leave and convert any excess accumulation to sick leave.***

CURRENT LAW: G.S. 115C-302.1(d) and State Board policy provides that classroom teachers and school media specialists who are classified as permanent employees earn personal leave at the rate of .20 days for each full month of employment. Personal leave is paid leave less a required $50 deduction to help pay for a substitute teacher. Personal leave may be used on days when students are attending school. A teacher may accumulate up to 5 days of personal leave. Any additional accumulation is lost if not used. A teacher must obtain his or her supervisor's authorization prior to using personal leave. Personal leave may not be used on the first day of school, on required workdays, or at the beginning or end of scheduled holidays or vacations. School administrative units may not advance personal leave, but personal leave may be transferred between local school administrative units.

BILL ANALYSIS: SB 748 would amend G.S. 15C-302.1(d) so that there would be no cap on the amount a personal leave a teacher could accumulate. It also provides that 5 days of personal leave can carry forward from one fiscal year to the next. On June 30 of each year, any accumulation in excess of the 5 days would automatically convert to sick leave.

As sick leave, these days would count as creditable service towards retirement. One month of credit is allowed for each 20 days of unused sick leave upon retirement. The maximum number of sick days that may be added at retirement is 12 days for each year of membership service.

The converted leave could also be used for any permissible sick leave purpose. These purposes include temporary disability of the employee caused by illness or injury, medical appointments of the employee, illness in the employee's immediate family, and death in the employee's immediate family. Unlike personal leave, the cost of a substitute is covered entirely by the local school administrative unit.

BACKGROUND: Personal leave originated as a State Board of Education administrative rule. Personal leave differs from annual vacation leave in several ways. The most significant is that personal leave may be used on days when students are in attendance. As a general rule, annual leave may not be used when students are in attendance. However, that rule has been modified significantly in recent years. A teacher may now use annual leave on regular school days under the following conditions: (1) for catastrophic illnesses; (2) for parental leave to care for a new born, adopted child, or child placed with the teacher for foster care; or (3) for any reason that qualifies under the federal Family Medical Leave Act. Personal leave also differs from annual leave in that personal leave accrues at the same rate regardless of the teacher's seniority. Also, personal leave is only available to classroom teachers and school media specialists. It is not available to other permanent school employees and there is no equivalent to personal leave for State employees. In 1997, the General Assembly codified the personal leave rules as part of legislation that made significant changes in how local boards develop the school calendar.

The bill becomes effective July 1, 1999.

S748-SMRC-001

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:	Senate Education	**Introduced by:**	Senator Rand
Date:	April 21, 1999	**Summary by:**	Sara Kamprath
Version:	First Edition		Education Policy Analyst

SUMMARY: ***Senate Bill 1075 specifies how the services for an out-of-state student, with an individual education plan, are funded while the student's eligibility for services in this State are determined. The State Board shall study transportation issues involving children with special needs. The bill becomes effective when it becomes law.***

BILL ANALYSIS: **Section 1** of Senate Bill 1075 provides that a local school administrative unit is entitled to State funding if the unit provides services to an out-of-state student with a current individual education plan during the time that a determination regarding the student's eligibility for services as a child with special needs in N.C. is being made. If the child is later found not to qualify for services in North Carolina, then the local school administrative unit is not required to repay any State funds received while the determination was being made.

Section 2 directs the State Board of Education to study the issue of transportation for children with special needs, especially the difficulty of local school administrative units meeting the length of school day requirements. The State Board shall report to the Joint Legislative Education Oversight Committee before January 1, 2000.

S1075-SMRJ-001

Attachment 6

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

S 1

SENATE BILL 1167

Short Title: Excess Snow Days Excused/Public Sch. (Public)

Sponsors: Senators Carter and Garrou.

Referred to: Education/Higher Education.

April 15, 1999

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE LOCAL BOARDS OF EDUCATION AND THE STATE BOARD OF EDUCATION TO EXCUSE CERTAIN SCHOOL DAYS LOST TO INCLEMENT WEATHER.

The General Assembly of North Carolina enacts:

Section 1. G.S. 115C-84.2 reads as rewritten:

"**§ 115C-84.2. School calendar.**

(a) School Calendar. -- Each local board of education shall adopt a school calendar consisting of 220 days all of which shall fall within the fiscal year. A school calendar shall include the following:

(1) A minimum of 180 days and 1,000 hours of instruction covering at least nine calendar months. The local board shall designate when the 180 instructional days shall occur. The number of instructional hours in an instructional day may vary according to local board policy and does not have to be uniform among the schools in the administrative unit. Local boards may approve school improvement plans that include days with varying amounts of instructional time. If school is closed early due to inclement weather, the day and the scheduled amount of instructional hours may count towards the required minimum to the extent allowed by State Board policy. The school calendar shall include ~~a plan~~ days for making up days and instructional hours missed when schools are not opened due to inclement weather. The required number of make-up days for a local school administrative unit shall be the

greater of (i) five days or (ii) the average number of days missed in five of the last six school years in which the least number of days were missed. For purposes of this subdivision and subsection (b1) of this section, a make-up day shall consist of five and one-half instructional hours.

(2) A minimum of 10 annual vacation leave days.

(3) The same or an equivalent number of legal holidays occurring within the school calendar as those designated by the State Personnel Commission for State employees.

(4) Ten days, as designated by the local board, for use as teacher workdays, additional instructional days, or other lawful purposes. A local board may delegate to the individual schools some or all of the 10 days to schedule under subdivision (5) of this subsection. A local board may schedule different purposes for different personnel on any given day and is not required to schedule the same dates for all personnel.

(5) The remaining days shall be scheduled by each individual school by the school's principal in consultation with the school improvement team. Days may be scheduled for any of the purposes allowed under subdivision (4) of this subsection. Days may be scheduled for different purposes for different personnel and there is no requirement to schedule the same dates for all personnel.

Local boards and individual schools are encouraged to use the calendar flexibility in order to meet the annual performance standards set by the State Board. Local boards of education shall consult with parents and the employed public school personnel in the development of the school calendar.

Local boards and individual schools shall give teachers at least 14 calendar days' notice before requiring a teacher to work instead of taking vacation leave on days scheduled in accordance with subdivision (4) or (5) of this subsection. A teacher may elect to waive this notice requirement for one or more such days.

(b) Limitations. -- The following limitations apply when developing the school calendar:

(1) The total number of teacher workdays for teachers employed for a 10 month term shall not exceed 200 days.

(2) The calendar shall include at least 42 consecutive days when teacher attendance is not required unless: (i) the school is a year-round school; or (ii) the teacher is employed for a term in excess of 10 months. At the request of the local board of education or of the principal of a school, a teacher may elect to work on one of the 42 days when teacher attendance is not required in lieu of another scheduled workday.

(3) School shall not be held on Sundays.

(4) Veteran's Day shall be a holiday for all students enrolled in the public schools.

(b1) Days Excused Due to Inclement Weather. -- If a local school administrative unit has made up at least the number of days it is required to include in its calendar for making up days and instructional hours missed when schools are not opened due to inclement weather and if the local school board finds that it is impracticable to make up additional days, the local board of education may excuse students from attendance for three such days that the local board designates. On the days excused for students, the local board may require teachers to report for a workday or it may excuse teachers from attendance. The days excused for teachers under this paragraph do not have to be made up by teachers and do not affect teachers' pay. Local boards of education shall report all days excused for students, whether the days were excused for teachers, and the reason they were excused to the State Board of Education. This report shall include total days missed and the reason therefor, by date, and the total number of days made up, as justification for the local board's action in the matter.

After the required number of days have been made up within the school calendar and after the local board has exercised its authority to suspend three additional days, the State Board of Education, at the request of the local board of education, may suspend school for additional days in any local school administrative unit where it finds that conditions justify such suspension of school. The State Board of Education may also, at the request of the local board of education, suspend one or more days from the 180-day school term for an individual school, regardless of how many days have been made up within the school calendar for the school unit as a whole, if emergency conditions exist at that school that might be threatening to the health, safety, and welfare of students and staff. The days excused by the State Board do not have to be made up by teachers or students and the first 15 such days do not affect teachers' pay.

(c) Emergency Conditions. -- During any period of emergency in any section of the State where emergency conditions make it necessary, the State Board of Education may order general, and if necessary, extended recesses or adjournment of the public schools.

(d) Opening and Closing Dates. -- Local boards of education shall determine the dates of opening and closing the public schools under subdivision (a)(1) of this section. A local board may revise the scheduled closing date if necessary in order to comply with the minimum requirements for instructional days or instructional time. Different opening and closing dates may be fixed for schools in the same administrative unit."

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

S D

SENATE BILL 1167
Proposed Committee Substitute S1167-PCS8601-RC

Short Title: Excess Snow Days Excused/Public Sch. (Public)

Sponsors:

Referred to:

April 15, 1999

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE LOCAL BOARDS OF EDUCATION AND THE STATE BOARD OF EDUCATION TO EXCUSE CERTAIN SCHOOL DAYS LOST TO INCLEMENT WEATHER.

The General Assembly of North Carolina enacts:

Section 1. G.S. 115C-84.2 reads as rewritten:

"**§ 115C-84.2. School calendar.**

(a) School Calendar. -- Each local board of education shall adopt a school calendar consisting of 220 days all of which shall fall within the fiscal year. A school calendar shall include the following:

(1) A minimum of 180 days and 1,000 hours of instruction covering at least nine calendar months. The local board shall designate when the 180 instructional days shall occur. The number of instructional hours in an instructional day may vary according to local board policy and does not have to be uniform among the schools in the administrative unit. Local boards may approve school improvement plans that include days with varying amounts of instructional time. If school is closed early due to inclement weather, the day and the scheduled amount of instructional hours may count towards the required minimum to the extent allowed by State Board policy. The school calendar shall include a plan for making up days and instructional hours missed when schools are

not opened due to inclement weather. The plan may include up to five excused days under subsection (b1) of this section.

(2) A minimum of 10 annual vacation leave days.

(3) The same or an equivalent number of legal holidays occurring within the school calendar as those designated by the State Personnel Commission for State employees.

(4) Ten days, as designated by the local board, for use as teacher workdays, additional instructional days, or other lawful purposes. A local board may delegate to the individual schools some or all of the 10 days to schedule under subdivision (5) of this subsection. A local board may schedule different purposes for different personnel on any given day and is not required to schedule the same dates for all personnel.

(5) The remaining days shall be scheduled by each individual school by the school's principal in consultation with the school improvement team. Days may be scheduled for any of the purposes allowed under subdivision (4) of this subsection. Days may be scheduled for different purposes for different personnel and there is no requirement to schedule the same dates for all personnel.

Local boards and individual schools are encouraged to use the calendar flexibility in order to meet the annual performance standards set by the State Board. Local boards of education shall consult with parents and the employed public school personnel in the development of the school calendar.

Local boards and individual schools shall give teachers at least 14 calendar days' notice before requiring a teacher to work instead of taking vacation leave on days scheduled in accordance with subdivision (4) or (5) of this subsection. A teacher may elect to waive this notice requirement for one or more such days.

(b) Limitations. -- The following limitations apply when developing the school calendar:

(1) The total number of teacher workdays for teachers employed for a 10 month term shall not exceed 200 days.

(2) The calendar shall include at least 42 consecutive days when teacher attendance is not required unless: (i) the school is a year-round school; or (ii) the teacher is employed for a term in excess of 10 months. At the request of the local board of education or of the principal of a school, a teacher may elect to work on one of the 42 days when teacher attendance is not required in lieu of another scheduled workday.

(3) School shall not be held on Sundays.

(4) Veteran's Day shall be a holiday for all students enrolled in the public schools.

(b1) Days Excused Due to Inclement Weather. -- A local board of education may excuse students from attendance for up to two instructional days that the local board designates. On the days excused for students, the local board may require teachers to

report for a workday or it may excuse teachers from attendance. The days excused for teachers under this subsection do not have to be made up by teachers and do not affect teachers' pay. As justification for excusing instructional days, a local board shall report to the State Board all days excused for students, all days excused for teachers, the reason the days were excused, the total number of days schools did not open due to inclement weather, and the dates that schools did not open due to inclement weather.

After a local board has excused two instructional days due to inclement weather, the local board may request that the State Board excuse up to three additional instructional days. The State Board may excuse any or all of the additional requested days if the State Board finds that conditions justify that action. Days that are excused by the State Board do not have to be made up by teachers or students and do not affect teachers' pay.

A local board and the State Board may apply the number of instructional hours that had been scheduled for the excused day towards the 1,000 hours of instruction required under subdivision (1) of subsection (a) of this section.

(c) Emergency Conditions. -- During any period of emergency in any section of the State where emergency conditions make it necessary, the State Board of Education may order general, and if necessary, extended recesses or adjournment of the public schools.

(d) Opening and Closing Dates. -- Local boards of education shall determine the dates of opening and closing the public schools under subdivision (a)(1) of this section. A local board may revise the scheduled closing date if necessary in order to comply with the minimum requirements for instructional days or instructional time. Different opening and closing dates may be fixed for schools in the same administrative unit."

Section 2. This act becomes effective July 1, 1999, and applies to school years beginning on and after that date.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

D

SENATE BILL 1167
Senate Proposed Committee Substitute
S1167-CSRC-001

Short Title: Excess Snow Days Excused/Public Sch. (Public)

Sponsors:

Referred to: Education/Higher Education.

April 15, 1999

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE LOCAL BOARDS OF EDUCATION AND THE STATE BOARD OF EDUCATION TO EXCUSE CERTAIN SCHOOL DAYS LOST TO INCLEMENT WEATHER.

The General Assembly of North Carolina enacts:

Section 1. G.S. 115C-84.2 reads as rewritten:

"**§ 115C-84.2. School calendar.**

(a) School Calendar. -- Each local board of education shall adopt a school calendar consisting of 220 days all of which shall fall within the fiscal year. A school calendar shall include the following:

(1) A minimum of 180 days and 1,000 hours of instruction covering at least nine calendar months. The local board shall designate when the 180 instructional days shall occur. The number of instructional hours in an instructional day may vary according to local board policy and does not have to be uniform among the schools in the administrative unit. Local boards may approve school improvement plans that include days with varying amounts of instructional time. If school is

closed early due to inclement weather, the day and the scheduled amount of instructional hours may count towards the required minimum to the extent allowed by State Board policy. The school calendar shall include a plan for making up days and instructional hours missed when schools are not opened due to inclement weather. The plan may include up to five excused days under subsection (b1) of this section.

(2) A minimum of 10 annual vacation leave days.

(3) The same or an equivalent number of legal holidays occurring within the school calendar as those designated by the State Personnel Commission for State employees.

(4) Ten days, as designated by the local board, for use as teacher workdays, additional instructional days, or other lawful purposes. A local board may delegate to the individual schools some or all of the 10 days to schedule under subdivision (5) of this subsection. A local board may schedule different purposes for different personnel on any given day and is not required to schedule the same dates for all personnel.

(5) The remaining days shall be scheduled by each individual school by the school's principal in consultation with the school improvement team. Days may be scheduled for any of the purposes allowed under subdivision (4) of this subsection. Days may be scheduled for different purposes for different personnel and there is no requirement to schedule the same dates for all personnel.

Local boards and individual schools are encouraged to use the calendar flexibility in order to meet the annual performance standards set by the State Board. Local boards of education shall consult with parents and the employed public school personnel in the development of the school calendar.

Local boards and individual schools shall give teachers at least 14 calendar days' notice before requiring a teacher to work instead of taking vacation leave on days scheduled in accordance with subdivision (4) or (5) of this subsection. A teacher may elect to waive this notice requirement for one or more such days.

(b) Limitations. -- The following limitations apply when developing the school calendar:

(1) The total number of teacher workdays for teachers employed for a 10 month term shall not exceed 200 days.

(2) The calendar shall include at least 42 consecutive days when teacher attendance is not required unless: (i) the school is a year-round school; or (ii) the teacher is employed for a term in excess of 10 months. At the request of the local board of education or of the principal of a school, a teacher may elect to work on one of the 42 days when teacher attendance is not required in lieu of another scheduled workday.

(3) School shall not be held on Sundays.

(4) Veteran's Day shall be a holiday for all students enrolled in the public schools.

(b1) Days Excused Due to Inclement Weather. -- A local board of education may excuse students from attendance for up to two instructional days that the local board designates. On the days excused for students, the local board may require teachers to report for a workday or it may excuse teachers from attendance. The days excused for teachers under this subsection do not have to be made up by teachers and do not affect teachers' pay. As justification for excusing instructional days, a local board shall report to the State Board all days excused for students, all days excused for teachers, the reason the days were excused, the total number of days schools did not open due to inclement weather and the dates that schools did not open due to inclement weather.

After a local board has excused two instructional days due to inclement weather, the local board may request that the State Board excuse up to three additional instructional days. The State Board may excuse any or all of the additional requested days if the State Board finds that conditions justify that action. Days that are excused by the State Board do not have to be made up by teachers or students and do not affect teachers' pay.

A local board and the State Board may apply the number of instructional hours that had be scheduled for the excused day towards the 1000 hours of instruction required under subdivision (1) of subsection (a) of this section.

(c) Emergency Conditions. -- During any period of emergency in any section of the State where emergency conditions make it necessary, the State Board of Education may order general, and if

necessary, extended recesses or adjournment of the public schools.

(d) Opening and Closing Dates. -- Local boards of education shall determine the dates of opening and closing the public schools under subdivision (a)(1) of this section. A local board may revise the scheduled closing date if necessary in order to comply with the minimum requirements for instructional days or instructional time. Different opening and closing dates may be fixed for schools in the same administrative unit."

Section 2. This act becomes effective July 1, 1999 and applies to school years beginning on and after that date.

SENATE BILL 1167:
Excess Snow Days Excused/Public Sch.

BILL ANALYSIS

Committee: Senate Education/Higher Education
Date: April 21, 1999
Version: S1167-CSRC-001

Introduced by: Senators Carter and Garrou
Summary by: Kory J. Goldsmith
Committee Counsel

SUMMARY: ***The bill amends G.S. 115C-84.2 to allow local boards to excuse up to two instructional days due to inclement weather. Upon application by a local board, the State Board may excuse an additional three instructional days due to inclement weather.***

CURRENT LAW: Locals boards of education must schedule at least 180 instructional days and 1000 instructional hours. Local boards must have a plan to make up days when schools are closed and students were not in attendance due to inclement weather. There are no provisions allowing local boards or the State Board to excuse any instructional days when school didn't open because of bad weather.

BILL ANALYSIS: The Proposed Committee Substitute amends G.S. 115C-84.2 by adding a new subsection that allows a local board of education to excuse up to 2 instructional days when schools were not opened due to inclement weather. Students would not be required to make up the excused days. Teachers could be required to make up the days. If teachers are excused from making up the days, their pay is not effected. A local board that excuses instructional days must submit a report to the State Board that lists all excused days for students and teachers, the reason the days were excused, and the total number of days and the dates schools did not open due to bad weather.

After having excused 2 instructional days, a local board could request that the State Board excuse up to 3 additional instructional days. The Board could excuse those days if it determined conditions justified that decision. The days would be excused for both students and teachers. Teachers' pay would not be effected.

The local board and the State Board could count the number of instructional hours that had been scheduled for the excused day towards the required total 1000 instructional hours.

The Proposed Committee Substitute differs from the original bill as follows:

- It does not require boards to schedule a minimum number of snow days.
- It reduces, from 3 to 2, the number of instructional days a local board may excuse.
- It sets 3 days as the maximum number of days the State Board may excuse.
- Clarifies that the changes apply to the 1999-2000 school year.

BACKGROUND: In 1997, the General Assembly passed legislation that made fundamental changes to how school boards construct the school calendar. Among other things, the changes granted greater flexibility to boards in terms of when they could schedule instructional days and required teacher work days. It granted to schools the authority to schedule at least 9 to 10 days. It granted to teachers the option to receive pay or sick leave for excess vacation days they forfeited in order to attend required teacher workdays.

The changes also applied to how school systems dealt with making up days that schools closed due to inclement weather. Under previous law, local boards had to provide for at least 5 "snow days" in their calendar. These days were generally designated as optional teacher work days. The days would be converted to instructional days as needed depending upon that year's weather.

After a local board had made up the required number of snow days, it could excuse up to 3 instructional days. Teachers could be required to work, but if they weren't, their pay was not effected. After having excused 3 days, the local board could request that the State Board excuse additional days. Although the statute did not set a limit on the number of days the State Board could excuse, the Board had a policy of not excusing more than 5 days.

The bill is effective July 1, 1999 and applies to school years beginning on or after that date.

VISITOR REGISTRATION SHEET

SENATE
EDUCATION/HIGHER EDUCATION

DATE: Thursday - 8:30 A.M.
April 22, 1999

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Janet Pulley	OSBM
Lynne Hamlet	Sen. Lee
Jerry Tuttle	EPFP
Melita Kostelnik	EPFP Public School Forum
Yvonne Perry	EPFP
Bill Wilson	NCAE
Henry Johnson	DPI
Ann Belanca	SBE
Phil Price	DPI
Linda Suggs	NCASA
MT Burnett	GACPD

VISITOR REGISTRATION SHEET

SENATE
EDUCATION/HIGHER EDUCATION

DATE: _____

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Karen Gaul	Governor's Office
Elizabeth Groenstein	OSBM
Lanne Krivi	NCBA
Jim Cahoon	NCASE

SENATE EDUCATION/HIGHER EDUCATION

AGENDA

Wednesday, April 28, 1999
10:00 A.M.
Room 414 LOB

CALL TO ORDER **Presiding: Senator Lee**

AGENDA The Following Bills or Resolutions will be considered:

- SB 586 Textbook Distribution Sys. Modified — Senator Lee
- SB 942 Implementation of Student Standards — Senator W. Martin
- SB 1093 Duty Free Period/All Teachers — Senator Garrou

Senator Howard Lee, Co-Chair
Senator Walter Dalton, Co-Chair

MINUTES

SENATE EDUCATION/HIGHER EDUCATION COMMITTEE

Wednesday, April 28, 1999
Room 414 LOB

The Senate Education/Higher Education Committee met on Thursday, April 28, 1999 at 10:00 A.M. There were fourteen Senators present. Senator Lee presided. He welcomed Page Joshua Snyder from Durham and sponsored by Senator Gulley. Senator Dalton recognized the visiting North Carolina National Board Certified Teachers. *(See Attachment A).* Senator Dalton welcomed Christine Richardson, a visiting teacher from England.

SB 1093

Senator Dalton recognized Senator Garrou, sponsor of SB 1093. The Committee adopted the Committee Substitute for SB 1093. *(See Attachment 1).* The Short Title is *Duty Free Period/All Teachers.* The Long Title: *An Act to Amend the Law to Ensure That All Teachers Receive a Duty Free Period Each Day.* **SB 1093 WAS UNFAVORABLE TO ORIGINAL BILL, BUT FAVORABLE AS TO C.S. BILL.**

SB 586

Next, Senator Lee, sponsor of SB 586, explained the Bill. The Committee Substitute was adopted. *(See Attachment 2).* The Short Title is *Textbook Distribution System Modified.* The Long Title: An *Act to Direct the Joint Legislative Education Oversight Committee to Study the Law Regarding the Distribution of Textbooks to the Public Schools and to make Recommendations Regarding any Changes.* **SB 1093 WAS UNFAVORABLE TO ORIGINAL BILL, BUT FAVORABLE AS TO C.S. BILL.**

SB 942

Senator Lee introduced Senator Martin of Guilford to explain SB 942. *(See attachment 3).* Two handouts were distributed pertinent to SB 942. The first, *Proposed Statewide Student Accountability Standards*, which were adopted by the State Board of Education. *(See Attachment 4).* The second, *Student Accountability Standards*, a review of the impact on the Public School Fund. *(See Attachment 5).* Senator Lee recognized Senator Dalton who presented an Amendment to SB 942.

Senator Lee recognized Ms. Karen Garr who spoke on behalf of Governor Hunt. Ms. Garr stated that the Governor would like to see the proposed standards go forward, and that the necessary resources be made available to accomplish this. She stated that Governor Hunt supported SB 942, sponsored by Senator Martin of Guilford *and* the Amendment proposed by Senator Dalton.

Following discussion by the Committee, Senator Lee requested a vote on the proposed Amendment. The Committee **adopted the Amendment to SB 942. SENATE BILL 942 WAS FAVORABLE, AS AMENDED.**

Senator Lee commended the North Carolina National Board Certified Teachers. On behalf of the Senate Education/Higher Education Committee, Senator Lee thanked the teachers for their contributions to North Carolina students.

Senator Lee adjourned the meeting at 9:50 A.M.

Senator Howard Lee, Co-Chair

Senator Walter Dalton, Co-Chair

Christina K. Minard, Education
Committee Assistant

Attachment A

National Board Certified Teachers
April 28, 1999

Lysa Cesena – Huntersville Elementary – Huntersville

Certified in 94-95 as a Middle Childhood Generalist

Michele Aydlett – Sheep-Harney Elementary – Elizabeth City

Certified in 97-98 as an Early Childhood Generalist

Susan Herring – Northside Elementary – Elizabeth City

Certified in 97-98 as a Middle Childhood Generalist

Rebecca Hewitt – Northeastern High School – Elizabeth City

Certified in 97-98 in Adolescence & Young Adulthood/Math

Julie Barbee – Millingport School – Albemarle

Representative Barbee's daughter
Certified in 97-98 as a Middle Childhood Generalist

Kathy Archer – Millingport School – Albemarle

Certified in 97-98 as a Middle Childhood Generalist

Susan Watson – Manning School – Roanoke Rapids

Certified in 96-97 in Early Adolescence Young Adulthood/Art

Jan Volz – Chaloner Middle School – Roanoke Rapids

Certified in 96-97 in Early Adolescence Young Adulthood/Art

Christina Gregory – Roanoke Rapids High School – Roanoke Rapids

Certified in 96-97 in Early Adolescence Young Adulthood/Art

Guest –
Christine Richardson – Visiting Teacher from England –
With Millingport School

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

EDUCATION/HIGHER EDUCATION COMMITTEE REPORT
Senator Howard Lee, Co-Chair
Senator Walter Dalton, Co-Chair

Wednesday, April 28, 1999

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

FAVORABLE, AS AMENDED

S.B. **942** Implementation of Student Standards.
Sequential Referral: None
Recommended Referral: None
Long Title Amended: No

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

S.B. **586** Textbook Distribution System Modified
Draft Number: PCS4693
Sequential Referral: None
Recommended Referral: None
Long Title Amended: No

S.B. **1093** Duty Free Period/All Teachers
Draft Number: PCS2758
Sequential Referral: None
Recommended Referral: None
Long Title Amended: No

TOTAL REPORTED: 3

Committee Clerk Comment:

Attachment 1

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

S 1

SENATE BILL 1093*

Short Title: Duty Free Period/All Teachers. (Public)

Sponsors: Senator Garrou.

Referred to: Education/Higher 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.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

S D

S1093-CSRJ-001
SENATE PROPOSED COMMITTEE SUBSTITUTE
SENATE BILL 1093*
THIS IS A DRAFT 28-APR-99 09:11:15
ATTENTION: LINE NUMBERS MAY CHANGE AFTER ADOPTION

Short Title: Duty Free Period/All Teachers. (Public)

Sponsors:

Referred to: Education/Higher 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. 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:	Senate Education	**Introduced by:**	Senator Garrou
Date:	April 27, 1999	**Summary by:**	Sara Kamprath
Version:	Proposed Committee Substitute for 1st Edition (S1093-CSRJ-001)		Education Policy Analyst

SUMMARY: ***The proposed committee substitute for Senate Bill 1093 provides that a principal shall not make a teacher give up his or her duty free period on a regular basis without the consent of the teacher. The bill becomes effective July 1, 1999 and applies 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.

BILL ANALYSIS: The proposed committee substitute for Senate Bill 1093 amends G.S. 115C-301.1 to provide that a principal shall not unfairly burden any teacher by making the teacher lose his or her duty free period on a continuous basis unless the teacher consents.

The Proposed Committee Substitute differs from the original bill as follows:

- Restores the exceptions that a principal currently has for not providing a full-time classroom teacher with a daily duty free period. Restores the provision that the General Assembly funding must revert back to the general fund if the safety and supervision of students prevents a teacher from receiving a duty free period.
- Adds the language that prohibits a principal from putting an unfair burden on any teacher by making the teacher lose his or her duty free period on a continuous basis unless the teacher consents.

GENERAL ASSEMBLY OF NORTH CAROLINA **Attachment 2**

SESSION 1999

S **1**

SENATE BILL 586

Short Title: Textbook Distribution System Modified. (Public)

Sponsors: Senator Lee.

Referred to: Education/Higher Education.

March 29, 1999

A BILL TO BE ENTITLED

AN ACT TO AMEND THE LAW REGARDING THE DISTRIBUTION OF TEXTBOOKS TO THE PUBLIC SCHOOLS.

The General Assembly of North Carolina enacts:

Section 1. This act amends the law regarding the distribution of textbooks to the public schools.

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

DRAFT

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

S D

SENATE BILL 586
Senate Proposed Committee Substitute
S586-CSRC-001

Short Title: Textbook Distribution System Modified. (Public)

Sponsors:

Referred to: Education/Higher Education.

March 29, 1999

A BILL TO BE ENTITLED

AN ACT TO DIRECT THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE TO STUDY THE LAW REGARDING THE DISTRIBUTION OF TEXTBOOKS TO THE PUBLIC SCHOOLS AND TO MAKE RECOMMENDATIONS REGARDING ANY CHANGES.

The General Assembly of North Carolina enacts:

Section 1. The Joint Legislative Education Oversight Committee shall study the law regarding the distribution of textbooks to the public schools. The Committee shall examine whether the current method is cost-effective, efficient, and provides prompt service to all local school administrative units. The Committee also shall examine whether modifications or other distribution methods would be more cost effective, efficient, or provide improved service to local school administrative units.

Section 2. The Joint Legislative Education Oversight Committee may report its findings and recommendations to the 2000 Regular Session of the 1999 General Assembly, or to the 2001 General Assembly.

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

S 1

SENATE BILL 942

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 as resources are 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.

Attachment 4

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.)

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.

Student Accountability Standards

Attachment 5

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.

PLEASE PRESS HARD - 5 COPIES

A6

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

EDITION No. _____

H. B. No. _____

S. B. No. 942

COMMITTEE SUBSTITUTE _____

DATE 4/28/99

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

Rep.)
) Dalton
Sen.)

1 moves to amend the bill on page 1, line 15
2 ( ) WHICH CHANGES THE TITLE
3 by deleting the phrase "as resources are"
4 and substituting "and that resources
5 be".
6
7
8
9
10
11
12
13
14
15
16
17
18
19

SIGNED Theresa Dalton

ADOPTED _____ FAILED _____ TABLED _____

(1)

VISITOR REGISTRATION SHEET

SENATE
EDUCATION/HIGHER EDUCATION

10:00 A.M.
Wednesday

DATE: April 28, 1999

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Michele E. Aydlett	Elizabeth City - Pasquotank Schools 200 W. Elizabeth St. Elizabeth City, NC 27909
Susan S. Herring	Elizabeth City - Pasquotank Schools 405 Inlet Drive Elizabeth City, North Carolina 27909
Rebecca C. Hewitt	Elizabeth City - Pasquotank Schools 963 Oak Stump Road Elizabeth City NC 27909
Jim Booth	DPI

(2)

VISITOR REGISTRATION SHEET

SENATE
EDUCATION/HIGHER EDUCATION

DATE: 4-28-99

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Jackie Barbee	717 West Main St., Locust, N.C. 28097
Christine Richardson	Millingport Elementary School. Albemarle. NC 28001
Kathy Archer	22521 Quail Ridge Rd. Albemarle, NC 28001
Julie Barbee	PO Box 700 Locust, NC 28097
Lysa Cesena	14934 Chilgrove Ln. Huntersville Elementary Huntersville, NC 28078 (Meck. Co.)
Christina Gregory	Roanoke Rapids High School 800 Hamilton St. Roanoke Rapids, NC 27870
Susan Watson	Manning Elementary School 1102 Barrett Street Roanoke Rapids, NC 27870
Jan S. Volz	Chaloner Middle School 2100 Virginia Ave. Roanoke Rapids. N.C 27870
Grey Malhoit	NCEDLAW Project
Robin Allen	Special Needs Federation

(3)

VISITOR REGISTRATION SHEET

SENATE
EDUCATION/HIGHER EDUCATION

DATE: 4-28-99

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Henry Johnson	DPI
Ann Belam	SBE
[illegible]	DPI
[illegible]	Gov's Office
Linda Suggs	NCASA
Kathy Rhoades	Teacher on Loan NCDPI
[illegible]	NCAE
[illegible]	NCAE
[illegible]	OSBM
Elizabeth Grovenstein	OSBM

4

VISITOR REGISTRATION SHEET

SENATE
EDUCATION/HIGHER EDUCATION

DATE: 4-28-99

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Alicia Gregory	Poyner & Spruill
Patty Talbert	Carolina Hosiery Assn.
Dan St. Louis	Haire Technology Center
Nigel Daniel	Intern
Yvonne Perry	NC Ed/Law Proj.

SENATE EDUCATION/HIGHER EDUCATION

AGENDA

Wednesday, May 5, 1999
10:00 A.M.
Room 414 LOB

CALL TO ORDER **Presiding: Senator Dalton**

AGENDA: The Following Bills or Resolutions will be considered.

•	HB 244	Student on Comm. Coll. Bd.	Representative McLawhorn
•	HB 260	Community College Tech. Change	Representative Barefoot
•	HB 293	Proprietary Sch/Civil Penalties	Representative Bridgeman
•	HB 517	Dropout Rate Computation/ABC's	Representative Moore

Senator Howard Lee, Co-Chair
Senator Walter Dalton, Co-Chair

MINUTES

SENATE EDUCATION/HIGHER EDUCATION

Wednesday, May 5, 1999
10:00 A.M.
Room 414 LOB

The Senate Education/Higher Education Committee met on Wednesday, May 5, 1999 at 10:00 A.M. in Room 414 of the Legislative Office Building. Senator Dalton, Co-Chair presided. There were nineteen Senators present. Senator Dalton called the meeting to order and introduced Pages Vinson Simpson from Raleigh and sponsored by Senator Miller and Elizabeth Everett from Scottland Neck and sponsored by Senator Balance. Senator Dalton recognized the visiting North Carolina National Board Certified Teachers. They were: Anne McLean, Pinecrest High School in Southern Pines; Patricia Fowler, Bunn Middle School in Bunn; and Brenda Bostian, Forest View High School in Gastonia. Ms. McLean spoke briefly to the Committee. She espoused the benefits of creative teaching. She strongly advocated the participation of students in the learning process. Ms. McLean thanked the Committee for their support of the National Certified Teacher program.

(H517 – Attachment 1; H260 – Attachment 2; H244 – Attachment 3)

H517

Senator Dalton recognized Representative Moore who introduced H517 to the Committee for their consideration. The Short Title of H517 is *Study Dropout Rate Computation/ABCs Prog.* The Long Title: An *Act Directing the State Board of Education to Study the Computation of Dropout Rates for the ABCs program.* An Amendment to H517 was adopted. **H517 WAS UNFAVORABLE AS TO COMMITTEE SUBSTITUTE BILL, BUT FAVORABLE AS TO SENATE COMMITTEE SUBSTITUTE BILL.**

Senator Dalton recognized Ann Berlyn, a member of the public who commented on the position of the State Board of Education relevant to H517. She stated that the State Board of Education preferred a period of time to collect and evaluate additional data before committing to H517.

H260

Next, Senator Dalton recognized Representative Barefoot who introduced H260. The Short Title is *Community College Tech. Changes/AB.* The Long Title: An *Act to Update and Make Technical Changes to the Community College Laws.* An Amendment to H260 was adopted.

H260 WAS UNFAVORABLE AS TO COMMITTEE SUBSTITUTE BILL, BUT FAVORABLE AS TO SENATE COMMITTEE SUBSTITUTE BILL.

H244

Senator Dalton recognized Representative McLawhorn who introduced H244. The Short Title is *Student on Comm. Coll. Board/AB.* The Long Title: An *Act to Add a Student Member to the State Board of Community Colleges.* **H244 WAS GIVEN A FAVORABLE REPORT.**

Dr. Barry Russell, Executive Vice President and Chief Operating Officer for the North Carolina Community College System spoke in support of H244.

H293

Senator Dalton introduced Representative Bridgeman to brief the Committee on H293. Following Representative Bridgeman's presentation, there was extensive discussion of H293. The Committee opted to defer any action on H293 until a later time.

Senator Lee congratulated each of the visiting North Carolina Board Certified Teachers. He thanked them for attending the meeting.

Senator Dalton adjourned the meeting at 10:55 A.M.

Senator Walter Dalton, Co-Chair

Christina K. Minard, Education
Committee Assistant

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

EDUCATION/HIGHER EDUCATION COMMITTEE REPORT

Senator Howard Lee, Co-Chair
Senator Walter Dalton, Co-Chair

Wednesday, May 05, 1999

SENATOR DALTON,
Submits the following with recommendations as to passage:

FAVORABLE

H.B.(CS #1)**244** Student on Comm. Coll. Board/AB.
Sequential Referral: None
Recommended Referral: None

UNFAVORABLE AS TO COMMITTEE SUBSTITUTE BILL, BUT FAVORABLE AS TO SENATE COMMITTEE SUBSTITUTE BILL

H.B.(CS #1)**260** Community College Tech. Changes/AB.
Draft Number: PCS1264
Sequential Referral: None
Recommended Referral: None
Long Title Amended: No

H.B.(CS #1)**517** Study Dropout Rate Computation/ABCs Prog.
Draft Number: PCS3413
Sequential Referral: None
Recommended Referral: None
Long Title Amended: No

TOTAL REPORTED: 3

Committee Clerk Comment:

GENERAL ASSEMBLY OF NORTH CAROLINA

Attachment 1

SESSION 1999

H

2

HOUSE BILL 517
Committee Substitute Favorable 4/27/99

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.

HOUSE BILL 517:
Study Dropout Rate Computation/ABCs Prog.

BILL ANALYSIS

Committee: Senate Education/Higher Ed.
Date: May 5, 1999
Version: 2nd Edition

Introduced by: Representative Moore
Summary by: Sara Kamprath
Education Policy Analyst

SUMMARY: ***House Bill 517 directs the State Board of Education, in consultation with the Office of Juvenile Justice, the Department of Correction and the Department of Community Colleges, 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: 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.

This summary was contributed to by Shirley Iorio.

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 517

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

H517-ARH-001

Date_____,1999

Comm. Sub. [ ]
Amends Title [ ]
Second Edition

Senator_____

moves to amend the bill on page 1, line 22, by rewriting the line to read:

"1998-99 school year based on categories (i) and (iii)-(v) in Section 1 of this act. The report also shall include the number of dropouts for the 1998-99 school year based on category (ii) in Section 1 of this act if this information is available.".

SIGNED_____
Amendment Sponsor

SIGNED_____
Committee Chair if Senate Committee Amendment

ADOPTED_____ FAILED_____ TABLED_____

Attachment 2

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H 2

HOUSE BILL 260
Committee Substitute Favorable 4/15/99

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:
Community College Tech. Changes/AB

BILL ANALYSIS

Committee:	Education/Higher Education	**Introduced by:**	Representative Barefoot
Date:	May 4, 1999	**Summary by:**	Sara Kamprath and Kory Goldsmith
Version:	Second Edition		

SUMMARY: House Bill 260 is an agency bill. It amends 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 Sections 4 and 5. The act is effective when it becomes law.

BILL ANALYSIS:

Section 1 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 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 comprehensive articulation agreement that applies to all community colleges and all the UNC constituent institutions. Some private colleges and universities have also entered into the articulation agreement.

Section 3 amends G.S. 115D-5(e) by deleting outdated language regarding the establishment and operation of extension units.

Section 4 repeals G.S. 115D-8 ("Retooling for the year 2000: Gaining the Competitive Edge"). G.S. 1158 directs the State Board 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 or fully funded.

Section 5 clarifies that the cost of telephone services, excluding data transmission, is a local responsibility.

Section 6 amends G.S. 115D-77 so that existing language on the nondiscrimination policy of the State Board of Community Colleges and of local boards of trustees regarding students conforms 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".

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 260

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

H260-ARC-002

Date_____,1999

Comm. Sub. []
Amends Title []
Second Edition

Sen.

moves to amend the bill on page 2, line 26, through page 3, line 3, by rewriting the lines to read:

"Section 3. G.S. 115D-5(c) is repealed.".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

Attachment 3

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H 2

HOUSE BILL 244
Committee Substitute Favorable 4/14/99

Short Title: Student on Comm. Coll. Board/AB. (Public)

Sponsors:

Referred to: GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H March 4, 1999 2

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.

HOUSE BILL 244:
Student on Comm. Coll. Board/AB

BILL ANALYSIS

Committee:	Senate Education	**Introduced by:**	Representative McLawhorn
Date:	May 4, 1999	**Summary by:**	Shirley Iorio, PhD
Version:	Second Edition		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. House Bill 244 is an agency bill.***

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.

H244-SMRJ-001(2nd Ed.)

This summary was contributed to by Sara Kamprath.

(1)

VISITOR REGISTRATION SHEET

SENATE
EDUCATION/HIGHER EDUCATION

DATE: 5-5-99

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Ann Berlam	SBE
Karen Gaskie	Governor's Office
Patricia Fowler	National Board Teacher Bunn Middle
Brenda Beard-Boston	National Board Certified Teacher Forestview High School Gastonia NC
Jay Martin	North Carolina Community College Faculty Association
Don Wildman	North Carolina Community College Faculty Association
Bryan Ryan	North Carolina Community College Faculty Association + Wake Tech
Hal Miller	NCACCT
Barry Russell	NCCCS

(2)

VISITOR REGISTRATION SHEET

SENATE
EDUCATION/HIGHER EDUCATION

DATE: 5-5-99

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Kim Bujo	NCCCS
Suzanne Williams	NCCCS
Joanne E Kinney	NCSBA
Amy Van Oostrum	PENC
Reginald R. Holley	DOA - YA 10
[signature]	TAPAP
[signature]	102 Rose Terrace Wadesboro N. C. Visiting Education
[signature]	NCEDLAW Project
Yvonne Perry	" " "
John Cyrus	N.C. State Grange

(3)

VISITOR REGISTRATION SHEET

SENATE
EDUCATION/HIGHER EDUCATION

DATE: 5-5-99

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Karen Bass	YAIO
Gene Causby	NCSFSA
Ashley Westbrook	Governor's Office
Elizabeth Groverstein	OSBM
Anne McLean	Pinecrest High School — 100 Pinecrest School Rd. Southern Pines, NC 28387
FRAN PRESTON	NCRMA
ANDY ECLOV	NCRMA
Sue Mukherjee	NCAICU
Kristin David	INTERN
John Dunn	Public School Forum of NC

(4)

VISITOR REGISTRATION SHEET

SENATE
EDUCATION/HIGHER EDUCATION

DATE: 5-5-99

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
David Knight	~
Betsy Bayley	~
Jim Ranquist	NCATA
Bernard Allen	

SENATE EDUCATION/HIGHER EDUCATION

AGENDA

Wednesday, May 12, 1999
10:00 A.M.
Room 414 LOB

CALL TO ORDER **Presiding: Senator Lee**

AGENDA: The Following Bills or Resolutions will be considered.

- HB 517 Stop Threats/Acts of School Violence Representative Moore
- HB 1154 Weapons at School/Law Clarified Representative Michaux
- HB 1167 Lateral Entry Simplified Representative Moore
- HB 1267 Teacher Harassment Protection Representative Boyd-McIntyre

Senator Howard Lee, Co-Chair
Senator Walter Dalton, Co-Chair

MINUTES

SENATE EDUCATION/HIGHER EDUCATION

Wednesday, May 12, 1999
10:00 A.M.
Room 414 LOB

The Senate Education/Higher Education Committee met on Wednesday, May 12, 1999 at 10:00 A.M. in Room 414 of the Legislative Office Building. Senator Lee, Co-Chair presided. There wee eighteen Senators present. Senator Lee called the meeting to order and introduced Page Shirley Davis from Asheboro. Senator Ellie Kinnaird sponsored Ms. Davis.

Senator Lee recognized a visiting North Carolina National Board Certified Teacher. She was Ms. Elizabeth Morley, a teacher at Hunter AG Magnet Elementary School in Raleigh.

H1167

Senator Lee recognized Representative Richard Moore who briefed the Committee on H1167. The title of **H1167** is *An Act to Simplify the Lateral Entry Program for Teachers. (See Attachment 1).* **H1167 (CS) WAS GIVEN A FAVORABLE REPORT.**

H517

Next, Senator Lee briefly explained H517 to the Committee. The Bills sponsor is Representative Richard Moore. The Short Title of H517 is *Stop Threats/Acts of School Violence.* The Long Title: *An Act Increasing the Criminal Penalty for Making a Bomb Threat or Perpetrating a Hoax by Placing a False Bomb at School, making Parents Civilly Liable for Children who make these Threats or Perpetrate these Hoaxes, Requiring Schools to Suspend for 365 Days Students who make these Threats or Perpetrate these Hoaxes, Directing the Joint Legislative Education Oversight Committee to Study the Issue of Students who make or Carry Out Threats of Violence Directed at Schools or the Persons in the Schools, and Directing the State Board of Education to Study the Computation of Dropout Rates for the ABCs Program.*

Senator Lee recognized Senator Dalton who presented a comprehensive explanation of H517. A lengthy discussion by the Committee followed Senator Dalton's presentation of H517.

A motion was made to adopt the Committee Substitute for H517. The Committee adopted the Committee Substitute. An Amendment to the Committee Substitute was adopted.

Senator Lee requested that the Committee take a vote for H517, as Amended. **H517 was UNFAVORABLE AS TO SENATE COMMITTEE SUBSTITUTE BILL NO. 1, BUT FAVORABLE AS TO SENATE COMMITTEE SUBSTITUTE BILL NO. 2.** *(See Attachment 2).*

Senator Lee adjourned the meeting at 10:50 A.M.

Senator Howard Lee, Co-Chair

Christina K. Minard, Education
Committee Assistant

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

EDUCATION/HIGHER EDUCATION COMMITTEE REPORT
Senator Howard Lee, Co-Chair
Senator Walter Dalton, Co-Chair

Wednesday, May 12, 1999

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

FAVORABLE

H.B. **1167** Lateral Entry Simplified
Sequential Referral: None
Recommended Referral: None

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

H.B. (CS #1)**517** Stop Threats/Acts of School Violence.
Draft Number: PCS1267
Sequential Referral: None
Recommended Referral: None
Long Title Amended: No

TOTAL REPORTED: 2

Committee Clerk Comment:

GENERAL ASSEMBLY OF NORTH CAROLINA Attachment 1

SESSION 1999

H 2

HOUSE BILL 1167
Committee Substitute Favorable 4/26/99

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 2

HOUSE BILL 1167
Committee Substitute Favorable 4/26/99

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.

HOUSE BILL 1167:
Lateral Entry Simplified

BILL ANALYSIS

Committee:	Senate Education/Higher Education	**Introduced by:**	Representative Moore
Date:	May 11, 1999	**Summary by:**	Sara Kamprath and Shirley Iorio, Ph.D.
Version:	Second Edition		Education Policy Analysts

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.

This act becomes effective July 1, 1999 and applies to all persons hired under G.S. 115C-296.1.

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.

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 517

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

H517-ARH-004

Date 5/12 ,1999

Comm. Sub. [x]
Amends Title [ ]
H517-CSRH-001.2

Senator Dalton

moves to amend the bill on page 3, line 21, by inserting between the words "who" and "makes" the word "knowingly";

and on page 3, line 28, by deleting the word "this" and by substituting the word "either".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

GENERAL ASSEMBLY OF NORTH CAROLINA

Attachment 2

SESSION 1999

H

5

HOUSE BILL 517
Committee Substitute Favorable 4/27/99
Senate Education/Higher Education Committee Substitute Adopted 5/5/99
Senate Education/Higher Education Committee Substitute #2 Adopted 5/12/99
Senate Judiciary I Committee Substitute No. 3 Adopted 5/24/99

Short Title: Stop Threats/Acts of School Violence. (Public)

Sponsors:

Referred to:

March 22, 1999

A BILL TO BE ENTITLED

AN ACT INCREASING THE CRIMINAL PENALTY FOR MAKING A BOMB THREAT OR PERPETRATING A HOAX BY PLACING A FALSE BOMB AT SCHOOL AND FOR BRINGING EXPLOSIVE DEVICES ON SCHOOL PROPERTY, MAKING PARENTS CIVILLY LIABLE FOR CHILDREN WHO MAKE THESE THREATS OR PERPETRATE THESE HOAXES, REQUIRING SCHOOLS TO SUSPEND FOR THREE HUNDRED SIXTY-FIVE DAYS STUDENTS WHO MAKE THESE THREATS OR PERPETRATE THESE HOAXES, PROVIDING FOR LOSS OF DRIVERS LICENSE PRIVILEGES BY CERTAIN PERSONS UNDER THE AGE OF EIGHTEEN FOR COMMITTING DESIGNATED ACTS, DIRECTING THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE TO STUDY THE ISSUE OF STUDENTS WHO MAKE OR CARRY OUT THREATS OF VIOLENCE DIRECTED AT SCHOOLS OR THE PERSONS IN THE SCHOOLS, AND 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. G.S. 14-69.1 reads as rewritten:

"**§ 14-69.1. Making a false report concerning destructive device.**

(a) ~~If~~ Except as provided in subsection (c) of this section, any person ~~shall,~~ who, by any means of communication to any person or group of persons, ~~make~~ makes a

report, knowing or having reason to know the ~~same to be~~ report is false, that there is located in any building, house or other structure whatsoever or any vehicle, aircraft, vessel or boat any device designed to destroy or damage the building, house or structure or vehicle, aircraft, vessel or boat by explosion, blasting or burning, ~~he shall be~~ is guilty of a Class H felony.

(b) Repealed by S.L. 1997-443, s. 19.25(cc).

(c) Any person who, by any means of communication to any person or group of persons, makes a report, knowing or having reason to know the report is false, that there is located on educational property or at a school-related activity on or off educational property any device designed to destroy or damage property by explosion, blasting, or burning, is guilty of a Class G felony. As part of restitution, the court may order a person convicted under this subsection to reimburse the affected educational entity for the costs resulting from the disruption or dismissal of school or school-related activity arising from the false report. For purposes of this subsection, the term 'educational property' has the same definition as in G.S. 14-269.2(a)(1), and the term 'educational entity' means the board of education or other entity that administers and controls the educational property or the school-related activity.

(d) For purposes of this section, the term 'report' shall include making accessible to another person by computer."

Section 2. G.S. 14-69.2 reads as rewritten:

"**§ 14-69.2. Perpetrating hoax by use of false bomb or other device.**

(a) ~~If~~ Except as provided in subsection (c) of this section, any ~~person,~~ person who, with intent to perpetrate a hoax, ~~shall secrete, place or display~~ secretes, places, or displays any device, machine, instrument or artifact, so as to cause any person reasonably to believe the same to be a bomb or other device capable of causing injury to persons or ~~property, he shall be~~ property is guilty of a Class H felony.

(b) Repealed by S.L. 1997-443, s. 19.25(dd).

(c) Any person who, with intent to perpetrate a hoax, secretes, places, or displays any device, machine, instrument, or artifact on educational property or at a school-related activity on or off educational property, so as to cause any person reasonably to believe the same to be a bomb or other device capable of causing injury to persons or property is guilty of a Class G felony. As part of restitution, the court may order any person convicted under this subsection to reimburse the affected educational entity for the costs resulting from the disruption or dismissal of school or the school-related activity arising from the hoax. For purposes of this subsection, the term 'educational property' has the same definition as in G.S. 14-269.2(a)(1), and the term 'educational entity' means the board of education or other entity that administers and controls the educational property or the school-related activity."

Section 3. G.S. 14-269.2 reads as rewritten:

"**§ 14-269.2. Weapons on campus or other educational property.**

(a) The following definitions apply to this section:

(1) Educational property. -- Any public or private school building or bus, public or private school campus, grounds, recreational area,

athletic field, or other property owned, used, or operated by any board of education, school, college, or university board of trustees, or directors for the administration of any public or private educational institution.

(2) Student. -- A person enrolled in a public or private school, college or university, or a person who has been suspended or expelled within the last five years from a public or private school, college or university, whether the person is an adult or a minor.

(3) Switchblade knife. -- A knife containing a blade that opens automatically by the release of a spring or a similar contrivance.

(4) Weapon. -- Any device enumerated in subsection ~~(b)~~ (b), (b1), or (d) of this section.

(b) It shall be a Class I felony for any person to possess or carry, whether openly or concealed, any gun, rifle, pistol, or other firearm of any ~~kind, or any dynamite cartridge, bomb, grenade, mine, or powerful explosive as defined in G.S. 14-284.1,~~ kind on educational property. However, this subsection does not apply to a BB gun, stun gun, air rifle, or air pistol.

(b1) It shall be a Class F felony for any person to possess or carry, whether openly or concealed, any dynamite cartridge, bomb, grenade, mine, or powerful explosive as defined in G.S. 14-284.1, on educational property. This subsection shall not apply to fireworks.

(c) It shall be a Class I felony for any person to cause, encourage, or aid a minor who is less than 18 years old to possess or carry, whether openly or concealed, any gun, rifle, pistol, or other firearm of any ~~kind, or any dynamite cartridge, bomb, grenade, mine, or powerful explosive as defined in G.S. 14-284.1,~~ kind on educational property. However, this subsection does not apply to a BB gun, stun gun, air rifle, or air pistol.

(c1) It shall be a Class F felony for any person to cause, encourage, or aid a minor who is less than 18 years old to possess or carry, whether openly or concealed, any dynamite cartridge, bomb, grenade, mine, or powerful explosive as defined in G.S. 14-284.1, on educational property. This subsection shall not apply to fireworks.

(d) It shall be a Class 1 misdemeanor for any person to possess or carry, whether openly or concealed, any BB gun, stun gun, air rifle, air pistol, bowie knife, dirk, dagger, slungshot, leaded cane, switchblade knife, blackjack, metallic knuckles, razors and razor blades (except solely for personal shaving), ~~and~~ firework, or any sharp-pointed or edged instrument except instructional supplies, unaltered nail files and clips and tools used solely for preparation of food, instruction, and maintenance, on educational property.

(e) It shall be a Class 1 misdemeanor for any person to cause, encourage, or aid a minor who is less than 18 years old to possess or carry, whether openly or concealed, any BB gun, stun gun, air rifle, air pistol, bowie knife, dirk, dagger, slungshot, leaded cane, switchblade knife, blackjack, metallic knuckles, razors and razor blades (except solely for personal shaving), ~~and~~ firework, or any sharp-pointed or edged instrument

except instructional supplies, unaltered nail files and clips and tools used solely for preparation of food, instruction, and maintenance, on educational property.

(f) Notwithstanding subsection (b) of this section it shall be a Class 1 misdemeanor rather than a Class I felony for any person to possess or carry, whether openly or concealed, any gun, rifle, pistol, or other firearm of any kind, on educational property if:

(1) The person is not a student attending school on the educational property;

(2) The firearm is not concealed within the meaning of G.S. 14-269;

(3) The firearm is not loaded and is in a locked container, a locked vehicle, or a locked firearm rack which is on a motor vehicle; and

(4) The person does not brandish, exhibit, or display the firearm in any careless, angry, or threatening manner.

(g) This section shall not apply to:

(1) A weapon 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;

(1a) A person exempted by the provisions of G.S. 14-269(b);

(2) Firefighters, emergency service personnel, North Carolina Forest Service personnel, and any private police employed by an educational institution, when acting in the discharge of their official duties; or

(3) Home schools as defined in G.S. 115C-563(a)."

Section 4. If Senate Bill 57 of the 1999 General Assembly is enacted into law, G.S. 20-11(n1)(1)d. as enacted in Section 5 of Senate Bill 57, reads as rewritten:

"d. Enumerated student conduct. -- One of the following behaviors that results in disciplinary action:

1. The possession or sale of an alcoholic beverage or an illegal controlled substance on school property.

2. The possession or use on school property of a weapon or firearm that resulted in disciplinary action under G.S. 115C-391(d1) or that could have resulted in that disciplinary action if the conduct had occurred in a public school.

3. <u>The making of a false report or perpetrating a hoax that resulted in disciplinary action under G.S. 115C-391(d3) or that could have resulted in that disciplinary action if the conduct had been committed by a student enrolled in a public school.</u>

<u>4.</u> The physical assault on a teacher or other school personnel on school property."

Section 5. Article 43 of Chapter 1 of the General Statutes is amended by adding the following new section to read:

"**§ 1-538.3. Civil liability for making a bomb threat affecting a school.**

(a) The parent or individual legal guardian who has the care, custody, and control of an unemancipated minor is civilly liable to the educational entity against whom the minor has committed an act set forth in this section. The parent or individual legal guardian shall be liable if the minor:

(1) By any means of communication to any person or group of persons, makes a report, knowing or having reason to know the report is false, that there is located on educational property or at a school-related activity on or off educational property any device designed to destroy or damage property by explosion, blasting, or burning; or

(2) With intent to perpetrate a hoax, secretes, places, or displays any device, machine, instrument, or artifact on educational property or at a school-related activity on or off educational property, so as to cause any person reasonably to believe the same to be a bomb or other device capable of causing injury to persons or property.

The parent or individual legal guardian shall not be liable under this section if the parent or individual legal guardian did not know or reasonably could not have known of the child's likelihood to commit such an act, did not have the opportunity and ability to control the child, and either made a reasonable effort to correct or restrain the child from committing such an act, or notified the educational entity or an appropriate law enforcement agency of the false threat or hoax. In an action brought against the parent or legal guardian under this section, the educational entity is entitled to recover the actual compensatory and consequential damages resulting from the disruption or dismissal of school or the school-related activity arising from the false report or hoax. The total amount of compensatory and consequential damages awarded to a plaintiff against the parent or legal guardian shall not exceed one hundred thousand dollars ($100,000). For purposes of this section, the term 'educational property' has the same definition as in G.S. 14-269.2(a)(1), and the term 'educational entity' means the board of education or other entity that administers and controls the educational property or the school-related activity.

(b) Nothing contained in this section shall prohibit recovery upon any other theory in the law."

Section 6. G.S. 115C-391(d1) reads as rewritten:

"(d1) A local board of education or superintendent shall suspend for 365 days any student who brings a weapon, as defined in ~~G.S. 14-269.2(b)~~ G.S. 14-269.2(b), 14-269.2(b1), and ~~G.S.~~ 14-269.2(g), onto ~~school~~ educational property. The local board of education upon recommendation by the superintendent may modify this suspension requirement on a case-by-case basis that includes, but is not limited to, the procedures established for the discipline of students with disabilities and may also provide, or contract for the provision of, educational services to any student suspended pursuant to this subsection in an alternative school setting or in another setting that provides educational and other services."

Section 7. G.S. 115C-391 is amended by adding the following new subsection to read:

"(d3) A local board of education shall suspend for 365 days any student who, by any means of communication to any person or group of persons, makes a report, knowing or having reason to know the report is false, that there is located on educational property or at a school-related activity on or off educational property any device designed to destroy or damage property by explosion, blasting, or burning, or who, with intent to perpetrate a hoax, secretes, places, or displays any device, machine, instrument, or artifact on educational property or at a school-related activity on or off educational property, so as to cause any person reasonably to believe the same to be a bomb or other device capable of causing injury to persons or property. The local board upon recommendation by the superintendent may modify either 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 under this subsection in an alternative school setting or in another setting that provides educational and other services. For purposes of this subsection and subsection (d1) of this section, the term 'educational property' has the same definition as in G.S. 14-269.2(a)(1)."

Section 8. G.S. 115C-391(e) reads as rewritten:

"(e) A decision of a superintendent under subsection (c), (d1), ~~or (d2)~~ (d2), or (d3) of this section may be appealed to the local board of education. A decision of the local board upon this appeal or of the local board under subsection (d) or (d1) of this section is final and, except as provided in this subsection, is subject to judicial review in accordance with Article 4 of Chapter 150B of the General Statutes. A person seeking judicial review shall file a petition in the superior court of the county where the local board made its decision."

Section 9. The Joint Legislative Education Oversight Committee, in consultation with the State Board of Education, the Office of Juvenile Justice, the Center for the Prevention of School Violence, and local boards of education, shall examine the issue of students who threaten to commit or who carry out acts of violence directed at schools and the persons who are present in the schools. As part of this study, the Committee shall: (i) evaluate current laws governing the discipline, suspension, and expulsion of these students; (ii) evaluate current criminal and juvenile laws to make sure local authorities are authorized to take immediate action and to ensure the consequences for these acts and threats are taken seriously; (iii) review how other states are approaching this issue; (iv) identify effective education practices to prevent these threats or acts of violence; and (v) consider any other issue it considers appropriate. The Committee may make recommendations, including necessary appropriations, to the 2000 Regular Session of the 1999 General Assembly.

Section 10.(a) 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 10.(b) 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 categories (i) and (iii)-(v) in subsection (a) of this section. The report also shall include the number of dropouts for the 1998-99 school year based on category (ii) in subsection (a) of this section if this information is available.

Section 11. Sections 4, 7, 8, 9, 10(a), 10(b), and 11 of this act are effective when this act becomes law, and Section 7 applies to offenses committed on or after that date. Sections 1, 2, 3, and 6 of this act are effective on September 1, 1999, and apply to offenses committed on or after that date. Section 5 of this act is effective September 1, 1999, and applies to causes of action arising on or after that date.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H D

H517-CSRH-001.2
PROPOSED SENATE COMMITTEE SUBSTITUTE
HOUSE BILL 517
THIS IS A DRAFT 11-MAY-99 09:39:16
ATTENTION: LINE NUMBERS MAY CHANGE AFTER ADOPTION

Short Title: Stop Threats/Acts of School Violence. (Public)

Sponsors:

Referred to:

March 22, 1999

A BILL TO BE ENTITLED

AN ACT INCREASING THE CRIMINAL PENALTY FOR MAKING A BOMB THREAT OR PERPETRATING A HOAX BY PLACING A FALSE BOMB AT SCHOOL, MAKING PARENTS CIVILLY LIABLE FOR CHILDREN WHO MAKE THESE THREATS OR PERPETRATE THESE HOAXES, REQUIRING SCHOOLS TO SUSPEND FOR 365 DAYS STUDENTS WHO MAKE THESE THREATS OR PERPETRATE THESE HOAXES, DIRECTING THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE TO STUDY THE ISSUE OF STUDENTS WHO MAKE OR CARRY OUT THREATS OF VIOLENCE DIRECTED AT SCHOOLS OR THE PERSONS IN THE SCHOOLS, AND 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. G.S. 14-69.1 is amended by adding the following new subsection to read:

"(c) Any person who, by any means of communication to any person or group of persons, makes a report, knowing or having reason to know the report is false, that there is located on educational property or at a school-related activity on or off educational property any device designed to destroy or damage

property by explosion, blasting, or burning, is guilty of a Class G felony. The court may order any person convicted under this subsection to make restitution to the appropriate educational entity. In the event the person convicted under this subsection is a minor, the court may order the minor and the minor's parents or legal guardians to be evaluated for the need for family counseling or treatment and may order the minor and the minor's parents or legal guardians, at their expense, to cooperate with any recommended counseling or treatment. In addition, any educational entity may institute a civil action under G.S. 1-538.3 to recover damages. For purposes of this subsection, the term 'educational property' has the same definition as in G.S. 14-269.2(a)(1), and the term 'educational entity' means the board or other entity that administers and controls the educational property."

Section 2. G.S. 14-69.2 is amended by adding the following new subsection to read:

"(c) Any person who, with intent to perpetrate a hoax, secretes, places or displays any device, machine, instrument or artifact on educational property or at a school-related activity on or off educational property, so as to cause any person reasonably to believe the same to be a bomb or other device capable of causing injury to persons or property is guilty of a Class G felony. The court may order any person convicted under this subsection to make restitution to the appropriate educational entity. In the event the person convicted under this subsection is a minor, the court may order the minor and the minor's parents or legal guardians to be evaluated for the need for family counseling or treatment and may order the minor and the minor's parents or legal guardians, at their expense, to cooperate with any recommended counseling or treatment. In addition, any educational entity may institute a civil action under G.S. 1-538.3 to recover damages. For purposes of this subsection, the term 'educational property' has the same definition as in G.S. 14-269.2(a)(1), and the term 'educational entity' means the board or other entity that administers and controls the educational property."

Section 3. Article 43 of Chapter 1 of the General Statutes is amended by adding the following new section to read:

"**§ 1-538.3. Civil liability for making a bomb threat affecting a school.**

(a) The parent or legal guardian, having the care, custody and control of an unemancipated minor who commits an act punishable under G.S. 14-69.1(c) or 14-69.2(c), is civilly liable to the

educational entity against whom a threat was made or a hoax was perpetrated if that parent or legal guardian knew or should have known of the likelihood of the child to commit such an act; and had the opportunity and ability to control the child, and made no reasonable effort to correct or restrain the child from committing such an act. In an action brought against the parent or legal guardian under this section, the educational entity is entitled to recover the actual compensatory and consequential damages, together with reasonable attorneys' fees. For purposes of this section, the term 'educational entity' means the board or other entity that administers and controls the educational property.

(b) An action may be brought under this section regardless of whether a criminal action is brought or a criminal conviction is obtained for the act alleged in the civil action.

(c) Nothing contained in this section shall prohibit recovery upon any other theory in the law."

Section 4. G.S. 115C-391 is amended by adding the following new subsection to read:

"(d3) A local board of education shall suspend for 365 days any student who makes a false report that there is located on school property or at a school-related activity on or off school property, a bomb, grenade, or powerful explosive as defined in G.S. 14-284.1. A local board of education also shall suspend for 365 days any student who perpetrates a hoax by use of a false bomb or other device on school property or at a school-related activity on or off school property. The local board 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 under this subsection in an alternative school setting or in another setting that provides educational and other services."

Section 5. The Joint Legislative Education Oversight Committee, in consultation with the State Board of Education, the Office of Juvenile Justice, the Center for the Prevention of School Violence, and local boards of education, shall examine the issue of students who threaten to commit or who carry out acts of violence directed at schools and the persons who are present in the schools. As part of this study, the Committee shall: (i) evaluate current laws governing the discipline, suspension, and expulsion of these students; (ii) evaluate current criminal and juvenile laws to make sure local authorities are authorized to

take immediate action and to ensure the consequences for these acts and threats are taken seriously; (iii) review how other states are approaching this issue; (iv) identify effective education practices to prevent these threats or acts of violence; and (v) consider any other issue it considers appropriate. The Committee may make recommendations, including necessary appropriations, to the 2000 Regular Session of the 1999 General Assembly.

Section 6. (a) 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 6. (b) 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 categories (i) and (iii)-(v) in subsection (a) of this section. The report also shall include the number of dropouts for the 1998-99 school year based on category (ii) in subsection (a) of this section if this information is available.

Section 7. This act becomes effective July 1, 1999, and applies to offenses committed on or after that date.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H D

HOUSE BILL 517
Committee Substitute Favorable 4/27/99
Senate Education/Higher Education Committee Substitute Adopted 5/5/99
Proposed Senate Committee Substitute H517-PCS1267-RH

Short Title: Stop Threats/Acts of School Violence. (Public)

Sponsors:

Referred to:

March 22, 1999

A BILL TO BE ENTITLED

AN ACT INCREASING THE CRIMINAL PENALTY FOR MAKING A BOMB THREAT OR PERPETRATING A HOAX BY PLACING A FALSE BOMB AT SCHOOL, MAKING PARENTS CIVILLY LIABLE FOR CHILDREN WHO MAKE THESE THREATS OR PERPETRATE THESE HOAXES, REQUIRING SCHOOLS TO SUSPEND FOR 365 DAYS STUDENTS WHO MAKE THESE THREATS OR PERPETRATE THESE HOAXES, DIRECTING THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE TO STUDY THE ISSUE OF STUDENTS WHO MAKE OR CARRY OUT THREATS OF VIOLENCE DIRECTED AT SCHOOLS OR THE PERSONS IN THE SCHOOLS, AND 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. G.S. 14-69.1 is amended by adding the following new subsection to read:

"(c) Any person who, by any means of communication to any person or group of persons, makes a report, knowing or having reason to know the report is false, that there is located on educational property or at a school-related activity on or off educational property any device designed to destroy or damage property by explosion, blasting, or burning, is guilty of a Class G felony. The court may order

any person convicted under this subsection to make restitution to the appropriate educational entity. In the event the person convicted under this subsection is a minor, the court may order the minor and the minor's parents or legal guardians to be evaluated for the need for family counseling or treatment and may order the minor and the minor's parents or legal guardians, at their expense, to cooperate with any recommended counseling or treatment. In addition, any educational entity may institute a civil action under G.S. 1-538.3 to recover damages. For purposes of this subsection, the term 'educational property' has the same definition as in G.S. 14-269.2(a)(1), and the term 'educational entity' means the board or other entity that administers and controls the educational property."

Section 2. G.S. 14-69.2 is amended by adding the following new subsection to read:

"(c) Any person who, with intent to perpetrate a hoax, secretes, places, or displays any device, machine, instrument, or artifact on educational property or at a school-related activity on or off educational property, so as to cause any person reasonably to believe the same to be a bomb or other device capable of causing injury to persons or property is guilty of a Class G felony. The court may order any person convicted under this subsection to make restitution to the appropriate educational entity. In the event the person convicted under this subsection is a minor, the court may order the minor and the minor's parents or legal guardians to be evaluated for the need for family counseling or treatment and may order the minor and the minor's parents or legal guardians, at their expense, to cooperate with any recommended counseling or treatment. In addition, any educational entity may institute a civil action under G.S. 1-538.3 to recover damages. For purposes of this subsection, the term 'educational property' has the same definition as in G.S. 14-269.2(a)(1), and the term 'educational entity' means the board or other entity that administers and controls the educational property."

Section 3. Article 43 of Chapter 1 of the General Statutes is amended by adding the following new section to read:

"**§ 1-538.3. Civil liability for making a bomb threat affecting a school.**

(a) The parent or legal guardian, having the care, custody, and control of an unemancipated minor who commits an act punishable under G.S. 14-69.1(c) or G.S. 14-69.2(c), is civilly liable to the educational entity against whom a threat was made or a hoax was perpetrated if that parent or legal guardian knew or should have known of the likelihood of the child to commit such an act, had the opportunity and ability to control the child, and made no reasonable effort to correct or restrain the child from committing such an act. In an action brought against the parent or legal guardian under this section, the educational entity is entitled to recover the actual compensatory and consequential damages, together with reasonable attorneys' fees. For purposes of this section, the term 'educational entity' means the board or other entity that administers and controls the educational property.

(b) An action may be brought under this section regardless of whether a criminal action is brought or a criminal conviction is obtained for the act alleged in the civil action.

(c) Nothing contained in this section shall prohibit recovery upon any other theory in the law."

Section 4. G.S. 115C-391 is amended by adding the following new subsection to read:

"(d3) A local board of education shall suspend for 365 days any student who knowingly makes a false report that there is located on school property or at a school-related activity on or off school property, a bomb, grenade, or powerful explosive as defined in G.S. 14-284.1. A local board of education also shall suspend for 365 days any student who perpetrates a hoax by use of a false bomb or other device on school property or at a school-related activity on or off school property. The local board upon recommendation by the superintendent may modify either 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 under this subsection in an alternative school setting or in another setting that provides educational and other services."

Section 5. The Joint Legislative Education Oversight Committee, in consultation with the State Board of Education, the Office of Juvenile Justice, the Center for the Prevention of School Violence, and local boards of education, shall examine the issue of students who threaten to commit or who carry out acts of violence directed at schools and the persons who are present in the schools. As part of this study, the Committee shall: (i) evaluate current laws governing the discipline, suspension, and expulsion of these students; (ii) evaluate current criminal and juvenile laws to make sure local authorities are authorized to take immediate action and to ensure the consequences for these acts and threats are taken seriously; (iii) review how other states are approaching this issue; (iv) identify effective education practices to prevent these threats or acts of violence; and (v) consider any other issue it considers appropriate. The Committee may make recommendations, including necessary appropriations, to the 2000 Regular Session of the 1999 General Assembly.

Section 6.(a) 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 6.(b) 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 categories (i) and (iii)-(v) in subsection (a) of this section. The report also shall include the number of dropouts for the 1998-99 school year based on category (ii) in subsection (a) of this section if this information is available.

Section 7. This act becomes effective July 1, 1999, and applies to offenses committed on or after that date.

HOUSE BILL 517:
Stop Threats/Acts of School Violence

BILL ANALYSIS

Committee:	Senate Education	**Introduced by:**	Representative Moore
Date:	May 12, 1999	**Summary by:**	Robin S. Johnson
Version:	Third Edition -- PCS H517-CSRH-001.2		Committee Counsel

SUMMARY: ***The proposed committee substitute would increase the classification from a Class H felony to a Class G felony for making a bomb threat against a school or for perpetrating a hoax with a false bomb at a school; make parents and legal guardians civilly liable for children who make these threats or perpetrate these hoaxes; require schools to suspend for 365 days any student who makes this threat or perpetrates this hoax; direct the Joint Legislative Education Oversight Committee to study the issue of students who make or carry out threats of violence directed at schools; and direct the State Board of Education to study its method of computing dropouts for the ABC's Program.***

The PCS would take effect July 1, 1999, and would apply to offenses committed on or after that date.

NEW OFFENSES: The PCS would make it a Class G felony to make a false report that a bomb or other explosive device is located on educational property or at a school-related activity on or off educational property. The PCS also would make it a Class G felony to intend to perpetrate a hoax by placing or displaying a device on educational property or at a school-related activity on or off educational property that causes any person to reasonably believe the device is a bomb or similar device. Educational property would be defined as any public or private school building or bus, public or private school campus, grounds, recreational area, athletic field, or other property owned, used, or operated by any board of education, school, college, or university board of trustees, or directors for the administration of any public or private educational institution.

The minimum presumptive range of punishment for a Class G felony, assuming no prior convictions, is 10-13 months. The punishment can be active incarceration or intermediate punishment, which includes house arrest, residential facility, boot camp, intensive supervision probation, day reporting center, community penalty plan accepted by the judge, or split sentence/special probation. In addition to these punishments, the PCS would authorize the court to order a person convicted of either crime to pay restitution to the appropriate educational entity, and if the person convicted is a minor, to order the minor and the minor's parents or legal guardians to be evaluated for family counseling or treatment. If recommended, the minor and his or her parents or guardians would be required, at their expense, to cooperate with the counseling or treatment. An educational entity would be defined as the board or other entity that administers and controls the educational property.

Under current law, making a bomb threat or perpetrating this type of hoax against any entity is a Class H felony. The minimum presumptive punishment for a Class H felony, assuming no prior convictions, is 5-6 months. In addition to the punishment options listed above for a Class G felony, the punishment for a Class H felony may consist of community punishment, which includes unsupervised or supervised probation, fines, treatment alternatives, victim restitution, and community service.

CIVIL LIABILITY OF PARENTS: If a minor commits an act that is punishable under either felony, the PCS would permit the educational entity to file a civil action against the minor's parents or legal guardians. If the parents or guardians are found liable, the educational entity could recover actual compensatory and consequential damages, together with reasonable attorneys' fees. To be found liable, the parents or guardians must have (i) known or should have known of the likelihood of the child to commit such an act, (ii) had the opportunity and ability to control the child, and (iii) made no reasonable effort to correct or restrain the child from committing such an act. The educational entity would be authorized to file a civil action even if the minor is not charged with or convicted of either crime.

Under current law, a parent or legal guardian is strictly liable to another person for a maximum of $2000 in actual damages when a child maliciously or willfully injures that other person or destroys that person's property.

MANDATORY 365-DAY SUSPENSION: The PCS would require local boards to suspend for 365 days any student who makes a false report that a bomb is located on school property or at a school-related activity on or off school property. It also would require local boards to suspend for 365 days any student who perpetrates a hoax by use of a false bomb or similar device on school property or at a school-related activity on or off school property. The board would be permitted to modify either requirement at the request of the superintendent on a case-by-case basis.

Currently, local boards are not required to take any action against these students. They may suspend these students for as long as the remainder of that school year. They could recommend alternative placements for these students. They also may expel (i.e., permanently remove) any student who is at least 14 years old and whose behavior indicates that his or her continued presence in school constitutes a clear threat to the safety of other students or employees.

ED OVERSIGHT STUDY: The PCS would direct the Joint Legislative Education Oversight Committee to study, in consultation with the State Board of Education, the Office of Juvenile Justice, the Center for the Prevention of School Violence, and local boards, the issue of students who threaten to commit or who carry out acts of violence directed at schools and the people in the schools. The Committee would be directed to (i) evaluate current school discipline laws, criminal laws, and juvenile laws; (ii) review what other states are doing; (iii) identify effective educational practices to prevent these threats or acts; and (iv) consider any other appropriate issue. The Committee may report to the 2000 General Assembly.

DROPOUT COMPUTATION: (NOTE: This committee gave this section a favorable report at a previous meeting.) Section 6 of the PCS would direct the State Board of Education to study how dropout rates are computed for the purpose of the School-Based Management and Accountability Program (ABCs). The State Board must recommend whether dropout rates should be computed to include students who: transfer to a community college; are placed by a court in a setting which provides educational opportunities; are expelled; do not return to school after a suspension of at least 10 days; or 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 (the number of students who are placed by the courts only must be included if available).

H517-SMRH-001

SCHOOL SAFETY INITIATIVE

House Bill 517 (committee substitute) would:

- Increase the penalty for making bomb threats and other threats of violence against schools and school-related activities.
- Require that students who make bomb threats or other threats of violence against schools face a mandatory 365-day suspension.
- Hold parents more accountable for their children by making adults liable for the cost of bomb threats made by their children. This provision would apply to parents who knew or should have known about their child's action and who failed to take any reasonable steps to prevent it.
- Authorize judges to order children who make bomb threats and other threats of violence against schools to obtain counseling with their parents.
- Order that the Joint Legislative Education Oversight Committee, in consultation with the State Board of Education, the Center for the Prevention of School Violence, local school board and other government agencies study school violence issues and report back to the General Assembly by 2000.

Background

- Since the Columbine (Colo.) High School shootings on April 21, N.C. Emergency Management officials have received reports of 42 school-related bomb threats or hoaxes.
- The threats range from a typed note listing students who were being targeted to a message on a web site that included a bomb threat against a school.
- Randolph County school officials estimate the cost of responding to bomb threats in their school system is more than $100,000.
- Despite the recent rash of bomb threats, North Carolina schools are safer then ever. In the state's 1997-98 school violence report, almost 78 percent of schools had five or fewer incidents of violence and 40.5 percent reported no incidents.
- Far less than 1 percent of students were involved in some reported school violence act in 1997-98.

VISITOR REGISTRATION SHEET

SENATE EDUCATION/HIGHER EDUCATION

DATE: Wednesday, May 12, 1999 10 A.M.

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE ASSISTANT

NAME	FIRM OR AGENCY AND ADDRESS
Evelyn Hawthorne	UNC-CH
Ken D. Howell	Governor's Office
Deanne Winner	NCSBA
Hugh Thrasher	TAP/AP
Eddie Caldwell	EEBC
Jim Stegall	P.E.N.C.
Amy Van Dostrum	PENC
Ron Elkins	Intern - UNC-CH, Rep. P. Yongue
Hal Miller	NCACCT
Gary Dix	OJJ
Paula L. Woolf	Covenant w/ NC's Children

VISITOR REGISTRATION SHEET

SENATE EDUCATION/HIGHER EDUCATION

DATE: _____

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE ASSISTANT

NAME	FIRM OR AGENCY AND ADDRESS
Chris Willett	WJ Justice + Comm. Development
Amy Mallon	"
Joe McElroy	Legislative Law Comp of N.C.

SENATE EDUCATION/HIGHER EDUCATION

AGENDA

Wednesday, May 19, 1999
10:00 A.M.
Room 414 LOB

CALL TO ORDER **Presiding: Senator Dalton**

- Adoption of ballot for State Board of Community College election
- HB 293 Proprietary Sch./Civil Penalties Representative Bridgeman
- HB 1267 Teacher Harassment Protection Representative Boyd-McIntyre

Senator Howard Lee, Co-Chair
Senator Walter Dalton, Co-Chair

MINUTES

SENATE EDUCATION/HIGHER EDUCATION

Wednesday, May 19, 1999
10:00 A.M.
Room 414 LOB

The Senate Education/Higher Education Committee met on Wednesday, May 19, 1999 at 10:00 A.M. in Room 414 of the Legislative Office Building. Senator Dalton, Co-Chair presided. There were eighteen Senators present. Senator Dalton called the meeting to order and introduced Page T.J. Smiley from Seaboard, North Carolina. Senator Balance sponsored Mr. Smiley. Next, Senator Dalton recognized the visiting North Carolina National Board Certified Teachers. They were:

- Janice Davis – Walter M. Williams High School – Burlington
- Connie Douglas – Mt. Pleasant Middle School – Mt. Pleasant
- Josephine Alverson – Murphy Middle School – Murphy
- Pamela Bodiford – Benvenue Elementary School – Rocky Mount
- Margaret Wendling – Benvenue Elementary School – Rocky Mount

Senator Cooper noted to the Committee that two of the National Board Certified Teachers were from his District.

H1267

Senator Dalton recognized Representative Boyd-McIntyre to explain H1267. Senator Carter moved to adopt the Committee Substitute for H1267. The Committee adopted the Committee Substitute for H1267. Representative Boyd-McIntyre briefed the Committee on H1267. *(See Attachment 1).* Following Representative Boyd-McIntyre's briefing, Senator Dalton deferred further discussion on H1267 and placed the Bill temporarily "in Committee" in order for Senator Hartsell and Senator Cooper to prepare Amendments to H1267.

H293

Senator Dalton then asked the Committee to focus on H293. The Short Title of H293 is *Proprietary Sch./Civil Penalties/AB.* The Long Title: 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. (See Attachment 2).

Senator Dalton appointed a Subcommittee to further study H293. *(See Attachment 2).* The members of the subcommittee appointed are Senators Hagan, Garrou, Horton and Robinson, Chair.

Senator Dalton asked the Subcommittee to meet as quickly as possible and to meet with the Bill's sponsor, Representative Bridgeman, and return their recommendations to the full Committee.

CONTINUATION OF H1267

Senator Dalton then asked the Committee to consider Senator Hartsell's Amendment to H1267. The Committee adopted the Amendment offered by Senator Hartsell. *(See Attachment 3).* Next, Senator Dalton explained the Amendment offered by Senator Cooper to H1267. *(See Attachment 4).* The Committee adopted the Amendment.

Senator Dannelly made a motion for a Favorable Report that included the authority to make a Short Title change in order for the Short Title to conform to the Long Title.

A Committee Substitute, PCS2352, was prepared that engrossed Amendment # 1 and #2, and the Short Title was changed to *"Sch. Employee/Harassment Protection". (See Attachment 5).*

The Committee voted **H1267 UNFAVORABLE AS TO COMMITTEE SUBSTITUTE BUT FAVORABLE AS TO SENATE COMMITTEE SUBSTITUTE BILL.**

SENATE JOINT RESOLUTION 795: ADOPTION OF BALLOT FOR STATE BOARD OF COMMUNITY COLLEGE ELECTION

Senator Lee recognized Senator Hoyle and Senator Forrester who nominated R. Carolyn Harmon to serve from the State at-large to a six-year term, beginning July 1, 1999, on the State Board of Community Colleges. Senator Dalton made a motion to place the name of **R. Carolyn Harmon** from Lincolnton, North Carolina on the floor of the full Senate to be considered for the State Board of Community Colleges. The Committee voted unanimously to nominate **R. Carolyn Harmon** to the State Board of Community Colleges. *(See Attachments 6 and 7).*

Senator Lee recognized each visiting North Carolina National Board Certified Teacher individually. The Teachers expressed appreciation to the Committee for their support of the National Certified Teacher Program. Senator's Lee and Dalton complimented the visiting teachers and thanked them for attending the Education/Higher Education Committee Meeting.

Senator Dalton adjourned the meeting at 10:50 A.M.

Senator Walter Dalton, Co-Chair

Christina K. Minard, Education
Committee Assistant

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

EDUCATION/HIGHER EDUCATION COMMITTEE REPORT
Senator Howard Lee, Co-Chair
Senator Walter Dalton, Co-Chair

Wednesday, May 19, 1999

SENATOR DALTON,
Submits the following with recommendations as to passage:

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

H.B. (CS #1)**1267** Sch. Employee/Harassment Protection.

Draft Number:	PCS2352
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	Yes

TOTAL REPORTED: 1

Committee Clerk Comment:

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H 4

HOUSE BILL 1267
Committee Substitute Favorable 4/26/99
Third Edition Engrossed 4/29/99
Corrected Copy 5/3/99

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, other local board employees or school board members, unless the employee reporting the harassment knows or has reason to believe the report is false.

An employee of a local board of education who is disciplined in violation of G.S. 115C-335 may bring a civil action for injunctive relief or other remedies under G.S. 126-86 and a court may order any remedies allowed under G.S. 126-87.

Section 2. This act is effective when it becomes law and applies to complaints of sexual harassment made on or after October 1, 1999.

HOUSE BILL 1267:
Teacher Harrassment Protection

BILL ANALYSIS

Committee: Senate Education/Higher Education
Date: May 12, 1999
Version: H1267-CSRC-003

Introduced by: Rep. Boyd-McIntyre
Summary by: Kory J. Goldsmith
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 by students, other school employees, or members of a local board of education unless the employee knows the report is false. The act is effective when it becomes law.*

CURRENT LAW: Under Title IX, 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 VII, unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature is 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. The federal regulations implementing Title VII prohibit retaliation against an employee who opposes any illegal practice. An employee who brings an action for illegal retaliation may receive actual damages and reinstatement if appropriate.

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). Because Article 14 of Chapter 126 refers to "State employees", and because school employees are not employees of the State, this Article probably does not apply to school employees.

G.S. 115C-47(18) provides that local boards of education 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.

H1267-SMRC-002

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1999

H 2

HOUSE BILL 293
Committee Substitute Favorable 4/14/99

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.

HOUSE BILL 293:
Proprietary Sch./Civil Penalties/AB

BILL ANALYSIS

Committee:	Senate Education	**Introduced by:**	Representative Bridgeman
Date:	May 4, 1999	**Summary by:**	Robin S. Johnson
Version:	Second Edition		Committee Counsel

SUMMARY: Requested by the State Board of Community Colleges, this bill would authorize the Board to assess a penalty of up to $5,000 against any person who owns or operates a proprietary school before receiving a license. The bill also would allow the State Board to assess this penalty against any person who owns or operates a proprietary school that offers instruction or courses not included in the school's application for its 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 of the General Statutes. 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. The law specifically prohibits a person from operating a proprietary school until the State Board grants a license for its operation. Licenses are restricted to the programs, courses, and subjects included in each proprietary school's application and may be expanded to additional programs of instruction if the Board approves a supplementary application, which must be submitted by the license holder.

The State Board may suspend, revoke, or refuse to issue or renew a license under specified circumstances. These circumstances include failure to comply with applicable laws and rules, 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 and the required bond. A Class 3 misdemeanor, assuming no prior convictions, is punishable with a maximum fine of $200, 1-10 days community punishment, or both.

BILL ANALYSIS: The bill would create a new section, G.S. 115D-93.1, authorizing the State Board to assess civil penalties of up to $5,000 against a person who owns or operates a proprietary school before receiving a license. The State Board could also assess a penalty 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 to the State Board's actions. Pursuant to Article IX, Section 7 of the Constitution, and Article 31A of Chapter 115C, the clear proceeds of any penalty 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.

Section 2 of the bill would amend the definition section of the Article governing proprietary schools. This amendment, which is technical, would create a new definition, "proprietary school", which would include the existing definitions of correspondence school, proprietary business school, proprietary trade school, and proprietary technical school.

EFFECTIVE DATE: The bill would take effect October 1, 1999, and would apply to offenses occurring on or after that date.

This summary contributed to by Kory Goldsmith, Committee Counsel.

H293-SMRH-001 (2nd ed)

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

Attachment 3

EDITION No. _____

H. B. No. 1267 DATE _____

S. B. No. _____ Amendment No. _____

COMMITTEE SUBSTITUTE H1267-CSRC-003 (to be filled in by Principal Clerk)

Rep.) Hartsell

Sen.)

moves to amend the bill on page 1, lines 11-12

( ) WHICH CHANGES THE TITLE

by deleting the phrase "formal or informal" and substituting the word "written".

SIGNED _____

ADOPTED _____ FAILED _____ TABLED _____

GA-33-A

PRINCIPAL CLERK'S OFFICE (FOR ENGROSSMENT)

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

Attachment 4

EDITION No. _____

H. B. No. 1267 DATE _____

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

COMMITTEE SUBSTITUTE H1267-CSLC-003

Rep.) Sen.) Cooper

moves to amend the bill on page 1, line 11

( ) WHICH CHANGES THE TITLE

by ~~and on~~ deleting the phrase "as a result of" and substituting "solely for the reason that";

and on page 1, line 11 by inserting after the word "employee" the phrase "has filed".

SIGNED _____

ADOPTED _____ FAILED _____ TABLED _____

GA-33-A

PRINCIPAL CLERK'S OFFICE (FOR ENGROSSMENT)

Attachment 5

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H **D**

HOUSE BILL 1267
Committee Substitute Favorable 4/26/99
Third Edition Engrossed 4/29/99
Corrected Copy 5/3/99
Proposed Senate Committee Substitute H1267-PCS2352-RC

Short Title: Sch. Employee/ Harassment Protection. (Public)

Sponsors:

Referred to:

April 15, 1999

A BILL TO BE ENTITLED

AN ACT PROTECTING PUBLIC SCHOOL EMPLOYEES WHO FILE WRITTEN 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 solely for the reason that the employee has filed a written complaint alleging sexual harassment by students, other local board employees, or school board members, unless the employee reporting the harassment knows or has reason to believe the report is false."

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

Attachment 6

NORTH CAROLINA GENERAL ASSEMBLY
LEGISLATIVE BUILDING
RALEIGH 27601

May 26, 1999

TO: Members of the Senate

FROM: Senator Howard Lee, Co-Chair
Senator Walter Dalton, Co-Chair
Senate Education/Higher Education Committee

RE: State Board of Community College Election

The **Senate Committee on Education/Higher Education** nominates the following individual for election by the Senate for membership from the State at-large to a six-year term, beginning July 1, 1999, on the State Board of Community Colleges:

R. Carolyn Harmon
Lincolnton, North Carolina

No additional nominations shall be received from the floor.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

S 1

SENATE JOINT RESOLUTION 795

Sponsors: Senators Dalton and Lee.

Referred to: Education/Higher Education.

April 12, 1999

A JOINT RESOLUTION SETTING THE DATE FOR THE HOUSE OF REPRESENTATIVES AND SENATE TO ELECT MEMBERS TO THE STATE BOARD OF COMMUNITY COLLEGES.

Be it resolved by the Senate, the House of Representatives concurring:

Section 1. Pursuant to G.S. 115D-2.1(b)(4)f., the Senate and the House of Representatives shall elect members to the State Board of Community Colleges during the regular sessions of the two chambers held on Wednesday, May 26, 1999. At that time the Senate shall elect one member to the State Board for a term of six years beginning July 1, 1999; the House of Representatives shall elect one member to the State Board for a term of six years beginning July 1, 1999.

Section 2. Each chamber 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 ratification.

SENATE JOINT RESOLUTION 795: Community College Board Election

BILL ANALYSIS

Committee:	Senate Education	**Introduced by:**	Senator Dalton
Date:	April 21, 1999	**Summary by:**	Shirley Iorio, Ph.D.
Version:	1st Edition		Education Policy Analyst

SUMMARY: *This joint resolution sets May 26, 1999 as the date for the House of Representatives and the Senate, during the regular sessions of the two chambers, to elect members to the State Board of Community Colleges.*

CURRENT LAW: At each session of the General Assembly held in an odd-numbered year, the House and Senate must, by joint resolution, set a common date and time for the election of members of the State Board of Community Colleges. (G.S. 115D-2.1(b)(4)f.)

The resolution is effective upon ratification.

SENATE EDUCATION/HIGHER EDUCATION COMMITTEE BALLOT

R. Carolyn **Harmon**

_____

Signature of Senator

SENATE EDUCATION/HIGHER EDUCATION
COMMITTEE BALLOT

R. Carolyn **Harmon**

Signature of Senator

SENATE EDUCATION/HIGHER EDUCATION
COMMITTEE BALLOT

R. Carolyn **Harmon**

Signature of Senator

SENATE EDUCATION/HIGHER EDUCATION COMMITTEE BALLOT

R. Carolyn **Harmon**

Signature of Senator

SENATE EDUCATION/HIGHER EDUCATION COMMITTEE BALLOT

R. Carolyn **Harmon**

Virginia Fox

Signature of Senator

SENATE EDUCATION/HIGHER EDUCATION COMMITTEE BALLOT

R. Carolyn **Harmon**

Signature of Senator

SENATE EDUCATION/HIGHER EDUCATION COMMITTEE BALLOT

R. Carolyn **Harmon**

Signature of Senator

(1)

VISITOR REGISTRATION SHEET

SENATE EDUCATION/HIGHER EDUCATION

DATE: 5-19-99

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE ASSISTANT

NAME	FIRM OR AGENCY AND ADDRESS
Hal Miller	NCACCT
Billy Stoddard	NCGA
S. Lynne Hamlet	NCGA
Yvonne Perry	NC Ed/Law Project
Chris Willett	NC Ed + Law Project
Carolyn Grandon	NCCCS
Karen Garr	Governor's Office
Connie S. Douglas	NBC Teacher - Mount Pleasant Middle
Josephine Alverson	NBC Teacher - Murphy Middle School
Janice M. Davis	NBC Teacher - Walter Williams High School
Pamela J. Bodiford	NBC Teacher - Benvenue Elementary School

(2)

VISITOR REGISTRATION SHEET

SENATE EDUCATION/HIGHER EDUCATION

DATE: 5-19-99

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE ASSISTANT

NAME	FIRM OR AGENCY AND ADDRESS
Margaret A. Wendling	Benvenue Elementary NBC teacher, Rocky Mount
Amy Van Dostrum	PENC
Ann Belcher	SBE
Harriet Dial	NCAE
Bill Wilson	NAE
Thad Daise	NAE
Kyle Armstrong	NC Senate
Doug Lassiter	McClear Consulting
Joe McClees	" " "
Leanne Winner	NCSBA
Rett Davis	spouse of teacher - Burlington, N. C.

VISITOR REGISTRATION SHEET

(3)

SENATE EDUCATION/HIGHER EDUCATION

DATE: 5-19-99

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE ASSISTANT

NAME	FIRM OR AGENCY AND ADDRESS
Angela Kennedy	Easter Seals Partners in Policymaking
Jeannie Welborn	Easter Seals Partners in Policymaking
Melissa Suarez	John Locke Foundation
Maria Owens (Annette Roberson)	EASTER Seals (Partners in Policymaking
John W. Wilson	NCAE
Linda Hackman	Partners in Policymaking
Betsy MacMichael	Carter Community School; 909 Burch Ave Durham 27701

AGENDA

SENATE EDUCATION/HIGHER EDUCATION

Wednesday, May 26, 1999
Room 414 LOB

CALL TO ORDER **Presiding: Senator Howard Lee**

• HB 967	Charter Schools Testing Requirement	Representatives Grady, Moore and Luebke
• HB 1187	Communication Devices on School Buses	Representative Hunter
• HB 293	Proprietary Sch/Civil Penalties	Representative Bridgeman

Senator Howard Lee, Co-Chair
Senator Walter Dalton, Co-Chair

MINUTES

SENATE EDUCATION/HIGHER EDUCATION

Wednesday, May 26, 1999
10:00 A.M.
Room 414 LOB

The Senate Education/Higher Education Committee met on Wednesday, May 26, 1999 at 10:00 A.M. in Room 414 of the Legislative Office Building. There were nineteen Senators in attendance. Senator Lee, Co-Chair presided. Senator Lee introduced Pages Rhonda Lambert from Roseboro sponsored by Senator Weinstein; and David Fyre from Laurinburg sponsored by Senators Plyler and Purcell.

Senator Lee recognized visiting National Board Certified Teachers Robin Rider from D.H. Conley High School in Greenville, North Carolina and Daphne Hill from Horton Middle School in Pittsboro. Ms. Rider is from Senator Warren's District. Senator Warren praised the educational endeavors of Ms. Rider. Ms. Rider spoke briefly to the Committee. She thanked the Committee for their support of the National Board Certified Teachers Program and detailed the benefits of the program. *(See Attachment 1).* Ms. Rider advocated maintaining the teacher planning period. Senator Dannelly spoke in support of the teacher planning period.

Senator Lee noted that he had visited a school the previous day with Governor Hunt and realized the progress the State of North Carolina had made with improving teachers' salaries. He stated two years ago North Carolina was ranked 43rd in teacher's salaries and currently, is ranked 29th. The goal is to improve to within the top 15 states. He stated the Certified Teachers Program has contributed to the improvement and that the members of the Education/Higher Education Committee have also contributed.

H967

Senator Lee then asked Senator Dalton to preside during the discussion of H967. Senator Dalton recognized Representative Grady to explain H967. *The Short Title of H967 is Charter School Testing Requirements. The Long Title: An Act to Amend the Law Regarding Testing Requirements for Charter Schools. (See Attachment 2).* Representative Grady, sponsor of H967 explained in detail the Bill.

Senator Dalton recognized the following members of the public to speak to the Committee regarding H967.

1. Ms. Anne Bryan, President of Exploris Middle School, a Charter School. Ms. Bryan opposes H967. She stated in detail the reasons for her opposition to H967.
2. Mr. Joe Maimone, Headmaster, Thomas Jefferson Classical Academy, a Charter School in Rutherfordton. Mr. Maimone read and presented a handout to the Committee that stated his opposition to H967. *(See Attachment 3).*
3. Ms. Liz Gnatek-Morey, Executive Director of Healthy Start Academy Charter Public School in Chapel Hill. Ms. Gnatek-Morey spoke in opposition to H967.
4. Ms. Thelma Glenn, representing the North Carolina Charter School Resource Center. Glenn spoke in opposition to H967. She advocated to the Committee that they adhere to the five-year evaluation period before any major changes are instituted.

Senator Dalton then asked Representative Grady to respond to the stated opposition to H967. Representative Grady reminded the opponents that Charter Schools are not private schools, but public schools. And that in his opinion, all schools should be held to the same level of accountability. Representative Grady responded to questions from the Committee.

Senator Dalton thanked the individuals from the public who spoke to the Committee regarding H967. He stated that H967 will be discussed in a future meeting of the Committee and that other individuals and groups will be encouraged to appear before the Committee.

Senator Dalton adjourned the meeting at 11:00 A.M.

Senator Howard Lee, Co-Chair

Christina K. Minard, Education
Committee Assistant

Attachment 1

A) **What I did**
   1. ***Portfolio***
      a) 4 classroom based exercises
         included 11 page reflections for each area, videos, examples of student work
      b) 2 documented professional entries
         included 9 page reflections of significant contributions for each area, summaries of work involved and documented evidence of each accomplishment
      c) total portfolio length with documentation and forms, 173 pages
   2. ***Assessment***
      a) Choose 4 out of 5 areas
         Calculus, statistics, algebra, geometry and discrete math
      b) 4 90-minute assessments, 1 for each chosen subject
         3 questions, 2 on content, 1 on pedagogy

B) **Benefits**
   1. ***Money***
   2. ***Respect***
   3. ***Personal Satisfaction***
   4. ***Professional Growth***

C) **Obstacles**
   1. ***Time - Planning, collaborating, reflecting, typing, editing, organizing, mentoring, etc. all take TIME***
      a) Teacher workdays are mandated with staff development at the district level intended for enhancing classroom teaching
      b) Planning periods are taken for testing, proctoring, and covering classes because of the lack of substitute teachers
   2. ***Isolation***
      a) Availability of mentors and colleagues to collaborate with

D) **How the State Legislature Can Help**
   1. ***Make daily planning time untouchable***
      a) Prevent school systems from using teachers as free substitutes during planning times
         i) use administrators, secretaries, guidance counselors and central office personnel
      b) Provide testing administrators and proctors for state required tests
   2. ***Make district mandate staff development days in addition to, not in place of, the optional teacher workdays***
      a) Provides teachers time to collaborate, plan and mentor other teachers
      b) In case of inclement weather, district staff development days would be make-up days before teacher workdays
   3. ***Spend time with a teacher in your district during the school year***
      a) Teachers are very isolated and feel that they have no input into the legislation which affects them
         i) shadow a teacher for several days during the school to see what a typical day in the classroom is like
         ii) substitute one period for a teacher working on National Boards to give them an extra planning period
      b) Talk to students about their educational concerns
         i) substitute teach for one day and while you are there talk to the students about school violence, drugs, testing, school climate

Change in education will happen when EVERYONE becomes involved, not just concerned. We can be concerned from afar, but to be involved requires our participation. Teachers need legislators' involvement. We need direct communication, without lobby groups, the SDPI, or district administrators. We need you to be hands on. Most, if not all, of your constituents have a personal interest in education through children and grandchildren. What could be better than letting them see your active interest in their local schools?

GENERAL ASSEMBLY OF NORTH CAROLINA

Attachment 2

SESSION 1999

H

1

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: Education/Higher Education
Date: May 25, 1999
Version: First Edition

Introduced by: Representatives Grady, Luebke, Moore
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 **first year** of operation there are two options for accountability:
>
> *Option 1* applies to schools where less than 75 percent of students have end-of-grade/end-of-course (EOG/EOC) test scores from the previous year. Results of student performance from these schools will be reported.
>
> *Option 2* applies to schools where 75 percent or more of the students have EOG/EOC test scores from the previous year. These 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.
>
> 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-002(Sen.Ed.)

Attachment 3

THOMAS JEFFERSON CLASSICAL ACADEMY
P.O. BOX 488
RUTHERFORDTON, NC 28139

May 26, 1999

Dear Senators:

Thank you for this opportunity to speak out against the proposed Charter School Testing Requirement bill, SB 1151. The handouts are from the Office of Charter Schools' 1998 guidelines, our application which we submitted in August of 1998, and our response to their questions in October of 1998.

As you all know, charter school legislation was passed in 1996 to give concerned citizens within local communities the opportunity to open innovative schools that would meet the demands and needs of parents and students. The ultimate goal is to help public education achieve higher academic standards in the state of North Carolina.

Crucial to the success of such an undertaking is the flexibility to design a curriculum that parents and educators alike believe will benefit the students in their respective communities. For example, in Rutherford County, we have proposed a curriculum that emphasizes classical studies, which includes Latin grammar, logic, integrated course studies that combine history, geography, English, writing, and grammar; along with five full years each of mathematics and science. Parents and educators in our community are truly excited about the structure and rigor of the classical studies. Crucial to the success of implementing such a demanding curriculum is the flexibility to test our students on the materials that they will encounter in the classroom. Classical studies build year upon year to give students a firm foundation and a logical progression of course materials. If we were forced by this proposed legislation to take particular end of course and end of grade exams, our curriculum would be compromised by "teaching to the test" for that particular year. As many of you have heard, the notion of "teaching to the test" has become a concern across our state. In the March 29, 1999 issue of the Shelby Star, Senator Charles Carter, seated on your committee, voiced the following concerns: "The tests are not accurate reflections on what a school is doing. Tons of teachers are 'teaching to the test'...looking at old tests and structuring their curriculum around those tests." He continues, "So much emphasis is placed on making the grade in end of course exams that other educational activities suffer." Senator Carter, we could not agree with you more! Teachers and parents in our county have confirmed that this is indeed going on. Teachers are so concerned about the ABC's , that much of the year has been spent on practicing testing!

In our application process, we realized that the academic rigor of our curriculum would require content-based testing, and thus, we elected to opt out of the ABCs, a clear option based on the information we received from the Office of Charter Schools. We offered DPI an alternative testing plan, which we understood to be approved when our charter was approved. Now we all know that there are established national exams, such

as the SAT exam, that are well recognized for comparability at the high school level. I would emphatically state that if our students are scoring above the state average on the SAT exams, no one should question the rigor and success of our curriculum. In fact, this is one of the stated goals in our five year, legally binding charter with the State Board of Education. On May 18, we were asked to participate in a conference call with the assistant attorney general, the office of charter schools, and the man in charge of the ABC's, whose answer to our national testing alternative was that 'objective tests are not sophisticated enough'; that we had "slipped through the cracks," and that DPI's model for success includes a vast array of coefficients and variables to measure North Carolina schools, all based on the N.C standard course of study. Thus, this legislation that would force us to take the state exams would require us to compromise the goals, standards, and curriculum that has been already approved by the State Board of Education.

Senators, a great deal of time, money, and resources are required to open a charter school. We have designed our curriculum to meet the stated objectives of the ABC's, that is, Academics, Accountability, Basics, and local Control. We incorporated features such as a remedial class for students who have fallen "between the cracks," as well as for other students whose needs are not currently being met by the regular public schools. We have established trusts and extended ourselves in contracts, all based on our charter agreement, signed by Dr. Mike Ward, that clearly states that we opted out of the ABC's accountability model. We followed all the rules we were given, we attended the conferences that we were asked to attend, we read all the legislation, as well as the pertinent web-sites. We followed the procedures of the application process, invested one and one half years of our time, thousands of dollars of our money, and our reputation, to meet the needs of our students, and now, in May of 1999, with school opening in three months, we are told " We are sorry for the confusion, we are sorry you were sent erroneous information, but the rules have changed. You must do the ABC's accountability model, or you will have your charter revoked!" We are not even being given a chance to meet the needs of our student population, which are quite diverse! They do not fit the mold anymore than our curriculum fits a mold. Their parents are making many sacrifices to come to our school because they believe that this is an opportunity for their children. Parents, teachers, students, and businessmen have made great sacrifices and commitments to support charter efforts around the state. Any legislation that forces charter schools to compromise their commitments to these dedicated supporters in their communities would be egregious.

Honorable Senators, like Socrates before the Athenian Senate, we are appealing to your sense of justice, and asking you to give us a chance to offer our students the classical education we promised them. Please allow the charter legislation as originally written a fair chance to succeed on its own merit. Please do not pass the Charter Testing Requirement legislation.

.....137
angler
s 121

ISING
ttle
.....146

SS OFFICE
patrick
of operations 113

ATION
ynor
.....161

EDIA
ewell
.....160

OOM
Hill
er 136

PAPERS IN EDUCATION
Sherer
or 163

UCTION
Flegal
manager 135
Van Buren
m manager 133

SED YOUR PAPER?

you do not receive your by 5 p.m. daily and 6 a.m. rday and Sunday, please our customer service desk 4-7007, from 8 a.m to 7 p.m. day through Friday and 6 until noon on weekends.

TAL REGULATIONS

ostal regulations require subscriptions to be paid in nce. Carriers are indepen- contractors and The Star not responsible for any ance payments made to n. Home delivery cus- ers are encouraged to mail ance payments to The Star. Postmaster: [redacted]icals

There wasn't anything left of long time ago, and I was just an like Shelby Mill, [redacted] Belmont Mill, sat idle until seems like you can't forget it."

Lawmakers may consider changes for End of Course exams

ABCS FROM 1A

days of class to be exempt from the test. In schools with traditional schedules, a student would have to drop the class in the first 20 days of school.

If approved, the new guidelines would take effect during the 1999-2000 school year.

Fabrizio said the state does not plan to change the requirement that high schools that are already scoring at high levels on exams continue to show improvement in order to receive bonuses under the ABCs program.

"There's always room for growth," he said. "You always want to aim higher."

Fabrizio admits the proposed policy for dropping a course would remove some control from the local level.

Despite losing some control, the chair of the Gaston County Board of Education said she understands the reasoning behind the proposed change.

"I feel like the recommendations are efforts by the state to level the playing field," said Annette Carter, Gaston board chairman.

But Tommy Greene, chairman of the Cleveland County Board of Education said he did not know whether the proposed change would be a good thing. "We need to not lose sight of what's best for the child," he said.

Sen. Walter Dalton, who co-chairs the Senate Education Committee, said a local board could still set its own policy on when a student could be transferred from a regular course to a remedial course. Any student who changed after the deadline would still have to take the End of Course exam.

"It's really a matter of how to get objective data across the state," Dalton said.

Rep. Gene Arnold, R-Nash, who co-chaired the House Appropriations Subcommittee on Education during the last year, said he did not see a problem with the proposed policy change.

The ABCs of Public Education is designed to emphasize accountability at the school level, instruction in the basics of reading, writing and mathematics and control at the local level.

"The idea is to get the kids doing what you're supposed to be doing," he said. "If you do, we'll give you a reward. If you don't, we'll tell everybody about it."

But the program has its critics.

"It's so much stick and so little carrot," said Sen. Charles Carter, D-Buncombe. Carter, a Spanish teacher at North Buncombe High School, said too much emphasis is placed on the courses requiring the End of Course exam.

"The tests are not accurate reflections on what a school is doing," he said. "Tons" of teachers are teaching to the test, he said. He said teachers are looking at old tests and structuring their curriculum around those tests.

Arnold doesn't think that is such a bad idea. "At least they will know the material," he said.

Carter also said so much emphasis is being placed on making the grade in End of Course exams that other educational activities suffer. For example, Carter said his school quit taking students on field trips because school officials did not want the students to miss classes related to the End of Course exams.

Fabrizio called such decisions "unintended consequences" of the ABCs program. "The 'C' in the ABCs refers to local control," Fabrizio said. "Not all schools are making these kinds of decisions."

Last year, End of Course exams were required in six core courses: algebra I, biology, English I, English II, civics and U.S. history. This year, End of Course exams will be added in five other courses, none of which are required: algebra II, geometry, chemistry, physics and physical science.

TODAY	MONDAY	TUESDAY
Mostly sunny	Partly cloudy	Dry
High Low	High Low	High Low
68 46	71 47	73 46

LOCAL STATS

High Saturday	60
Saturday's low	37
9 p.m.	49
[illegible]	30 09

STATEWIDE

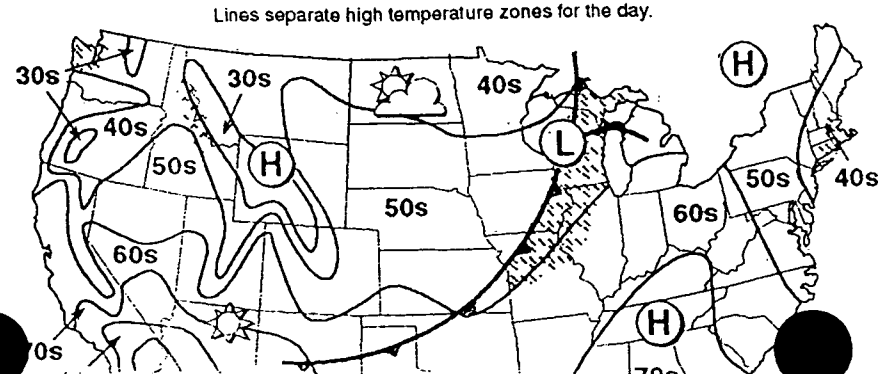
BEACHES

Tonight, clear. Low 40 to 45. **Monday,** mostly sunny. Warmer. High 60

WEATHER / LOCAL AND NATIONAL

The AccuWeather® forecast for noon, Sunday, March 28.

Lines separate high temperature zones for the day.



TEMP

Nationa

Albany,N.Y.
Anchorage
Atlanta
Baltimore
Birminghar
Boston
Buffalo
Charles,S.(
Chicago
Cincinnati
Cleveland
Dallas
Denver
Detroit
Fairbanks

- **How many hours per day must charter school students attend class?**
  This is determined by the charter school itself.

CHARTER SCHOOL EMPLOYEE ISSUES

- **Must charter schools pay teachers or other staff a particular salary?**
  115C-238.29F(e) No. The charter school determines what salaries it wishes to pay.

- **Are charter school employees eligible for state retirement and health benefits?**
  Yes.

- **Must charter school teachers be certified/licensed?**
  115C-238.29F(e)(1) Seventy-five percent of the teachers in grades K-5 and fifty percent of the teachers in grades 6-12 must be licensed/certified.

- **Who is the employer of charter school employees?**
  115c-238.29A and B(a)(b)(3) The Board of Directors of the charter school is the employer.

- **Will the state give teachers a year of experience teaching credit for a year of teaching in a charter school?**
  Yes

- **Will the charter school employees be members of the NC State Retirement System?**
  Yes. The federal government and the State Treasurer's Office agree that charter school employees may be a part of the Retirement System.

ACCOUNTABILITY AND EVALUATION/TESTING ISSUES

- **What is UERS?**
  115C-238.29F(f)(2) Uniform Education Reporting System. This is the standard reporting format prescribed for all public schools.

- **How can a charter school comply with UERS requirements?**
  Software necessary to comply with the UERS will be furnished to all charter schools. Charter schools will be required to supply the hardware required to operate the financial software.

- **What testing criteria must be met in 1999-2000?**
  The charter school is expected to comply with the ABCs program testing requirements in which a growth expectation is set for the charter school by the state, and the charter school receives incentive money if it achieves 110% of its goal. However, if the charter school can make a compelling case that such a model is inappropriate and the charter school can propose an alternate model that is comparable to the ABC standards in content and difficulty level, the charter school may use a different approach.

CHARTER FACT SHEET *cont'd*

Name of Proposed School: Thomas Jefferson Classical Academy
Sheet 2 of 2
Date: 08 / 21 / 98

Basic theme of proposed school (mark all that apply):

_____ At Risk ___✓___ Academic: classical curriculum

_____ Artistic _____ Technology ___✓___ Character Education

_____ Core Knowledge Curriculum _____ Technology

_____ Other: _____

Is this a conversion school: Yes or (No) (below)
_____ from the private sector _____ from the public sector

Name of existing school: _____

Will the charter school use the State Board's ABC's Model: ____ Yes ___✓___ No

If not, then complete appropriate section in the Application. Any variance from the ABC's Model for Accountability must be approved by the Accountability Services in the Department of Public Instruction.

Does the applicant group have a suitable facility for the school: ____ Yes ___✓___ No
If yes, please provide some descriptive information.

Is this board of directors considering a contract with an educational management organization (EMO) to run the school: ____ Yes ___✓___ No

Mail/fax this form to the NC Office of Charter Schools at the time of submission if the preliminary chartering entity is not the State Board of Education.

Office of Charter Schools
301 N. Wilmington Street
Raleigh NC 27601-2825

Fax: 919 / 715 - 9740

Response to: The Office of Charter Schools
Department of Public Instruction

From: Thomas Jefferson Classical Academy
Box 488, Rutherfordton, N.C. 28139
Phone: (828) 625-8040
Fax: (828) 625-0185

Item #1: Please explain the use of the ABCs Model for Accountability and the requirements for the end-of-course and end-of-grade testing. How does another testing program relate to the ABCs in comparability and rigor? Please explain.

The ABCs Legislation states three objectives: 1) to provide strong accountability with an emphasis on high academic standards, 2) to teach the basics, and 3) to maximize local control.

At Thomas Jefferson Classical Academy, high academic standards are built into the curriculum. We plan a serious course of study in math, reading, writing, science, history, and foreign languages. The Saxon Mathematics Program is widely used and recognized as a thorough, challenging mathematics series. The literary and historical texts require careful thought and reflection. The student will be required to read, discuss, and write about them. The Wheelock Latin program is normally used as a college-level text, but is also used at the high school level in private and home schools. The only prerequisite is an ability to read and a grasp of English grammar. We intend to make sure our rising ninth graders meet both qualifications. The C.A.T., a nationally recognized, norm-referenced test, will be administered to rising 9th grade applicants, and to our preparatory eighth grade students in the Spring. Our science program is a traditional progression from Biology in ninth grade, to Chemistry, Physics, and Astronomy.

The ABCs legislation recommends specific end-of-grade and end-of-course tests for high school students in North Carolina. Our ninth graders will take North Carolina's end-of-grade Biology I and English I exams. Our tenth graders will take the English II writing exam as well as the C.A.T., a comprehensive test in reading, vocabulary, and math. Our Juniors will take the Economic/ Legal/ Political Systems exam. Our Seniors will take the state's U.S. History exam because that is when our high school's historical cycle covers American History. We may be able to offer the American History exam to our preparatory eighth grade students since we cover American History in that year as well. All students will be encouraged to take the ACT, SAT, and Advanced Placement exams. All of the test scores from the above-mentioned tests will be reported to the State Board of Education, providing clear, objective measures of accountability.

In addition to the end-of-grade and end-of-course tests mentioned above, Saxon Publishers provides its own comprehensive end-of-course exams at each grade level, as do most text-book publishers. Students must prove competency before they are promoted

to the next grade level. Enclosed with this response is a copy of a letter of permission from Saxon Publishers giving us permission to photocopy the Algebra I final exam and table of contents. They have given us this permission for the purpose of forwarding it to your office to review for comparability and rigor with North Carolina's end-of-course Algebra I exam.

We have included in our application a copy of a Family/School agreement. This agreement will be required of prospective students and their families in order to be accepted into the school. We will strongly encourage parental participation in the classroom and at family/school socials. This school will provide parents with the only alternative high school in Rutherford County, allowing for greater local control and flexibility.

In sum, we will use the recommended end-of-grade tests as well as a comprehensive test in reading and mathematics in the tenth grade. Students will be encouraged to take college entrance exams. Since the Department of Public Instruction does not currently provide students with content-based exams in Logic, foreign languages, and science except for Biology, we will provide students with content-based exams in those subjects. We will require parental involvement and encourage teacher creativity. We will not promote failing students. We believe the ABCs objectives are built into our curriculum; but beyond the ABCs, we are seeking to encourage students to strive for excellence. We would like to offer our students the opportunity for dual enrollment in both high school and college for subjects like Latin and Calculus. The University of North Carolina at Charlotte is presently using the same Wheelock Latin program that we intend to use. Ideally, we would like the students to be able to take courses such as Latin with a college professor via video-conference connections. If this is not allowed, we will encourage them to take A.P. tests as soon as possible. The students may be more inclined to take their studies seriously if they know they can receive both college and high school credit for their efforts.

Item # 2: Will volunteers for transportation be insured?

The attached memo from Surry Insurance Company explains the insurance coverage of volunteer drivers for Thomas Jefferson Classical Academy.

Item #3: The number of students the first school year.

We anticipate 150 students the first year of operation. That is the number used for our budget projections in the business plan of the application.

VISITOR REGISTRATION SHEET

SENATE EDUCATION/HIGHER EDUCATION

DATE: May 26, 1999 ~ 10 A.M.

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE ASSISTANT

NAME	FIRM OR AGENCY AND ADDRESS
Harriet Gail	NCAE
Bill Wilson	NCAE
Glenn Harris	Public School Forum of NC
Anne Bryan	Exploris
Christine Noe	Exploris
Liz Morey	Healthy Start Academy
Joe Maimone	Thomas Jefferson Classical Academy
Barry Russell	NCCCS
Ellen Parke	ECU 328 Flanagan Greenville NC 27858
Robin Ryder	Old Cowley School Greenville NC 27858
Karen Gaul	Governor's Office

VISITOR REGISTRATION SHEET

SENATE EDUCATION/HIGHER EDUCATION

DATE: Wed May 26

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE ASSISTANT

NAME	FIRM OR AGENCY AND ADDRESS
Roberta Forbes	Governor's Office
Nicole Rosenberry	SBE
Ann Belam	SBE
Melissa Suárez	John Locke Foundation
Clay Hines	NCCCS
Carolyn Graideau	NCCCS
Ed Regan	N.C. Assoc. of Co. Commissioners
Hal Miller	NCACCT
John Cyrus	N.C. State Grange
Jeanne Kinnier	NCSBA
Joel Wilson	Sen. Lee

VISITOR REGISTRATION SHEET

SENATE EDUCATION/HIGHER EDUCATION

DATE: _____

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE ASSISTANT

NAME	FIRM OR AGENCY AND ADDRESS
Jeff Hunt	TTA/TTP
Ken Eagle	Capitol Strategies
Daphne Hill	Chatham County Schools
Elizabeth Cox	STARS Charter / Dem. Wom. Moore Cty.
Sarah Richards	guest
Rachel Wallis	guest.
Aileen W Ford	Delta Sigma Theta – Shelby
Pamela Parker Maddox	Delta Sigma Theta / Shelby City Schools
Susie Young	Delta Sigma Theta – Shelby C. City Schools

AGENDA

SENATE EDUCATION/HIGHER EDUCATION

Wednesday, June 2, 1999
Room 414 LOB

CALL TO ORDER **Presiding: Senator Walter Dalton**

• H 967 Charter Schools Testing Requirement	Representatives Grady, Moore and Luebke
• H 848 No Charter School Deadline/Rockingham	Representative Cole
• H 293 Proprietary Sch/Civil Penalties	Representative Bridgeman
• H 1187 Communication Devices on School Buses	Representative Hunter
• H 1046 Cell Phones/Pagers in Schools	Representative Thompson

Senator Howard Lee, Co-Chair
Senator Walter Dalton, Co-Chair

MINUTES

SENATE EDUCATION/HIGHER EDUCATION

Wednesday, June 2, 1999
10:00 A.M.
Room 414 LOB

The Senate Education/Higher Education Committee met on Wednesday, June 2, 1999 at 10:00 A.M. in Room 414 of the Legislative Office Building. There were twenty Senators present. Senator Dalton, Co-Chair presided. Senator Dalton called the meeting to order and introduced Pages Chris Miller from Gastonia and sponsored by Senator Hoyle and Breck Gibbs from New Bern sponsored by Senator Perdue.

Senator Dalton noted that North Carolina National Board Certified Teacher Ms. Audrey Hurdle from Northern Middle School in Roxboro was not present due to illness. He extended his congratulations on her accomplishment.

H293

Senator Dalton introduced Representative Bridgeman and asked him to brief the Committee on House Bill 293. Senator Gulley made a motion to adopt the Committee Substitute for House Bill 293. The Committee adopted the Committee Substitute. Senator Dalton recognized Senator Robinson, Chair of the Subcommittee to Study H293. Senator Robinson briefed the Committee on the recommendations of the Study Committee. Senator Robinson recognized the members of the Subcommittee: Senators Hagan, Horton, and Garrou. Robin Johnson was asked to clarify the terminology in H293.

Senator Dalton recognized Public Member Ms. Clay Hines Knight, Attorney for the Community College System to speak to the Committee regarding H293.

Senator Hoyle made a motion to give H293 a Favorable Report. *The Short Title of H293 is Proprietary Sch./Civil Penalties/AB.* The Long Title: *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.*

H293 was UNFAVORABLE AS TO COMMITTEE SUBSTITUTE BILL NO. 1, BUT FAVORABLE AS TO SENATE COMMITTEE SUBSTITUTE BILL AND WAS GIVEN A SEQUENTIAL REFERRAL TO THE FINANCE COMMITTEE AND A RECOMMENDED REFERRAL TO THE JUDICIARY I COMMITTEE. *(See Attachments 1).*

H848

Senator Dalton introduced Representative Cole to explain H848. Senator Cole briefed the Committee on H848. *The Short Title of H848 is No Charter School Deadline/Rockingham. The Long Title: An Act to Suspend the Charter School Application Deadlines for the Rockingham County Consolidated Schools for the 1999-2000 School Year. (See Attachment 2).* Representative Cole introduced Public Member Ms. Elaine McCollum to address the Committee Re: H848. Ms. McCollum represents the Bethany Save Our School Committee. Ms. McCollum spoke as a proponent of H848. She distributed a Handout to the Committee. *(See Attachment 3).*

Next, Senator Dalton asked Senator Foxx to speak to the Committee re: H848. Senator Foxx spoke as an advocate for H848. She addressed several questions from the Committee. Following Senator Foxx, Senator Cole requested to the Chair, Senator Dalton, that the Co-Sponsor of H848, Representative Sexton, be recognized to address the Committee.

Senator Dalton recognized Representative Sexton. Representative Sexton spoke to the Committee in favor of H848. Senator Dalton then recognized Representative Cole for a final statement on H848.

Senator Dalton thanked the Public Member Ms. McCollum, who spoke; Representatives Cole and Sexton; Senator Foxx and the Committee for an excellent discussion.

H967

Senator Dalton announced a working Subcommittee to further study and offer recommendations regarding H967. *The Short Title of H967 is Charter School Testing Requirements. The Long Title: An Act to Amend the Law Regarding Testing Requirements for Charter Schools. (See Attachment 4).* The following Senators were appointed to the Subcommittee. They were Senator Carter, Chair; Senators Dannelly, Garwood, Gulley and Robinson. Senator Dalton requested members of the Committee who would like to offer Amendments to H967 to please notify the members of the Subcommittee for H967.

Senator Dalton adjourned the meeting at 10:55 A.M.

Senator Walter Dalton, Co-Chair

Christina K. Minard, Education
Committee Assistant

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

EDUCATION/HIGHER EDUCATION COMMITTEE REPORT
Senator Howard Lee, Co-Chair
Senator Walter Dalton, Co-Chair

Thursday, June 3, 1999

SENATOR DALTON,
Submits the following with recommendations as to passage:

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

H.B.(SCS #1)**293** Proprietary Sch/Civil Penalties

Draft Number:	PCS3435
Sequential Referral:	Finance
Recommended Referral:	Judiciary 1
Long Title Amended:	No

TOTAL REPORTED: 1

Committee Clerk Comment:

GENERAL ASSEMBLY OF NORTH CAROLINA

Attachment 1

SESSION 1999

H

2

HOUSE BILL 293
Committee Substitute Favorable 4/14/99

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
Committee Substitute Favorable 4/14/99
Proposed Senate Committee Substitute H293-PCS3435-RH

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.**

Upon its determination that a person is in violation of this Article, the State Board shall immediately notify the person and may assess a civil penalty not to exceed one thousand dollars ($1,000) against that person. In determining the amount of this penalty, the State Board shall consider the degree and extent of harm or potential harm caused by the violation. In addition, beginning on the thirtieth day following the date the Board makes this determination and sends the required notification, the person is liable for a civil penalty of one hundred dollars ($100.00) for each day the person continues to be in violation of this Article. A person is in violation of this Article if the person owns or operates a proprietary school (i) that is operating in the State without a license as required under this Article or (ii) that is offering a program of instruction, course, or subject that is not specifically indicated in the school's application for a license under this Article. Civil penalties 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 is 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*
Committee Substitute Favorable 4/14/99
Proposed Senate Committee Substitute H293-CSRH-001.1
WARNING: LINE NUMBERS MAY CHANGE AFTER ADOPTION.

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.

Upon its determination that a person is in violation of this Article, the State Board shall immediately notify the person and may assess a civil penalty not to exceed one thousand dollars ($1,000) against that person. In determining the amount of this penalty, the State Board shall consider the degree and extent of harm or potential harm caused by the violation. In addition, beginning on the thirtieth day following the date the Board makes this determination and sends the required notification, the person is liable for a civil penalty of one hundred dollars ($100.00) for each day the person continues to be in violation of this Article. A person is in violation of this Article if the

person owns or operates a proprietary school (i) that is operating in the State without a license as required under this Article or (ii) that is offering a program of instruction, course, or subject that is not specifically indicated in the school's application for a license under this Article. Civil penalties 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 is 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.

HOUSE BILL 293:
Proprietary Sch./Civil Penalties/AB

BILL ANALYSIS

Committee:	Senate Education	**Introduced by:**	Representative Bridgeman
Date:	May 26, 1999	**Summary by:**	Robin S. Johnson
Version:	Second Edition - PCS H293-CSRH-001.1		Committee Counsel

SUMMARY: The proposed Senate Committee Substitute would authorize the State Board of Community Colleges to assess a civil penalty up to $1,000 against any person the Board determines is in violation of the law requiring proprietary schools to be licensed. The PCS also would require the Board to notify the person immediately of its violation. And it would assess a penalty of $100.00 per day against any person who continues to be in violation of this law beginning on the thirtieth day following the Board's notification.

A person would be in violation of the licensing law if it owns or operates a correspondence school, proprietary business school, proprietary trade school, or proprietary technical school (i) without a license, or (ii) that is offering a program of instruction, course, or subject that is not specifically authorized in its license.

The PCS changes the penalty (the original bill would have authorized the Board to assess a penalty not to exceed $5,000) and adds language to direct the Board to consider the degree and extent of harm or potential harm when it is determining the amount of the initial penalty.

The State Board of Community Colleges requested the original bill.

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 of the General Statutes. 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. The law specifically prohibits a person from operating a proprietary school until the State Board grants a license for its operation. Licenses are restricted to the programs, courses, and subjects included in each proprietary school's application and may be expanded to additional programs of instruction if the Board approves a supplementary application, which must be submitted by the license holder.

The State Board may suspend, revoke, or refuse to issue or renew a license under specified circumstances. These circumstances include failure to comply with applicable laws and rules, 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 and the required bond. A Class 3 misdemeanor, assuming no prior convictions, is punishable with a maximum fine of $200, 1-10 days community punishment, or both.

BILL ANALYSIS: The PCS would create a new section, G.S. 115D-93.1, authorizing the State Board to make a determination that a person is in violation of the licensing law. If it makes this determination,

the Board must immediately notify that person and may assess a civil penalty not to exceed $1,000 against that person. In determining the amount of this initial penalty, the PCS would require the State Board to consider the degree and extent of harm or potential harm caused by the violation. In addition, any person who continues to be in violation of the law would be liable for a penalty of $100.00 per day, beginning on the thirtieth day after the Board sends its notice.

These civil penalties 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 to the State Board's actions. Pursuant to Article IX, Section 7 of the Constitution, and Article 31A of Chapter 115C, the clear proceeds of any penalty 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.

Section 2 of the PCS would amend the definition section of the Article governing proprietary schools. This amendment, which is technical, would create a new definition, "proprietary school", which would include the existing definitions of correspondence school, proprietary business school, proprietary trade school, and proprietary technical school.

EFFECTIVE DATE: The PCS would take effect October 1, 1999, and would apply to offenses occurring on or after that date.

Kory Goldsmith, Committee Counsel, substantially contributed to this summary.

H293-SMRH-003.1

Attachment 2

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H 3

HOUSE BILL 848
Committee Substitute Favorable 4/14/99
Third Edition Engrossed 4/20/99

Short Title: No Charter School Deadline/Rockingham. (Local)

Sponsors:

Referred to:

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1999
H 3
April 1, 1999
HOUSE BILL 848
Committee Substitute Favorable 4/14/99
Short Title: No Charter School Deadline/Rockingham. (Local)
Sponsors:

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 County 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 County Board of Education may act on it after February 1, 1999.~~ The State Board of Education shall consider and act on the application. If the State Board approves the application, it shall do so in a timely manner to enable the the charter school to be open for the 1999-2000 school year.

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

April 1, 1999
HOUSE BILL 848
Committee Substitute Favorable 4/14/99
Short Title: No Charter School Deadline/Rockingham. (Local)
Sponsors:
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 County 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 County Board of Education may act on it after February 1, 1999.~~ The State Board of Education shall consider and act on the application. If the State Board approves the application, it shall do so in a timely manner to enable the the charter school to be open for the 1999-2000 school year.

HOUSE BILL 848:
No Charter School Deadline/Rockingham

BILL ANALYSIS

Committee: Senate Education/Higher Education
Date: May 1, 1999
Version: 3rd Edition

Introduced by: Representative Cole
Summary by: Kory Goldsmith, Committee Counsel

SUMMARY: This local act suspends the deadlines for charter school applications that are submitted to the Rockingham County Board of Education for the 1999-2000 school year.

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

Applicants for charter schools must submit an 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.

Regardless of which chartering entity receives the application for preliminary approval, the State Board of Education has the final approval of all charter schools.

Currently, there are 90 charter schools statewide. G.S. 115C-238.29D provides that that the State Board shall not approve more than 100 charter schools statewide.

BILL ANALYSIS: With the consent of the Rockingham County Board of Education, an applicant 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 County Board of Education may act on the application after February 1, 1999. The bill requires that the State Board of Education consider and act on the application.

If the State Board approves the application, it must do so in a timely manner so the school may be open for the 1999-2000 school year.

The act is effective when it becomes law.

H848-SMRC-001(3rd Edition)

Dr. Shirley Iorio, Education Policy Specialist, contributed to this summary.

RESULTS

A total of 635 people voted. 265 were parents of children currently attending Bethany School, and 370 were residents who did not have a child currently attending the school.

Parent Vote: 264 parents chose A
1 parent chose B

Resident Vote: 365 residents chose A
5 residents chose B

Overall Vote: 629 voters chose A
6 voters chose B

SAMPLE BALLOT ONLY. NOT VALID!

BALLOT

(THIS IS A NON-BINDING PREFERENTIAL VOTE)

INSTRUCTIONS: Please mark an "X" in the box to the left of your choice.

QUESTION: Do you prefer Bethany's sixth, seventh, and eighth-grade students

[X] A) ATTEND BETHANY SCHOOL ,

OR

[ ] B) ATTEND ROCKINGHAM COUNTY MIDDLE SCHOOL ?

NOTE: PARENTS WERE GIVEN YELLOW BALLOTS TO MARK. NON-PARENT RESIDENTS MARKED WHITE BALLOTS. THE S.O.S. COMMITTEE FELT IT NECESSARY TO BE ABLE TO DISTINGUISH BETWEEN THE TWO GROUPS IN CASE QUESTIONS AROSE.

The timid prefer the calm of despotism to the tempestuous sea of Liberty.

Thomas Jefferson

The primary, the cardinal, the one great living principle of all democratic representative government is the principle that the representative is bound to carry out the known will of his constituents.

Abraham Lincoln

INDEX

p. 3 Foreward

p. 4 Map of Rockingham County Schools

p. 5 Invitation Letter

p. 6 List of Judges

p. 7 Eligibility Criteria

p. 8 & 9 Eligibility Confirmation Data

p.10 Sample Ballot

p.11 Summary of Results

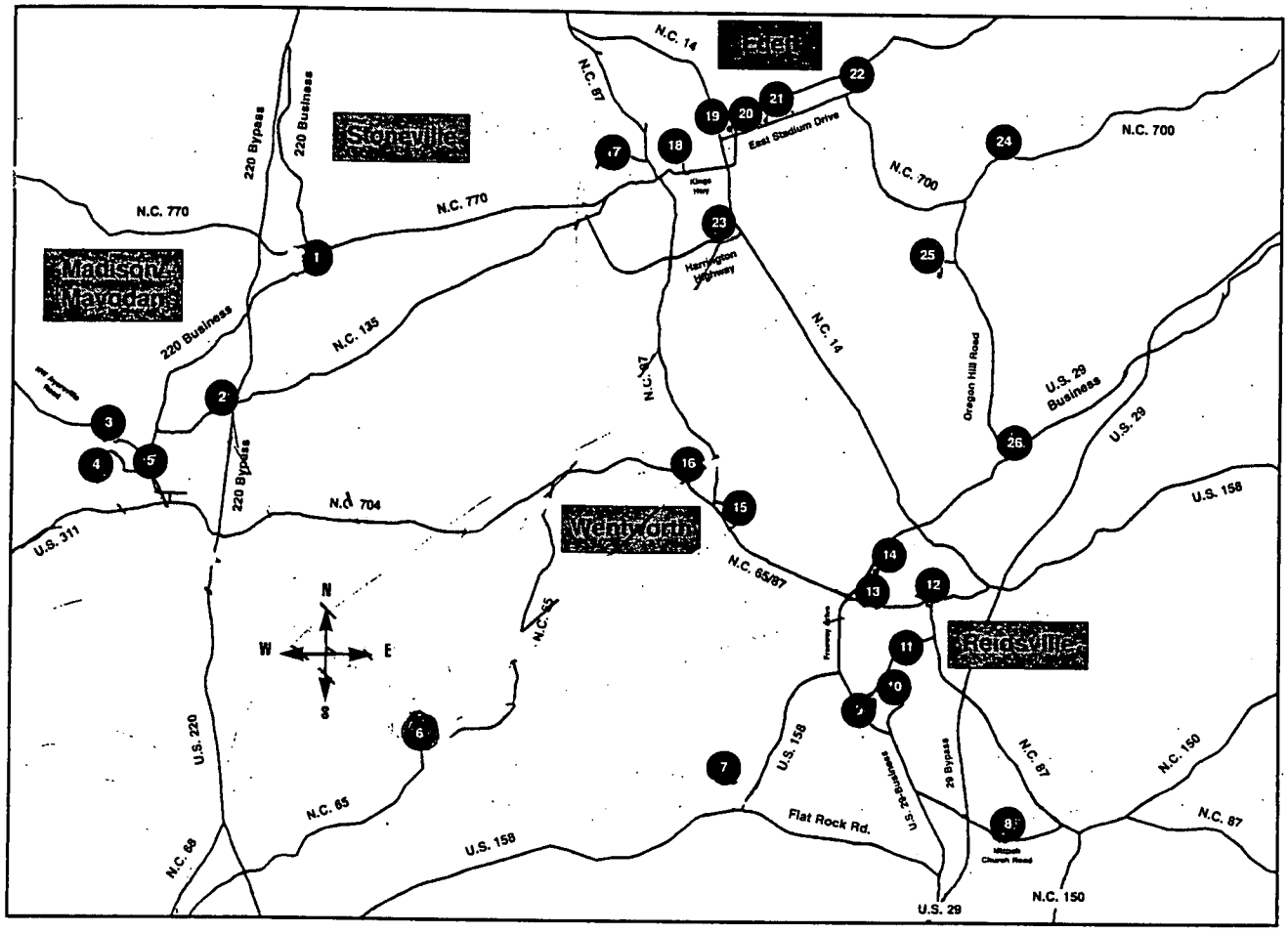
p.12-15 Appendix (1976 Madison Messenger Articles)

FOREWARD

The Bethany Preferential School Vote sprang from a desire of the Bethany S.O.S. Committee to gauge the sentiment of the Bethany community concerning the plans of the Rockingham County Board of Education to reassign Bethany's 6th, 7th, and 8th-grade students to Rockingham County Middle School in Wentworth. S.O.S. Committee members had long been aware of Stoneville's preferential school vote held in 1976 which yielded favorable results for that community, and the decision was made to pattern the Bethany vote after Stoneville's. The only departure from the Stoneville precedent was the method of judging. The Stoneville vote was overseen by the Board of Education members. Having detected no inclination on the part of the Board to arrange and organize a like vote for Bethany, S.O.S. members recruited judges from around the county. A list of judges is included in this booklet.

The S.O.S. Committee feels that we were successful in providing a fair and neutral forum for members of the Bethany community to register their opinion on this very critical educational matter. It is our belief that the results of the vote are an accurate reflection of community sentiment.

How to find Rockingham County Schools



1. **Stoneville Elementary School**
203 Stone Street - P.O. Box 7
Stoneville, NC 27048-0007
573-4000 (Grades PK-5)

2. **Dalton McMichael High School**
6845 Hwy 135
Mayodan, NC 27027
427-5165 (Grades 9-12)

3. **Western Rockingham Middle**
915 NW Ayersville Road
Madison, NC 27025
548-2168 (Grades 6-8)

4. **John W. Dillard School**
810 Cure Drive
Madison, NC 27025
548-2472 (Grades PK-2)

5. **New Vision Intermediate**
705 NW Ayersville Road
Madison, NC 27025
548-4780 (Grades 3-5)

6. **Bethany School**
6371 NC 65
Reidsville, NC 27320
951-2710 (Grades PK-8)

7. **Monroeton Elementary School**
120 Monroeton Road
Reidsville, NC 27320
634-3280 (Grades K-6)

23. **Rockingham County Schools**
Administrative Office
511 Harrington Highway,
Eden, North Carolina 27288
(910) 627-2600

8. **Williamsburg Elementary**
1404 Mizpah Church Road
Reidsville, NC 27320
349-4632 (Grades PK-3)

9. **Reidsville Middle School**
1903 S. Park Drive
Reidsville, NC 27320
342-4726 (Grades 6-8)

10. **Reidsville High School**
1901 S. Park Drive
Reidsville, NC 27320
349-6361 (Grades 9-12)

11. **South End Elementary School**
1307 S. Park Drive
Reidsville, NC 27320
349-6085 (Grades PK-3)

12. **Lawsonville Avenue School**
212 Lawsonville Avenue
Reidsville, NC 27320
349-5524 (Grades PK-3)

13. **Reidsville Intermediate School**
401 Moss Street
Reidsville, NC 27320
342-1587 (Grades 4-5)

14. **Moss Street Elementary**
419 Moss Street
Reidsville, NC 27320
349-5370 (Grades K-5)

15. **Rockingham County High**
N.C. 87 & 65 - P.O. Box 41
Wentworth, NC 27375-0041
634-3220 (Grades 9-12)

16. **Wentworth School**
591 N.C. 65 - P.O. Box 37
Wentworth, NC 27375-0037
634-3250 (Grades K-8)

17. **Douglass Elementary School**
1130 Center Church Road
Eden, NC 27288
623-6521 (Grades PK-5)

18. **Leaksville-Spray Elementary**
415 Highland Drive
Eden, NC 27288
627-7068 (Grades PK-5)

19. **J. E. Holmes Middle School**
211 N. Pierce Street
Eden, NC 27288
623-9791 (Grades 6-8)

20. **Morehead High School**
134 N. Pierce Street
Eden, NC 27288
627-7731 (Grades 9-12)

21. **Central Elementary School**
435 E. Stadium Drive
Eden, NC 27288
623-8378 (Grades K-5)

22. **Draper Elementary School**
1719 E. Stadium Drive
Eden, NC 27288
635-6541 (Grades PK-5)

24. **Happy Home School**
6901 NC 700
Ruffin, NC 27326
939-2403 (Grades PK-4)

25. **Lincoln Middle School**
2610 Oregon Hill Road
Ruffin, NC 27326
939-2435 (Grades 5-8)

26. **Sadler School**
6830 US 29 Bus
Reidsville, NC 27320
634-3240 (Grades K-4)

NOTE: COPY OF ORIGINAL INVITATION LETTER MAILED TO ALL BOARD OF EDUCATION MEMBERS ON AUGUST 27, 1998.

434 Truman Road
Reidsville, N.C. 27320
August 26, 1998

To Whom It May Concern:

On Saturday, September 26, the Bethany Save Our School Committee is holding a preferential referendum at the Bethany School Gymnasium from 8:00 A.M. to 5:00 P.M. This non-binding vote is intended to gauge the support or opposition to sending Bethany 6, 7, and 8th graders to the new middle school.

The vote will be open to all residents of the Bethany community, eighteen years of age and older. Judges will include elected representatives both local and legislative. We are therefore extending this invitation to all members of the Rockingham County Board of Education to serve as judges and\or observe the voting. Judges will be scheduled at times convenient to them and are not expected to be there all day.

If you plan to attend, we request confirmation by September 5 in order to proceed with scheduling.

You may confirm by phone at 951-2900 or by mail to Elaine McCollum at the above address, or to Ronald Patterson at 634-0213, 1316 Witty Road, Summerfield, N.C. 27358. We look forward to your positive response and hope you will attend at some point during the voting.

Sincerely,

Elaine Via McCollum

Elaine Via McCollum

LIST OF JUDGES FOR BETHANY'S SCHOOL PREFERENCE VOTE HELD ON SATURDAY SEPTEMBER 26,1998 FROM 8:00 A.M. TO 5:00 P.M. AT THE BETHANY SCHOOL GYM:.

STATE REP. CARY ALLRED
STATE REP.NELSON COLE
REIDSVILLE MAYOR JAY DONECKER
STATE SEN. VIRGINIA FOXX
MADISON MAYOR ARTHUR GWALTNEY
REIDSVILLE COUNCILMAN JOHN HENDERSON
EDEN COUNCILMAN RONALD JANNEY
WENTWORTH COUNCILMAN GEORGE MURPHY
EDEN COUNCILWOMAN CHRIS MYOTT
STATE REP. WAYNE SEXTON
STONEVILLE COUNCILMAN JAMES SCALES
COUNTY COMM. CLARENCE TUCKER
STONEVILLE MAYOR REX TUGGLE
STONEVILLE COUNCILMAN WAYNE WILSON

In order to vote you must satisfy one of the following criteria:

1. **Parent or legal guardian of current Bethany student.** Your name must be on list of parents and legal guardians provided by Bethany School office. You must show **proper I.D.**

2. **Resident of the Bethany School District age 18 or older.** Your address must be on Bethany School District list of addresses provided by Rockingham County Administrative Office. You must have **proper I.D.** with proof of age and residence.

LEGAL NAME: CLAY DEAN ADKINS
STREET ADDRESS: 7684
STREET NAME: US 158
CITY/STATE: REIDSVILLE NC
LIVES WITH/FULL NAME: JAMES/CATHERINA STEPHENS
LIVES WITH/RELN: MOTHER/STEPFTHR
GRADE: 08

LEGAL NAME: MELANIE NICOLE ADKINS
STREET ADDRESS: 636
STREET NAME: MANUEL RD
CITY/STATE: MAYODAN NC
LIVES WITH/FULL NAME: JIMMY/CANDICE ADKINS
LIVES WITH/RELN: FATHER/MOTHER
GRADE: KI

LEGAL NAME: GUILLERMINA MARIA AGUNDIZ
STREET ADDRESS: 121
STREET NAME: SAMS LANE
CITY/STATE: REIDSVILLE NC
LIVES WITH/FULL NAME: LUIS/MARIA AGUNDIZ
LIVES WITH/RELN: FATHER/STEPMTHR
GRADE: 06

LEGAL NAME: LATOSHA ANN AGUNDIZ
STREET ADDRESS: 121
STREET NAME: SAMS LANE
CITY/STATE: REIDSVILLE NC
LIVES WITH/FULL NAME: LUIS/MARIA AGUNDIZ
LIVES WITH/RELN: FATHER/STEPMTHR
GRADE: 05

LEGAL NAME: LUIS NICHOLAS AGUNDIZ
STREET ADDRESS: 121
STREET NAME: SAMS LANE
CITY/STATE: REIDSVILLE NC
[redacted]WITH/FULL NAME: LUIS/MARIA AGUNDIZ
LIVES WITH/RELN: FATHER/STEPMTHR
GRADE: 04

LEGAL NAME: NORMA ITZEL AGUNDIZ
STREET ADDRESS: 121
STREET NAME: SAMS LANE
CITY/STATE: REIDSVILLE NC
LIVES WITH/FULL NAME: LUIS/MARIA AGUNDIZ
LIVES WITH/RELN: FATHER/MOTHER
GRADE: KI

LEGAL NAME: HANNAH ROSE ALLEN
STREET ADDRESS: 101
STREET NAME: NEWNAM RD
CITY/STATE: MADISON, NC
LIVES WITH/FULL NAME: ROBERT/KENNYTHIA ALLEN
LIVES WITH/RELN: FATHER/MOTHER
GRADE: 04

LEGAL NAME: HAYLEY ELIZABETH ALMSTEAD
STREET ADDRESS: 127
STREET NAME: SYLVANIA RD
CITY/STATE: STOKESDALE, NC
LIVES WITH/FULL NAME: STEVE/JOYCE ALMSTEAD
LIVES WITH/RELN: FATHER/MOTHER
GRADE: KI

LEGAL NAME: JOHN SANFORD ALVAREZ
STREET ADDRESS: 381
STREET NAME: FRIDDLE RD
CITY/STATE: STOKESDALE, NC
[redacted]WITH/FULL NAME: JOSE/ELAINE ALVAREZ
[redacted]VES WITH/RELN: FATHER/MOTHER
GRADE: 01

NOTE: PAGE ONE OF ELIGIBILITY CONFIRMATION DATA PROVIDED BY BETHANY SCHOOL PRINCIPAL VAN MOORE.

...continued

SCHOOL CODE: 302 GRADES: PK ,KI ,01 ,02 ,03 ,04 ,05 ,

Pr	Street-name	Type	Sf	LW-O	HI-O	LO-E	HI-E	Etyp	Code
	AIRSTRIP	DR		101	265	100	264	1	1
	ALLEY FARM	RD		101	201	100	200	1	1
	ALMOND	RD		101	1367	100	1368	1	1
	ANDERSON	TR		101	401	100	400	1	1
	ANGELL	RD		101	741	100	740	1	1
	ANGELL	RD		801	1435	800	1434	1	1
	ARCADIA	TR		101	201	100	200	1	1
	ARTHUR	DR		101	301	100	300	1	1
	B B	LN		101	141	100	140	1	1
	BAKER CROSS	RD		515	793	100	2642	1	1
	BAR S	TR		101	313	100	312	1	1
	BARHAM	RD		101	1001	100	1000	1	1
	BARKER	RD		101	701	100	700	1	1
	BAVARIAN	LN		101	261	100	260	1	1
	BAYNES	RD		101	851	100	850	1	1
	BENNETT FAR	RD		101	841	100	840	1	1
	BETHANY	RD		101	2199	100	2198	1	1
	BETHANY	SCH		6371	6371	0	0	1	1
	BETHANY WOO	DR		101	307	100	308	1	1
	BOBCAT	RD		101	601	100	600	1	1
	BRAMBLE	WAY		101	301	100	300	1	1
	BRANSON	RD		101	401	100	400	1	1
	BRAY	LN		101	691	100	690	1	1
	BRENNAN	DR		227	289	226	288	1	1
	BROWN	RD		101	2201	100	2200	1	1
	BUCKHORN	TR		101	401	100	400	1	1
	BUTTERFLY	TR		101	301	100	300	1	1
	CANDY ROCK	LN		101	201	100	200	1	1
	CARLTON	RD		763	981	762	980	1	1
	CENTURY	TR		101	341	100	340	1	1
	CHIPPER	DR		101	301	100	300	1	1
	CHURCH	ST	EX	101	225	0	0	1	1
	CLASSIC	LN		101	177	100	176	1	1
	COTTONWOOD	LN		101	201	100	200	1	1
	COUNTRY OAK	LN		101	191	100	190	1	1
	CUMMINGS								
	DANBURY BRD								
	DARLA								
	DEER								
	DOC								
	DOLLY								
	DOVEFIELD								
	EASON								
	ERNEST								
	EVERETT								
	FAIRBURN								
	FARRAR STOR								
	FAWNWOOD								
	FAYE								
	FLINTROCK								
	FOX								
	FOX HAVEN								
	FOXWOOD								
	FRIDDLE	RD		101	365	100	366	1	1

NOTE: PAGE ONE OF ELIGIBILITY CONFIRMATION DATA PROVIDED BY THE ROCKINGHAM COUNTY SCHOOLS ADMINISTRATIVE OFFICE.

Stoneville Voters Apathetic

6-10-76

ıe Thursday, July 1 vote which
' decide the immediate fate of
.eville High School has stirred
: interest so far among residents
ıe school district.
ıere apparently is no organized
ıp seeking to keep the high school
ıtoneville nor a group desiring to
Stoneville students attend the
county high school which is
eduled to open in the full of 1977.
ıe county school board decided
Tuesday night to hold the elec-
. But unlike past elections in-
ring possible merger with the
dison-Mayodan School System,
one will not be legally binding.
or will it be conducted by the
county board of elections. Instead it will be held at the school gymnasium from 7:30 a.m, to 6:30 p.m. by the school board.

The election is simply a preferrential vote.

The school, which is under construction at a site between Wentworth and Reidsville on NC 87, will serve approximately 1000 students. The school board is scheduled to reach a decision at its July meeting about the grade level. If Stoneville students are included with those from Bethany, Wentworth and Ruffin, it will serve grades 10-12. If not, it will serve grades 9-12.

Two members of the five-member board school board live in the Stoneville area. Mrs. Joan Doyle, in a telephone interview said she did not know if a one-sided preferential vote will influence her vote on the issue or not.

"I have publicly said that our students should attend the new high school," Mrs. Doyle noted. "And, I think they need to be in the new high school. I still feel students will not be able to get as good an education because they will not enjoy as wide a curriculum at Stoneville as at the new school.

"But I don't know how I would vote (if the preferential vote indicated a clear choice of the residents)," she added.

W. "Tee" Frye, the other board member from Stoneville, was out-of-town and could not be reached for comment.

Superintendent Dr. Richard Schultz said: "Many factors will determine how school board members vote (on the issue), and the preferential vote would be a larger factor."

At the time of the merger election three-years ago, a heated battle won by the anti-merger forces. The school board promised to hold an election in Stoneville to give residents there a chance to vote on the issue.

This past April, the president of a teachers' organization asked the school board to determine the status of Stoneville students as soon as possible. Doug Mabe, outgoing president of the unit's North Carolina Association of Educators, said teachers need time to prepare for both situations.

Dr. Schultz said judges, approved by the school board, will determine the eligibility of voters. He said no registration books will be used. He estimated that about 15 judges will be used on an alternating basis. Three will be present at all times.

The ballot will read "Vote for one— Attend Rockingham County High School (or) Attend Stoneville High School" or similiar wording.

ar Thief Wrecks

lt Scene Of Crime

ın escaped inmate at the prison
'entworth played havoc with a
ıut Cove man's car last Thursday
t, driving off with it, racing it up
down the highway and wrecking
front of the owner.
cording to Captain C.D. Vernon,
ıy Wade of Eden jumped the
e at the North Carolina prison at
p.m. He made his escape
ıugh officers fired 14 times at

ıde allegedly crossed NC 65 and
ıedly jumped into a 1969 Dodge
:ed at the Midway Grocery.
ph Bailey McClinton, Jr. was
ding near his car with the hood
d when Wade hopped into the
r's seat.
:rnon said Wade drove off toward
lsville with the hood still up. When
returned, with the hood down,
took off on NC 87 toward Eden.
NC 87 intersects with NC 65 at the Midway Grocery.

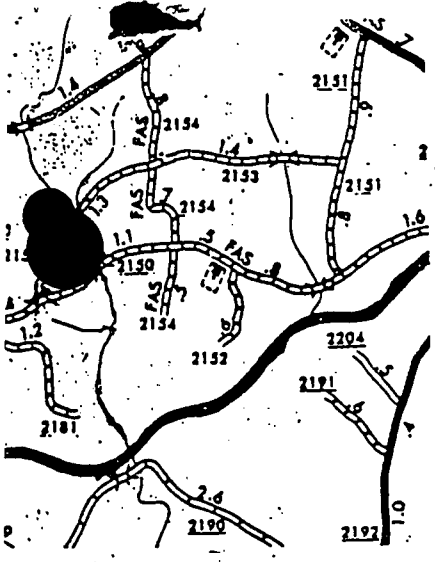
Wade returned to the intersection a few minutes later, Vernon said, and lost control of the vehicle which was traveling at an estimated 90 miles per hour. Vernon said a Rockingham deputy and McClinton witnessed the wreck which followed.

Wade was taken to Annie Penn Hospital in Reidsville and has since been transferred to Central Prison Hospital. Vernon said Wade suffered a broken ankle, some broken ribs and other internal injuries.

The car, which rolled approximately 6 to 8 times, was estimated a total loss.

Wade was serving a three to five year sentence for breaking and entering and larceny, and had received a six months sentence for a similiar escape from the prison in Asheboro.

truck's
trash.
"Yes



proposes to take water

Support

ls

id domestic and industrial wastes om the plant cannery will be scharged to the city plant for eatment, Eden City Manager J. L. reeson said. "We can handle that ithout any problem," he said.

Te[illegible] industrial wastewaters om [illegible]rewery, Miller will build its wn treatment facility on the plant te. The facility will discharge into e Dan River. To operate it, Miller ill have to obtain state permits.

It is these brewery wastes which, ecause they are high in organic olids, can cause fish kills, Mocksville ttorney David Springer said hursday. In 1970, Springer won a suit gainst Joseph Schlitz Brewing Co. of Vinston-Salem. After fish kills in the adkin River and additional legal ction by the downstream city of alisbury, Springer argued that chlitz had entered into a waste

See 'Brewery,' p. 22

Mayo River to the Gate City. Plans to double their water supply would almost certainly need the approval of special General Assembly legislation, and a key member of the state senate is adamantly opposed to the idea.

Sen. Wesley Webster of Madison said Friday in a telephone interview

High Turnout Expected In Stoneville Vote Today 7/1/76

Despite the vacation season and little time to organize voters, a large turnout is expected Thursday, July 1 when Stoneville area residents cast ballots for keeping their high school or for joining Wentworth, Bethany and Ruffin students at the new consolidated high school.

All residents of the Stoneville School District — which includes Shiloh, Ayersville and Price — who are 18 years old are eligible to vote. Ballots will be cast at the school. Registration books will not be used.

A panel of judges approved by the county school board, which is conducting the election, will decide elgibility questions if any arise.

The vote is not legally binding. The final decison on whether Stoneville High students will attend their own school or the new county high, being built between Reidsville and Wentworth, will be up to the county board of education.

Two school board members are from Stoneville. In a previous interview, Mrs. Joan Doyle said she is in favor of all county students attending the new high school in the fall of 1977 because of the advantages it will offer education-wise.

However, she said she did not know what effect a clear vote for keeping Stoneville School would have on her decision as a board member.

W. T. "Tee" Frye, who is not seeking re-election this year and who was reluctant to discuss the subject, seemed to support keeping the school in Stoneville.

He said: "I don't think the board would ignore the wishes of a majority of the people. When the people speak, you have to listen to the majority. That's the essence of our democratic procedure . . .

"The older I get the more I lean to the idea of a neighborhood schools. Schools should enjoy close relations with the community it serves . . . Bigness is not better education . . ."

Frye noted that Stoneville graduates have gone on to graduate from such universities as Duke, UNC-Ch, N. C. State, UNC-G and the Bowman Gray School of Medicine.

Frye also noted the changes in the athletic program a new county high school will bring about. The long-time coach pointed out that a larger school will have better quality teams, but he noted that the present four schools allow more youths to participate.

Frye also said that he felt the school board "would be fair to Stoneville School if residents vote to keep it."

A committee to keep the high school in Stoneville has been recently formed and is advertising for residents to vote pro-Stoneville Thursday.

legislature) let them get away with something like that, we'd be opening a can of worms."

Webster is a member of several key legislative committees including the joint House-Senate Water Resource Committee. "I can just about guarantee that as long as I'm down

and general ele
at least two m
Raleigh.

Special legisl
because the G
transferring w
basin (the Dan
part of the la
basin) to anotl
Such a move a
Riparian Right

According to
state Division
and Evaluatio
"The owner
which or adja
flows is entitle
that water pr
any water he
stream substan
quantity and q

McDonald sa
Greensboro o
with them in
Rights Doctrir
there are no g
books there
number of c
Carolina to gi
firmly establi
trine."

The doctrine
in old Englis
McDonald, an
east coast an
western states
Rights Doctr
transfer of wat
to another ar
another).

McDonald s
state (High P
supplementing
by transferrin
basin to anoth
said in neither
of water "any
Greensboro-G
and that no

See 'M

Three-Day Celel
To Mark 200th

The July 4th weekend will be a bang for residents in Rockingham and Stokes Counties with festivities going on Saturday, Sunday, and Monday.

Most Rockingham citizens will have the Governor's Ball and the Ole Fashioned Day to celebrate the nation's 200th birthday. Stoneville residents will be celebrating their

of Big Bands
Proceeds f
toward restor
in Wentworth
The county
out at RCC S
The Sunda
8:30 a
munit
high s

FROM THE MADISON MESSENGER
JULY 1, 1976



FROM THE MADISON MESSENGER
JULY 8, 1976

bove average flow as long as the
vater is returned to the river later.
Greensboro and Guilford would have
o successfully challenge this law
efore drawing water from the Mayo,
e said.

[redacted] said that the state En-
ir[redacted]ntal Management Com-
niss[redacted] must hold a hearing when one
arty's transportation of water is
aving an adverse affect on another.
Butler said that the Mayo also
robably qualifies for placement in

See 'Board' Page 3

routine inspection by FDA people.

Harrison's drug store was opened with a search warrant by Stokes County Sheriff Tony Blalock Wednesday at 10:06 a.m. — 10 days after it was locked.

Harrison, 43, was given a final chance to open up, with a final call to his home at 9:15 a.m. the same morning.

Agents were looking for laetrile, a drug extract used for treatment of cancer. Use of laetrile has been banned in the United States. Presently it is used in large quantities in a box. [redacted] declined to say that laetrile had been found, but did say "a given amount of material had been found which would be laboratory tested."

Walnut Cove Police Chief, Charles Raines, said that B-17, apricot and peach pits had been found.

Harrison failed to obey a court order signed by Judge John McConnell last Friday. Early this week he began making 30 minute broadcasts from a King radio station saying the "feds" were harrassing him by trying to steal his apricot pits and

Court D Dilemm

A recent Supreme Court decisi
xempting local government e
loyees from minimum wage a
vertime coverage under federal l
pparently means that Stokes Cour
ill not have to grant its deputi
ack pay for overtime work.

The decision also means that f
[redacted]kes Deputy James Joyce, wh
[redacted]ed to the U.S. Labor
epa[redacted]nt Wage and Hour Division
Greensboro of long hours
nd no overtime pay, will not receive
ack payment from the Stokes
heriff's Department.

Joyce has said that Raymond G.
ordelli, director of the Division, was
uditing the county budget and that if
e discovered insufficient payments
deputies he could require Stokes to
rovide them back payments.

Cordelli said Friday that he would
ot acknowledge having received a
mplaint from Joyce and that, as a
sult of the Supreme Court ruling, "I
longer have any enforcement
risdiction in that area."

The decision, handed down June 24,
rs local government employees
om provisions of the Fair Labor
andards Act. The law establishes
inimum wage, now $2.30 per hour,
nd prohibits giving employees
mpensatory time off in the future
r overtime work.

Local governments will no longer
[redacted]ed to pay employees for
ver[redacted]work, according to the
ecision.

Several local government officials
North Carolina have hailed the
ecision as removal of federal
eddling and a money-saving
easure, while some spokesmen for

governments from having to hire extra personnel.

But Stokes County Sheriff Tony Blalock said Friday that he is short-

deputies received $2.40 per hour and sometimes worked as much as 100

See 'Decision' Page 3

Stoneville Residents Want To Keep School

7/8/76

Residents of the Stoneville School District voted by more than a 6-1 margin last Thursday to keep its high school. A total of 698 residents of Stoneville, Price, Ayersville and Shiloh communities cast ballots in favor of keeping the high school where it is compared to 111 who voted to attend the new consolidated county high school.

And the sentiments of the people seemed to be the same, whether they had children in school or not. The vote between parents of children in school and non-parents to attend the new county high school was 55 and 56.

Dr. Richard Schultz, county school superintendent, said the distinction was made so' "down the line we could answer any possible complaints" that the two groups felt differently about it.

Although the preferential vote is not legally binding, the county school board is expected to allow Stoneville to keep its high school. Dr. Schultz said Friday he had not had a chance to discuss the results of the election with school board members. But he said the board will probably reach a decision on the matter at either its next meeting (Monday, July 12) or the one after that.

If Stoneville High remains in existence, the new county high school now under construction will include grades 9-12 from Wentworth, Bethany and Ruffin. If it were to include Stoneville students , the new high school, scheduled to open in the fall of 1977, would include grades 10-12.

Dr. Schultz added: "I don't feel there will be any problems (if Stoneville High is continued). We've always had good working relations with the people up there."

Dalto

Susp

Phillip F
guilty to s
connection
Earl Junior
ten year s
years.

Judge Jo
down the s
Superior C
Accordin
Vernon Ca
judge felt a
not serve a
well said th
will involve
reports to p
Under ter
will not
Rockinghar
protection.
where or w
will reside.

In the
murder tri
Hopper, al
testified th
Manuel. D
threatened
took part in

The body
was recove
March 6.

Cardwell
of Dr. Pag
weight than
...and conf
his client.
protected th
could witho
he stabbed
Hudson t
numerous, s
one area of
led him to b
stabbed .

Hopper
degree mu
death. Last
decision wi
Carolina's
apparently
serve a sen

Cardwell
office prep
investigatio
and that th
recommen
active sente
tion.

Terms of
Dalton from
[redacted]ages,
15 [redacted]iation
[redacted]als.

Stoneville Keeps High School

7/14/76

The Rockingham County Board of Education unanimously adopted Monday night a resolution that the new senior high school will house grades 9 through 12 and be attended by students from Wentworth, Bethany and Ruffin districts.

Stoneville students will continue to attend their local high school. In an unofficial referendum held June 30, Stoneville residents voted in favor of keeping their school rather than sending local youths to the new Rockingham County Senior High School.

The resolution also stated that any student in the county school system not in these districts and wanting to transfer to the new school may do so with school board approval.

The new school, scheduled to open August, 1977, is located on N.C. 65 between Wentworth and Reidsville.

Geneva Allen, board member, said Tuesday that the board will review the organization of county school districts every year.

The board also directed School Superintendent Richard Schultz to accept the lowest bids for sewage treatment service and carpentry and furniture for the new high school. The sewage treatment bids will open July 22, and those for carpentry and furniture on July 29, Allen said.

The board also approved the 1976-77 school budget. The Rockingham County budget allocated the county school system $23,795 for current expenses, $101,780 for maintenance and $300,000 for capital outlay.

The following new teachers were hired: Teresa R. Doyle and Janet Jones for Sadler Elementary School; Sue. F. Aldridge, Ray E. Meacher and Mary T. Bruton for Wentworth Elementary; Valerie Martin and Ramona Setliff for Happy Home Elementary; Helen Adams for Lincoln Elementary; Patricia Cottrell and Brenda Camden at Monroten Elementary and Paula Evans at Stoneville Elementary.

Pow-Wow

Rockingham County Manage Numa Baker said Thursda that Greensboro City Manager To Osborne has contacted hi requesting a meeting betwee Rockingham and Greensboro an Guilford officials on the Mayo Riv controversy.

But it will probably be about month before the meeting tak place, Baker said, becaus Rockingham town governments hav not yet appointed members of a county-wide committee to represent Rockingham at the meeting.

At their July meeting, the Rockingham Commissioners voted to set up a committee to investigate

FROM THE MADISON MESSENGER
JULY 14, 1976

preferably a member of the local board and its attorney—to the committee. The Commissioners' representatives will be Baker, board member Weldon Price and County Attorney Hugh P. Griffin.

Board To Canoe Mayo

If it takes a public demonstration of the Mayo River's charms to save it from Greensboro's thirst, the Rockingham County Commissioners will do it.

They have scheduled a Canoe Day on the Mayo Saturday, Aug. 7.

"The Commissioners have invited anybody that's interested to take a canoe ride down the Mayo," Board Chairman J.T. "Pete" Baker said Monday.

The Commissioners will be among the paddlers, he said.

Baker said the board hopes Canoe Day will "get everybody strongly against anybody taking water away from the Mayo."

Participants should meet at 7 a.m. at the courthouse in Wentworth.

markets, will open this year on August 3. The season opening dates were set Monday by the Flue Cured Tobacco Advisory Committee at a meeting in Raleigh.

Upper Middle Belt market which will hold sales July 27 are Oxford, Warrenton, Durham, Henderson and Louisburg. Lower Belt Markets begin sales July 20. Included in this last group are Sanford Ellerbe, Carthage and Aberdeen.

There are ten Old Belt markets. Besides Madison and Stoneville, the group includes Burlington,

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H 1

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: Education/Higher Education
Date: May 25, 1999
Version: First Edition

Introduced by: Representatives Grady, Luebke, Moore
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 **first year** of operation there are two options for accountability:
>
> *Option 1* applies to schools where less than 75 percent of students have end-of-grade/end-of-course (EOG/EOC) test scores from the previous year. Results of student performance from these schools will be reported.
>
> *Option 2* applies to schools where 75 percent or more of the students have EOG/EOC test scores from the previous year. These 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.
>
> 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.

(1)

VISITOR REGISTRATION SHEET

SENATE EDUCATION/HIGHER EDUCATION

DATE: Wednesday - June 2, 1999

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE ASSISTANT

NAME	FIRM OR AGENCY AND ADDRESS
Philip S. Adkins	Kestrel Heights Charter School
Ann Harris	Public School Forum of NC
Hal Miller	NCACCT
Brenda Daugherty	Sprint
John Poliszuk	AT&T
Laura Crumpler	AG
Nicole R. Quesenberry	SBE
Ann Bellamy	SBE
Henry Johnson	DPI
Bill Wilson	NCAE
Hamit Dial	NCAE
Jeanne Kinard	NCSBA

VISITOR REGISTRATION SHEET

002

SENATE EDUCATION/HIGHER EDUCATION

DATE: Wednesday - June 2, 1999

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE ASSISTANT

NAME	FIRM OR AGENCY AND ADDRESS
Liz Morey	Charter League
L.W. Bowman	Bill HB848 - Rockingham County
Linda M. Shaw	Bill HB848 - Rockingham County
Robert H. Shaw	Bill HB848 - Rockingham County
Elaine Vira McCalla	HBill HB848 - Rockingham County
Melissa Suarez	John Locke Foundation
JASON JOHNSON	INTERN: SEN. HAM HORTON
Barbara Wyse	Sierra Club
Melissa Semmer	intern : David Knight
Barry Russell	NCCCS
Clay Hines	NCCCS

VISITOR REGISTRATION SHEET

63

SENATE EDUCATION/HIGHER EDUCATION

DATE: Wednesday - June 2, 1999

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE ASSISTANT

NAME	FIRM OR AGENCY AND ADDRESS
Carolyn Girardeau	NCCCS
S. Lynne Hamlet	Sen. Lee
Jan Coates	NCASA
Karen Gaul	Governor's Office
Lynne Goodhand	NC Charter School Resource Center
Meagan Batdorff	NC Charter School Resource Center
John Cyrus	N.C. State Grange
Jeremiah L. Jackson	NCCCS
Harriet Dial	NCAE
Eddie Caldwell	EEBC
Kyle Armentrout	Senate
Ashley Westbrook	Governor's Office

National Board Certified Teachers
June 2nd, 1999

***Audrey Hurdle from Northern Middle School - Roxboro**

Certified in 97-98 as an Early Adolescence Generalist

AGENDA

SENATE EDUCATION/HIGHER EDUCATION

Wednesday, June 9, 1999
Room 414 LOB

CALL TO ORDER **Presiding: Senator Howard Lee, Co-Chair**

•	SJR 469	Confirmation of Governor's Appointments to the State Board of Education	Senators Lee and Dalton
•	HB 1187	Communication Devices on School Buses	Representative Hunter
•	HB 1154	Weapons at School/Law Clarified	Representative Michaux
•	SB 757	Pre-K Program to Meet Educ. Needs	Senator Rucho
•	HB 1046	Cell Phones/Pagers in Schools	Representative Thompson

Senator Howard Lee, Co-Chair
Senator Walter Dalton, co-Chair

MINUTES

SENATE EDUCATION/HIGHER EDUCATION

Wednesday, June 9, 1999
10:00 A.M.
Room 414 LOB

The Senate Education/Higher Education Committee met on Wednesday, June 9, 1999 at 10:00 A.M. in Room 414 of the Legislative Office Building. Senator Lee, Co-Chair presided. There were twenty-two Senators present. Senator Lee introduced Pages Stephen McIntyre sponsored by Senator Weinstein and Jessica Robinson sponsored by Senator Basnight.

Senator Lee recognized North Carolina National Board Certified Teacher Ms. Jeanne Snowa from Guilford County Central Office in Greensboro. Senator Lee complimented Ms. Snowa and all of the North Carolina National Board Certified Teachers. He invited Ms. Snowa to speak briefly to the Committee. Ms. Snowa stated that the actual process of preparing for certification is the factor that contributes most to teacher's professional growth.

SJR469

Senator Lee requested the Committee to discuss SJR469. The Long Title of SJR469 is: A *Joint Resolution Providing for Confirmation of the Appointments of Edgar David Murphy III and Jane P. Norwood to Membership on the State Board of Education.* Senator Dannelly moved to adopt the Proposed Committee Substitute. The Committee adopted the Committee Substitute. Senator Cochrane and Senator Lucas moved for the adoption of SJR469. The Committee voted to adopt SJR469. **SENATE JOINT RESOLUTION 469 was UNFAVORABLE AS TO JOINT RESOLUTION, BUT FAVORABLE AS TO C.S. JOINT RESOLUTION.** *(See Attachment A)*

H1154

Senator Lee asked the Committee to adopt the Committee Substitute for H1154. Senator Lucas moved to adopt the Committee Substitute. The Committee adopted the Committee Substitute for H1154.

Senator Lee recognized Representative Michaux, sponsor of H1154, to brief the Committee on H1154. (See Attachment B). Representative Michaux deferred to Senator

Committee Substitute. Senator Carter explained the Committee Substitute. A discussion followed Senator Carter's briefing.

Senator Lee then ruled that due the fact that Senator Rucho had invited out-of-town guests to speak on behalf of SB757, that H1154 would be displaced at this time.

SB 757

Senator Lee recognized Senator Rucho to brief the Committee on SB 757. Senator Rucho briefed the Committee on SB 757. The Long Title of SB 757 is *An Act to Appropriate Funds to Establish a Literacy-Based Preschool Grant program to Prepare At-Risk Students for Kindergarten.* Senator Rucho introduced Ms. Barbara Pellin, Assistant Superintendent for Student Services, Charlotte-Mecklenberg Schools. Ms. Pellin introduced the following individuals who traveled to Raleigh to speak as proponents of SB 757. They were Ellen Ogilvie Edmonds, Director, Early Childhood Services; Cheryl G. Merritt, Principal, Double Oaks Pre-Kindergarten and Family Resource Center; and Edna Amos, Parent Advocate, Double Oaks Pre-Kindergarten Center, Charlotte-Mecklenberg Schools. Ms. Pellin presented a comprehensive explanation of the proposed program. She then asked Ms. Cheryl Merritt to present the philosophy of the proposed program. Ms. Merritt explained the philosophy of the program. *(Please see Attachments 1,2,3 & 4).*

Senator Lee stated that due to the amount of appropriations requested for SB 757, he was unsure about the future of SB 757 for this year; however, he expressed the opinion that it was a program that was worth examining in the future. Senator Lee stated that the Education Oversight Committee might be an appropriate place to study this issue.

Senator Lee recognized Senator Rucho for a final statement pertinent to SB 757. Senator Rucho emphasized the fact that the proposed program is not in conflict with Smart Start. Senator Rucho thanked Senator Lee, Senator Dalton, and the Committee for allowing the team from Charlotte-Mecklenberg to present information on the proposed program.

There were no motions or votes taken regarding SB 757.

Senator Lee adjourned the meeting at 11:00 A.M.

Senator Howard Lee, Co-Chair

Christina K. Minard

Christina K. Minard, Education
Committee Assistant

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

EDUCATION/HIGHER EDUCATION COMMITTEE REPORT
Senator Howard Lee, Co-Chair
Senator Walter Dalton, Co-Chair

Thursday, June 10, 1999

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

UNFAVORABLE AS TO JOINT RESOLUTION, BUT FAVORABLE AS TO C.S. JOINT RESOLUTION

S.J.R. **469** Confirmation of Members to State Bd. of Ed.

Draft Number:	PCS6683
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	Yes

TOTAL REPORTED: 1

Committee Clerk Comment:

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

S 1

SENATE JOINT RESOLUTION 469

Sponsors: Senators Lee and Dalton.

Referred to: Education/Higher Education.

March 23, 1999

A JOINT RESOLUTION PROVIDING FOR CONFIRMATION OF TWO APPOINTMENTS BY THE GOVERNOR OF NEW MEMBERS TO THE STATE BOARD OF EDUCATION.

Whereas, under the provisions of the Constitution of North Carolina and G.S. 115C-10, appointments by the Governor to membership on the State Board of Education are subject to confirmation by the General Assembly in joint session; and

Whereas, vacancies have occurred on the State Board of Education; and

Whereas, the Governor has transmitted to the presiding officers of the Senate and the House of Representatives the names of his appointees to fill the terms of membership on the State Board of Education which expire March 31, 2007; Now, therefore,

Be it resolved by the Senate, the House of Representatives concurring:

Section 1. The appointments of two persons to membership on the State Board of Education for terms to expire March 31, 2007, are confirmed.

Section 2. This resolution is effective upon ratification.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

S D

SENATE JOINT RESOLUTION 469
Proposed Committee Substitute S469-PCS6683-SF

Sponsors:

Referred to:

March 23, 1999

A JOINT RESOLUTION PROVIDING FOR CONFIRMATION OF THE APPOINTMENTS OF EDGAR DAVID MURPHY, III AND JANE P. NORWOOD TO MEMBERSHIP ON THE STATE BOARD OF EDUCATION.

Whereas, under the provisions of the Constitution of North Carolina and G.S. 115C-10, appointments by the Governor to membership on the State Board of Education are subject to confirmation by the General Assembly in joint session; and

Whereas, vacancies have occurred on the State Board of Education; and

Whereas, the Governor has transmitted to the presiding officers of the Senate and the House of Representatives the names of his appointees to fill the terms of membership on the State Board of Education which expire March 31, 2007; Now, therefore,

Be it resolved by the Senate, the House of Representatives concurring:

Section 1. The appointments of Edgar David Murphy, III and Jane P. Norwood to membership on the State Board of Education for terms to expire March 31, 2007, are confirmed.

Section 2. This resolution is effective upon ratification.

Attachment B

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H **2**

HOUSE BILL 1154
Committee Substitute Favorable 4/26/99

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

DRAFT

H D

HOUSE BILL 1154*
Committee Substitute Favorable 4/26/99
Proposed Senate Committee Substitute H1154-CSRH-001
WARNING: LINE NUMBERS MAY CHANGE AFTER ADOPTION.

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; TO REQUIRE SUPERINTENDENTS TO VERIFY WHETHER STUDENTS RETURNING TO SCHOOL AFTER A 365 DAYS' SUSPENSION HAVE BEEN EVALUATED TO DETERMINE THE NEED FOR COUNSELING; TO REQUIRE THE COURT TO ORDER AN EVALUATION FOR JUVENILES ADJUDICATED DELINQUENT FOR SPECIFIED OFFENSES AND TO ORDER COUNSELING IF RECOMMENDED; AND TO REQUIRE JUVENILE COURT COUNSELORS TO NOTIFY SCHOOLS WHEN THE COURT ORDERS THAT EVALUATION AND COUNSELING.

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. G.S. 115C-391 is amended by adding the following new subsection to read:

"(i) Before a student is readmitted to school following a mandatory 365 days' suspension under this section, the superintendent shall verify whether the student was evaluated following the offense that resulted in the suspension. The evaluation shall have been for the purpose of determining whether the student would benefit from counseling or other mental health treatment. If the superintendent determines the student was not evaluated, then before the student is readmitted to school, the superintendent shall refer the student to the Area Mental Health Authority for an evaluation."

Section 3. G.S. 7B-2502 is amended by adding the following new subsection to read:

"(a1) The court shall order that the juvenile be examined by a physician, psychiatrist, psychologist, or other qualified expert as may be needed for the court to determine the needs of any juvenile who is adjudicated delinquent for one or more of the following offenses:

(1) The possession or carrying of a weapon on educational property when this offense would be a felony under G.S. 14-269 if committed by an adult.

(2) An offense that would be a felony under G.S. 14-69.1 if committed by an adult when the communicated location is on educational property or at a school-related activity on or off educational property.

(3) An offense that would be a felony under G.S. 14-69.2 if committed by an adult when the device, machine, instrument, or artifact is secreted, placed, or displayed on educational property or at a school-related activity on or off educational property."

Section 4. G.S. 7B-3101 reads as rewritten:

"(a) Notwithstanding G.S. 7B-3000, the juvenile court counselor shall deliver verbal and written notification of the

following actions to the principal of the school that the juvenile attends:

(1) A petition is filed under G.S. 7B-1802 that alleges delinquency for an offense that would be a felony if committed by an adult;

(2) The court transfers jurisdiction over a juvenile to superior court under G.S. 7B-2200;

(3) The court dismisses under G.S. 7B-2411 the petition that alleges delinquency for an offense that would be a felony if committed by an adult;

(3a) The court orders the juvenile to be evaluated under G.S. 7B-2502(a1);

(3b) The court orders the juvenile to receive medical, psychiatric, psychological, or other evaluation or treatment based on the recommendations of an evaluation ordered under G.S. 7B-2502(a1);

(4) The court issues a dispositional order under Article 25 of Chapter 7B of the General Statutes including, but not limited to, an order of probation that requires school attendance, concerning a juvenile alleged or found delinquent for an offense that would be a felony if committed by an adult; or

(5) The court modifies or vacates any order or disposition under G.S. 7B-2600 concerning a juvenile alleged or found delinquent for an offense that would be a felony if committed by an adult.

Notification of the school principal in person or by telephone shall be made before the beginning of the next school day. Delivery shall be made as soon as practicable but at least within five days of the action. Delivery shall be made in person or by certified mail. Notification that a petition has been filed shall describe the nature of the offense. Notification of a dispositional order, a modified or vacated order, or a transfer to superior court shall describe the court's action and any applicable disposition requirements. As used in this subsection, the term "offense" shall not include any offense under Chapter 20 of the General Statutes."

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

HOUSE BILL 1154:
Weapons at School/Law Clarified

BILL ANALYSIS

Committee:	Senate Education/Higher Ed.	**Introduced by:**	Representative Michaux
Date:	June 9, 1999	**Summary by:**	Kory J. Goldsmith
Version:	Second 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

S 1

SENATE BILL 757

Short Title: Pre-K Program to Meet Educ. Needs. (Public)

Sponsors: Senators Rucho; Allran, Ballantine, Clodfelter, Cochrane, Dannelly, Forrester, Foxx, Gulley, Lucas, Odom, Perdue, Plyler, and Rand.

Referred to: Appropriations/Base Budget.

April 5, 1999

A BILL TO BE ENTITLED

AN ACT TO APPROPRIATE FUNDS TO ESTABLISH A LITERACY-BASED PRESCHOOL GRANT PROGRAM TO PREPARE AT-RISK STUDENTS FOR KINDERGARTEN.

The General Assembly of North Carolina enacts:

Section 1. (a) There is appropriated from the General Fund to State Aid to Local School Administrative Units the sum of sixty-three million six hundred thousand dollars ($63,600,000) for the 1999-2000 fiscal year and the sum of sixty-three million six hundred thousand dollars ($63,600,000) for the 2000-2001 fiscal year to establish a literacy-based preschool grant program to prepare at-risk students for kindergarten. The State Board of Education shall distribute these funds on a grant basis to local school administrative units that match State funds on a dollar-for-dollar basis by committing federal funds received under Title I of the Improving America's Schools Act, Smart Start funds, and other non-State funds to the program.

(b) Local boards of education shall use these funds to establish a program similar to the Bright Beginnings Program in Mecklenburg County. The purpose of the program shall be to assist four-year-olds who might otherwise begin kindergarten already behind their peers to build the literacy-based foundation that they will need to succeed when they begin kindergarten.

Students who participate in the program shall be identified according to their educational need. The local board of education shall collaborate with other local agencies in recruiting children for the program.

The program shall last at least six hours a day. Each classroom shall have a teacher and a teacher's assistant. Teachers shall receive extensive staff development for the program.

The curriculum shall be child-centered, with a strong focus on language development and emergent literacy. The curriculum shall be aligned with the local K-3 curriculum.

Parental involvement shall be a requirement of the program. Parents of participating children must agree to ensure regular attendance by their children, adult supervision at the bus stop before and after school, current immunizations, parental attendance at a program orientation session and at parent-teacher conferences, parental participation in at least four school events, regular reading and other literacy activities at home, parental participation in a minimum of five hours of family-school partnership workshops, ongoing communications with their children's teachers, and community participation and collaboration.

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

Attachment 2





Charlotte-Mecklenburg Schools
Bright Beginnings Pre-Kindergarten Program





Index

I. Overview

II. Program Design

III. Curriculum

IV. Parent Involvement

V. Community Involvement

VI. Evaluation

Charlotte-Mecklenburg Schools Pre-Kindergarten Program

In Charlotte-Mecklenburg Schools, four-year-old children who might otherwise have started their school years behind their peers build a literacy-based foundation they need to succeed when they enter kindergarten. The Bright Beginnings Pre-Kindergarten Program has five critical components that lay the foundation for early school success: (1) an aligned written, taught, and assessed curriculum that is child centered with a strong language development/literacy component; (2) community participation and collaboration; (3) parent/family involvement and partnerships; (4) professional development; and (5) ongoing research and evaluation. The program is based on best practices, knowledge of research, theory, and practical knowledge. Research supports that quality early intervention programs can do more to promote children's academic success than any other efforts. The program is funded through utilization of 85% of the Title I budget and a strong local financial commitment.

THE STUDENTS – Participating students are identified according to educational need using a locally designed screening instrument. A collaborative, community recruitment effort is used to identify eligible students. Nine classrooms are Head Start collaboratives serving children selected according to Head Start regulations. Two classrooms are Even Start/National Family Literacy classrooms serving children and families identified according to Even Start standards.

PARENT INVOLVEMENT – Family connections are important for all children to enter school ready to learn. Because parents are their child(ren)'s first and most important teacher and because learning must extend beyond the walls of the classroom, parent/family involvement is an integral and non-negotiable component of the program. A family-school partnership that involves family literacy is required to insure the success of children. This includes training, in school and in home activities, and a parent contract. The parent contract is a unique feature of the partnership and requires the following: regular attendance by children, adult supervision at the bus stop in the morning and the afternoon; up to date immunizations for children; attendance at a program orientation session, attendance at parent-teacher conferences; participation in at least four parent/child/staff events; regular reading and at home literacy activities; attendance at family-school partnership workshops; and ongoing communication with children's teacher(s). This carefully planned and implemented support for families enhances the academic success of children.

COMMUNITY PARTICIPATION AND COLLABORATION– CMS has significant community support for this initiative. This support has ranged from financial contributions to classroom volunteers. Without these resources, the CMS Pre-Kindergarten program could not have been implemented.

PROGRAM DESCRIPTION – The program is six hours daily with extended day options. Classrooms have 18 to 19 students with a certified teacher and a teacher assistant. The program is provided in a combination of centers and elementary sites.

PROFESSIONAL DEVELOPMENT – All teachers in the program are either North Carolina Birth through Kindergarten certified or are provisionally certified and matriculating through additional college courses that will meet additional educational requirements for the certification. All professional development efforts build on the language and early literacy focus of the program and foster a cohesive, unified group of teachers and assistant teachers. Literacy teachers provide mentoring, support, and on-site professional development activities. All efforts promote

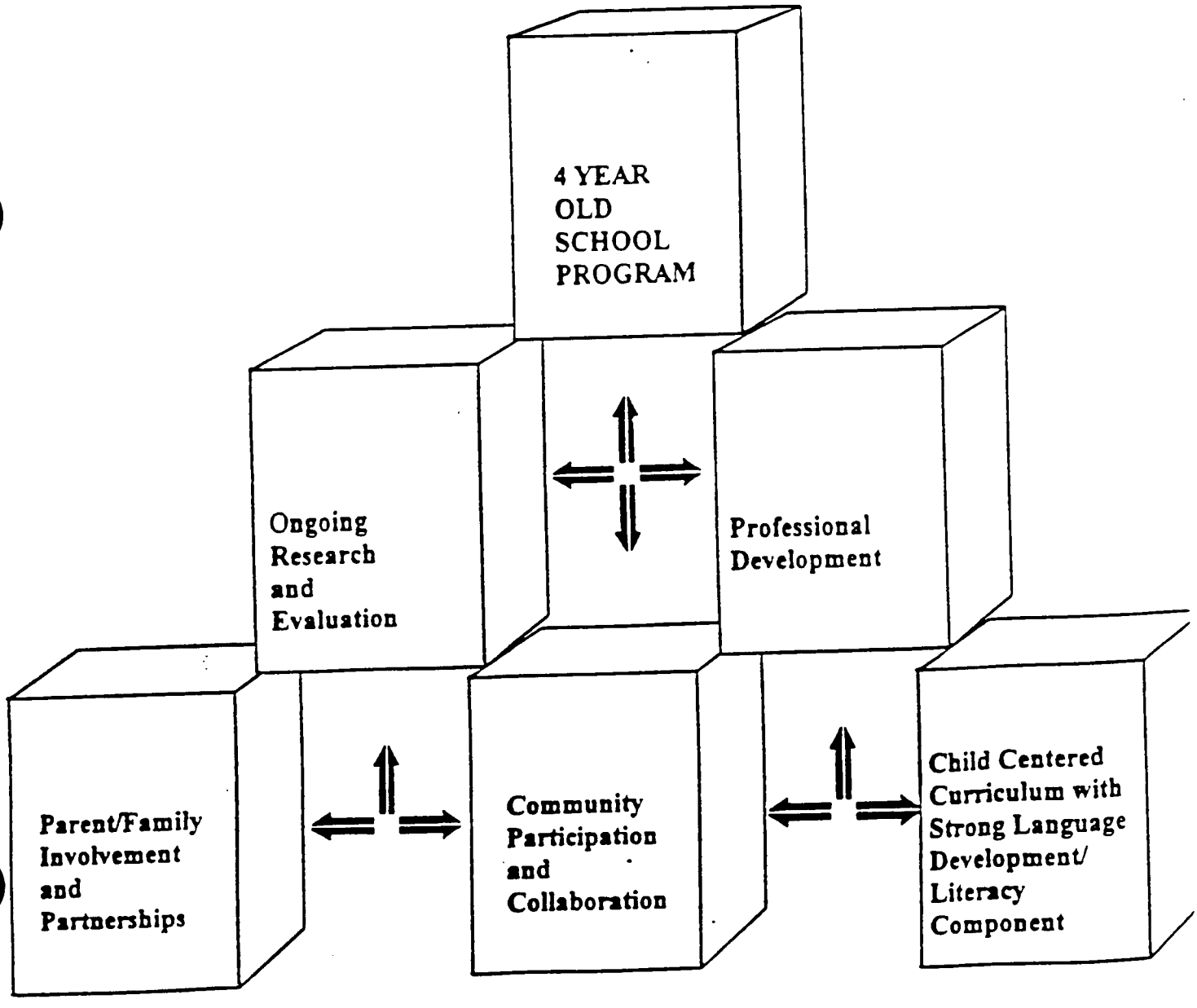
developing a rich learning environment relevant to children's own experiences. Professional development is ongoing and based on program needs as identified.

CURRICULUM – The curriculum is child-centered with a strong focus on language development and emergent literacy. It employs a literacy-rich written curriculum, which is required to be taught, while simultaneously providing key experiences that lay the foundation for early school success. The curriculum is informed by research on emergent literacy and language acquisition. It contains developmental objectives, pre-k literacy benchmarks, content standards and performance expectations. The centerpiece of the curriculum is a thematic unit. Unit components include thematic connections, content maps, unit books and emergent books, curriculum bookwebs, concept maps, literacy lessons, center activities, and family activities. The students benefit from a literacy rich classroom environment. The curriculum is aligned with the K-3 curriculum. The curriculum was developed to ensure that all participating pre-kindergarten students enter school ready to learn.

ASSESSMENT AND EVALUATION – Assessment and evaluation is accountability based and includes process and outcome measures. Multiple measures are utilized for pupil assessment, including High Scope's Child Observation Record (COR), portfolios, Concepts About Print (CAP), and letter identification. Assessment is aligned with K-2 standards and assessment. A longitudinal study will be performed to determine student's progress as they move through the grades.

WRAP-AROUND SERVICES – A variety of supportive programs and services have been instituted through community collaboration including provision of services by child development specialists, classroom instruction and support by speech pathologists, health services, mental health services, adult education and employability training, and Project UPLIFT. UPLIFT provides home visitation to families in the pre-kindergarten program who have children ages birth through four and uses the Parents As Teachers curriculum. This continuum of services strengthens families and improves long-term outcomes.

CHARLOTTE-MECKLENBURG SCHOOLS PRE-KINDERGARTEN MODEL



Parent/Family Involvement and Partnerships

- Parents as Partners in the child's learning
- Continuous communication
- Early and on-going family/school relationships
- Family literacy

Community Participation and Collaboration

- Early incorporation of the community/stakeholders
- Focus groups
- Collaborative planning and feedback

Child Centered Curriculum with Strong Language Development/Literacy Component

- Active involvement in diverse, rich learning experiences and activities
- Focus on emergent reading and writing
- Integrating technology with instruction
- Program linked to pre-kindergarten through grade one performance standards

Ongoing Research and Evaluation

- Annual evaluation of program outcomes
- Longitudinal studies of students and families
- Research and practice informing continuous improvement
- Ongoing classroom observation

Professional Development

- Certification and training
- Teacher and staff recruitment
- Training in using early literacy strategies
- Teacher study/coaching groups

Background Data

- 1,848 students, 1997-98 (1,938 in 1998-99)
- Larger than 12 N.C. school districts
- 6 Head Start collaborative classrooms in 1997-98 (9 in 1998-99)
- 94 classrooms in 1997-98 (102 in 1998-99)
- 3 Centers, 1 mini-center, 9 school-based sites
- Collaboration with corporate and community partners

CMS Bright Beginnings Pre-K Curriculum is ...

•child centered

•developmentally appropriate

•grounded in research

•based on "best practices"

•centered around oral language development and emergent literacy acquisition

•uses good literature alongside emergent texts

•seeks to help young children understand how print works

•teaches children "about" reading - more than how to read

•involves the whole child -all domains

•involves the whole classroom - all centers/activities

•has a strong family component



Cathy E. Yancey
10/97

CMS Bright Beginnings Day

Approximate Time

30 minutes — Arrival
Independent Reading, Journals, Breakfast, Attendance

15 minutes — Literacy Circle 1
Read Aloud, Sharing, Plan for the Day, Poems, Fingerplays, Songs

90 minutes — Centers and Small Group Activities

...Library	*...Sand and Water*	*...Art*
...Dramatic Play	*...Mathematics*	*...Manipulatives*
...Writing	*...Computers*	*...Blocks*
...Listening	*...Science*	*...Music*

30 minutes -- (May be done in two sessions) Literacy Circle 2 - Bright Beginnings Literacy Lesson
Shared Book Experience, Group Dictated Stories, Discussions, Echo/Choral Reading, Stories/Nursery Rhymes, Songs, Following and Attending to Print

30 minutes — Outdoor/Music and Movement
Teacher directed and independent choice

30 minutes — Literacy Circle 3
Reread Emergent Books or Other Favorites, Modeled Writing, Songs, Rhymes, Sharing and Celebrating

30 minutes — LUNCH

15 minutes — Read Aloud, Music, Quiet Activities, Independent Reading

75 minutes — Centers and Small Group Activities

...Library	*...Sand and Water*	*...Art*
...Dramatic Play	*...Mathematics*	*...Manipulatives*
...Writing	*...Computers*	*...Blocks*
...Listening	*...Science*	*...Music*

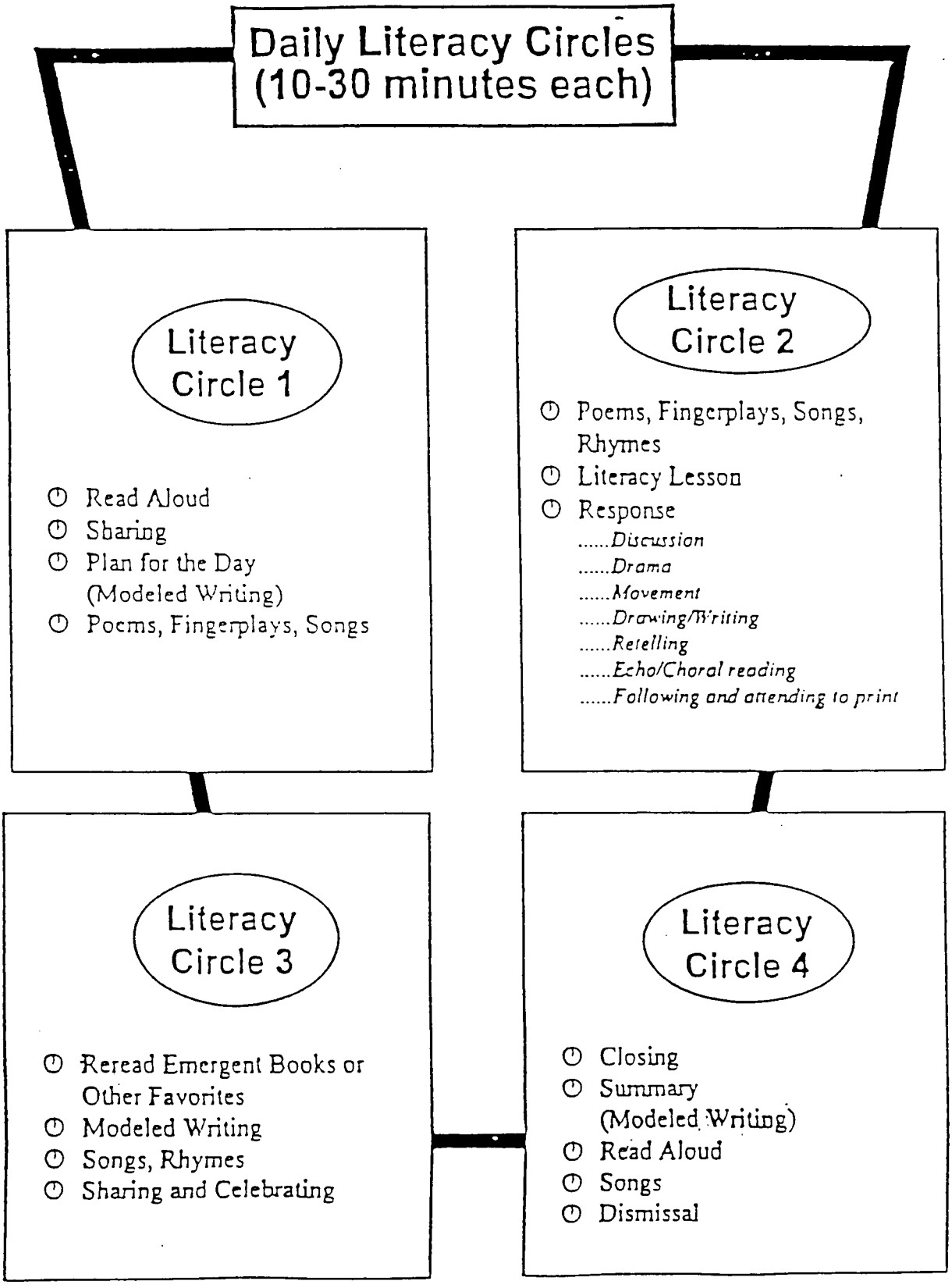
10 minutes — Read Aloud Story

30 minutes — Outdoor/Music and Movement
Teacher directed and independent choice

15 minutes — Literacy Circle 4

Closing
Summary
Read Aloud Story, Songs
Dismissal

Specific Literacy Routines

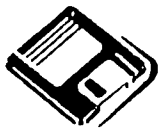


Center Overview

The literacy centers will contain materials that will be introduced throughout the year. Many options will be available to the children.

	Materials	Suggestions
■ **Library**		
Pocket chart or Interactive Chart	• Pocket chart • Interactive Charts • Wall paper tray (to hold sentence strips) • Various pointers	The children place cards into the pockets on a chart and read the poems, songs or sentences over and over. They can also place the sentence strips into the pocketchart in the correct order and reread the poem, songs, or sentences over and over.
Books 	• Big books that have been introduced in the literacy lessons • Baskets of emergent reading in books • Baskets of nonfiction books related to the themes • Baskets of fiction books related to the themes	The children read the books by themselves or with partners. They may use a paint stick with their name on it to be placed in the basket when a book is removed. This will help the child to replace the books in the correct basket.
■ **Dramatic Play**	• Hats • Props for the various stories • Puppets • Home center furniture (table, refrigerator, stove, etc.)	The dramatic play center is used for students to dramatize the focus books using props or puppets. This center can also be transformed into different settings. For example, it may become a grocery store for the children to pretend to go shopping.

Center Overview

	Materials	Suggestions
■ **Listening** 	• Tape recorder • CD player • Pre-recorded books (purchased or teacher-made) • Blank tapes • Head phones	The children listen to pre-recorded tapes of the focus books. The children may record themselves retelling the stories or reading any of the books.
■ **Sand and Water** 	• Water table (clear if possible) • Sand table • Sand • Bubbles • Food coloring • Egg beaters • Sifters • Buckets • Shovels • Plastic animals and people • Plastic boats • Large spoons • Funnels • Spray bottles • Various cups (different sizes) • Small broom and dust pan • Sponges • Clipboard with paper and pencils/markers	Spray water onto the sand to dampen it. The children can build structures using the different cup sizes. The children can use the different animals and plastic people to add to the various settings. Add a few drops of food coloring to the water. The children may pour the water from container to container. The children may place items into the water table to observe the buoyancy. Place some liquid bubbles into the water. The children may place various items into the water to observe the different bubbles that can be created. The children should use the paper to record their observations through dictations, drawings, or writings.

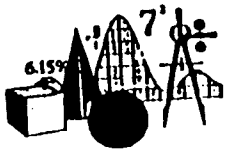
Center Overview

	Materials	Suggestions
■ **Science** 	• Magnifing glasses • Nature collections • Paper • Pencils • Crayons • Class pets (fish, hamsters, etc.) • Plants	The children observe and categorize various materials. They draw, dictate or write about observations. The pets may be fed, held and observed.
■ **Art** 	• Pencils • Colored Pencils • Paint • Paint brushes • Prints of famous paintings • Scissors • Glue sticks • Scraps of material • Easel • Magazines	The children may use the materials to produce pictures to show their favorite part of a book or a personal experience. Pictures could be painted to illustrate pages of a class work. The teacher could add the print. 

Center Overview

	Materials	Suggestions
■ **Manipulatives** 	• Puzzles (purchased and teacher made) • Letter tiles for each child's name • Cereal box puzzles (cut into four pieces at first) • Games (purchased and teacher-made)	The children play different games and put puzzles together.
■ **Blocks** 	• Wooden Blocks • Plastic animals • Plastic people • Wooden people • Construction paper, 3x5 cards • Masking tape • Pencils • Colored pencils • Toy cars and trucks • Community carpet	The children use the blocks to build structures. The people and animals may be added as the children use the structure to play. The children can "write" words to make signs for their structure.
■ **Music** 	• Tape recorder, earphones • Music tapes, blank tapes • Rhythm instruments • Song books • Scarves, hats and other props for dancing • Tap shoes • Real instruments (and their cases)	The children may listen to tapes or may tape their own singing and music making. They may play rhythm instruments. They may create dances and marches. 

Center Overview

	Materials	Suggestions
Mathematics 	• Pattern blocks • Unifix cubes • Graphing board • Balance • Scales • Boxes of materials for counting and making patterns • Paper • Pencils • Crayons • Rulers • Yarn • Teacher-made math games • Number stamps	The children may use the materials to count or create patterns. They may also use the scales and balance to weigh various materials.
Computer 	• Computer • Printer • Appropriate software • Headphones	The children will use various programs and create various shapes and words.

Center Overview

	Materials	Suggestions
■ **Writing** **Writing Table** 	• Dry erase boards • Dry markers • Chalk boards • Chalk • Pencils • Colored pencils • Unlined paper • Paper cut different sizes • Crayons • Discarded office pads • Letter stamps and stamp pads • Collection of envelopes	Children use the materials to write letters and words and draw pictures. The teacher may provide some pattern writing for the students to create a class book or an individual book.
Bookmaking 	• Individual books (These may contain print from the focus book) • Long armed stapler • Regular stapler • Construction paper • Various sized prestapled books	The children can illustrate the preprinted individual books or illustrate one page of a class big book. Children can also dictate or write a story in prestapled books.

Creating a Print-Rich Environment

A classroom that provides a print-rich environment has different kinds of print abundantly displayed and provides materials and activities that encourage students to use written language in their play. The teacher incorporates print in daily activities and provides frequent opportunities for children to experience and learn about print.

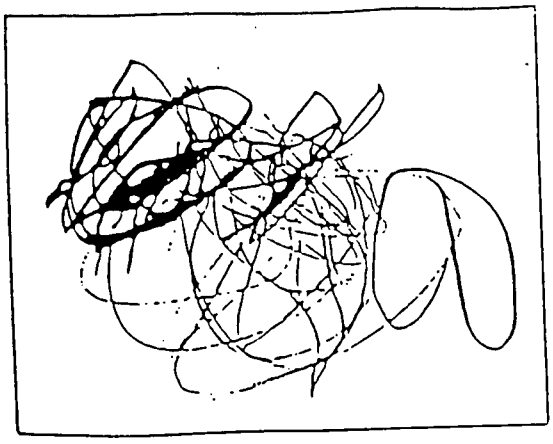
A print - rich environment includes:

- ***Environmental Print.*** The use of print on labels, logos and signs that is familiar and surrounded by colors, pictures and shapes. Children can collect environmental print, play lotto and board games with it.
- ***Functional Print.*** The use of print in routines, procedures and schedules and to share simple information. Often children use name cards for attendance, center rotation, and classroom helpers.
- ***Enhanced reading and writing centers.*** Inviting additions to the reading center are comfortable seating areas, puppet or flannel board props for particular books, the big book that the class is reading. Writing centers are enhanced by adding such items such as note cards, carbon paper, pasta letters, old checks.
- ***Literacy "props" in all centers.*** The addition of reading and writing materials in all centers to encourage literacy play.

The teacher in a print-rich environment:

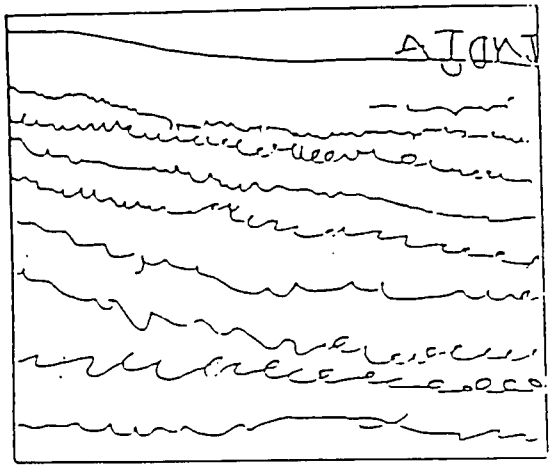
- Provides time and varied opportunities for literacy activities.
- Models reading and writing for students in his or her own daily routine.
- Plans the environment to encourage children's interactions with reading and writing and with other students.
- Uses reading and writing as essential elements in managing daily classroom routines.
- Introduces children to a wide variety of books.
- Listens to children read and reads to them daily.
- Listens to students' stories and helps students record them.
- Arranges print displays that are current and at the child's eye level.
- Observer the children's use of the environment to be sure that it is supporting their developing literacy.
- Understands that providing an environment supportive of a child's developing literacy is a way of thinking. It is not a teaching technique to be carried out in one specific way.

Source: Beeler, T. *I Can Read! I Can Write!* Creative Teaching Press. 1993.



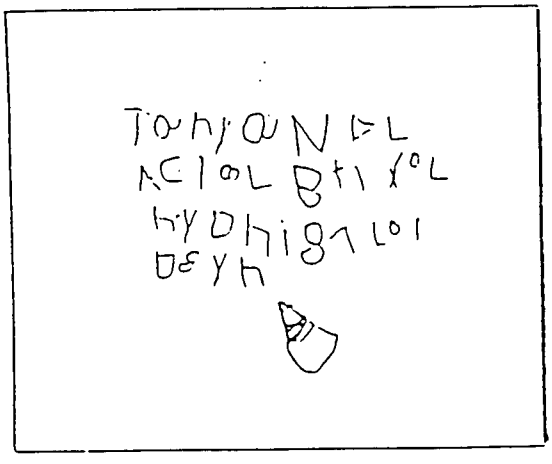
Scribble stage

Scribbling is an important first stage of writing that our children must go through to get to the next stage. This is their first experience of finding out what happens when crayon or pencil moves across the paper.



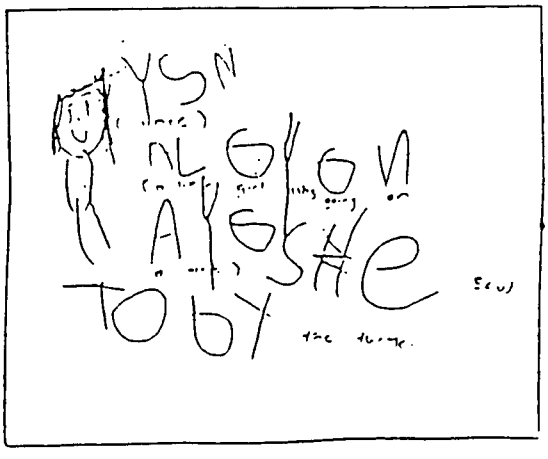
Linear, repetitive stage

In this stage, children begin to observe that adult writing looks different from theirs. Now, their writing begins to march across the paper in semi-straight lines. Observable differences in children's writing show that some are trying to write in long-hand like grown-ups and others are printing as observed in books



Combination of letter and letter like forms and other symbols

Next, the children's marks begin to look like letters. They notice that letters tend to be made up of lines and circles in various combinations. You might see something like a T, but with extra crosses

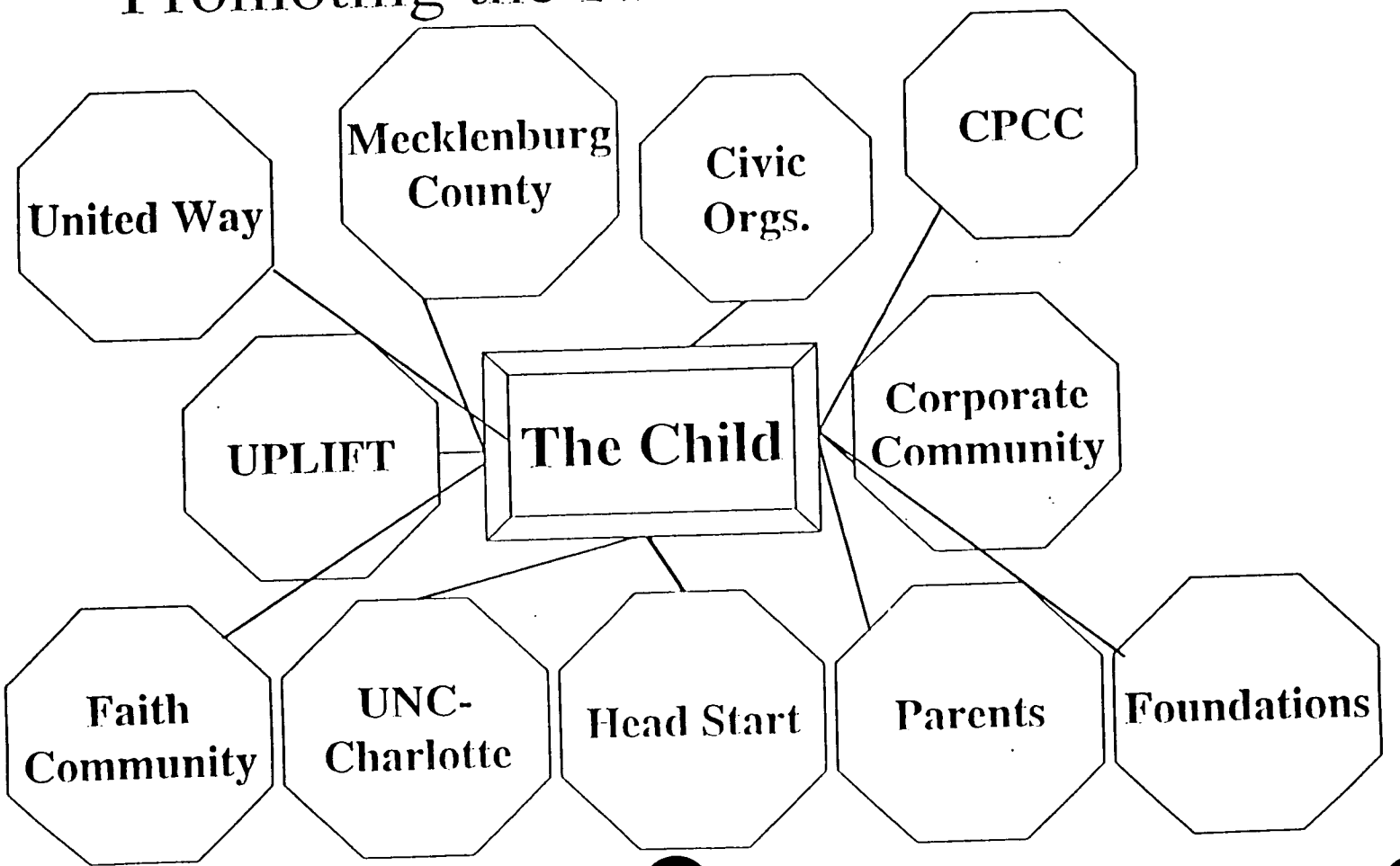


Beginning invented spelling

As children discover specific letters, they begin to notice relationships between the letters and the sounds of words. They figure out ways of spelling that make sense to them. At first, they only notice the first sound in a word, then usually will add the last sound, and sometime later attempt the in-between letter sounds

excerpts from "Literacy Begins at Birth"

Family-School-Community Partnerships Promoting the PreK Child's Success



The Family-School Connection

Introduction

The parent is the child's first and most influential teacher. Sharing curriculum information with parents is achievable and is a valuable opportunity to build relationships with them in the Pre-Kindergarten Program. I encourage you to reach out and establish a collaborative relationship that creates a mutual understanding of the curriculum. Charlotte-Mecklenburg Schools' staff is committed to building stronger minds and stronger bonds between family and community. With your help, together we will build a stronger world.

Dr. Eric J. Smith

"Parent involvement is the key to unlocking the potential of students and schools; when parents, students and teachers sit down together the learning curve rises and education becomes part of the student's whole life." Peter W. Cookson, Jr., Director, Center for Educational Outreach and Innovation, Teachers College, Columbia University, 1996.

The Charlotte-Mecklenburg Pre-Kindergarten program is designed to provide a rich, child-centered, literacy focused program to ensure that all children in Mecklenburg County enter kindergarten ready to learn. For that design to succeed, it must extend beyond classroom walls to recognize and incorporate the home and family as vital parts of the process. Two way communication between staff and families is essential, facilitating early learning and developing positive patterns for home-school interaction that will last throughout the child's education.

Guiding Principles for CMS

- Parents have the desire and responsibility to participate in their child's education.
- Parent and family participation maximizes student learning.
- Carefully planned and implemented support for families enhances the academic success of their children.
- Early involvement of families in school is essential and establishes patterns and practices that will last a lifetime.
- Home and community are vital extensions of the learning environment.
- Partnerships between schools and families benefit the child, the family and the school.

Family Connection Activities
My World

Play the "What If" game. Make up things like: What if you got lost in the woods? What if you were riding on a spaceship?	Say the rhyme: "The world is big. The world is round. If you listen carefully, you'll hear a sound." Take turns telling what you hear.	Have your child identify an animal. Discuss where it lives, describe its home, and how it gets its food.	Watch the Weather Channel and talk about different kinds of weather in different places. Listen to the forecast. Is the weatherman right?
Use a city/county map to find where your street is.	Look at a globe and find North Carolina and Charlotte on it.	Visit the public library and check out a book about geography.	Have a family meeting.
Find brown items in your home.	Ride the city bus and point out landmarks.	Go on a nature walk. Discuss things that are alive.	Teach your child his/her address and phone number. Ask if he/she knows other family members' addresses and phone numbers.
Talk about the places in your community.	Have your child learn the names of his/her school, teacher, principal and bus driver.	Find and identify different shapes in your home.	Read a story to your child about somewhere far away.
Take pictures of family members and develop a photo album.	Watch together on TV a family show and discuss the characters.	Prepare a family meal together.	We completed the checked activities this month. Parent: _____ Student: _____ Date: _____

"My World" Recipe: World of Peanut Butter Balls

Books I'm Reading at School: What A Wonderful World, Let's Take Care of the Earth, Who's In The Shed? and Who Lives Here?

Discipline Tip for "My World": Teach your child to introduce himself/herself properly by looking straight at the new person, standing tall, shaking hands and saying his/her name proudly.

Songs: "We Are The World" and "We All Live Together"

Charlotte-Mecklenburg Schools' Pre-Kindergarten Program

Participation in the Charlotte-Mecklenburg Schools' (CMS) Pre-Kindergarten Program is a unique and optional opportunity. As with any opportunity, it comes with responsibilities. Participation is a privilege for students. Through this contract, parents join the school system in a partnership to support their children.

PARENT/SCHOOL PARTNERSHIP

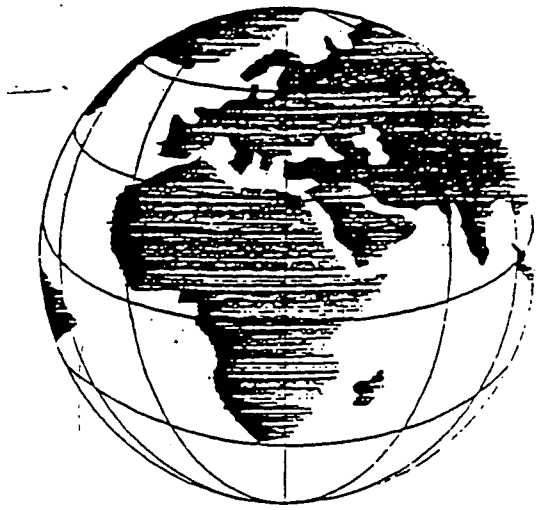
In order for my child, _____, to be enrolled and to participate in the CMS Pre-Kindergarten Program, I am committed to and will:

1. Agree that my child attends school every day that he/she is able. I understand that it is the parent's responsibility to send a note each time the child is absent. I understand that unexcused absences and irregular attendance (despite supportive services) will result in my child being dropped from the program.
2. Agree to make sure my child arrives at the start of the school day.
3. Agree to make arrangements for my child's safety before and after school. I will arrange for an adult to wait with and for my child at the bus stop in the morning and in the afternoon. I am aware that there are no provisions for child care after dismissal time.
4. Agree to keep my child's physical and immunizations upto date and handle any medical needs that arise.
5. Agree to allow the staff to make home visits during the school year.
6. Agree to attend an Orientation Session for parents, volunteer in my child's classroom as often as possible, and participate in at least four (4) parent/child/staff events or workshops during the year.
7. Agree to attend conferences requested by my child's teacher and be available for contact on a regular basis with staff. (This may involve home visits, telephone conferences or school/work site conferences).
8. Agree to read with my child and sign the reading log as required.
9. Agree to participate with my child in regular at-home activities as requested by my child's teacher to promote literacy learning.
10. Agree to check my child's bookbag on a daily basis for home/school communication.

I support each of these requirements because they ensure that I am fully involved in my child's education. I understand that the school will keep accurate records of my participation. If I do not fulfill these requirements, despite supportive services, I understand that my child may not be able to remain in the CMS Pre-Kindergarten Program.

Parent/Caregiver's Signature _____ Date _____

School Representative _____ Date _____



Dear Families,

MY WORLD is the subject that we are working on at school now. We hope that you can think about MY WORLD at home, too. The activities on the next page will give you some good ideas for things that you and your child can do and talk about together. We are asking you to:

1. Do at least ____ of the things on the Family Connections Activity Sheeet during the next 3 weeks.

2. Check off the blocks for the things you do.

3. Sign the Family Connections Activity Sheet.

4. Send it back to me at school.

Thank you for your help. **Have fun!**

Sincerely,

Your Teacher

Attachment 3

Charlotte-Mecklenburg Schools Bright Beginnings Program
1998-99 Kindergarten Entry Report

December 7, 1998

Background

During the 1997-98 school year, preschool services for four-year-olds in Mecklenburg County expanded greatly with the opening of the Charlotte-Mecklenburg Schools (CMS) Bright Beginnings program. This initiative, in part, was linked to the district's long-range goal of increasing the percent of third graders reading at or above grade level to 85 by the year 2001. It was believed that a literacy-based program for four-year-olds would provide the foundation for emergent literacy development in the early grades.

The program was designed to serve 2,000 at-risk children throughout the county. Specifically, the target population consisted of children demonstrating the highest level of educational need (as stipulated by Title I funding guidelines). A screening instrument was developed, consisting of 20 eligibility items and 14 additional literacy items. Program participants were selected using predetermined cutoff scores for the initial eligibility items and date of birth. One hundred twenty slots were reserved at the Plaza Road and Double Oaks centers for students identified by the Head Start program. Head Start children were admitted to the program on the basis of income eligibility only, and were not screened.

The Bright Beginnings program opened in August 1997 with approximately 1,800 children enrolled in 13 school-based sites and three PreKindergarten centers. For purposes of this report, only Bright Beginnings children who were enrolled in the program a minimum of 106 school days were considered in data analyses.

Although end-of-year achievement measures for Bright Beginnings students were encouraging, program effectiveness cannot be fully weighed without continued comparisons of Bright Beginnings children to their peers. Historically, studies of preschool effectiveness have been plagued by (a) lack of consensus about what children should know and be able to do as a result of their educational experience, (b) lack of a control or comparison group, (c) an absence of long-term goals and measures, and (d) lack of planning for a longitudinal study. These issues have been addressed in the design of the evaluation plan for the four-year-old program. As students entered kindergarten, key research questions included:

- Did children who participated in Bright Beginnings retain their knowledge over the summer?
- How do Bright Beginnings children compare to all other kindergarten students?
- How do Bright Beginnings children compare to students who were eligible to participate in the program, but did not?
- What kind of child care experience did students who did not participate in Bright Beginnings have prior to kindergarten?

To address these questions, CMS developed the **Kindergarten Initial Assessment** (a required kindergarten readiness measure) and **CMS Child Care Survey** (an optional parent survey). Findings from both the assessment and survey are the focus of this report.

Description of Measures

During the summer of 1998, a team of kindergarten teachers and curriculum staff designed the Kindergarten Initial Assessment **(see Appendix A).** Its purpose was to provide kindergarten teachers with initial information enabling them to get to know their students in an

easy fashion at the beginning of school. The assessment consisted of 10 short items administered individually to each student during the first two weeks of the school year. Items targeted early learning skills considered by the development team to be useful indicators of a child's readiness for school learning. The skills included color and shape identification, numeral recognition and counting, recognition of rhyme and beginning sounds, and indicators of social interaction skills.

The Kindergarten Initial Assessment was accompanied by assessment items from the *Observation Survey* to comprise a *Kindergarten Entry Profile* **(Appendix B).** The *Observation Survey* included a variety of individually administered literacy assessments appropriate for children whose skills range from the early emergent to early independent level. Each child was assessed within the first six weeks of school in uppercase and lowercase letter identification, concepts about print, and writing vocabulary. A third component of the Kindergarten Entry Profile consisted of behavioral items recorded via teacher observation, also over the first six weeks of school. Students were rated on their ability to exhibit self-control, cooperate within groups, participate in routines, and express feelings appropriately.

Collectively, assessment items from the Kindergarten Entry Profile were grouped into subscores reflecting kindergarten literacy competencies and mathematics objectives from the *North Carolina Standard Course of Study*, and social indicators of school readiness.

Profile components, along with maximum possible subscores, are outlined in **Table 1**.

Table 1
Kindergarten Entry Profile Assessment Components

Assessment Component	Assessment Source	Max. Score
Book and Print Awareness	*Observation Survey*: Concepts About Print (items 1-7)	7
Phonemic Awareness	Kindergarten Initial Assessment (items on rhyming and beginning sounds)	6
Decoding/Word Recognition	*Observation Survey*: Letter Identification (uppercase and lowercase letters)	52
Language Comprehension	Kindergarten Initial Assessment (item on identifying colors)	9
Spelling/Writing	*Observation Survey*: Writing Vocabulary Kindergarten Initial Assessment (item on writing name)	5
Number Identification	Kindergarten Initial Assessment (items on numeral identification and counting)	31
Geometric Ideas	Kindergarten Initial Assessment (item on identifying square, circle, and triangle)	3
Behavioral Adjustment	Kindergarten Entry Profile scan sheet (items on self-control, cooperation, class routine participation, and the expression of feelings)	12
Social Interaction	Kindergarten Initial Assessment (items on saying own name, teacher interaction, and peer interaction)	9

At the end of the first quarter, parents of all kindergarten students received a Child Care Survey to complete during a scheduled parent-teacher conference. Parents were asked to indicate which of nine child care options their child had participated in when the child was three years of age and when the child was four years of age, and whether it was a full- or part-time experience. Parents who were not able to attend conferences were given an opportunity to complete a questionnaire at home, and to send it back to school with their child. A copy of the Child Care Survey is provided in **Appendix C**.

Findings

Data from the Kindergarten Entry Profile (KEP) were collected in September 1998. Teachers recorded information for the 8,340 CMS students enrolled in kindergarten on scannable forms (**Appendix B**), which were submitted to the Instructional Accountability Department.

Data from the Child Care Survey were collected in November 1998. The response rate was roughly 72 percent. After scanning the data, however, it was determined that some of the information was not valid. For example, parents of some children had marked more than one full-time program during a given year, and others had marked three or more part-time experiences. Additionally, some parents indicated that their children participated in Bright Beginnings as three-year-olds or that the program was part-time. For these reasons, only those children whom parents reported receiving full-time care in a single setting (approximately 4,300) are included in any of the analyses in this report.

Descriptive statistics for the KEP assessment and Child Care Survey are provided in **Table 2** (page 4).

Table 2
Kindergarten Student Demographics (September 1998)

Ethnicity	Number
African-American	3,508
Asian	296
Hispanic	400
Multi-racial	145
Native American	72
White	3,915
*Unspecified	4
TOTAL	**8,340**
Gender	**Number**
Female	4,004
Male	4,332
*Unspecified	4
TOTAL	**8,340**
Lunch Status	**Number**
Free	2,880
Reduced Price	602
Full Price	4,858
TOTAL	**8,340**
Exceptional Children	**Number**
Exceptional Category	432
No Exceptional Category	7,908
TOTAL	**8,340**
English Proficiency	**Number**
Limited English Proficiency	487
Proficient in English	7,853
TOTAL	**8,340**
Bright Beginnings Participation	**Number**
Bright Beginnings Participants	1,534
Eligible Non-Participants	224
Other	6,582
TOTAL	**8,340**
Child Care Experience (Age 4)	**Number**
At home with parent or guardian	1,097
With a baby-sitter/nanny at your home or sitter's	84
In a day care home (2-11 children)	115
In a day care center or private preschool (more than 11 children)	1,227
In the Head Start or Even Start program (not CMS)	131
In The CMS Bright Beginnings PreKindergarten program	1,534
In the CMS Montessori PreKindergarten program	58
In a program for children with disabilities	14
Other	41
*Unspecified	4,039
TOTAL	**8,340**

* No data available

When compared to other CMS students, demographics indicate a slightly more diverse kindergarten population. For example, while white students comprise about 51 percent of the total number of CMS students, only 47 percent of all kindergarten students are white. This can be attributed exclusively to the rise in the number of students from "other" ethnic groups – 8 percent of all CMS enrollments as compared to 11 percent of all kindergarten students. Also of interest is the percent of children receiving free or reduced price lunch. While approximately 36 percent of all children in the district are eligible to receive assistance, 42 percent of all kindergarten students meet the eligibility criteria. The percent of kindergarten children with Limited English Proficiency is significantly higher than the total CMS population – 6 percent versus 2 percent, respectively.

Enrollment figures reveal that nearly one in five kindergarten children (18 percent), was served by the Bright Beginnings program. Eligible non-participants – children identified through the screening process – were exposed to a variety of child care experiences as four-year-olds and are treated as a control group throughout the report.

For children included in the survey sample, a clear majority received care either at home or in the context of a preschool or center. Prior administrations of the survey have indicated that children who remained at home were largely affluent, and that the child care program of the kindergarten student at age four was not related to school readiness for affluent children. However, for children from poorer families, a full-time program outside the home was significantly related to school readiness (Ross, 1996). Although KEP results will be reported for each child care setting, the latter part of the report will focus on differences in the measures for Bright Beginnings children as compared to center-based children.

Mean KEP scores for the district by demographic group are reported in **Table 3**. Although a comparison of means for a total KEP score is less meaningful than the previously defined subscores, some useful information is revealed. When examined independently, the achievement gaps in ethnicity, gender and SES seen in other achievement measures are readily apparent as children enter school.

Table 3

Mean Kindergarten Entry Profile Total Score by Demographic Group (Max. Score=134)

Ethnicity	Mean
African-American	84.89
White	98.19
Other	72.52
Gender	**Mean**
Female	93.90
Male	85.97
Lunch Status	**Mean**
Free	75.18
Reduced Price	83.62
Full Price	99.20
Exceptional Children	**Mean**
Exceptional Category	71.42
No Exceptional Category	90.78
English Proficiency	**Mean**
Limited English Proficiency	55.28
Proficient in English	91.92

Mean KEP scores for white kindergarten students were higher than those of non-white students. As in other early grade assessments, scores for girls were higher than those for boys. Free and reduced price lunch students had lower mean scores than students from higher income households, and students receiving Exceptional Children's services and those with Limited English Proficiency had lower KEP scores, on average. Analysis of variance revealed statistically significant differences in means for each demographic group above. Other differences in mean subscores by preschool experience are reported in **Tables 4-12**.

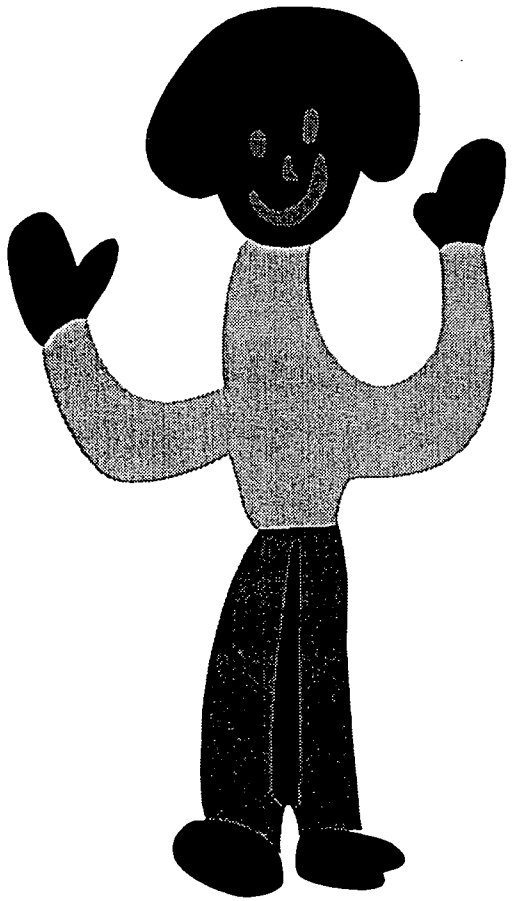
KEP results, based on all children assessed, indicated that Bright Beginnings students scored higher in book and print awareness than other students, **(Table 4)**. When examined more closely, Child Care Survey results showed that, with a group mean of 3.81, Bright Beginnings students had comparable scores to children in centers and private preschools. Only children in the CMS Montessori program had significantly higher scores on this measure.

Table 4
Book and Print Awareness Mean Score by Bright Beginnings Participation

Bright Beginnings Participation	Mean
Bright Beginnings Participants	3.81
Eligible Non-Participants	2.74
Other	3.54
Child Care Experience (Age 4)	**Mean**
At home with parent or guardian	3.26
With a baby-sitter/nanny at your home or sitter's	3.19
In a day care home (2-11 children)	3.06
In a day care center or private preschool (more than 11 children)	3.83
In the Head Start or Even Start program (not CMS)	2.67
In The CMS Bright Beginnings PreKindergarten program	3.81
In the CMS Montessori PreKindergarten program	4.67
In a program for children with disabilities	3.71
Other	3.82

Although Bright Beginnings children had higher mean scores in phonemic awareness than did eligible non-participants, they did not perform well on this measure **(Table 5)**. Only children at home with a sitter/nanny and Head Start/Even Start children had lower phonemic awareness scores. It is important to note that phonemic awareness, although addressed in the Bright Beginnings curriculum, is not a component of the CMS PreKindergarten Assessment. Additionally, 1997-98 local assessment results indicated deficiencies in phonemic awareness in kindergarten and first grade.

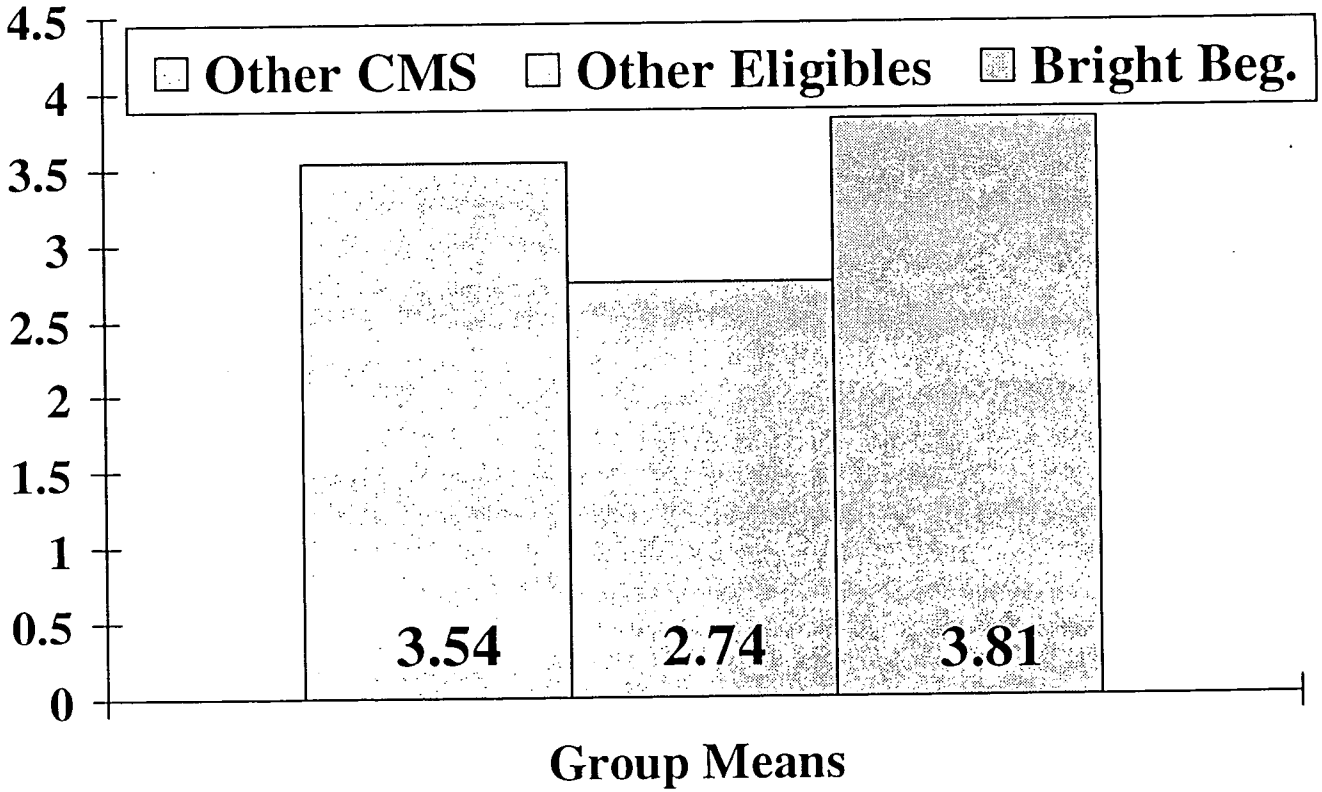
Kindergarten Entry Profile Results



Component	Pts.
■ Book and Print Awareness	7
■ Phonemic Awareness	6
■ Decoding and Word Recognition	52
■ Language Comprehension	9
■ Spelling/Writing	5
■ Number Identification	31
■ Geometric Ideas	3
■ Behavioral Adjustment	12
■ Social Interaction	9

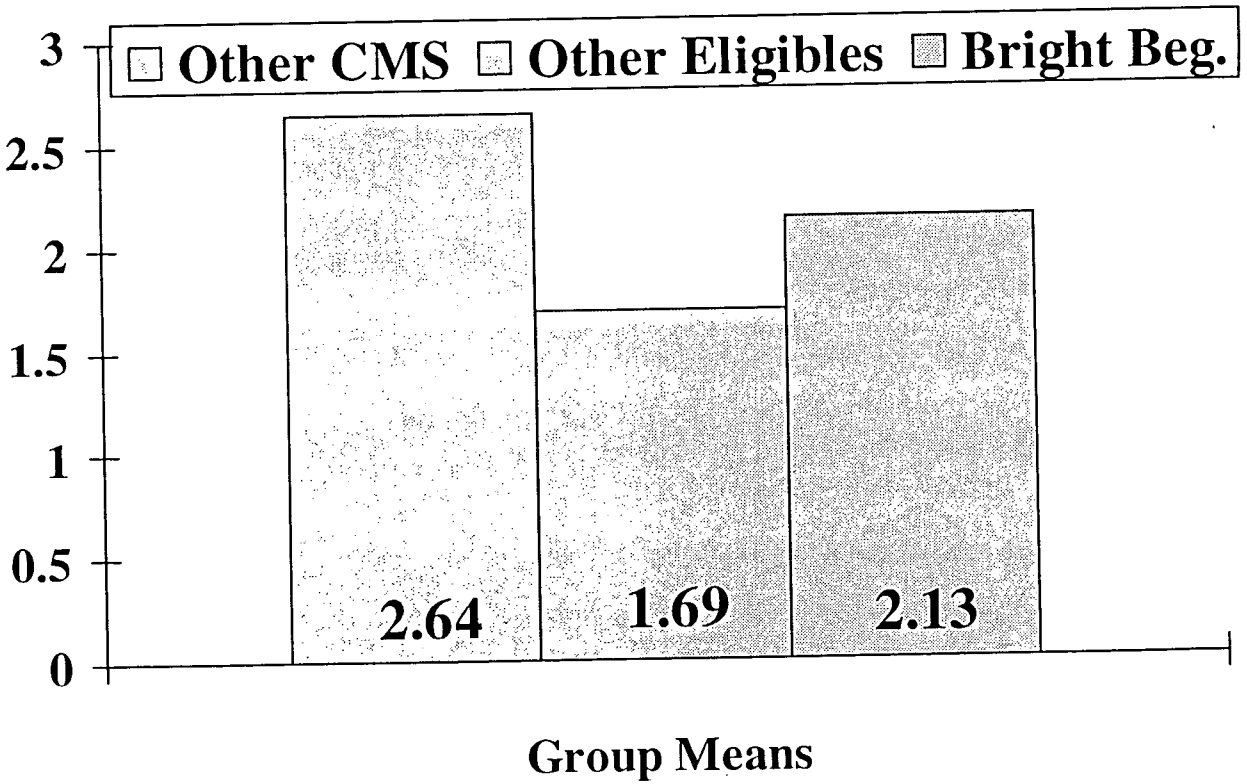
Book and Print Awareness

- front of book
- print contains message
- where to start
- directionality
- return sweep
- word-by-word matching
- first and last concept



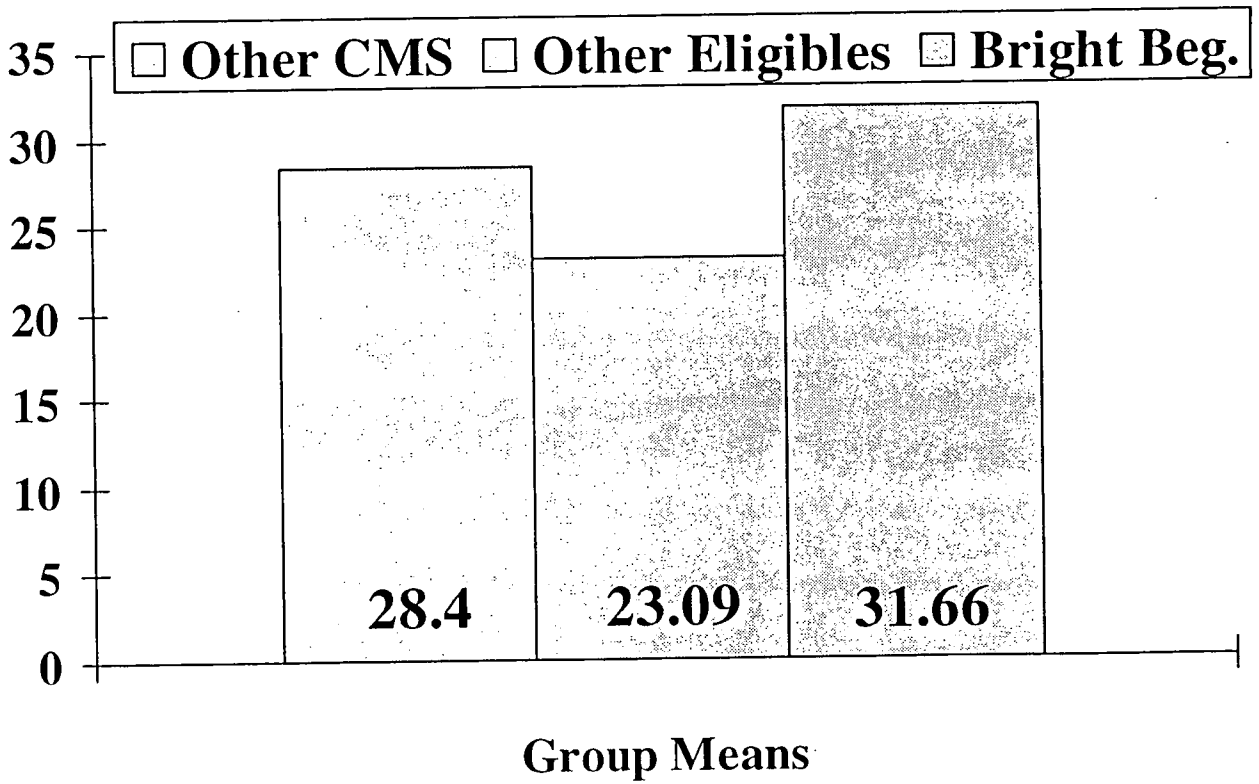
Phonemic Awareness

- rhyming sound identification
- beginning sound identification



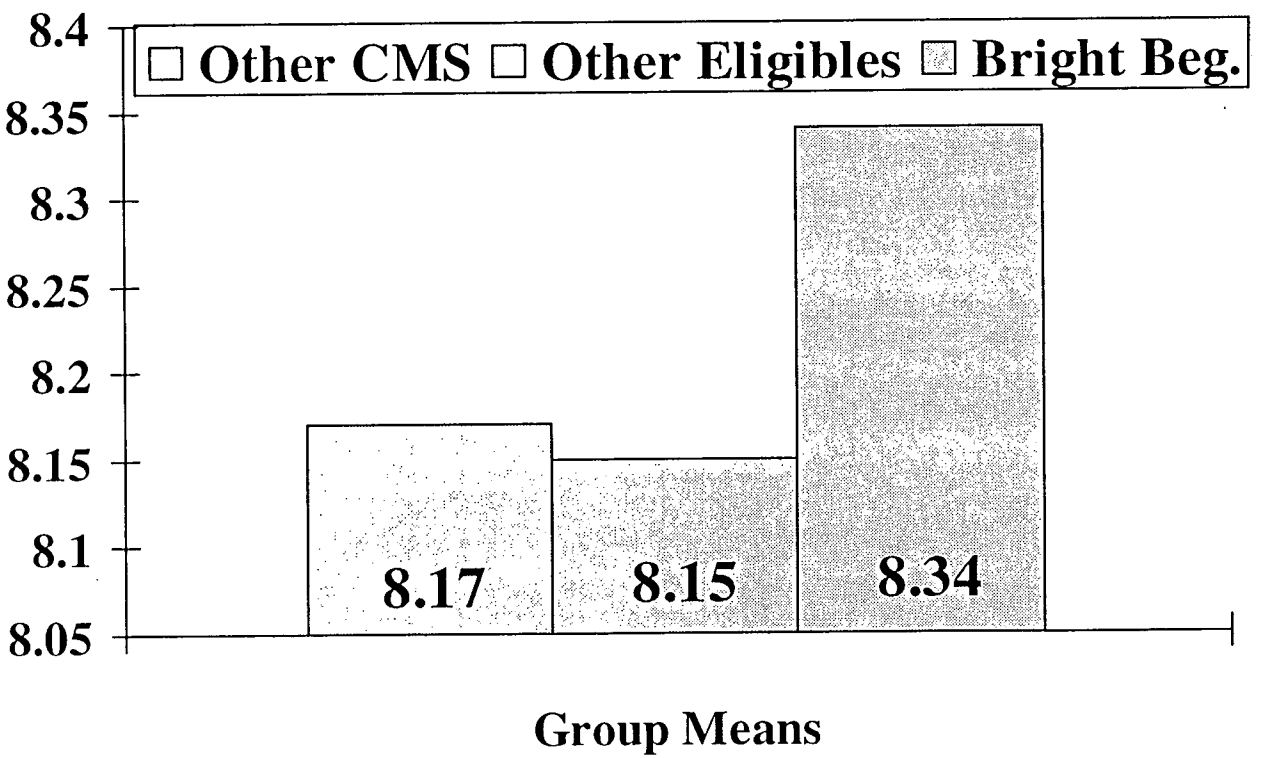
Decoding and Word Recognition

- **uppercase letter identification**
- **lowercase letter identification**



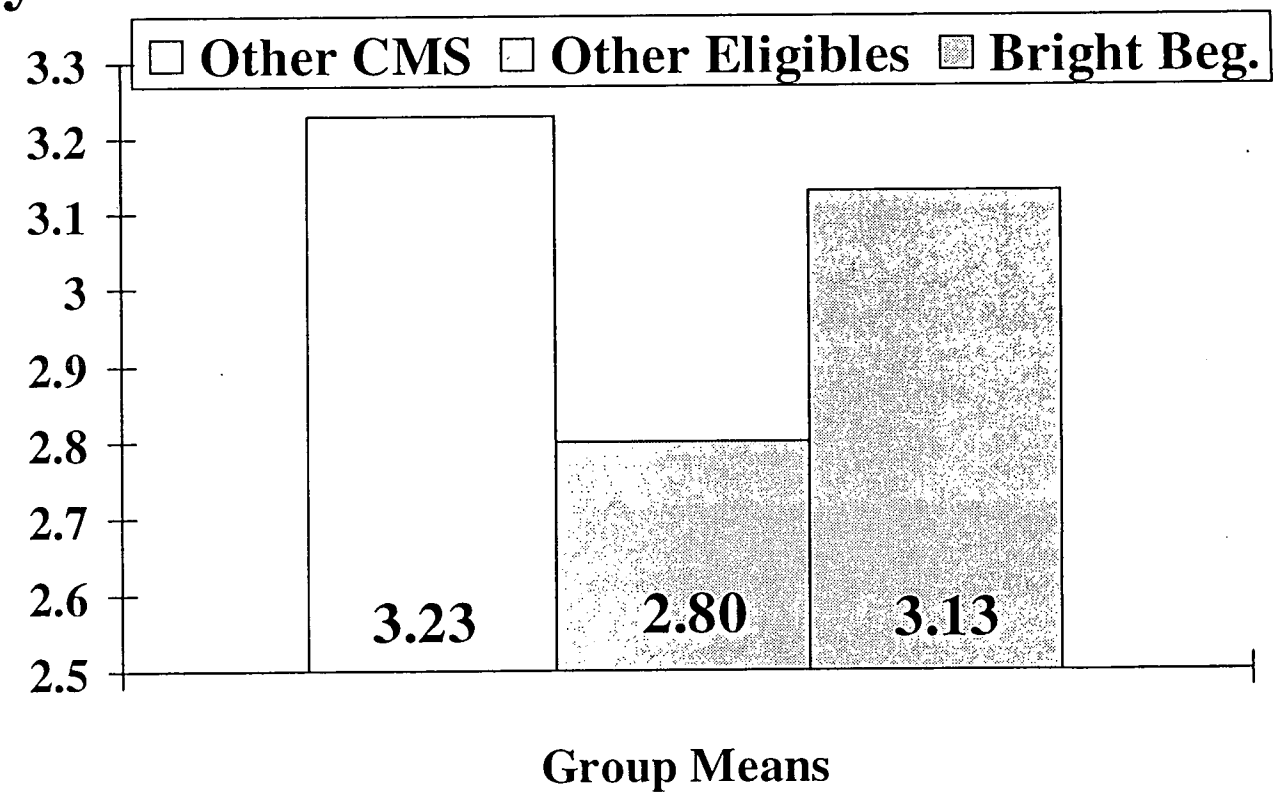
Language Comprehension

- **color identification**



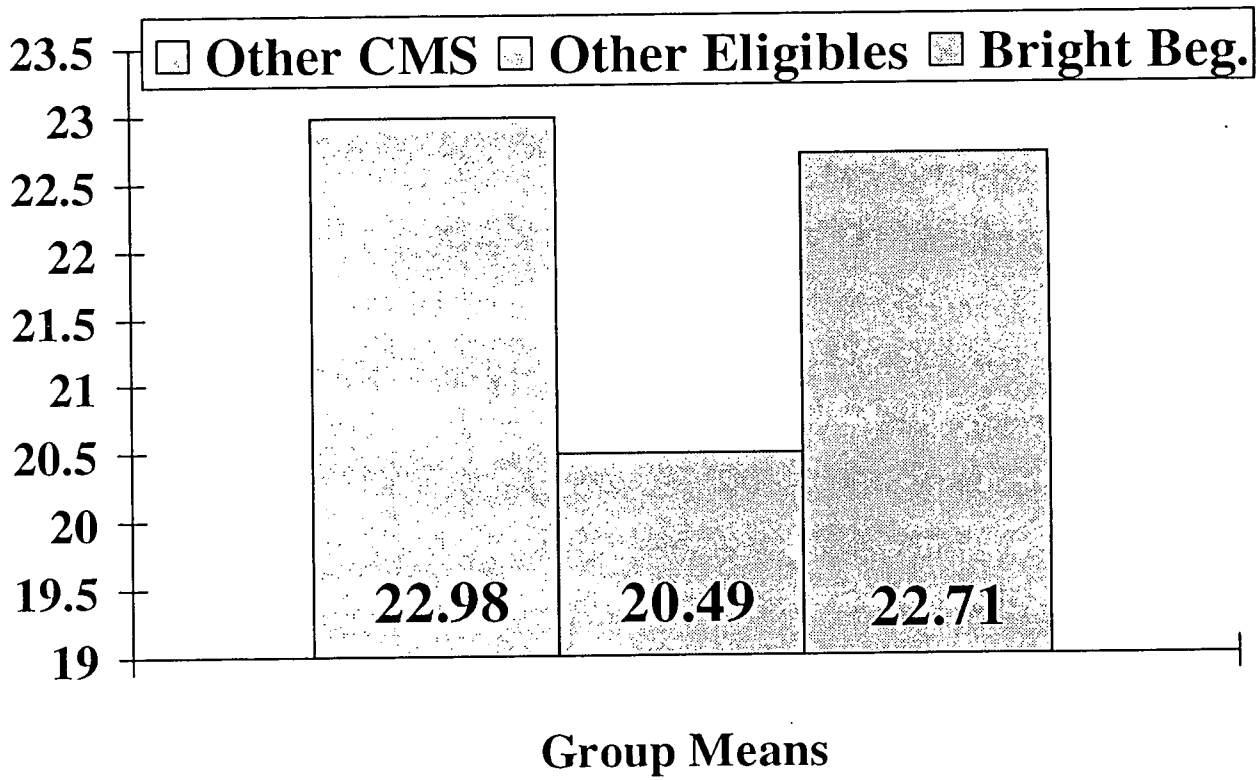
Spelling and Writing

- **writing vocabulary**
- **writing name**



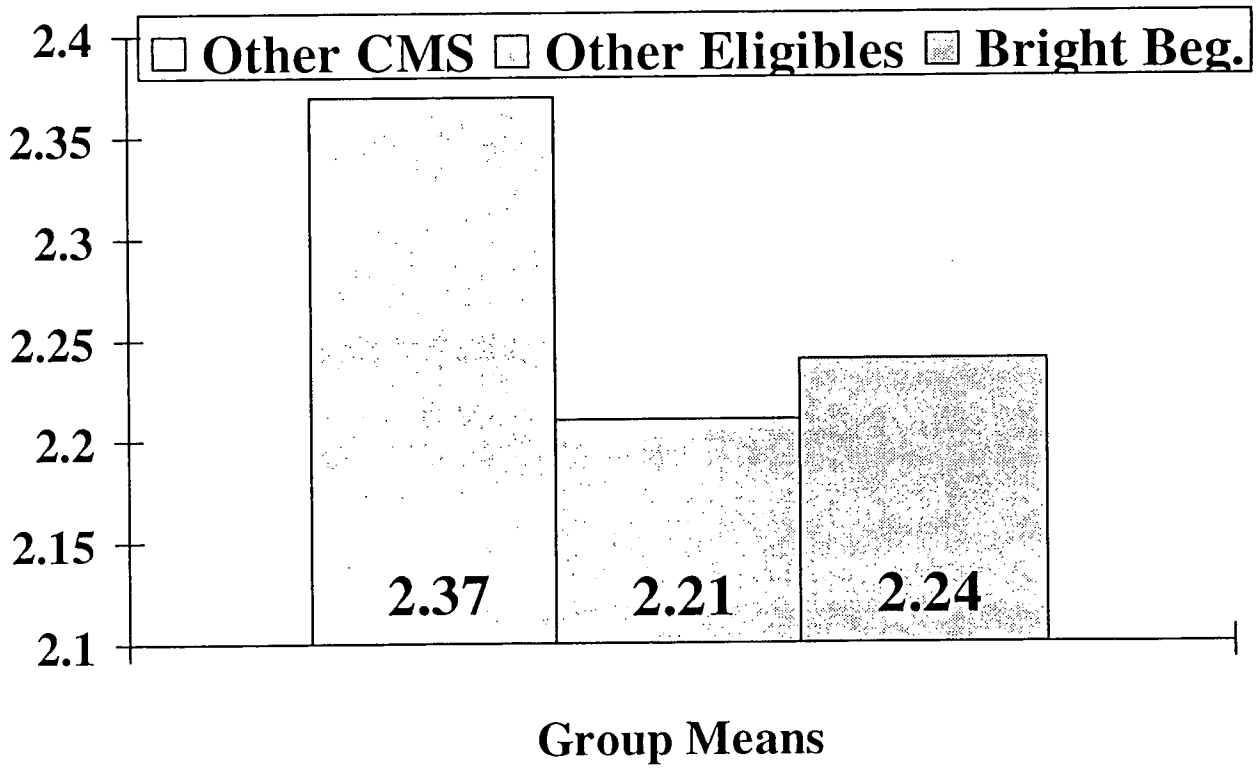
Number Identification

- **numeral identification**
- **counting**



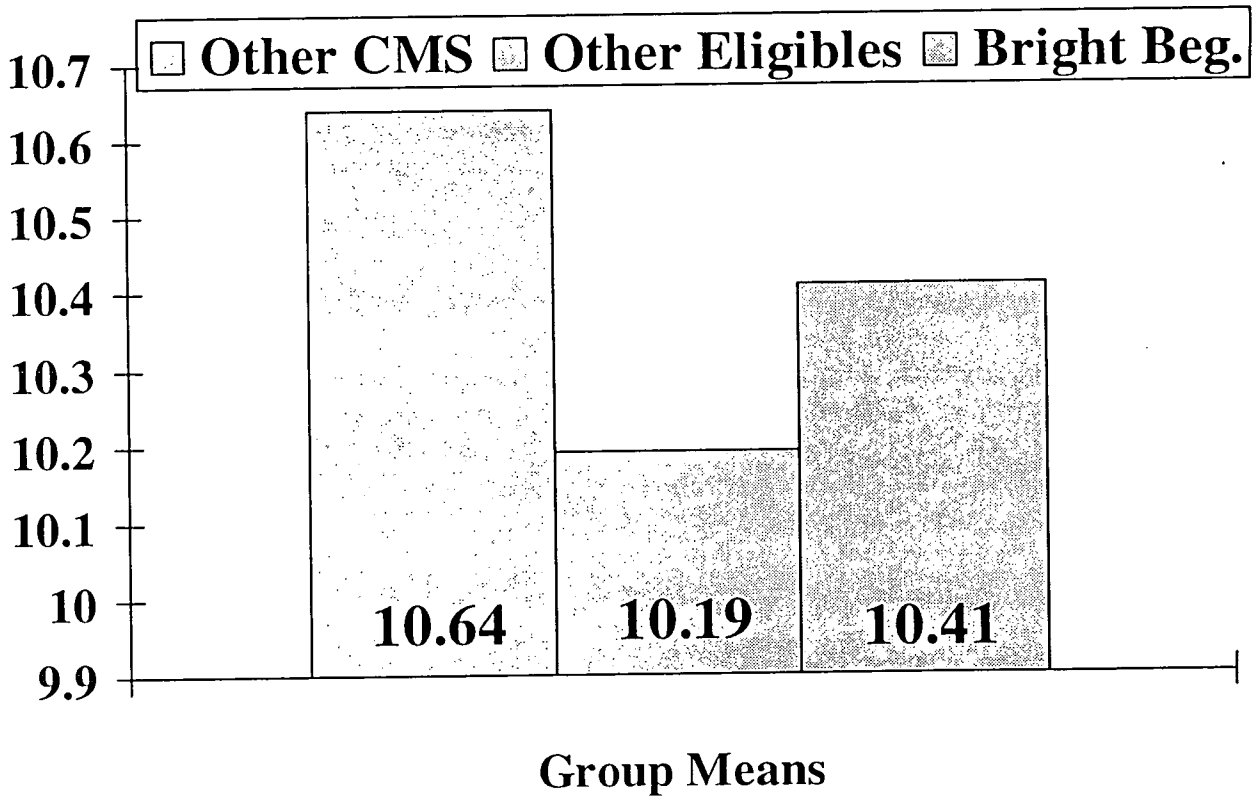
Geometric Ideas

- **shape identification**



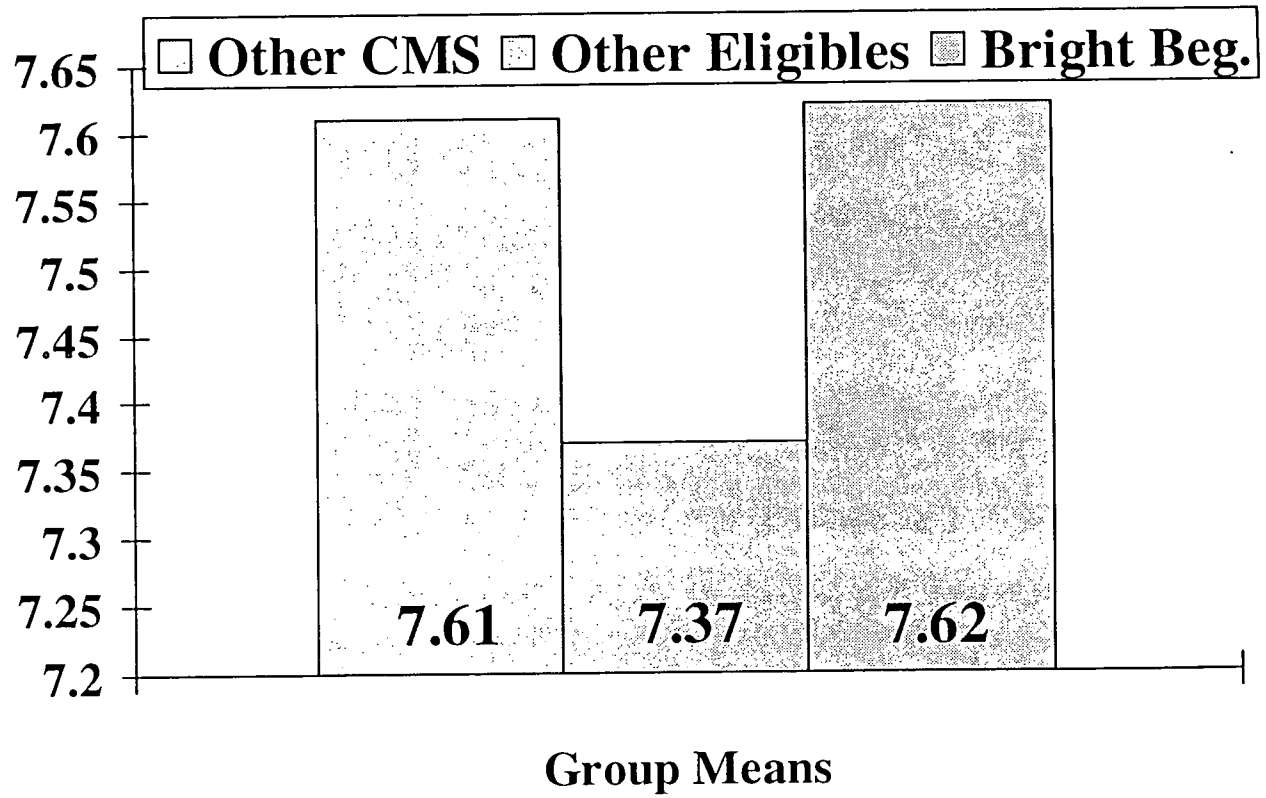
Behavioral Adjustment

- self-control
- cooperation in a group activity
- classroom routine participation
- Acceptable expression of feelings



Social Interaction

- **teacher interaction**
- **peer interaction**



Screening Item Comparison

Screening Item	Eligible Children	Ineligible Children
Counts To 4	14.7 %	53.6%
Knows Triangle	36.6%	78.5%
Knows Letter "S"	12.5%	46.4%

Participant Demographics

Bright Beginnings Children Were:

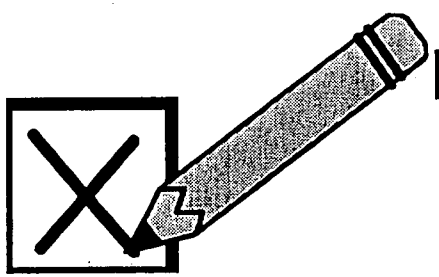


- 70% African-American
- 71% Free/Reduced Lunch
- 54% Male
- 7% Head Start

A PreKindergarten Assessment was administered three times during the 1997-98 school year. It included:

- High/Scope Child Observation Record (COR)
- Concepts About Print (CAP)
- Uppercase Letter Identification

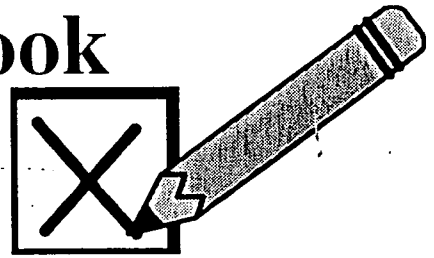
Teachers assigned COR ratings in the following areas:



- Cooperation/Social Problem-Solving
- Speaking/Understanding Speech
- Beginning Reading/Knowledge about Books
- Beginning Writing
- Sorting/Counting

Teachers observed & recorded student responses for the following print concepts:

- Locates front, back & title of book
- Turns page correctly
- Understands text contains message
- Knows where to begin reading the story
- Knows direction in which to read
- Correctly frames words & letters



End-of-Year Achievement
selected COR Items

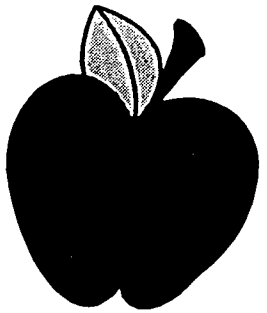
	High/Scope sample	Bright Beg.
Cooperating in program routines	3.8	4.0
Engaging in social problem-solving	3.4	3.6
Speaking	3.4	3.6
Showing interest in reading activities	3.5	4.3
Demonstrating knowledge about books	3.0	4.0
Beginning reading	2.1	3.0
Beginning writing	2.6	3.3
Sorting	2.6	3.1
Counting objects	3.5	4.5

Beginning Kindergarten



All students entering Kindergarten during the 1998-99 school year were administered the Kindergarten Entry Profile (KEP). Components included:

CMS Kindergarten Demographics



- 8,340 Students
- 42% Free/Reduced Lunch
- 42% African-American
- 5% Exceptional
- 6% Limited English Proficient
- 18% Bright Beginnings

CHARLOTTE-MECKLENBURG SCHOOLS

CMS Kindergarten Initial Assessment

Recording Sheet

Child's Name:		Date of Birth:
Teacher's Name:	School Name:	Dates of Screening:

Teacher's Action	Scoring Record
1. Teacher says, "*What is your full name?*" Score: 3 Says first and last name 2 Says first name –1 No response or incorrect name	1. Says name _____ (Record response) Score _____
2. Teacher points to each shape and says, "*What shape is this*?" Score: + Correct and - Incorrect	2. Identifies shapes (mark + or - as appropriate) ☐ square ☐ circle ☐ triangle ☐ rectangle ☐ oval ☐ diamond
3. Teacher points to each color and says, "*What color is this?*" Score: + Correct and - Incorrect	3. Identifies colors (mark + or - as appropriate) ☐ red ☐ yellow ☐ blue ☐ orange ☐ white ☐ green ☐ purple ☐ black ☐ brown
4. Teacher points to each numeral and says, "*What numeral is this*?" Score: + Correct and - Incorrect	4. Identifies numerals (mark + or - as appropriate) ☐ 3 ☐ 1 ☐ 5 ☐ 2 ☐ 6 ☐ 9 ☐ 7 ☐ 4 ☐ 8 ☐ 10
5. Teacher says, "*Count for me.*" (Teacher may stop the child at 20.)	5. Child counts to _____ (Record the last number the child says in sequence.)
6. Teacher says, "'*Little Bo Peep has lost her sheep.' Peep and sheep rhyme. Now listen to some more words and tell me if they rhyme.*" *clown, town man, can see, top* Score: + Correct and - Incorrect	6. Identifies rhyming words (mark + or - as appropriate) ☐ Yes, rhyme (clown/town) ☐ Yes, rhyme (man/can) ☐ No, do not rhyme/(see top)
7. Teacher says, "*Listen to the beginning sound in the word 'nut.' Do you hear the /n/? Now, listen to some more words. What sound do you hear at the beginning of these words?*" *milk soap pin* Score: + Correct and - Incorrect	7. Hears beginning sounds (mark + or - as appropriate) ☐ /m/ (milk) ☐ /s/ (soap) ☐ /p/ (pin)
8. Teacher says, "*Write your name and draw a picture of yourself on the back of this recording sheet.*" Score: 3 Writes first name 2 Writes 2 or more identifiable letters 1 Writes 0 or 1 identifiable letter	8. Name Score _____ (Self portrait is not scored)
9. At some other time, chat with the child. Ask such simple questions as, "*Do you have a brother or sister?*"; "*Do you have a pet?*"; *How did you get to school?*" Score: 3 Child initiates some of the conversation 2 Child only responds to the teacher's questions 1 Child does not respond to the teacher's questions	9. Score for interaction with teacher _____
10. At some other time, observe the child when he/she is with his/her peers. Score: 3 Child initiates conversation with peers 2 Child only responds to what peers initiate 1 Child does not respond to overtures from peers	10. Score for interaction with peers _____

Place the Recording Sheet for each student in his/her cumulative record.

End-of-Year Achievement

	Expected* Score	**Observed** EOY Mean
COR	**40**	**45.10**
CAP	**7**	**9.48**
Letter ID	**N/A**	**18.76**

***Refers to individual student achievement**

Bright Beginnings

Preliminary Evaluation Report



December 1998

Attachment 4

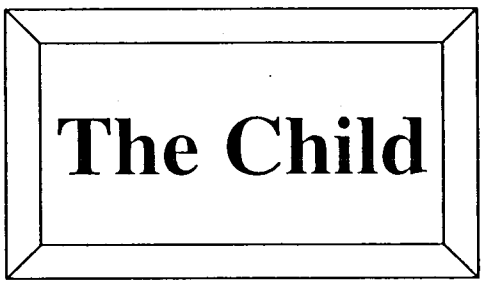
Background Data

- 1,848 students, 1997-98 (1,938 in 1998-99)
- Larger than 12 N.C. school districts
- 6 Head Start collaborative classrooms in 1997-98 (9 in 1998-99)
- 94 classrooms in 1997-98 (102 in 1998-99)
- 3 Centers, 1 mini-center, 9 school-based sites
- Collaboration with corporate and community partners

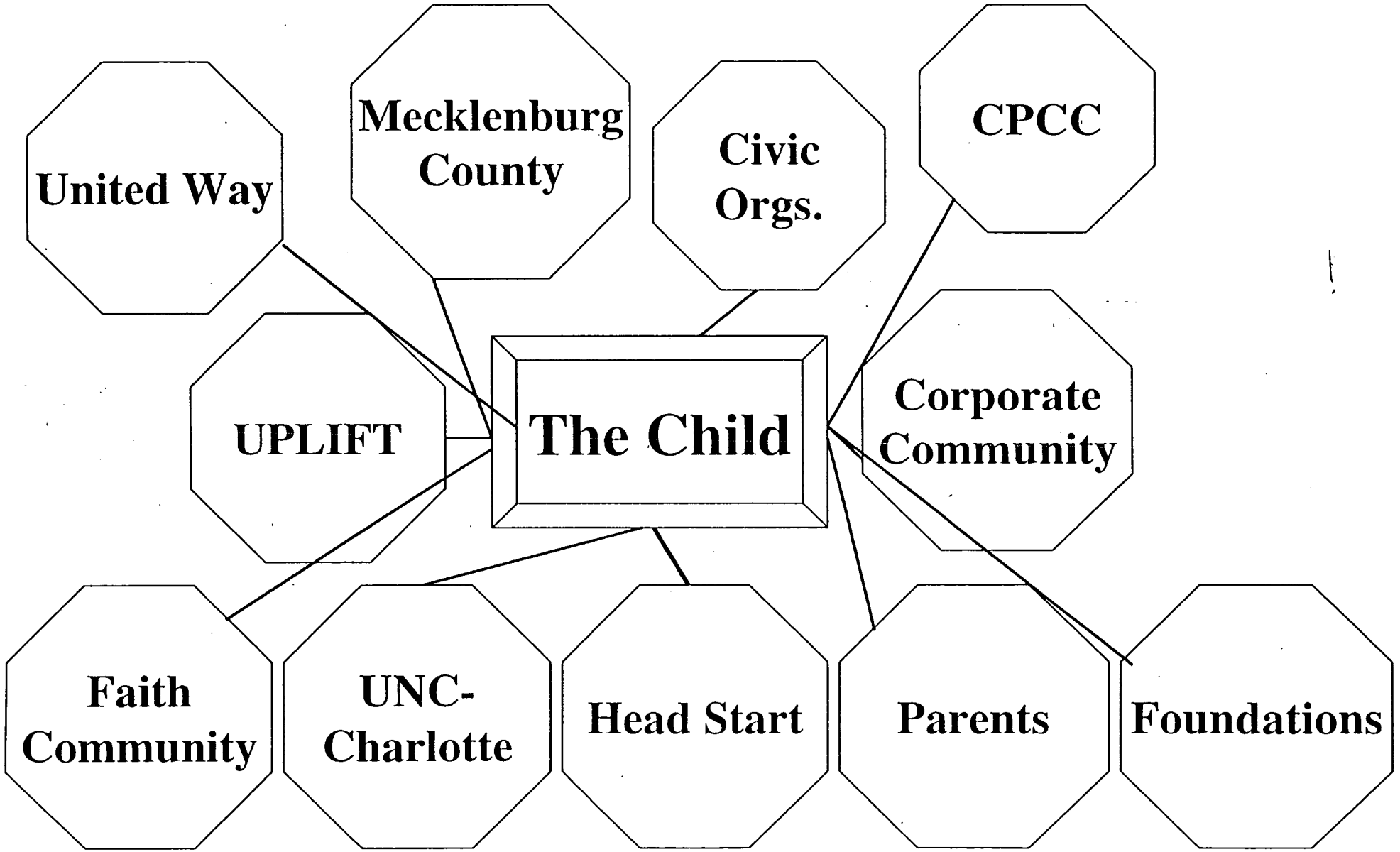
Critical Success Factors

- Aligned written, taught, assessed curriculum
- Strong parent participation
- Integrated professional development
- Vibrant community collaboration
- Ongoing research and evaluation
- Commitment of federal and local funds
- Supportive leadership from Board of Education and Senior Staff

Family-School-Community Partnerships Promoting the PreK Child's Success



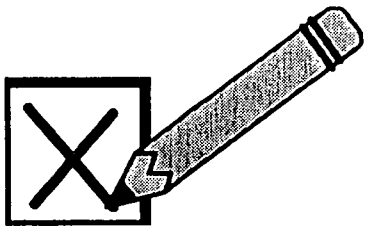
Family-School-Community Partnerships Promoting the PreK Child's Success



Program Goal

To provide a literacy-based program for four-year-olds creating a foundation for emergent literacy development

Goals 2001



Bright Beginnings is linked to the district's long-range goal for third grade reading.

Children were screened to select those with the highest educational need.

Items included:

- Letter Identification
- Number Identification/Counting
- Colors and Shapes
- Phonemic Awareness
- Other Developmental Measures

Table 5
Phonemic Awareness Mean Score by Bright Beginnings Participation

Bright Beginnings Participation	Mean
Bright Beginnings Participants	2.13
Eligible Non-Participants	1.69
Other	2.64
Child Care Experience (Age 4)	**Mean**
At home with parent or guardian	2.52
With a baby-sitter/nanny at your home or sitter's	2.08
In a day care home (2-11 children)	2.23
In a day care center or private preschool (more than 11 children)	2.87
In the Head Start or Even Start program (not CMS)	1.57
In The CMS Bright Beginnings PreKindergarten program	2.13
In the CMS Montessori PreKindergarten program	4.75
In a program for children with disabilities	2.92
Other	2.97

Bright Beginnings children had higher scores in decoding and word recognition than other CMS children **(Table 6)**. Compared to eligible non-participants, Bright Beginnings children had significantly higher mean scores, and survey sample results indicate that separately, only CMS Montessori children and private preschool/center children had higher means. Similarly, children in the Bright Beginnings program had higher language comprehension mean scores than did other students **(Table 7)**. Again, only the samples of children from the CMS Montessori program and private preschools had higher means on this measure.

Table 6
Decoding and Word Recognition by Bright Beginnings Participation

Bright Beginnings Participation	Mean
Bright Beginnings Participants	31.66
Eligible Non-Participants	23.09
Other	28.40
Child Care Experience (Age 4)	**Mean**
At home with parent or guardian	25.38
With a baby-sitter/nanny at your home or sitter's	21.60
In a day care home (2-11 children)	29.01
In a day care center or private preschool (more than 11 children)	33.70
In the Head Start or Even Start program (not CMS)	21.00
In The CMS Bright Beginnings PreKindergarten program	31.66
In the CMS Montessori PreKindergarten program	36.98
In a program for children with disabilities	12.42
Other	31.46

Table 7
Language Comprehension Mean Score by Bright Beginnings Participation

Bright Beginnings Participation	Mean
Bright Beginnings Participants	8.34
Eligible Non-Participants	8.15
Other	8.17
Child Care Experience (Age 4)	**Mean**
At home with parent or guardian	7.76
With a baby-sitter/nanny at your home or sitter's	7.76
In a day care home (2-11 children)	8.23
In a day care center or private preschool (more than 11 children)	8.62
In the Head Start or Even Start program (not CMS)	8.22
In The CMS Bright Beginnings PreKindergarten program	8.34
In the CMS Montessori PreKindergarten program	8.87
In a program for children with disabilities	4.42
Other	7.65

In spelling and writing, Bright Beginnings children scored higher than eligible non-participants, but scored slightly lower than other students. As with other measures, survey results revealed that the Montessori and center groups had higher means **(Table 8)**.

Table 8
Spelling and Writing Mean Score by Bright Beginnings Participation

Bright Beginnings Participation	Mean
Bright Beginnings Participants	3.13
Eligible Non-Participants	2.80
Other	3.23
Child Care Experience (Age 4)	**Mean**
At home with parent or guardian	3.05
With a baby-sitter/nanny at your home or sitter's	2.92
In a day care home (2-11 children)	2.96
In a day care center or private preschool (more than 11 children)	3.51
In the Head Start or Even Start program (not CMS)	2.64
In The CMS Bright Beginnings PreKindergarten program	3.13
In the CMS Montessori PreKindergarten program	3.79
In a program for children with disabilities	2.21
Other	3.48

Number identification mean scores were similar for Bright Beginnings students and other kindergarten students **(Table 9)**. By contrast, eligible non-participants had significantly lower mean scores. Average scores for geometric ideas **(Table 10)**, a second mathematics objective, were lowest for eligible non-participants. The mean for the Bright Beginnings group was not as high as the mean score for other CMS students.

Table 9
Number Identification Mean Score by Bright Beginnings Participation

Bright Beginnings Participation	Mean
Bright Beginnings Participants	22.71
Eligible Non-Participants	20.49
Other	22.98
Child Care Experience (Age 4)	**Mean**
At home with parent or guardian	21.27
With a baby-sitter/nanny at your home or sitter's	20.83
In a day care home (2-11 children)	22.94
In a day care center or private preschool (more than 11 children)	25.09
In the Head Start or Even Start program (not CMS)	21.06
In The CMS Bright Beginnings PreKindergarten program	22.71
In the CMS Montessori PreKindergarten program	28.06
In a program for children with disabilities	10.64
Other	22.29

Table 10
Geometric Ideas Mean Score by Bright Beginnings Participation

Bright Beginnings Participation	Mean
Bright Beginnings Participants	2.24
Eligible Non-Participants	2.21
Other	2.37
Child Care Experience (Age 4)	**Mean**
At home with parent or guardian	2.18
With a baby-sitter/nanny at your home or sitter's	2.16
In a day care home (2-11 children)	2.33
In a day care center or private preschool (more than 11 children)	2.59
In the Head Start or Even Start program (not CMS)	2.17
In The CMS Bright Beginnings PreKindergarten program	2.24
In the CMS Montessori PreKindergarten program	2.74
In a program for children with disabilities	2.00
Other	2.19

On average, students in the Bright Beginnings program had higher behavioral adjustment scores than the non-participant control group **(Table 11)**, and had higher social interaction scores than both the control and overall comparison groups **(Table 12)**. Although the latter difference among group means was not significant, it is the only relationship examined among KEP measures with no such statistical significance **(Table 13)**.

Table 11
Behavioral Adjustment Mean Score by Bright Beginnings Participation

Bright Beginnings Participation	Number
Bright Beginnings Participants	10.41
Eligible Non-Participants	10.19
Other	10.64
Child Care Experience (Age 4)	**Mean**
At home with parent or guardian	10.92
With a baby-sitter/nanny at your home or sitter's	10.59
In a day care home (2-11 children)	10.55
In a day care center or private preschool (more than 11 children)	10.64
In the Head Start or Even Start program (not CMS)	10.25
In The CMS Bright Beginnings PreKindergarten program	10.41
In the CMS Montessori PreKindergarten program	11.10
In a program for children with disabilities	7.21
Other	10.29

Table 12
Social Interaction Mean Score by Bright Beginnings Participation

Bright Beginnings Participation	Number
Bright Beginnings Participants	7.62
Eligible Non-Participants	7.37
Other	7.61
Child Care Experience (Age 4)	**Mean**
At home with parent or guardian	7.27
With a baby-sitter/nanny at your home or sitter's	7.29
In a day care home (2-11 children)	7.83
In a day care center or private preschool (more than 11 children)	8.15
In the Head Start or Even Start program (not CMS)	7.56
In The CMS Bright Beginnings PreKindergarten program	7.62
In the CMS Montessori PreKindergarten program	8.31
In a program for children with disabilities	4.71
Other	7.31

Table 13
Relationship Between Independent Variables and Assessment Results (Analysis of Variance)

Assessment Component	Bright Beginnings Participation (3 Groups)	Child Care Experience (9 Groups)
Book and Print Awareness	X	X
Phonemic Awareness	X	X
Decoding/Word Recognition	X	X
Language Comprehension	X	X
Spelling/Writing	X	X
Number Identification	X	X
Geometric Ideas	X	X
Behavioral Adjustment	X	X
Social Interaction		X

Items with statistically significant ($p<.05$) mean differences are denoted with an 'X.'

Because Bright Beginnings children were predominantly from families of low socioeconomic status (SES), comparisons of student performance for low-income students were of particular interest. Free and reduced price lunch students receiving full-time center-based care at age four (defined as center, private preschool, Head Start or Even Start) were compared to Bright Beginnings students on each KEP measure. The results are presented in **Table 14**.

Table 14
T-test Comparison of Kindergarten Entry Profile Results for Low-SES Students by Full-Time Child Care Experience At Age 4

Assessment Component	Day Care Center	Bright Beginnings	Sig.*
Book and Print Awareness	2.88	3.70	X
Phonemic Awareness	1.95	2.02	
Decoding/Word Recognition	24.6	30.3	X
Language Comprehension	8.17	8.30	
Spelling/Writing	2.96	3.04	
Number Identification	21.6	22.4	
Geometric Ideas	2.25	2.20	
Behavioral Adjustment	10.2	10.3	
Social Interaction	7.88	7.52	X

*Items with statistically significant ($p<.05$) mean differences are denoted with an 'X.'

When controlling for low SES, Bright Beginnings students had higher mean scores than the center group on all but two measures. T-test comparisons of means indicated statistically significant differences in the performance of Bright Beginnings students in the areas of book and print awareness and decoding/word recognition. By contrast, children in the Bright

Beginnings program scored significantly lower in social interaction than did the center group. A similar pattern exists when socioeconomic status and ethnicity are examined collectively **(Table 15)**.

Table 15
T-test Comparison of Kindergarten Entry Profile Results for African-American, Low-SES Students by Full-Time Child Care Experience At Age 4

Assessment Component	Day Care Center	Bright Beginnings	Sig.*
Book and Print Awareness	2.88	3.70	X
Phonemic Awareness	1.83	2.05	X
Decoding/Word Recognition	25.0	30.9	X
Language Comprehension	8.20	8.33	
Spelling/Writing	2.92	3.00	
Number Identification	21.9	22.8	
Geometric Ideas	2.24	2.20	
Behavioral Adjustment	10.0	10.2	
Social Interaction	7.83	7.61	X

*Items with statistically significant ($p<.05$) mean differences are denoted with an 'X.'

When controlling for low SES and race, African-American Bright Beginnings students had higher mean scores than African-American students in the center group. In addition to book and print awareness and decoding, there was also statistical significance in the difference between phonemic awareness means. Again, African-American students in the four-year-old program scored significantly lower in social interaction than their peers in the center group. KEP mean scores for low SES white students are reported in **Table 16**.

Table 16
T-test Comparison of Kindergarten Entry Profile Results for White, Low-SES Students by Full-Time Child Care Experience At Age 4

Assessment Component	Day Care Center	Bright Beginnings	Sig.*
Book and Print Awareness	3.00	3.80	X
Phonemic Awareness	2.87	2.35	
Decoding/Word Recognition	23.2	28.9	
Language Comprehension	8.25	8.32	
Spelling/Writing	3.23	3.14	
Number Identification	20.8	21.4	
Geometric Ideas	2.51	2.44	
Behavioral Adjustment	10.8	10.6	
Social Interaction	8.40	7.70	X

*Items with statistically significant ($p<.05$) mean differences are denoted with an 'X.'

As with other comparisons, white students in Bright Beginnings had a significantly higher mean in book and print awareness than the center group, and a significantly lower social interaction mean. However, unlike whole-group comparisons, or those for African-American students, results for white students were less conclusive. In other words, there was no clear pattern of students benefiting from their exposure to either environment at age four. "Other"

Bright Beginnings students, however, had higher mean scores on all but one KEP measure than their center peers **(Table 17)**. Although only the difference in the mean for book and print awareness was significant, "Other" low-SES children who participated in Bright Beginnings consistently scored higher. The social interaction mean for the center group was again higher, but had no statistical significance.

Table 17
T-test Comparison of Kindergarten Entry Profile Results for "Other" Low-SES Students by Full-Time Child Care Experience At Age 4

Assessment Component	Day Care Center	Bright Beginnings	Sig.*
Book and Print Awareness	2.65	3.67	X
Phonemic Awareness	1.60	1.61	
Decoding/Word Recognition	22.6	27.0	
Language Comprehension	7.55	8.05	
Spelling/Writing	2.95	3.27	
Number Identification	17.8	20.3	
Geometric Ideas	1.95	2.09	
Behavioral Adjustment	10.5	10.9	
Social Interaction	7.40	6.77	

*Items with statistically significant ($p<.05$) mean differences are denoted with an 'X.'

Discussion

Preliminary data suggest strong student performance in most areas assessed, with significant group differences noted. Bright Beginnings students outpaced eligible non-participants on all measures. Child Care Survey data were not available on most of the 224 control group students, but respondents indicated that their children received care as four-year-olds in a variety of settings.

Effects of the four-year-old program were still evident at the beginning of kindergarten. Kindergarten Entry Profile results indicated that Bright Beginnings children performed at a level comparable to that at the end of the PreKindergarten year. For example, Bright Beginnings children had similar scores in uppercase letter identification and book and print awareness in May 1998 and at the start of the 1998-99 school year.

In many cases, Bright Beginnings students approached the performance of CMS kindergarten students as a whole. In the areas of spelling and writing and number identification, Bright Beginnings students were very similar to all other comparison group students. T-test comparisons indicate no statistically differences between the two groups on either measure.

Bright Beginnings students outpaced all CMS kindergarten students in four of nine KEP components. In the areas of book and print awareness, decoding and word recognition, language comprehension, and social interaction, Bright Beginnings children scored higher than children in the control and comparison groups.

For children from poor families, participation in the Bright Beginnings program was significantly related to better school readiness. Bright Beginnings children from low socioeconomic backgrounds had higher mean scores on seven of nine measures, and had significantly higher scores in book and print awareness and decoding than a comparable group of center-based children. Additionally, non-white, free and reduced lunch students who participated in the program did consistently better on KEP measures than their center-based peers.

Overall, Bright Beginnings children did not do well on the phonemic awareness KEP measure. However, it is interesting to note that when SES and ethnicity are controlled as variables, a somewhat different pattern emerges. For example, free and reduced price lunch students who participated in Bright Beginnings had higher phonemic awareness scores than a comparable group of children receiving center-based care at age four. Additionally, there were significant differences in phonemic awareness scores for non-white, low-SES students in Bright Beginnings versus a comparable center group.

One recommendation that may result in an overall improvement in scores would be to more fully develop phonemic awareness in the Bright Beginnings curriculum, and to measure phonemic awareness more directly via the CMS PreKindergarten Assessment.

Three additional analyses are in process as part of the ongoing evaluation of the Bright Beginnings program:

- Administration of the CMS Kindergarten Assessment (allowing year-end comparisons of Bright Beginnings students and others)
- Continued analysis of CMS Kindergarten Entry Profile and Child Care Survey data.
- Qualitative analyses of Bright Beginnings goals and objectives

Results of the CMS Kindergarten Assessment will be available in July 1999.

Appendix A

CHARLOTTE-MECKLENBURG SCHOOLS

Kindergarten Entry Profile

Instructions

1. Within three weeks of a child's entry to your school, administer the following assessments.
   - Kindergarten Initial Assessment
   - *Observation Survey*:
     Test 1: Letter Identification
     Test 3: Concepts About Print (Items 1-7)
     Test 4: Writing Vocabulary

   Training on the Kindergarten Initial Assessment is available from your grade level chairperson.
   Training on the *Observation Survey* is available from your school's literacy facilitator.
2. Obtain from the Accountability Coordinator the pre-coded Kindergarten Entry Profile scan sheet for each student in your class. Also, obtain some blank scan sheets for students who recently registered or transferred to your school.
3. Follow the MARKING INSTRUCTIONS on the scan sheet and complete a Kindergarten Entry Profile for each student in your class.
   - Use a #2 pencil only. Do not use ink, ball point, or felt tip pens.
   - Make solid marks that fill the response completely. Erase cleanly any marks you wish to change.
   - Do not bend, staple, clip or attach notes to the forms.
4. For Parts A , B, and C on the Kindergarten Entry Profile, transfer the required information from results recorded for the student's performance on tests given from the *Observation Survey*.
5. For Part D, follow the instructions on the Kindergarten Entry Profile and rate the student's behavioral adjustment to school based on your most recent observation of the student.
6. For Part E, transfer the required information from items selected from the Kindergarten Initial Assessment to the Kindergarten Entry Profile.
7. Check to make sure you have erased any stray marks from the forms. Do not write notes on the forms.
8. Return your completed scan sheets to your school's Accountability Coordinator by **September 30, 1998.**
9. Place the students' Record Sheets for the Kindergarten Initial Assessment in their cumulative records.

References for Questions

• *Observation Survey*: Concepts About Print Letter Identification Writing Vocabulary	Elementary Curriculum and Instruction Team	343-6975
• Kindergarten Initial Assessment	Elementary Curriculum and Instruction Team Nancy Beasley	343-6975
• Kindergarten Entry Profile Scan Sheets	Elementary Instructional Accountability Team Betsy Anderson Lynn McRae	379-7055

CHARLOTTE-MECKLENBURG SCHOOLS
Kindergarten Entry Profile

MARKING INSTRUCTIONS

- Use a No. 2 pencil only.
- Do not use ink, ball point, or felt tip pens.
- Make solid marks that fill the response completely.
- Erase cleanly any marks you wish to change.
- Make no stray marks on this form.

CORRECT: ● INCORRECT: ⊘ ⊗ ◒ ◔

SCHOOL NUMBER

STUDENT ID NUMBER

1. If necessary, write in the student's name, teacher's name, and the school's name.
2. If necessary, write in, then bubble the school number and the student ID number.
3. Follow directions and record scores for Parts A, B, C and D on this page. Parts A-C are derived from the Observation Survey.
4. For Part E on the back, record scores of selected items from the CMS Kindergarten Initial Assessment.

STUDENT NAME (Last, First, M. I.)	*TEACHER NAME (Last, First, M. I.)*	*SCHOOL NAME*

A. LETTER IDENTIFICATION

Write in, then bubble the total number of correctly named upper case letters and the total number of correctly named lower case letters.

UPPER CASE LETTERS

LOWER CASE LETTERS

B. WRITING VOCABULARY

Write in, then bubble the total number of correctly spelled words.

NUMBER OF WORDS

C. CONCEPTS ABOUT PRINT

Score "+" for correct response and "-" for incorrect response for each of the first seven items.

1. Front of book
2. Print contains message
3. Where to start
4. Which way to go
5. Return sweep to left
6. Word-by-word matching
7. First and last concept

D. BEHAVIORAL ADJUSTMENT TO SCHOOL

Based on your most recent observations of the child, rate his/her behavior, using the four items listed below.

	MOST OF THE TIME 3	SOMETIMES 2	NEVER 1
1. Exhibits self-control.	○	○	○
2. Cooperates well in a group activity.	○	○	○
3. Participates in classroom routines without being asked.	○	○	○
4. Expresses feelings in acceptable ways.	○	○	○

E.

SELECTED ITEMS FROM THE
KINDERGARTEN INITIAL ASSESSMENT

1. CHILD SAYS NAME: Score response as follows.
   3: Says first and last name.
   2: Says first name.
   1: No response, incorrect name or last name only.

   ③ ② ①

2. CHILD IDENTIFIES SHAPES: Score "+" for correct identification and "-" for incorrect identification or no response.

   SQUARE ⊕ ⊖
   CIRCLE ⊕ ⊖
   TRIANGLE ⊕ ⊖

3. CHILD IDENTIFIES COLORS: Write in, then bubble the total number of correctly identified colors.

   NUMBER OF COLORS ___ 0 1 2 3 4 5 6 7 8 9

4. CHILD IDENTIFIES NUMERALS: Write in, then bubble the total number of correctly identified numerals.

   NUMBER OF NUMERALS ___ 0 0 1 1 2 2 3 3 4 4 5 5 6 6 7 7 8 8 9 9

5. CHILD COUNTS AS FAR AS ABLE: Write in, then bubble the last number the child says in correct sequence. Write in, then bubble 21 for students who count higher than 20.

   LAST NUMBER ___ 0 0 1 1 2 2 3 3 4 4 5 5 6 6 7 7 8 8 9 9

6. CHILD IDENTIFIES WORDS AS RHYMING OR NOT: Score "+" for correct identification and "-" for incorrect identification or no response.

   CLOWN/TOWN ⊕ ⊖
   MAN/CAN ⊕ ⊖
   SEE/TOP ⊕ ⊖

7. CHILD MAKES CORRECT BEGINNING SOUNDS: Score "+" for correct identification and "-" for incorrect identification or no response.

   MILK /m/ ⊕ ⊖
   SOAP /s/ ⊕ ⊖
   PIN /p/ ⊕ ⊖

8. CHILD WRITES NAME: Score response as follows.
   3. Writes first name.
   2. Writes two or more identifiable letters.
   1. Child is unresponsive.

   ③ ② ①

9. CHILD INTERACTS WITH TEACHER: Score response as follows.
   3. Child initiates conversation.
   2. Child only answers questions.
   1. Child is unresponsive.

   ③ ② ①

10. CHILD INTERACTS WITH PEERS: Score response as follows.
    3. Child initiates conversation.
    2. Child only answers questions.
    1. Child is unresponsive.

    ③ ② ①

DesignExpert™ by NCS Printed in U.S.A. Mark Reflex® EW-222216-1:654321 ED05

Appendix B

CHARLOTTE-MECKLENBURG SCHOOLS

Kindergarten Initial Assessment

Administration Instructions

This instrument has been designed to give you initial information that will enable you to get to know your new students in a quick, easy fashion.

Each child should be assessed within the first 15 school days of entry. In addition, you will be assessing the child's literacy readiness with Letter Identification, Writing Vocabulary and Concepts About Print from the *Observation Survey*.

Selected information from the Kindergarten Initial Assessment and the Observation Survey will be entered on the Kindergarten Entry Profile and submitted to CMS Instructional Accountability.

MATERIALS:

- Administration Instructions
- Cue Card
- Recording Sheet

Before you begin:

✓Use markers to color squares on the Cue Card in the following order:

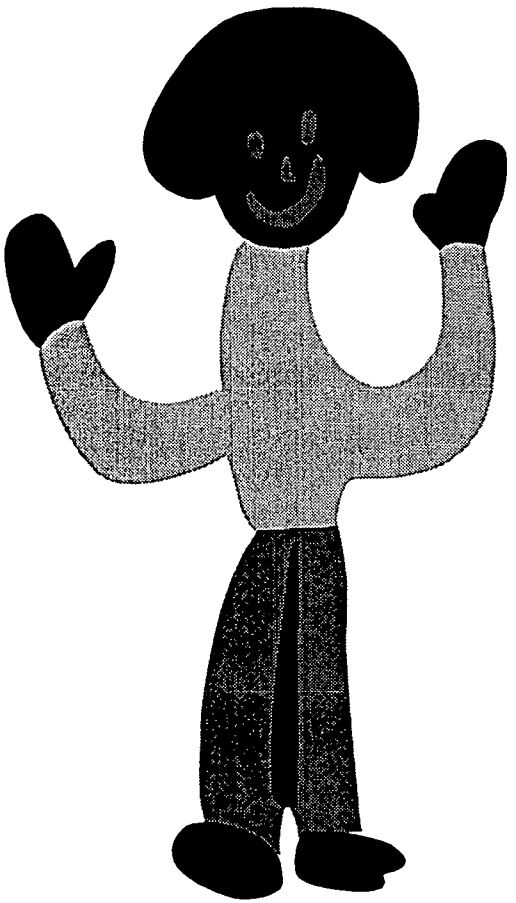
1. RED	2. YELLOW	3. BLUE
4. ORANGE	5. WHITE	6. GREEN
7. PURPLE	8. BLACK	9. BROWN

✓Laminate the Cue Card.

ADMINISTRATION:

- Administer items 1-8 individually to each student.
- Complete item 9 after you have had an informal conversation with the student at some time during the assessment window.
- Complete item 10 following observations of the student interacting with peers during the assessment window.

CMS Child Care Survey



Surveys for 4,000 students with a <u>full-time</u> child care experience at age four were categorized as follows:

- **At home with guardian or baby-sitter**
- **In-home day care (2-11 children)**
- **In a private preschool or day care center (more than 11 children)**
- **In Head Start or Even Start program**
- **In CMS Bright Beginnings**
- **In CMS Montessori PreK program**

Comparison of Kindergarten Entry Profile Results by Child Care Experience (Low SES only)

	Day Care Center	Bright Beginnings
Book and Print Awareness	2.88	3.70
Phonemic Awareness	1.95	2.02
Decoding and Word Recognition	24.6	30.3
Language Comprehension	8.17	8.30
Spelling and Writing	2.96	3.04
Number Identification	21.6	22.4
Geometric Ideas	2.25	2.20
Behavioral Adjustment	10.2	10.3
Social Interaction	7.88	7.52

Comparison of Kindergarten Entry Profile Results by Child Care Experience African-American Students on Free/Reduced Lunch

	Day Care Center	Bright Beginnings
Book and Print Awareness	2.88	3.70
Phonemic Awareness	1.83	2.05
Decoding and Word Recognition	24.95	30.90
Language Comprehension	8.20	8.33
Spelling and Writing	2.92	3.00
Number Identification	21.94	22.84
Geometric Ideas	2.24	2.20
Behavioral Adjustment	10.03	10.23
Social Interaction	7.83	7.61

Comparison of Kindergarten Entry Profile Results by Child Care Experience White Students on Free/Reduced Lunch

	Day Care Center	Bright Beginnings
Book and Print Awareness	3.00	3.80
Phonemic Awareness	2.87	2.35
Decoding and Word Recognition	23.17	28.94
Language Comprehension	8.25	8.32
Spelling and Writing	3.23	3.14
Number Identification	20.78	21.41
Geometric Ideas	2.51	2.44
Behavioral Adjustment	10.80	10.55
Social Interaction	8.40	7.70

Comparison of Kindergarten Entry Profile Results by Child Care Experience Other Students on Free/Reduced Lunch

	Day Care Center	Bright Beginnings
Book and Print Awareness	2.65	3.67
Phonemic Awareness	1.60	1.61
Decoding and Word Recognition	22.60	27.00
Language Comprehension	7.55	8.05
Spelling and Writing	2.95	3.27
Number Identification	17.80	20.27
Geometric Ideas	1.95	2.09
Behavioral Adjustment	10.45	10.89
Social Interaction	7.40	6.77

Preliminary Evaluation Summary

- Bright Beginnings students outpaced eligible non-participants
- Effects of the program on students remained at the beginning of kindergarten
- In many cases, these students approached the performance of CMS kindergartners as a whole
- Bright Beginnings students outpaced all CMS kindergartners in 4 major KEP components

Future Research Directions

- Performance of 1997-98 Bright Beginnings students at the end of kindergarten
- Compare end of kindergarten performance with students in other preschool settings
- Periodically investigate cohort groups' 1998-99 performance

Business & Civic Collaboration

- Leadership and Advocacy
- Influence Community Awareness
- Technical/Professional Assistance
- Recruit and Mobilize Volunteers
- In-kind Goods and Services
- Expand Base of Partners
- Contributions of Financial and Human Resources

Business/Civic Partnership Results

- Business Lead Fundraising Efforts Resulted in $750,000 Cash Contributions
- 150 Volunteers in Classroom Regularly
- $150,000 In-kind Goods & Materials
- 4 Non-CMS agency staff dedicated to BB
- 1000 Volunteers for Campus Beautification
- 600 Books collected from Book Drives
- On-site Family Services & Continuing Ed

Results (continued)

- Program Featured in Public Library PSAs
- Faculty Recognition Events
- Host Sites for Student Screenings
- Established 3 Community Computer Labs
- Unite Business Community
- National Model for Best Practices in Education

Working together to imporve services to..

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

Double Oaks and Fairview Homes Community



[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

Business Must Be a Partner In Public Education!

"Education is the closest thing the human race has to a cure-all. When we find ways to provide educational opportunity to all our citizens .... when we give them the intellectual tools to become productive members of our community .... we go a long way toward solving all our other problems."

Hugh L. McColl, Jr.

Chairman, Bank of America

VISITOR REGISTRATION SHEET

SENATE EDUCATION/HIGHER EDUCATION

DATE: Wednesday, June 9, 1999

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE ASSISTANT

NAME	FIRM OR AGENCY AND ADDRESS
Doug Lassiter	McClees Consulting
Henri McClees	McClees Consulting
Ellen Edmonds	Charlotte-Mecklenburg Schools
Barbara Pellin	Charlotte N.C
Cheryl L. Merritt	" "
Edna Amos	" " " "
John Bason + crew	UNC-TV
Jan Cratts	NCASA
Gardner Kayne	Governor's Office
Jane Marsham	SBE
George Reed	NC Council of Churches
by Anent Jarmen	ddhs - dcd
Leanne Winner	NCSBA
Amy VanDoorn	PENC

(3)

VISITOR REGISTRATION SHEET

SENATE EDUCATION/HIGHER EDUCATION

DATE: Wednesday, June 9, 1999

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE ASSISTANT

NAME	FIRM OR AGENCY AND ADDRESS
Joel Wilson	Sen. Lee
Elizabeth Groveman	OSBM
Karen Ponder	NC Partnership for Children
Kyle Armstrong	Senate
Laura Hartzell	NC Bar Association
Jeremy Johnson	Archives + History
John Cyrus	N.C. State Grange
Jeremiah Jackson	NCCCS
Suzanne Williams	NCCCS
Jason Polychron	INTERN
John Palicado	

(2)

VISITOR REGISTRATION SHEET

SENATE EDUCATION/HIGHER EDUCATION

DATE: Wednesday, June 9, 1999

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE ASSISTANT

NAME	FIRM OR AGENCY AND ADDRESS
Ann Berlam	SBE
Ashley Barnes	SBE
Nicole Dusenberry	SBE
Roberta Forbes	Gov's Office
J Calhoun	NCAE
Harriet Dial	NCAE
Bill Wilson	NCAE
Thad [illegible]	NCAE
Karen Gore	Governor's Office
Roslyn Savitt	NC Child Care Coalition
Jim Morris	Public School Forum of NC

VISITOR REGISTRATION SHEET

SENATE EDUCATION/HIGHER EDUCATION

DATE: 6-9-99

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE ASSISTANT

NAME	FIRM OR AGENCY AND ADDRESS
J. ALLEN ADAMS	HEAD START ASSN. -
BRUCE THOMPSON	NCGV

AGENDA

SENATE EDUCATION/HIGHER EDUCATION

Wednesday, June 23, 1999
Room 414 LOB

CALL TO ORDER **Presiding: Senator Lee, Co-Chair**

- H 1187 Communication Devices on School Buses — Representative Hunter
- H 1046 Cell Phones/Pagers in Schools — Representative Thompson
- H 1154 Weapons at School/Law Clarified — Representative Michaux
- H 1107 Credit Card Solicitation/Colleges — Representative Gardner

Senator Howard Lee, Co-Chair
Senator Walter Dalton, Co-Chair

MINUTES

SENATE EDUCATION/HIGHER EDUCATION

Wednesday, June 23, 1999
10:00 A.M.
Room 414 LOB

The Senate Education/Higher Education Committee met Wednesday, June 23, 1999 at 10:00 A.M. in Room 414 of the Legislative Office Building. There were nineteen Senators present. Senator Dalton presided and introduced Pages Mary Gregory from Camden, North Carolina and sponsored by Senator Basnight and Jay Kohler from Matthews, North Carolina and sponsored by Senator Rucho.

Senator Dalton recognized the visiting North Carolina National Board Certified Teachers. They were Donna White from Bill Hefner Elementary School in Fayetteville and Rhonda Rowe from Beam Elementary School in Gastonia. Senator Dalton congratulated Ms. White and Ms. Rowe on their accomplishments and welcomed them to the Committee.

H1046

Senator Dalton introduced Representative Thompson to explain H1046. *The Short Title of H1046 is Cell Phones/Pagers in Schools. The Long Title: 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.* Representative Thompson briefed the Committee on H1046. *(See Attachment 1).*

Senator Dalton recognized Senator Horton who introduced an Amendment to H1046. Senator Hortons Amendment passed. *(See Attachment 2).*

Senator Allran stated that he would like to offer an Amendment to H1046.

Senator Dalton ruled that H1046 is temporarily displaced. Following further discussion, Senator Dalton appointed a Subcommittee to study H1046. The Subcommittee is Senator Garrou, Chairman; and Senators Allran, Foxx, and Hagan.

H1187

Senator Dalton introduced Representative Hunter, sponsor of H1187. Representative Hunter briefed the Committee on H1187. *The Short Title of H1187 is Communication Devices on School Buses. The Long Title: An Act to Establish a Pilot Program to put Communication Devices on School Buses. (See Attachment 3).*

Senator Dannelly moved to give H1187 a Favorable Report. **H1187 was voted a Favorable Report.**

H 1154

Senator Dalton introduced Representative Michaux, sponsor of H1154. Representative Michaux briefed the Committee on H1154.

Senator Martin moved to reconsider the previous vote on the Committee Substitute and moved that the Committee Substitute be withdrawn. The Committee voted in the affirmative.

The original Bill was placed before the Committee. A motion was made to adopt a new Committee Substitute for H1154. The Committee adopted a new CS for H1154.

The Short Title of H1154 is Weapons at School/Law Clarified. The Long Title: 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 Curricular or Extracurricular Activity Off School Property. (See Attachment 4).

Senator Garwood moved to give a Favorable Report to H1154. The Committee **voted to report H1154 UNFAVORABLE AS TO COMMITTEE SUBSTITUTE BILL NO. 1, BUT FAVORABLE AS TO SENATE COMMITTEE SUBSTITUTE BILL.**

H1107

Senator Dalton introduced Representative Gardner, sponsor of H1107. Representative Gardner presented a comprehensive explanation of H1107.

The Short Title of H1107 is Credit Card Solicitation/Colleges. The Long Title: An Act to Strongly Encourage the Board of Governors of the University of North Carolina and the Governing Boards of Private Colleges and Universities to Adopt Policies that Restrict the Direct solicitation on Campus of Students for Credit Card Accounts and to Offer Credit Seminars as Part of Freshman Orientation. (See Attachment 5).

A discussion followed Representative Gardner's presentation.

Senator Dalton adjourned the Committee Meeting at 11:55 A.M.

Senator Walter Dalton, Co-Chair

Christina K. Minard, Education
Committee Assistant

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

EDUCATION/HIGHER EDUCATION COMMITTEE REPORT
Senator Howard Lee, Co-Chair
Senator Walter Dalton, Co-Chair

Thursday, June 24, 1999

SENATOR DALTON,
Submits the following with recommendations as to passage:

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

H.B.(CS #1)**1154** Weapons at School/Law Clarified

Draft Number:	PCSA152
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	Yes

TOTAL REPORTED: 1

Committee Clerk Comment:

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

EDUCATION/HIGHER EDUCATION COMMITTEE REPORT
Senator Howard Lee, Co-Chair
Senator Walter Dalton, Co-Chair

Wednesday, June 23, 1999

SENATOR DALTON,
Submits the following with recommendations as to passage:

FAVORABLE

H.B. **1187** Communication Devices on School Buses.
Sequential Referral: None
Recommended Referral: None

TOTAL REPORTED: 1

Committee Clerk Comment:

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.

HOUSE BILL 1046:
Cell Phones/Pagers in School

BILL ANALYSIS

Committee:	Senate Education	**Introduced by:**	Rep. Gregg Thompson
Date:	June 2, 1999	**Summary by:**	Robin S. Johnson
Version:	Second Edition		Committee Counsel

SUMMARY: The bill would require local boards of education 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 must result in the immediate confiscation of the devices, which may be returned only to the student's parent or legal guardian.

The bill would take effect July 1, 1999, and would begin to apply with the 1999-2000 school year.

CURRENT LAW: Currently, local boards of education must have clear policies governing student conduct. The law does not specify whether or to what extent these 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 would amend G.S. 115C-47 by directing local boards to consider the adoption of policies to 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 would amend G.S. 115C-391(f) to provide that student conduct policies must include the clear consequences for violating such a policy, if the board adopts one.

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.

Kory Goldsmith, Committee Counsel, substantially prepared this analysis.

H1046-SMRH-001 (2nd ed)

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

Attachment 2

EDITION No. 2

H. B. No. 1046 DATE

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

COMMITTEE SUBSTITUTE

Rep.) Horton
Sen.)

1 moves to amend the bill on page 1, line 9 & 14
2 ( ) WHICH CHANGES THE TITLE
3 by deleting "shall" & by substituting "may"
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19

SIGNED

ADOPTED FAILED TABLED

GA-33-A

PRINCIPAL CLERK'S OFFICE (FOR ENGROSSMENT)

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

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.

NORTH CAROLINA GENERAL ASSEMBLY

LEGISLATIVE FISCAL NOTE

BILL NUMBER: House Bill 1187 Communications Devices on School Buses

SHORT TITLE: Communications Devices on School Buses

SPONSOR(S): Representative Howard Hunter

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	Pilot program can be implemented within existing transporation budget , until 2000 and Board reports to GA				
POSITIONS:					

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

EFFECTIVE DATE: Effective when the act becomes law

BILL SUMMARY: Directs State Board of Education to establish pilot project for communications devices on school buses, to include Northampton County schools, and to report results to the Joint Legislative Education Oversight Committee before Jan. 1, 2000.

ASSUMPTIONS AND METHODOLOGY:
1. Pilot project will use either radios or limited use cell phones
2.State Board of Education can implement pilot project within the existing transportation budget.

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

APPROVED BY: Tom Covington



DATE: Thursday, April 22, 1999

HOUSE BILL 1187:
Communication Devices on School Buses

BILL ANALYSIS

Committee:	Senate Education	**Introduced by:**	Rep. Hunter
Date:	May 26, 1999	**Summary by:**	Shirley Iorio, Ph.D.
Version:	First Edition		Education Policy Analyst

SUMMARY: The State Board of Education would be required to establish a pilot program in one or more local school systems, including Northampton County, to enable local boards to use State school transportation funds to put communication devices on school buses. The State Board would report the cost of the pilot program and the benefits derived from it to Education Oversight by January 1, 2000.

The act would be effective when it becomes law.

H1187-SMSF-001

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 1187

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

H1187-ASF-001

Page 1 of __

Date_____,1999

Comm. Sub. []
Amends Title [yes]

Senator Lee

moves to amend the bill on page 1, line 3, by rewriting the line to read:
"DEVICES ON SCHOOL BUSES AND TO STUDY THE FEASIBILITY OF PROVIDING CELLULAR PHONES TO CLASSROOMS.";

and on page 1, line 12, by rewriting the line to read:
"Section 2. The Joint Legislative Education Oversight Committee shall study and evaluate the feasibility of providing pre-programmed cellular phones for public school classrooms in North Carolina. The Joint Legislative Education Oversight Committee may report its findings and recommendations to the 2000 Regular Session of the 1999 General Assembly, or to the 2001 General Assembly.
Section 3. This act is effective when it becomes law.".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H D

HOUSE BILL 1154
Committee Substitute Favorable 4/26/99
Proposed Senate Committee Substitute H1154-PCSA152-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-SPONSORED CURRICULAR OR EXTRACURRICULAR ACTIVITY 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-sponsored curricular or extracurricular activity off school property, or

(2) Possesses on school property or at a school-sponsored curricular or extracurricular activity 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, and applies to offenses committed on or after that date.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

DRAFT

H D

HOUSE BILL 1154*
Committee Substitute Favorable 4/26/99
Proposed Senate Committee Substitute H1154-CSRH-001
WARNING: LINE NUMBERS MAY CHANGE AFTER ADOPTION.

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; TO REQUIRE SUPERINTENDENTS TO VERIFY WHETHER STUDENTS RETURNING TO SCHOOL AFTER A 365 DAYS' SUSPENSION HAVE BEEN EVALUATED TO DETERMINE THE NEED FOR COUNSELING; TO REQUIRE THE COURT TO ORDER AN EVALUATION FOR JUVENILES ADJUDICATED DELINQUENT FOR SPECIFIED OFFENSES AND TO ORDER COUNSELING IF RECOMMENDED; AND TO REQUIRE JUVENILE COURT COUNSELORS TO NOTIFY SCHOOLS WHEN THE COURT ORDERS THAT EVALUATION AND COUNSELING.

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. G.S. 115C-391 is amended by adding the following new subsection to read:

"(i) Before a student is readmitted to school following a mandatory 365 days' suspension under this section, the superintendent shall verify whether the student was evaluated following the offense that resulted in the suspension. The evaluation shall have been for the purpose of determining whether the student would benefit from counseling or other mental health treatment. If the superintendent determines the student was not evaluated, then before the student is readmitted to school, the superintendent shall refer the student to the Area Mental Health Authority for an evaluation."

Section 3. G.S. 7B-2502 is amended by adding the following new subsection to read:

"(a1) The court shall order that the juvenile be examined by a physician, psychiatrist, psychologist, or other qualified expert as may be needed for the court to determine the needs of any juvenile who is adjudicated delinquent for one or more of the following offenses:

(1) The possession or carrying of a weapon on educational property when this offense would be a felony under G.S. 14-269 if committed by an adult.

(2) An offense that would be a felony under G.S. 14-69.1 if committed by an adult when the communicated location is on educational property or at a school-related activity on or off educational property.

(3) An offense that would be a felony under G.S. 14-69.2 if committed by an adult when the device, machine, instrument, or artifact is secreted, placed, or displayed on educational property or at a school-related activity on or off educational property."

Section 4. G.S. 7B-3101 reads as rewritten:

"(a) Notwithstanding G.S. 7B-3000, the juvenile court counselor shall deliver verbal and written notification of the

following actions to the principal of the school that the juvenile attends:

(1) A petition is filed under G.S. 7B-1802 that alleges delinquency for an offense that would be a felony if committed by an adult;

(2) The court transfers jurisdiction over a juvenile to superior court under G.S. 7B-2200;

(3) The court dismisses under G.S. 7B-2411 the petition that alleges delinquency for an offense that would be a felony if committed by an adult;

(3a) The court orders the juvenile to be evaluated under G.S. 7B-2502(a1);

(3b) The court orders the juvenile to receive medical, psychiatric, psychological, or other evaluation or treatment based on the recommendations of an evaluation ordered under G.S. 7B-2502(a1);

(4) The court issues a dispositional order under Article 25 of Chapter 7B of the General Statutes including, but not limited to, an order of probation that requires school attendance, concerning a juvenile alleged or found delinquent for an offense that would be a felony if committed by an adult; or

(5) The court modifies or vacates any order or disposition under G.S. 7B-2600 concerning a juvenile alleged or found delinquent for an offense that would be a felony if committed by an adult.

Notification of the school principal in person or by telephone shall be made before the beginning of the next school day. Delivery shall be made as soon as practicable but at least within five days of the action. Delivery shall be made in person or by certified mail. Notification that a petition has been filed shall describe the nature of the offense. Notification of a dispositional order, a modified or vacated order, or a transfer to superior court shall describe the court's action and any applicable disposition requirements. As used in this subsection, the term "offense" shall not include any offense under Chapter 20 of the General Statutes."

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

DRAFT

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H D

HOUSE BILL 1154
Committee Substitute Favorable 4/26/99
Senate Proposed Committee Substitute
H1154-CSRC-001

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 SPONSORED CURRICULAR OR EXTRACURRICULAR ACTIVITY 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 sponsored curricular or extracurricular activity off school property, or

(2) Possesses on school property or at a school sponsored curricular or extracurricular activity 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, and applies to offenses committed on or after that date.

HOUSE BILL 1154:
Weapons at School/Law Clarified

BILL ANALYSIS

Committee: Senate Education/Higher Ed.
Date: June 9, 1999
Version: H1154-. CSRC-001
Senate Proposed Comm. Sub. to 2nd Edition

Introduced by: Representative Michaux
Summary by: Kory J. Goldsmith
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 sponsored curricular or extracurricular activity 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 sponsored curricular or extracurricular activity 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 term "school property" is not defined.

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.

Current law would allow a local board to suspend a student for more that 10 consecutive days for possessing a firearm or explosive device on school property. However, the board could not suspend the student for a period that extends beyond the current school year. The board could expel (permanently exclude) the student if the student is 14 years old or older, and the board determines the student's continued presence at school constituted a clear threat to the safety of other students or employees.

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 sponsored curricular or extracurricular activity off school property. It also expands the suspension to students who **bring** a firearm or explosive device to a school sponsored curricular or extracurricular activity off school property.

The proposed committee substitute changes the Second Edition of the bill by using language that conforms to G.S. 14-296.2, the criminal provisions related to bringing or possessing a weapon on educational property.

The act becomes effective July 1, 1999 and applies to offenses committed on or after that date.

H1154-SMRC-002(Senate Ed PCS)

§ 14-269.2. Weapons on campus or other educational property.

(a) The following definitions apply to this section:

(1) Educational property. - Any public or private school building or bus, public or private school campus, grounds, recreational area, athletic field, or other property owned, used, or operated by any board of education, school, college, or university board of trustees, or directors for the administration of any public or private educational institution.

(2) Student. - A person enrolled in a public or private school, college or university, or a person who has been suspended or expelled within the last five years from a public or private school, college or university, whether the person is an adult or a minor.

(3) Switchblade knife. - A knife containing a blade that opens automatically by the release of a spring or a similar contrivance.

(4) Weapon. - Any device enumerated in subsection (b) or (d) of this section.

(b) It shall be a Class I felony for any person to possess or carry, whether openly or concealed, any gun, rifle, pistol, or other firearm of any kind, or any dynamite cartridge, bomb, grenade, mine, or powerful explosive as defined in G.S. 14-284.1, on educational property. However, this subsection does not apply to a BB gun, stun gun, air rifle, or air pistol.

(c) It shall be a Class I felony for any person to cause, encourage, or aid a minor who is less than 18 years old to possess or carry, whether openly or concealed, any gun, rifle, pistol, or other firearm of any kind, or any dynamite cartridge, bomb, grenade, mine, or powerful explosive as defined in G.S. 14-284.1, on educational property. However, this subsection does not apply to a BB gun, stun gun, air rifle, or air pistol.

(d) It shall be a Class 1 misdemeanor for any person to possess or carry, whether openly or concealed, any BB gun, stun gun, air rifle, air pistol, bowie knife, dirk, dagger, slungshot, leaded cane, switchblade knife, blackjack, metallic knuckles, razors and razor blades (except solely for personal shaving), and any sharp-pointed or edged instrument except instructional supplies, unaltered nail files and clips and tools used solely for preparation of food, instruction, and maintenance, on educational property.

(e) It shall be a Class 1 misdemeanor for any person to cause, encourage, or aid a minor who is less than 18 years old to possess or carry, whether openly or concealed, any BB gun, stun gun, air rifle, air pistol, bowie knife, dirk, dagger, slungshot, leaded cane, switchblade knife, blackjack, metallic knuckles, razors and razor blades (except solely for personal shaving), and any sharp-pointed or edged instrument except instructional supplies, unaltered nail files and clips and tools used solely for preparation of food, instruction, and maintenance, on educational property.

(f) Notwithstanding subsection (b) of this section it shall be a Class 1 misdemeanor rather than a Class I felony for any person to possess or carry, whether openly or concealed, any gun, rifle, pistol, or other firearm of any kind, on educational property if:

(1) The person is not a student attending school on the educational property;

(2) The firearm is not concealed within the meaning of G.S. 14-269;

(c) 1999 by LEXIS Law Publishing, a division of Reed Elsevier Inc., and Reed Elsevier Properties Inc. All Rights Reserved.

(3) The firearm is not loaded and is in a locked container, a locked vehicle, or a locked firearm rack which is on a motor vehicle; and

(4) The person does not brandish, exhibit, or display the firearm in any careless, angry, or threatening manner.

(g) This section shall not apply to:

(1) A weapon 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;

(1a) A person exempted by the provisions of G.S. 14-269(b);

(2) Firefighters, emergency service personnel, North Carolina Forest Service personnel, and any private police employed by an educational institution, when acting in the discharge of their official duties; or

(3) Home schools as defined in G.S. 115C-563(a).

(c) 1999 by LEXIS Law Publishing, a division of Reed Elsevier Inc., and Reed Elsevier Properties Inc. All Rights Reserved.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H 2

HOUSE BILL 1107
Committee Substitute Favorable 4/28/99

Short Title: Credit Card Solicitation/Colleges. (Public)

Sponsors:

Referred to:

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1999

April 15, 1999

A BILL TO BE ENTITLED

AN ACT TO STRONGLY ENCOURAGE THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA AND THE GOVERNING BOARDS OF PRIVATE COLLEGES AND UNIVERSITIES TO ADOPT POLICIES THAT RESTRICT THE DIRECT SOLICITATION ON CAMPUS OF STUDENTS FOR CREDIT CARD ACCOUNTS AND TO OFFER CREDIT SEMINARS AS PART OF FRESHMAN ORIENTATION.

Whereas, college students and their families are in debt more than ever, with an unprecedented number of college students relying on loans to help pay their tuition; and

Whereas, many college students compound their financial situation by incurring huge credit card debts; and

Whereas, on many college campuses the use of credit cards has become a way of life for many students, and few students know or understand the principles and benefits of sound money management and good credit; and

Whereas, although many college students are unemployed, credit card offers from vendors promise easy credit and bonuses for accepting the credit card; and

Whereas, many college students graduate owing substantial credit card balances and are plagued by poor credit; and

Whereas, college students generally do not realize that poor credit can follow them, affecting their housing options, the ability to buy a car, and the ability to

obtain employment, as many employers conduct credit checks of prospective employees; and

Whereas, it is important that college students and their families be made aware of the danger of substantial credit card debt, and that there are alternatives to credit cards which promote better and wiser management of personal funds, such as debit cards, prepaid long-distance calling cards, letter writing and e-mail instead of expensive long-distance calls, and checking accounts; and

Whereas, college students often are unaware of consumer rights, how to handle financial debt, or with whom to file complaints about the sales approach of financial institutions and credit card companies; Now, therefore,

The General Assembly of North Carolina enacts:

Section 1. The Board of Governors of The University of North Carolina is strongly encouraged to adopt a policy that restricts the direct solicitation on campus of students for credit card accounts. The Board of Governors of The University of North Carolina is also encouraged to offer a consumer credit seminar as part of freshman orientation at each constituent institution.

Section 2. The governing board of each private college or university that receives State funds is also strongly encouraged to adopt a policy that restricts the direct solicitation on campus of students for credit card accounts and to offer a consumer credit seminar as part of freshman orientation at the college or university.

Section 3. This act becomes effective July 1, 1999.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H 2

HOUSE BILL 1107
Committee Substitute Favorable 4/28/99

Short Title: Credit Card Solicitation/Colleges. (Public)

Sponsors:

Referred to:

April 15, 1999

A BILL TO BE ENTITLED

AN ACT TO STRONGLY ENCOURAGE THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA AND THE GOVERNING BOARDS OF PRIVATE COLLEGES AND UNIVERSITIES TO ADOPT POLICIES THAT RESTRICT THE DIRECT SOLICITATION ON CAMPUS OF STUDENTS FOR CREDIT CARD ACCOUNTS AND TO OFFER CREDIT SEMINARS AS PART OF FRESHMAN ORIENTATION.

Whereas, college students and their families are in debt more than ever, with an unprecedented number of college students relying on loans to help pay their tuition; and

Whereas, many college students compound their financial situation by incurring huge credit card debts; and

Whereas, on many college campuses the use of credit cards has become a way of life for many students, and few students know or understand the principles and benefits of sound money management and good credit; and

Whereas, although many college students are unemployed, credit card offers from vendors promise easy credit and bonuses for accepting the credit card; and

Whereas, many college students graduate owing substantial credit card balances and are plagued by poor credit; and

Whereas, college students generally do not realize that poor credit can follow them, affecting their housing options, the ability to buy a car, and the ability to

obtain employment, as many employers conduct credit checks of prospective employees; and

Whereas, it is important that college students and their families be made aware of the danger of substantial credit card debt, and that there are alternatives to credit cards which promote better and wiser management of personal funds, such as debit cards, prepaid long-distance calling cards, letter writing and e-mail instead of expensive long-distance calls, and checking accounts; and

Whereas, college students often are unaware of consumer rights, how to handle financial debt, or with whom to file complaints about the sales approach of financial institutions and credit card companies; Now, therefore,

The General Assembly of North Carolina enacts:

Section 1. The Board of Governors of The University of North Carolina is strongly encouraged to adopt a policy that restricts the direct solicitation on campus of students for credit card accounts. The Board of Governors of The University of North Carolina is also encouraged to offer a consumer credit seminar as part of freshman orientation at each constituent institution.

Section 2. The governing board of each private college or university that receives State funds is also strongly encouraged to adopt a policy that restricts the direct solicitation on campus of students for credit card accounts and to offer a consumer credit seminar as part of freshman orientation at the college or university.

Section 3. This act becomes effective July 1, 1999.

§ 14-269.2. Weapons on campus or other educational property.

(a) The following definitions apply to this section:

(1) Educational property. - Any public or private school building or bus, public or private school campus, grounds, recreational area, athletic field, or other property owned, used, or operated by any board of education, school, college, or university board of trustees, or directors for the administration of any public or private educational institution.

(2) Student. - A person enrolled in a public or private school, college or university, or a person who has been suspended or expelled within the last five years from a public or private school, college or university, whether the person is an adult or a minor.

(3) Switchblade knife. - A knife containing a blade that opens automatically by the release of a spring or a similar contrivance.

(4) Weapon. - Any device enumerated in subsection (b) or (d) of this section.

(b) It shall be a Class I felony for any person to possess or carry, whether openly or concealed, any gun, rifle, pistol, or other firearm of any kind, or any dynamite cartridge, bomb, grenade, mine, or powerful explosive as defined in G.S. 14-284.1, on educational property. However, this subsection does not apply to a BB gun, stun gun, air rifle, or air pistol.

(c) It shall be a Class I felony for any person to cause, encourage, or aid a minor who is less than 18 years old to possess or carry, whether openly or concealed, any gun, rifle, pistol, or other firearm of any kind, or any dynamite cartridge, bomb, grenade, mine, or powerful explosive as defined in G.S. 14-284.1, on educational property. However, this subsection does not apply to a BB gun, stun gun, air rifle, or air pistol.

(d) It shall be a Class 1 misdemeanor for any person to possess or carry, whether openly or concealed, any BB gun, stun gun, air rifle, air pistol, bowie knife, dirk, dagger, slungshot, leaded cane, switchblade knife, blackjack, metallic knuckles, razors and razor blades (except solely for personal shaving), and any sharp-pointed or edged instrument except instructional supplies, unaltered nail files and clips and tools used solely for preparation of food, instruction, and maintenance, on educational property.

(e) It shall be a Class 1 misdemeanor for any person to cause, encourage, or aid a minor who is less than 18 years old to possess or carry, whether openly or concealed, any BB gun, stun gun, air rifle, air pistol, bowie knife, dirk, dagger, slungshot, leaded cane, switchblade knife, blackjack, metallic knuckles, razors and razor blades (except solely for personal shaving), and any sharp-pointed or edged instrument except instructional supplies, unaltered nail files and clips and tools used solely for preparation of food, instruction, and maintenance, on educational property.

(f) Notwithstanding subsection (b) of this section it shall be a Class 1 misdemeanor rather than a Class I felony for any person to possess or carry, whether openly or concealed, any gun, rifle, pistol, or other firearm of any kind, on educational property if:

(1) The person is not a student attending school on the educational property;

(2) The firearm is not concealed within the meaning of G.S. 14-269;

(c) 1999 by LEXIS Law Publishing, a division of Reed Elsevier Inc., and Reed Elsevier Properties Inc. All Rights Reserved.

(3) The firearm is not loaded and is in a locked container, a locked vehicle, or a locked firearm rack which is on a motor vehicle; and

(4) The person does not brandish, exhibit, or display the firearm in any careless, angry, or threatening manner.

(g) This section shall not apply to:

(1) A weapon 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;

(1a) A person exempted by the provisions of G.S. 14-269(b);

(2) Firefighters, emergency service personnel, North Carolina Forest Service personnel, and any private police employed by an educational institution, when acting in the discharge of their official duties; or

(3) Home schools as defined in G.S. 115C-563(a).

(c) 1999 by LEXIS Law Publishing, a division of Reed Elsevier Inc., and Reed Elsevier Properties Inc. All Rights Reserved.

HOUSE BILL 1107:
Credit Card Solicitation/Collges

BILL ANALYSIS

Committee:	Senate Education/Higher Education	**Introduced by:**	Representative Gardner
		Summary by:	Sara Kamprath Education Policy Analyst
Date:	June 15, 1999		
Version:	Second Edition		

SUMMARY: House bill 1107 strongly encourages the UNC Board of Governors to adopt a policy restricting credit card companies from directly soliciting students on campus. The Board of Governors is also encouraged to offer a consumer credit seminar as a part of freshman orientation. The bill also encourages the governing board of a private college or university that receives State funds to adopt policies restricting credit card solicitation on campus and to provide consumer credit seminars during freshman orientation. The bill would take effect July 1, 1999.

BACKGROUND: Two NCSL briefs on this growing area of concern are attached. This year, legislation regulating credit card solicitation on college campuses and requiring more information for students and their parents was introduced in 10 states. The Arkansas legislature enacted a law to restrict credit marketers from offering gifts and other promotional incentives to students under the age of 21 who applied for a credit card through direct marketing. Credit card marketers must verify the age of an applicant by reviewing a driver's license or other valid identification.

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 and private colleges or universities receiving State funds, not community colleges, and certainly not individuals in this age bracket who do not attend college. 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.

H1107-SMRJ-001

Robin Johnson contributed substantially to this summary.

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

Copyright National Conference of State Legislatures

Denver Office: 1560 Broadway Suite 700 Denver, Colorado 80202 303.830.2200

Washington Office: 444 N. Capitol St., N.W., Suite 515 Washington D.C. 20001 202.624.5400

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

Kelly Anders
NCSL—Denver
(303) 830-2200, ext. 128
kelly.anders@ncsl.org

U.S. Public Interest Research Group
Washington, D.C.
(202) 546-9707
www.pirg.org

NCSL · LEGISBRIEF

June/July 1999

LEGISLATIVE LIBRARY

Vol. 7, No. 26

COLLEGE STUDENTS, CREDIT CARDS & DEBT, PART II

By Kelly Anders

Credit cards are a fact of life for many college students. They are used for many transactions, including making hotel and airline reservations and Internet purchases. And most parents want their college-age children to have one in case of an emergency. But some consumer advocates and state legislators are concerned that credit card marketers make credit too easily available to young people who often have little experience handling their own finances. Credit card issuers argue that most students handle credit responsibly. Nevertheless, issuers are increasing their efforts to educate students about using credit wisely.

Recent studies by the Institute of Higher Education Policy and Student Monitor indicate that some students have trouble managing their credit card debt. Generally, the chance of accumulating high interest payments on large amounts of debt increases when students have average credit card balances greater than $1,000, own four or more credit cards, carry over a large balance each month, or charge tuition and fees.

State legislators in 10 states introduced bills this year to regulate credit card solicitation on college campuses.

This year, state legislators in Arkansas, California, Louisiana, Massachusetts, New Jersey, Oklahoma, Pennsylvania, Tennessee, Virginia and West Virginia introduced bills to regulate credit card solicitation on college campuses and require more information about credit cards for college students and their parents. Many of these bills would ban gifts and other promotional incentives, require credit seminars during freshmen orientation, require credit card companies to register with institutions before marketing their cards on campus, and require state boards of higher education to create rules and regulations governing credit card company access to college campuses.

Others would require that debt education materials be inserted in shopping bags at campus bookstores, prohibit on-campus direct marketing entirely, prohibit institutions from selling lists of names of students to credit card companies, or prevent college students from being sued for credit card debts until six months after graduation or threatened with not graduating because of a civil action or judgment for a credit card debt.

Arkansas has passed a bill restricting card marketers from offering gifts or other promotional incentives to students.

Of the 14 bills that were introduced this year, Arkansas has passed a bill restricting card marketers from offering gifts or other promotional incentives to students under 21 who apply for a credit card on campus through direct marketing. Card marketers must verify the age of all applicants by reviewing valid identification, such as a driver's license.

Although some legislators are concerned about the potential dangers of credit card use by college students, others maintain that curbing students' ability to obtain cards on campus won't deter them from obtaining them elsewhere. And some administrators say they can't ban card marketers if they let other companies sell their products on campus.

Currently, there are no laws to prevent the issuance of cards to students 18 and older. However, Illinois and Montana have laws preventing the issuance of credit cards to minors without parental consent.

NATIONAL CONFERENCE OF STATE LEGISLATURES

Executive Director, William T. Pound

Copyright National Conference of State Legislatures

Denver Office: 1560 Broadway
Suite 700
Denver, Colorado 80202
303.830.2200

Washington Office: 444 N. Capitol St., N.W.,
Suite 515
Washington D.C. 20001
202.624.5400

Based on a survey last year of 750 college students nationwide, the Institute of Higher Education Policy, a nonpartisan, research organization, found that:

- Nearly two-thirds of college students have at least one credit card, and one in five of those students has four or more credit cards.
- Fifty-five percent obtained their first credit card during their first year of college. A majority of students, 63 percent, received their credit cards by applying on their own, 17 percent received them from their parents, and 14 percent were sent credit cards by mail.
- The majority of students, 59 percent, typically pay off their monthly balances right away. Of the 41 percent who carry over their balances each month, 81 percent pay more than the minimum amount due.

Most students typically pay off their monthly balances right away.

Similarly, according to a 1998 report by Student Monitor, a market research firm that conducted on-campus interviews nationwide of 1,200 full-time undergraduate students:

- Of students who have cards, 24 percent received cards by responding to an on-campus display and 4 percent received them as a result of direct solicitation on campus.
- College students charge about $155 per month on their credit cards, and those who carry a balance have an average balance of $514.
- Sixty-nine percent apply for cards to establish a good credit history, 42 percent for protection in case of an emergency, and 14 percent because they're safer to carry than cash.

Credit card issuers have several new programs to educate college students about using credit wisely. MasterCard International, in partnership with College Parents of America, has introduced "Money Talks," a money management education program. AT&T Universal Card Services has awarded grants to community nonprofit, educational and government agencies to fund credit education programs. Citigroup offers brochures, "Money Matters for Young Adults" and "Max Moore: College Guide to Personal Money Management." Brochures from Visa include "Knowledge PayS" and the "Inform" series. Discover offers a brochure that provides information to college students on credit card terms and responsibilities. American Express has credit information for college students available by telephone or the Internet.

Credit card issuers have several new programs to educate college students about using credit wisely.

For more information, visit the Web at: www.ncsl.org/programs/fiscal/nlpes/credcard.htm.

Selected References

American Express. *"Managing Your Money."* www.americanexpress.com

College Parents of America. *"More Advice and Info Page."* www.collegeparents.org

Discover. *"Student Center."* www.discovercard.com

Dugas, Christine. *"Lead Us Not Into Temptation." USA Today,* March 12, 1999.

Dugas, Christine. *"Students Might Need Credit Curriculum." USA Today,* March 12, 1999.

Institute for Higher Education Policy. *"Credit Risk or Credit Worthy? College Students and Credit Cards."* June 1998.

Student Monitor. *"Financial Services Study."* Spring 1998. www.smcinc.com

United College Marketing Services. *"Get the Scoop on Good Credit."* www.collegevisa.com

Visa. *"Rank It."* www.visa.com

Contacts for More Information

Kelly Anders
NCSL—Denver
(303) 830-2200, ext. 128
kelly.anders@ncsl.org

Institute for Higher Education Policy
(202) 861-8223
www.ihep.com

Cathy McTighe
Discover Financial Services, Inc.
(212) 392-5609

William Binzel
MasterCard Corporation
(202) 789-5960

Steve Lemson
American Express Company
(212) 640-5028

Lamar Smith
Visa USA
(202) 296-9230

VISITOR REGISTRATION SHEET

SENATE EDUCATION/HIGHER EDUCATION

Wednesday, June 23, 1999
10:00 A.M.
Room 414 LOB

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Jeff Nieman	UNC Board of Governors PO Box 278 Chapel Hill, NC 27514
Donna C. White	National Board Certified Teacher 440 Harlow Dr Fayetteville, NC 28314
Rhonda Rowe	National Board Certified Teacher 1050 East Drive Gastonia, NC 28052
Rachel Critchley	725 Forest Brook Drive Gastonia NC 28056
George Reed	NC Council of Churches
Jack Cyert	Parker Poe
Karen Gale	Governor's Office
Roberta Forbes	Governor's Office
Harriet Dietz	NCAE
Bill Wilson	NCAE

VISITOR REGISTRATION SHEET

SENATE EDUCATION/HIGHER EDUCATION

Wednesday, June 23, 1999
10:00 A.M.
Room 414 LOB

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
L Lahoon	NCAE
Thad Davis	NCAE
Kim Norris	Public School Forum of NC
Joanne Winner	NCSBA
Nicole Dusenberry	SBE
Kathy Taft	SBE member
Heidi Yates	Sen Ken Moore
[illegible]	TAP/IP
Becky Stuart	PPAB
Mary Walker	ALLTEL

VISITOR REGISTRATION SHEET

SENATE EDUCATION/HIGHER EDUCATION

Wednesday, June 23, 1999
10:00 A.M.
Room 414 LOB

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Elizabeth Grovenstein	OSBM
Jan Pratt	NCASA
Edna Sykes	Leg. Assistant
Shynne Hamlet	Sen. Lee
Suzanne Williams	NCCCS
Jeremiah Jackson	NCCCS
Hal Miller	NCACCT
Thomas M. Sn.	Sen. Dalton.
Joel W...	Sen. Lee
Brenda Dougherty	Sprint

VISITOR REGISTRATION SHEET

SENATE EDUCATION/HIGHER EDUCATION

Wednesday, June 23, 1999
10:00 A.M.
Room 414 LOB

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Eddie Caldwell	EEBC

AGENDA

SENATE EDUCATION/HIGHER EDUCATION

Wednesday, June 30, 1999
10:00 A.M.
Room 414 LOB

CALL TO ORDER **Presiding: Senator Lee, Co-Chair**

• H 848 No Charter School Deadline/Rockingham	Representative Cole and Sexton
• H 1107 Credit Card Solicitation/Colleges	Representative Gardner
• H 1150 Sch. Improvement Team Reps Elected	Representative Jeffus

Senator Howard Lee, Co-Chair
Senator Walter Dalton, Co-Chair

MINUTES

SENATE EDUCATION/HIGHER EDUCATION

Wednesday, June 30, 1999
10:00 A.M.
Room 414 LOB

The Senate Education/Higher Education Committee met on Wednesday, June 30, 1999 at 10:00 A.M. in Room 414 of the Legislative Office Building. Senator Lee, Co-Chair presided. There were fifteen Senators present. Senator Lee introduced Pages Kimberly McKay from Hendersonville, sponsored by Senator Hartsell; Hattie Plexico from Raleigh, sponsored by Senator Hartsell and Winna Bridgewater from Nags Head, sponsored by Senator Basnight.

Senator Lee introduced National Board Certified Teacher Ms. Kimberlee Neal from Walkertown Elementary School in Walkertown, North Carolina. Senator Lee invited Ms. Neal to speak briefly to the Committee. Ms. Neal stated the process of preparing for the Certification was the best professional development that is available for North Carolina Teachers and she encouraged all North Carolina Teachers to strive for National Board Certification.

Senator Lee thanked Ms. Neal for her contributions to the teaching profession and to the state of North Carolina.

H848

Senator Lee announced that due to scheduling complications with the Bills Sponsors, the discussion regarding H848 would be deferred until a later date.

H1107

Senator Lee recognized Representative Gardner to explain H1107. *The Short Title of H1107 is Credit Card Solicitation/Colleges.* The Long Title: An *Act to Strongly Encourage the Board of Governors of the University of North Carolina and the Governing Boards of Private Colleges and Universities to Adopt Policies that Restrict the Direct Solicitation on Campus of Students for Credit Card Accounts and to Offer Credit Seminars as Part of Freshman Orientation. (See Attachment 1).* Representative Gardner presented her rationale for introducing H1107. Following Representative Gardner's presentation there was extensive discussion by the Committee.

Senator Hagan suggested that early educational counseling to increase financial literacy, perhaps in high school, would be an approach that could be considered. Senator Hoyle stated that he was supportive of educational financial counseling as well.

Senator Hagan and Senator Dannelly questioned whether or not the Universities sell lists of students to credit card companies. Senator Lee stated he would be able to elicit that information for them.

Senator Lee recognized Senator Lucas. Senator Lucas suggested the following:

1) That Senator Lee, Co-Chair, sends a letter to the Board of Governors highlighting the concern of the Committee regarding credit card solicitation on University Campuses.

Senator Lucas stated she felt if the issue was brought to the attention of the Board of Governors, it would be at their discretion to assess the situation and to adopt a policy that would result in the resolution of the problem.

2) That the Joint Education Oversight Committee studies the issue during the Interim.

Senator Lee stated that Senator Lucas' first suggestion could be done and that he would consult with Senator Dalton, Co-Chair regarding the second suggestion.

Senator's Martin, Carter and Purcell offered comments and expressed concern regarding H1107.

Senator Lee invited comment from the Public. Public Member Mr. Jeffery Neman introduced himself as a student representative to the Board of Governors and offered comment on H1107.

Senator Lee stated that this issue certainly warrants further study.

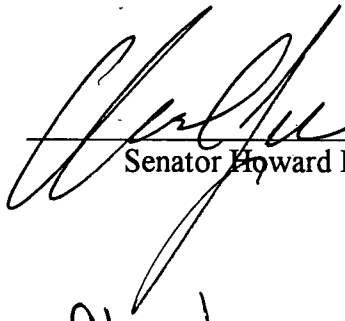
Senator Lucas moved for a Favorable Report. The vote was by visual method and the results were three in favor and seven opposed. **H1107 was defeated.**

H1150

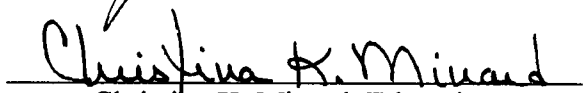
Senator Lee recognized Representative Jeffus to explain H1150. *The Short Title of H1150 is Sch. Improvement Team Reps. Elected. The Long Title: An Act to Provide for the Election of members of School Improvement Teams.(See Attachment 2).*

Senator Dannelly moved for a Favorable Report. **The Committee voted H1150 a FAVORABLE REPORT.**

Senator Lee adjourned the Committee meeting at 10:50 A.M.



Senator Howard Lee, Co-Chair



Christina K. Minard, Education
Committee Assistant

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

EDUCATION/HIGHER EDUCATION COMMITTEE REPORT
Senator Howard Lee, Co-Chair
Senator Walter Dalton, Co-Chair

Wednesday, June 30, 1999

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

FAVORABLE

H.B. **1150** Sch. Improvement Team Reps. Elected
Sequential Referral: None
Recommended Referral: None

TOTAL REPORTED: 1

Committee Clerk Comment:

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H **2**

HOUSE BILL 1107
Committee Substitute Favorable 4/28/99

Short Title: Credit Card Solicitation/Colleges. (Public)

Sponsors:

Referred to:

April 15, 1999

A BILL TO BE ENTITLED

AN ACT TO STRONGLY ENCOURAGE THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA AND THE GOVERNING BOARDS OF PRIVATE COLLEGES AND UNIVERSITIES TO ADOPT POLICIES THAT RESTRICT THE DIRECT SOLICITATION ON CAMPUS OF STUDENTS FOR CREDIT CARD ACCOUNTS AND TO OFFER CREDIT SEMINARS AS PART OF FRESHMAN ORIENTATION.

Whereas, college students and their families are in debt more than ever, with an unprecedented number of college students relying on loans to help pay their tuition; and

Whereas, many college students compound their financial situation by incurring huge credit card debts; and

Whereas, on many college campuses the use of credit cards has become a way of life for many students, and few students know or understand the principles and benefits of sound money management and good credit; and

Whereas, although many college students are unemployed, credit card offers from vendors promise easy credit and bonuses for accepting the credit card; and

Whereas, many college students graduate owing substantial credit card balances and are plagued by poor credit; and

Whereas, college students generally do not realize that poor credit can follow them, affecting their housing options, the ability to buy a car, and the ability to

obtain employment, as many employers conduct credit checks of prospective employees; and

Whereas, it is important that college students and their families be made aware of the danger of substantial credit card debt, and that there are alternatives to credit cards which promote better and wiser management of personal funds, such as debit cards, prepaid long-distance calling cards, letter writing and e-mail instead of expensive long-distance calls, and checking accounts; and

Whereas, college students often are unaware of consumer rights, how to handle financial debt, or with whom to file complaints about the sales approach of financial institutions and credit card companies; Now, therefore,

The General Assembly of North Carolina enacts:

Section 1. The Board of Governors of The University of North Carolina is strongly encouraged to adopt a policy that restricts the direct solicitation on campus of students for credit card accounts. The Board of Governors of The University of North Carolina is also encouraged to offer a consumer credit seminar as part of freshman orientation at each constituent institution.

Section 2. The governing board of each private college or university that receives State funds is also strongly encouraged to adopt a policy that restricts the direct solicitation on campus of students for credit card accounts and to offer a consumer credit seminar as part of freshman orientation at the college or university.

Section 3. This act becomes effective July 1, 1999.

HOUSE BILL 1107:
Credit Card Solicitation/Collges

BILL ANALYSIS

Committee:	Senate Education/Higher Education	**Introduced by:**	Representative Gardner
		Summary by:	Sara Kamprath Education Policy Analyst
Date:	June 15, 1999		
Version:	Second Edition		

SUMMARY: ***House bill 1107 strongly encourages the UNC Board of Governors to adopt a policy restricting credit card companies from directly soliciting students on campus. The Board of Governors is also encouraged to offer a consumer credit seminar as a part of freshman orientation. The bill also encourages the governing board of a private college or university that receives State funds to adopt policies restricting credit card solicitation on campus and to provide consumer credit seminars during freshman orientation. The bill would take effect July 1, 1999.***

BACKGROUND: Two NCSL briefs on this growing area of concern are attached. This year, legislation regulating credit card solicitation on college campuses and requiring more information for students and their parents was introduced in 10 states. The Arkansas legislature enacted a law to restrict credit marketers from offering gifts and other promotional incentives to students under the age of 21 who applied for a credit card through direct marketing. Credit card marketers must verify the age of an applicant by reviewing a driver's license or other valid identification.

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 and private colleges or universities receiving State funds, not community colleges, and certainly not individuals in this age bracket who do not attend college. 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.

H1107-SMRJ-001

Robin Johnson contributed substantially to this summary.

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

EDITION No. 2nd

H. B. No. 1107 DATE 6/30/99

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

COMMITTEE SUBSTITUTE _____

Rep.) Martin
Sen.)

moves to amend the bill on page 2, line 13-14

( ) WHICH CHANGES THE TITLE

by rewriting the lines to read:

"is encouraged to adopt a policy designed to prevent economic exploitation of students on campus. The Board of Governors of The."

and on page 3 lines 18-19 by rewriting the lines to read:

"receives State funds is encouraged to adopt a policy designed to prevent economic exploitation of students on campus and to offer a".

SIGNED _____

ADOPTED _____ FAILED _____ TABLED _____

GA-33-A

PRINCIPAL CLERK'S OFFICE (FOR ENGROSSMENT)

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

Copyright National Conference of State Legislatures

Denver Office: 1560 Broadway Suite 700 Denver, Colorado 80202 303.830.2200

Washington Office: 444 N. Capitol St., N.W., Suite 515 Washington D.C. 20001 202.624.5400

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

Kelly Anders
NCSL—Denver
(303) 830-2200, ext. 128
kelly.anders@ncsl.org

U.S. Public Interest Research Group
Washington, D.C.
(202) 546-9707
www.pirg.org

NCSL · LEGISBRIEF

June/July 1999

LEGISLATIVE LIBRARY

Vol. 7, No. 26

COLLEGE STUDENTS, CREDIT CARDS & DEBT, PART II

By Kelly Anders

Credit cards are a fact of life for many college students. They are used for many transactions, including making hotel and airline reservations and Internet purchases. And most parents want their college-age children to have one in case of an emergency. But some consumer advocates and state legislators are concerned that credit card marketers make credit too easily available to young people who often have little experience handling their own finances. Credit card issuers argue that most students handle credit responsibly. Nevertheless, issuers are increasing their efforts to educate students about using credit wisely.

Recent studies by the Institute of Higher Education Policy and Student Monitor indicate that some students have trouble managing their credit card debt. Generally, the chance of accumulating high interest payments on large amounts of debt increases when students have average credit card balances greater than $1,000, own four or more credit cards, carry over a large balance each month, or charge tuition and fees.

State legislators in 10 states introduced bills this year to regulate credit card solicitation on college campuses.

This year, state legislators in Arkansas, California, Louisiana, Massachusetts, New Jersey, Oklahoma, Pennsylvania, Tennessee, Virginia and West Virginia introduced bills to regulate credit card solicitation on college campuses and require more information about credit cards for college students and their parents. Many of these bills would ban gifts and other promotional incentives, require credit seminars during freshmen orientation, require credit card companies to register with institutions before marketing their cards on campus, and require state boards of higher education to create rules and regulations governing credit card company access to college campuses.

Others would require that debt education materials be inserted in shopping bags at campus bookstores, prohibit on-campus direct marketing entirely, prohibit institutions from selling lists of names of students to credit card companies, or prevent college students from being sued for credit card debts until six months after graduation or threatened with not graduating because of a civil action or judgment for a credit card debt.

Arkansas has passed a bill restricting card marketers from offering gifts or other promotional incentives to students.

Of the 14 bills that were introduced this year, Arkansas has passed a bill restricting card marketers from offering gifts or other promotional incentives to students under 21 who apply for a credit card on campus through direct marketing. Card marketers must verify the age of all applicants by reviewing valid identification, such as a driver's license.

Although some legislators are concerned about the potential dangers of credit card use by college students, others maintain that curbing students' ability to obtain cards on campus won't deter them from obtaining them elsewhere. And some administrators say they can't ban card marketers if they let other companies sell their products on campus.

Currently, there are no laws to prevent the issuance of cards to students 18 and older. However, Illinois and Montana have laws preventing the issuance of credit cards to minors without parental consent.

NATIONAL CONFERENCE OF STATE LEGISLATURES

Executive Director, William T. Pound

Copyright National Conference of State Legislatures

Denver Office: 1560 Broadway
Suite 700
Denver, Colorado 80202
303.830.2200

Washington Office: 444 N. Capitol St., N.W.,
Suite 515
Washington D.C. 20001
202.624.5400

Based on a survey last year of 750 college students nationwide, the Institute of Higher Education Policy, a nonpartisan, research organization, found that:

- Nearly two-thirds of college students have at least one credit card, and one in five of those students has four or more credit cards.
- Fifty-five percent obtained their first credit card during their first year of college. A majority of students, 63 percent, received their credit cards by applying on their own, 17 percent received them from their parents, and 14 percent were sent credit cards by mail.
- The majority of students, 59 percent, typically pay off their monthly balances right away. Of the 41 percent who carry over their balances each month, 81 percent pay more than the minimum amount due.

Most students typically pay off their monthly balances right away.

Similarly, according to a 1998 report by Student Monitor, a market research firm that conducted on-campus interviews nationwide of 1,200 full-time undergraduate students:

- Of students who have cards, 24 percent received cards by responding to an on-campus display and 4 percent received them as a result of direct solicitation on campus.
- College students charge about $155 per month on their credit cards, and those who carry a balance have an average balance of $514.
- Sixty-nine percent apply for cards to establish a good credit history, 42 percent for protection in case of an emergency, and 14 percent because they're safer to carry than cash.

Credit card issuers have several new programs to educate college students about using credit wisely. MasterCard International, in partnership with College Parents of America, has introduced "Money Talks," a money management education program. AT&T Universal Card Services has awarded grants to community nonprofit, educational and government agencies to fund credit education programs. Citigroup offers brochures, "Money Matters for Young Adults" and "Max Moore: College Guide to Personal Money Management." Brochures from Visa include "Knowledge Pay$" and the "Inform" series. Discover offers a brochure that provides information to college students on credit card terms and responsibilities. American Express has credit information for college students available by telephone or the Internet.

Credit card issuers have several new programs to educate college students about using credit wisely.

For more information, visit the Web at: www.ncsl.org/programs/fiscal/nlpes/credcard.htm.

Selected References

American Express. *"Managing Your Money."* www.americanexpress.com

College Parents of America. *"More Advice and Info Page."* www.collegeparents.org

Discover. *"Student Center."* www.discovercard.com

Dugas, Christine. *"Lead Us Not Into Temptation." USA Today*, March 12, 1999.

Dugas, Christine. *"Students Might Need Credit Curriculum." USA Today*, March 12, 1999.

Institute for Higher Education Policy. *"Credit Risk or Credit Worthy? College Students and Credit Cards."* June 1998.

Student Monitor. *"Financial Services Study."* Spring 1998. www.smcinc.com

United College Marketing Services. *"Get the Scoop on Good Credit."* www.collegevisa.com

Visa. *"Rank It."* www.visa.com

Contacts for More Information

Kelly Anders
NCSL—Denver
(303) 830-2200, ext. 128
kelly.anders@ncsl.org

Institute for Higher Education Policy
(202) 861-8223
www.ihep.com

Cathy McTighe
Discover Financial Services, Inc.
(212) 392-5609

William Binzel
MasterCard Corporation
(202) 789-5960

Steve Lemson
American Express Company
(212) 640-5028

Lamar Smith
Visa USA
(202) 296-9230

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H 1

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:	Education/Higher Education	**Introduced by:**	Representative Jeffus
Date:	June 29, 1999	**Summary by:**	Sara Kamprath
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.

H1150-SMRJ-001

Shirley Iorio contributed to the preparation of this summary.

VISITOR REGISTRATION SHEET

SENATE EDUCATION/HIGHER EDUCATION

Wednesday, June 30, 1999
10:00 A.M.
Rm. 414 LOB

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Kimbalee N Neal	National Board Certified Teacher
Tiffany Neal	Daughter of K. Neal
Karen Gaul	Governor's Office
Hanna Nixon	NCSBA
Penn Norris	Public School Forum of NC
Ann Bellamy	SBE
Nicole Rosenberry	SBE
A Calhoun	NCAE
Bill Wilson	NCAE
Hamet Dial	NCAE
Thad Davis	NCAE

VISITOR REGISTRATION SHEET

SENATE EDUCATION/HIGHER EDUCATION

Wednesday, June 30, 1999
10:00 A.M.
Rm. 414 LOB

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Joel Overton	Sen. Lee
JEREMIAH JACKSON	NCCCS
Erin Culbreth	Sen. Moore
Jennifer Babanich	NASW
Mari Ito-Wynn	NCHE
Jeffrey L. Nieman	UNC Board of Governors → Students
LUIS Ponjuan	Citizen
Rob Savitt	NCCCS
John Colandro	AT&T
Brenda Dougherty	Sprint
Paul H. Stock	NC Bankers Assn

VISITOR REGISTRATION SHEET

SENATE EDUCATION/HIGHER EDUCATION

Wednesday, June 30, 1999
10:00 A.M.
Rm. 414 LOB

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Ann Case	NCRMA

AGENDA

SENATE EDUCATION/HIGHER EDUCATION

Wednesday, July 7, 1999
10:00 A.M.
Room 414 LOB

CALL TO ORDER **Presiding: Senator Dalton, Co-Chair**

- H274 Asst. Principal Provisional Cert. Representative Warner
- H848 No Charter School Deadline/Rockingham Representatives Cole and Sexton
- H1154 Weapons at School/Law Clarified Representative Michaux

Senator Howard Lee, Co-Chair
Senator Walter Dalton, Co-Chair

MINUTES

SENATE EDUCATION/HIGHER EDUCATION

Wednesday, July 7, 1999
10:00 A.M.
Room 414 LOB

The Senate Education/Higher Education Committee met on Wednesday, July 7, 1999 at 10:00 A.M. in room 414 of the Legislative Office Building. Senator Dalton, Co-Chair presided. Senator Dalton called the meeting to order and introduced Pages Tommy Paul from Raleigh and sponsored by Senator Basnight and Manisha Devasthali from Fayetteville and sponsored by Senator Rand. There were sixteen Senators present.

H1154

Senator Dalton recognized Senator Purcell. Senator Purcell moved to reconsider H1154. Next, Senator Purcell moved to adopt the Committee Substitute for purposes of discussion. *The Short Title of H1154 is Weapons at School/Law Clarified. The Long Title: An Act to Require a One-Year Suspension for any Student Who Brings or Possesses a Firearm or Explosive on Educational Property or at a School-Sponsored Curricular or Extracurricular Activity Off Educational Property and to Make Other Conforming Changes. (See Attachment 1).*

Senator Dalton recognized Kory Goldsmith to explain the proposed changes for H1154. *(See Attachment 2).* A discussion followed Ms. Goldsmith's explanation. The following Senators commented positively regarding H1154: Senator's Horton, Dannelly, Cochrane, Purcell, Martin and Allran. Ann Berlyn, representing the Public Schools commented favorably regarding H1154.

Senator Garwood made a motion to give H1154 a Favorable Report. The Committee voted **H1154 UNFAVORABLE AS TO COMMITTEE SUBSTITUTE BILL NO. 1, BUT FAVORABLE AS TO SENATE COMMITTEE SUBSTITUTE BILL.**

H274

Senator Dalton recognized Senator Martin. Senator Martin made a motion to adopt the Committee Substitute for H274. *The Short Title of 274 is Ass't Principal Provisional Cert./AB. The Long Title: An Act to Amend the Law Regarding Certification and Employment of Assistant Principals. (See Attachment 3).*

Senator Dalton recognized Sara Kamprath, Committee Specialist to explain the Committee Substitute H274. *(See Attachment 4).*

Senator Dalton recognized Public Member Ann Berlyn. Ms. Berlyn represents the Public Schools and spoke in favor of H274.

Senator Dalton recognized Senator Lucas. Senator Lucas moved to give H274 a Favorable Report. **The Committee voted H274 UNFAVORABLE AS TO COMMITTEE SUBSTITUTE BILL NO. 1, BUT FAVORABLE AS TO SENATE COMMITTEE SUBSTITUTE BILL.**

H848

Senator Dalton introduced Representatives Cole and Sexton, sponsors of H848. Representative Cole presented a brief explanation of H848 to the Committee. Representative Cole reported that he had received letters in support of H848 from community leaders. *The Short Title of H848 is No Charter School Deadline/Rockingham. The Long Title: An Act to Suspend the Charter School Application Deadlines for the Rockingham County Consolidated Schools for the 1999-2000 School Year. (See Attachment 5).*

The following Senators spoke in support of H848: Senators Rucho, Martin and Purcell. Senator Lucas made a motion to give H848 a Favorable Report. **The Committee voted H848 a FAVORABLE REPORT.**

Senator Dalton adjourned the meeting at 10:30 A.M.

Senator Walter Dalton, Co-Chair

Christina K. Minard, Education
Committee Assistant

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

EDUCATION/HIGHER EDUCATION COMMITTEE REPORT
Senator Howard Lee, Co-Chair
Senator Walter Dalton, Co-Chair

Thursday, July 08, 1999

SENATOR DALTON,
Submits the following with recommendations as to passage:

FAVORABLE

H.B. (CS #1)**848** No Charter School Deadline/Rockingham.
Sequential Referral: None
Recommended Referral: None

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

H.B. (CS #1)**274** Ass't Principal Provisional Cert./AB.
Draft Number: PCS3457
Sequential Referral: None
Recommended Referral: None
Long Title Amended: No

TOTAL REPORTED: 2

Committee Clerk Comment:

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

EDUCATION/HIGHER EDUCATION COMMITTEE REPORT
Senator Howard Lee, Co-Chair
Senator Walter Dalton, Co-Chair

Thursday, July 08, 1999

SENATOR DALTON,
Submits the following with recommendations as to passage:

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

H.B. (CS #1)**1154** Weapons at School/Law Clarified

Draft Number:	PCS6229
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	Yes

TOTAL REPORTED: 1

Committee Clerk Comment:

Attachment 1

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H 2

HOUSE BILL 1154
Committee Substitute Favorable 4/26/99

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.

DRAFT

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H D

HOUSE BILL 1154
Committee Substitute Favorable 4/26/99
Senate Proposed Committee Substitute
H1154-CSRC-002

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 EDUCATIONAL PROPERTY OR AT A SCHOOL-SPONSORED CURRICULAR OR EXTRACURRICULAR ACTIVITY OFF EDUCATIONAL PROPERTY AND TO MAKE OTHER CONFORMING CHANGES.

The General Assembly of North Carolina enacts:

Section 1. If House Bill 517, 1999 Regular Session, becomes law, then effective September 1, 1999, G.S. 115C-391(d1) reads as rewritten:

"(d1) A local board of education or superintendent shall suspend for 365 calendar days any student ~~who brings~~ who:

(1) Brings onto educational property or to a school-sponsored curricular or extracurricular activity off educational property, or

(2) Possesses on educational property or at a school-sponsored curricular or extracurricular activity off educational property,

a weapon, as defined in G.S. 14-269.2(b), 14-269.(b1), and ~~14-269.2(g), onto educational property.~~ 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. Effective December 1, 1999, G.S. 115C-391(d1), as rewritten by Section 1 of this act, reads as rewritten:

"(d1) A local board of education or superintendent shall suspend for 365 calendar days any student who:

(1) Brings onto educational property or to a school-sponsored curricular or extracurricular activity off educational property, or

(2) Possesses on educational property or at a school-sponsored curricular or extracurricular activity off educational property,

a weapon, as defined in G.S. 14-269.2(b), 14-269.2(b1), ~~and 14-269.2(g).~~ 14-269.2(g), and 14-269.2(h). 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 3. If House Bill 517, 1999 Regular Session, becomes law, then effective September 1, 1999, G.S. 115C-391(d3) reads as rewritten:

"(d3) A local board of education shall suspend for 365 calendar days any student who, by any means of communication to any person or group of persons, makes a report, knowing or having reason to know the report is false, that there is located on educational property or at a school-sponsored curricular or extracurricular activity off educational property any device

designed to destroy or damage property by explosion, blasting, or burning, or who, with intent to perpetrate a hoax, conceals, places, or displays any device, machine, instrument, or artifact on educational property or at a ~~school-related~~ school-sponsored curricular or extracurricular activity ~~on or~~ off educational property, so as to cause any person reasonably to believe the same to be a bomb or other device capable of causing injury to persons or property. The local board upon recommendation by the superintendent may modify either 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 under this subsection in an alternative school setting or in another setting that provides educational and other services. For purposes of this subsection and subsection (d1) of this section, the term 'educational property' has the same definition as in G.S. 14-269.2(a)(1)."

Section 4. Effective July 1, 2000, G.S. 20-11(n1) as created in Section 2 of S.L. 1999-243, reads as rewritten:

"(n1) Lose Control; Lose License.

(1) The following definitions apply in this subsection:

a. Applicable State entity. -- The State Board of Education for public schools and charter schools, the State Board of Community Colleges for community colleges, or the Secretary of Administration for nonpublic schools and home schools.

b. Certificate. -- A driving eligibility certificate that meets the conditions of subsection (n) of this section.

c. Disciplinary action. -- An expulsion, a suspension for more than 10 consecutive days, or an assignment to an alternative educational setting for more than 10 consecutive days.

d. Enumerated student conduct. -- One of the following behaviors that results in disciplinary action:

1. The possession or sale of an alcoholic beverage or an illegal controlled substance on school property.
2. ~~The possession or use~~ The bringing, possession, or use on school property of a weapon or firearm that resulted in disciplinary action under G.S. 115C-391(d1) or that could have resulted in that disciplinary action if the conduct had occurred in a public school.
3. The physical assault on a teacher or other school personnel on school property.

e. School. -- A public school, charter school, community college, nonpublic school, or home school.

f. School administrator. -- The person who is required to sign certificates under subdivision (4) of subsection (n) of this section.

g. School property. -- The physical premises of the school, school buses or other vehicles under the school's control or contract and that are used to transport students, and school-sponsored ~~or school-related~~ curricular or extracurricular activities that occur on or off the physical premises of the school.

h. Student. -- A person who desires to obtain a permit or license issued under this section."

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

Attachment 2

HOUSE BILL 1154:
Weapons at School/Law Clarified

BILL ANALYSIS

Committee:	Senate Education/Higher Education	**Introduced by:**	Rep. Michaux
		Summary by:	Kory Goldsmith Committee Counsel
Date:	July 7, 1999		
Version:	PCS to 2nd Edition *H1154-CSRC-002*		

SUMMARY: ***A local board of education or a superintendent must suspend for 365 days any student who possesses a firearm or explosive device on educational property or at a school-sponsored curricular or extracurricular activity off educational property. A local board or superintendent also must suspend for 365 days any student who brings a firearm or explosive device onto educational property or to a school-sponsored curricular or extracurricular activity off educational property. The local board may modify the suspension on a case-by-case basis. The bill also makes conforming changes made necessary due to the recent passage of related legislation that has varying effective dates.***

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:

Section 1 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 educational property or at a school-sponsored curricular or extracurricular activity off school property. It also expands the suspension to students who bring a firearm or explosive device to a school-sponsored curricular or extracurricular activity off educational property. Section 1 also engrosses changes in G.S. 115C-391(d1) that have been adopted by the House and Senate in the conference report for HB 517 (Stop Threats/Acts of School Violence).

Section 2 makes a conforming change to G.S. 115C-391(d1) by incorporating into the definition of a "weapon" new language that has been added to G.S. 14-269.2 (weapons on educational property). S.L. 1999-221 amends G.S. 14-269.2 by creating a new subsection (h). The new subsection provides that if a person comes into possession of a weapon on educational property by taking or receiving the weapon from another person or by finding the weapon, and if the person then turns the weapon over to law

enforcement officials as soon as practicable, the person is not guilty of a felony. S.L. 1999-221 and this change are effective December 1, 1999.

Section 3 makes changes to G.S.115C-391 (d3) (mandatory 365 day suspension for students who make bomb threats or perpetrate bomb hoaxes) so that the language conforms to the language in G.S. 115C-391(d1). Both (d1) and (d3) are linked to G.S. 14-269.2 (weapons on educational property). The change would be effective September 1, 1999.

Section 4 makes conforming changes in G.S. 20-11(n1), which is created by S.L. 1999-243 (Lose Control/Lose License). The changes are made necessary because H1154 expands the grounds for the mandatory 365 suspension for weapons on educational property. These changes become effective July 1, 2000, the same date S.L. 1999-243 becomes effective.

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.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H D

HOUSE BILL 274*
Committee Substitute Favorable 3/22/99
Proposed Senate Committee Substitute H274-PCS3457-RJ

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), as amended by Section 1 of S.L. 1999-30, 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 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.

The Board shall issue a one-year provisional assistant principal's certificate to an employee of a local board only ~~if~~ 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)~~ certificate and the employee enrolls in an approved program leading to a masters degree in school administration before the provisional certificate ~~expires.~~ expires; or (ii) the employee is enrolled in an approved masters in school administration program and is participating in the required internship under the masters program. 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. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H D

H274-CSRJ-001
SENATE PROPOSED COMMITTEE SUBSTITUTE
HOUSE BILL 274*
Committee Substitute Favorable 3/22/99
THIS IS A DRAFT 7-JUL-99 08:39:25
ATTENTION: LINE NUMBERS MAY CHANGE AFTER ADOPTION

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), as amended by Section 1 of S.L. 1999-30, 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 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.

The Board shall issue a one-year provisional assistant principal's certificate to an employee of a local board only ~~if~~ 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)~~ certificate and the employee enrolls in an approved program leading to a masters degree in school administration before the provisional certificate ~~expires.~~ expires; or (ii) the employee is enrolled in an approved masters in school administration program and is participating in the required internship under the masters program. 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. This act is effective when it becomes law.

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

BILL ANALYSIS

Committee:	Education/Higher Education	**Introduced by:**	Representative Warner
Date:	July 7, 1999	**Summary by:**	Sara Kamprath
Version:	PCS for 2nd Edition		Education Policy Analyst
	H274-CSRJ-001		

SUMMARY: ***The Senate proposed committee substitute for House Bill 274 corrects an oversight in the provisions of S.L. 1999-30 (Senate Bill 225) relating to persons who may be issued one-year provisional assistant principal's certificates. The students in approved masters in school administration programs who are employed as assistant principals during their internship were omitted from the persons eligible to receive a one-year provisional assistant principal's certificate. The bill would take effect when it becomes law.***

CURRENT LAW: A local board has the flexibility to employ as an assistant principal an individual who does not hold a principal's certificate when that board finds there is a shortage of qualified people with principals' certification. The local board is allowed to enter into one-year contracts with this individual. The State Board shall issue a one-year provisional assistant principal's certificate to this individual and to extend the provisional certificate for two additional one-year terms so long as the individual is enrolled in an approved program that leads to a masters degree in school administration. If the individual held career status as a teacher before being employed as an assistant principal, the individual would retain that status if the State Board does not extend the provisional certificate unless the individual voluntarily gave up that right or was dismissed or demoted.

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

Contributed to by Shirley Iorio, Ph.D., Education Policy Analyst and Robin Johnson, Committee Counsel

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H 3

HOUSE BILL 848
Committee Substitute Favorable 4/14/99
Third Edition Engrossed 4/20/99

Short Title: No Charter School Deadline/Rockingham. (Local)

Sponsors:

Referred to:

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1999
H 3
April 1, 1999
HOUSE BILL 848
Committee Substitute Favorable 4/14/99
Short Title: No Charter School Deadline/Rockingham. (Local)
Sponsors:

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 County 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 County Board of Education may act on it after February 1, 1999.~~ The State Board of Education shall consider and act on the application. If the State Board approves the application, it shall do so in a timely manner to enable the the charter school to be open for the 1999-2000 school year.

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

H 3
April 1, 1999
HOUSE BILL 848
Committee Substitute Favorable 4/14/99
Short Title: No Charter School Deadline/Rockingham. (Local)
Sponsors:
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 County 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 County Board of Education may act on it after February 1, 1999.~~ The State Board of Education shall consider and act on the application. If the State Board approves the application, it shall do so in a timely manner to enable the the charter school to be open for the 1999-2000 school year.

HOUSE BILL 848:
No Charter School Deadline/Rockingham

BILL ANALYSIS

Committee: Senate Education/Higher Education
Date: May 1, 1999
Version: 3rd Edition

Introduced by: Representative Cole
Summary by: Kory Goldsmith, Committee Counsel

SUMMARY: This local act suspends the deadlines for charter school applications that are submitted to the Rockingham County Board of Education for the 1999-2000 school year.

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

Applicants for charter schools must submit an 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.

Regardless of which chartering entity receives the application for preliminary approval, the State Board of Education has the final approval of all charter schools.

Currently, there are 90 charter schools statewide. G.S. 115C-238.29D provides that that the State Board shall not approve more than 100 charter schools statewide.

BILL ANALYSIS: With the consent of the Rockingham County Board of Education, an applicant 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 County Board of Education may act on the application after February 1, 1999. The bill requires that the State Board of Education consider and act on the application.

If the State Board approves the application, it must do so in a timely manner so the school may be open for the 1999-2000 school year.

The act is effective when it becomes law.

H848-SMRC-001(3rd Edition)

Dr. Shirley Iorio, Education Policy Specialist, contributed to this summary.

VISITOR REGISTRATION SHEET

SENATE EDUCATION/HIGHER EDUCATION

Wednesday, July 7, 1999
10:00 A.M.
Rm. 414 LOB

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Roberta Forbes	Gov's Office
Hal Miller	NCACCT
JEREMIAH JACKSON	NCCCS
Nicole Rosenberg	SBE
[illegible]	DPI
Ann Berlin	SBE
Harriet Rice	NAE
Thad Raise	NCAE
Bill Wilson	NCAE
Katherine Miller	NCASA

VISITOR REGISTRATION SHEET

SENATE EDUCATION/HIGHER EDUCATION

Wednesday, July 7, 1999
10:00 A.M.
Rm. 414 LOB

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Jan Crotts	NCASA
Bob Kennel	Arapahoe Charter School
Jonathan Blumberg	Tharrington Smith
Jim Causey	Johnston Co. Schools
Leanne Winner	NCSBA
John Austin	NCFPE

2000

SENATE
EDUCATION/
HIGHER EDUCATION

MINUTES

North Carolina General Assembly

SENATE COMMITTEE ON EDUCATION/HIGHER EDUCATION

State Legislative Building
Raleigh, North Carolina 27601-2808

2000 SESSION

Senator Howard Lee, Co-Chair
Room 406
Legislative Office Building
Telephone: (919) 715-3030

Senator Walter Dalton, Co-Chair
Room 409
Legislative Office Building
Telephone: (919) 715-3038

MEMBERSHIP

SENATE EDUCATION/ HIGHER EDUCATION

2000 SESSION

Senator Howard N. Lee, Co-Chair
Senator Walter H. Dalton, Co-Chair

Senator Charlie S. Dannelly, Vice-Chair
Senator Ed Warren, Vice-Chair
Senator David W. Hoyle, Vice-Chair
Senator Fletcher L. Hartsell, Jr., Vice-Chair

Senator Austin M. Allran, Ranking Minority

Senator William R. Purcell
Senator Betsy Cochrane
Senator Roy A. Cooper, III
Senator Virginia Foxx
Senator Wib Gulley
Senator Hamilton C. Horton, Jr.
Senator Jeanne Hopkins Lucas
Senator John Garwood
Senator William N. Martin
Senator Robert A. Rucho
Senator Beverly Eaves Perdue
Senator James S. Forrester
Senator Kay R. Hagan
Senator Charles Carter
Senator McDaniel Robinson
Senator Linda Garrou

NORTH CAROLINA GENERAL ASSEMBLY

COMMITTEE SUMMARY REPORT

1999-2000 Biennium — SENATE: EDUCATION / HIGHER EDUCATION — Valid Through 13-JUL-2000

BILL	INTRODUCER	SHORT TITLE	LATEST ACTION ON BILL	IN DATE	OUT DATE
H 216	PRESTON	EVALUATE CHARTER SCHOOLS	*R -CH. SL 99-0027	04-05-99	04-07-99
H 244	MCLAWHORN	STUDENT ON COMM., COLL. BOARD	*R -CH. SL 99-0061	04-21-99	05-05-99
H 260	BAREFOOT	COMMUNITY COLLEGE TECH. CHANGES	R -CH. SL 99-0084	04-21-99	05-05-99
H 274=	WARNER	ASST. PRINCIPAL PROVISIONAL CERT	*R -CH. SL 99-0394	03-29-99	07-07-99
H 293	BRIDGEMAN	PROPRIETARY SCH./CIVIL PENALTIES	*H -CONF COM APPOINTED	04-28-99	06-03-99
H 517=	MOORE R	STOP THREATS/ACTS OF SCHOOL VIOLENCE	*R -CH. SL 99-0257	04-28-99	05-05-99
H 517=	MOORE R	STOP THREATS/ACTS OF SCHOOL VIOLENCE	*R -CH. SL 99-0257	05-11-99	05-12-99
H 848	COLE	NO CHARTER SCHOOL DEADLINE/ROCKINGHA	*S -RE-REF COM ON RULES &	04-21-99	07-07-99
H 967=	GRADY	CHARTER SCHOOL TESTING REQUIREMENTS	S -REF TO COM ON ED/HIED	04-26-99	
H1046	THOMPSON	CELL PHONES/PAGERS IN SCHOOLS	*S -REF TO COM ON ED/HIED	04-28-99	
H1107	GARDNER	CREDIT CARD SOLICITATION/COLLEGES	*S -REF TO COM ON ED/HIED	04-29-99	
H1150	JEFFUS	SCH. IMPROVEMENT TEAM REPS ELECTED	R -CH. SL 99-0271	04-27-99	06-30-99
H1154	MICHAUX	WEAPONS AT SCHOOL/LAW CLARIFIED	*R -CH. SL 99-0387	04-28-99	07-08-99
H1167	MOORE R	LATERAL ENTRY SIMPLIFIED	*R -CH. SL 99-0108	04-28-99	05-12-99
H1187	HUNTER	COMMUNICATION DEVICES ON SCHOOL BUSE	R -CH. SL 99-0275	04-27-99	06-23-99
H1204	CULPEPPER	RESTORE DL AFTER FOREIGN JUDGEMENTS	S -RE-REF COM ON ED/HIED	00-07-05	
H1267	BOYD-MCINTYRE	TEACHER HARASSMENT PROTECTION	*R -CH. SL 99-0352	05-03-99	05-19-99
H1540=	ROGERS	IHE REP CARD CHANGES/STUDY HS PROG	*S -REF TO COM ON ED/HIED	00-06-01	
S 19	RAND	UNC TUITION/SCHOLARSHIP/MILITARY	*S -RE-REF COM ON APPROPR	02-02-99	03-18-99
S 20=	**RAND**	**LOW-WEALTH SCHOOL SUPP. FUNDS**	**S -RE-REF COM ON APPROPR**	**02-02-99**	**05-11-99**
S 56=	LEE	SUNSET/TERM OF ENERGY SAVINGS CTRCT	*R -CH. SL 99-0235	02-09-99	03-17-99
S 68	DALTON	ELECT UNC BD OF GOV	S -ADOPTED	02-10-99	02-11-99
S 95	LEE	MODIFY C.C. & UNC BD MEMBERSHIP	*H -RE-REF COM ON RULES	02-15-99	04-01-99
S 118=	RUCHO	COMMUNITY-BASED SCHOOL ASSIGNMENTS	S -REF TO COM ON ED/HIED	02-17-99	
S 225=	DALTON	ASS'T PRINCIPAL PROVISIONAL CERT	*R -CH. SL 99-0030	03-04-99	03-17-99
S 335=	DANNELLY	BONUS CLARIFIED/MECKLENBURG SCHOOLS	*R -CH. SL 99-0047	03-11-99	04-01-99
S 338	HARTSELL	SCHOOL PERSONNEL/CLASSROOM EXPER.	*H -REF TO COM ON EDUCATN	03-15-99	04-21-99
S 340=	RUCHO	BONUS CLARIFIED/MECKLENBURG SCHOOLS	S -REF TO COM ON ED/HIED	03-15-99	
S 392	KINNAIRD	CAMPUS VOTER REGISTRATION	S -RE-REF COM ON JUDICII	03-16-99	04-14-99
S 441=	DANNELLY	SCHOOL PERFORMANCE GOAL PILOT PROG.	S -REF TO COM ON ED/HIED	03-22-99	

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 — SENATE: EDUCATION / HIGHER EDUCATION — Valid Through 13-JUL-2000

BILL	INTRODUCER	SHORT TITLE	LATEST ACTION ON BILL	IN DATE	OUT DATE
S 469	LEE	ST.BD OF EDUC. CONFIRMATION	*R -CH. RES 99-17	03-23-99	06-10-99
S 471	LEE	SURPLUS COMPUTERS TO SCHOOLS	S -REF TO COM ON ED/HIED	03-23-99	
S 482	LUCAS	LOCAL FLEXIBILITY/SCH. EVALUATIONS	S -REF TO COM ON ED/HIED	03-23-99	
S 520=	RUCHO	MECKLENBURG SCH. ELECTION CHANGES-2	S -REF TO COM ON ED/HIED	03-25-99	
S 521=	RUCHO	MECKLENBURG SCH. ELECTION CHANGES-1	S -REF TO COM ON ED/HIED	03-25-99	
S 586	LEE	UNC MILLENNIAL CAMPUSES	*S -PRES. TO GOV. 07-12	03-29-99	04-28-99
S 735	ALBERTSON	COMM. COLL. TRUSTEE ELIGIBILTY	H -RE-REF COM ON RULES	04-01-99	04-07-99
S 739	MARTIN W	NC A&T STATE UNIV./ED. DEGREE	S -RE-REF COM ON APPROPR	04-05-99	04-21-99
S 740	WELLONS	TEST STDS./SPECIAL NEEDS CHILDREN	S -RE-REF COM ON APPROPR	04-05-99	04-22-99
S 748	FOXX	TEACHER CREDIT/EXCESS PERSONAL LEAVE	S -RE-REF COM ON APPROPR	04-05-99	04-22-99
S 757	**RUCHO**	**PRE-K PROGRAM TO MEET EDUC. NEEDS**	**S -RE-REF COM ON ED/HIED**	**05-13-99**	
S 765=	LEE	VOLUNTARY SHARED LEAVE	S -REF TO COM ON ED/HIED	04-06-99	
S 795	DALTON	CC BD. ELECTION	R -CH. RES 99-09	04-12-99	04-21-99
S 818	HARTSELL	POSTSECONDARY EDUCATION PROGRAM	S -REF TO COM ON ED/HIED	04-12-99	
S 826=	LEE	UNC/HORACE WILLIAMS CAMPUS	S -REF TO COM ON ED/HIED	04-12-99	
S 898	DALTON	SCHOOL PERSONNEL LAW CHANGES	*R -CH. SL 99-0096	04-14-99	04-21-99
S 942	MARTIN W	IMPLEMENTATION OF STUDENT STANDARDS	*R -CH. SL 99-0317	04-14-99	04-28-99
S 976=	CARTER	DROPOUT RATE COMPUTATION/ABCS PROG	S -REF TO COM ON ED/HIED	04-15-99	
S 977=	CARTER	SCHOOL TEAM AUTHORITY/SCH. CALENDAR	*R -CH. SL 99-0373	04-15-99	04-22-99
S 978=	CARTER	SCHOOL EMPLOYEE RETIREMENT CREDIT	*S -RE-REF COM ON APPROPR	04-15-99	04-26-99
S 980=	CARTER	NO COST TO TEACHER FOR PERSONAL LEAV	S -REF TO COM ON ED/HIED	04-15-99	
S1075	RAND	SPECIAL NEEDS FUNDING/TRANSPORTATION	R -CH. SL 99-0117	04-15-99	04-22-99
S1093=	GARROU	DUTY FREE PERIOD/ALL TEACHERS	*R -CH. SL 99-0163	04-15-99	04-28-99
S1099	CARTER	ALTERNATIVE SCHOOLS/LEARNING PROGRAM	*R -CH. SL 99-0397	04-15-99	04-22-99
S1151=	CARTER	CHARTER SCHOOL TESTING REQUIREMENTS	S -REF TO COM ON ED/HIED	04-15-99	
S1162	LUCAS	SCHOOL HEALTH CURRICULUM MODIFIED	S -REF TO COM ON ED/HIED	04-15-99	
S1167	CARTER	EXCESS SNOW DAYS EXCUSED/PUBLIC SCH.	*S -RE-REF COM ON APPROPR	04-15-99	04-22-99
S1177	**LEE**	**ENHANCED CHARACTER EDUCATION**	**H -REF TO COM ON EDUCATN**	**00-05-09**	**00-06-15**
S1177	**LEE**	**ENHANCED CHARACTER EDUCATION**	**H -REF TO COM ON EDUCATN**	**00-06-20**	**00-06-22**
S1186=	PERDUE	RESPECTFUL FORMS OF ADDRESS/SCHOOLS	S -REF TO COM ON ED/HIED	00-05-09	

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 — SENATE: EDUCATION / HIGHER EDUCATION — Valid Through 13-JUL-2000

BILL	INTRODUCER	SHORT TITLE	LATEST ACTION ON BILL	IN DATE	OUT DATE
S1212=	CARTER	SUSPENDED STUDENT PLACEMENT PILOT	*H -REF TO COM ON APPROP	00-05-11	00-06-28
S1227	**PLYLER**	**STATE PURCHASING SYSTEM ENHANCEMENT**	**S -RE-REF COM ON ED/HIED**	**00-05-18**	
S1243=	LEE	IHE REP CARD CHANGES/STUDY HS PROG	S -REF TO COM ON ED/HIED	00-05-16	
S1244=	LEE	QUALIFIED ZONE ACADEMY BOND ACT	S -REF TO COM ON ED/HIED	00-05-16	
S1255=	**MARTIN W**	**CLOSING THE ACHIEVEMENT GAP**	***S -RE-REF COM ON APPROPR**	**00-05-16**	**00-06-05**
S1513=	LUCAS	SCHOOL CALENDAR LAW CHANGES	S -REF TO COM ON ED/HIED	00-05-30	
S1520	HAGAN	ADD'L FLEXIBILITY/COMM. COLL. FUNDS	S -REF TO COM ON ED/HIED	00-05-30	
S1521	SHAW L	UNC TUITION/MILITARY STUDENTS	S -REF TO COM ON ED/HIED	00-05-30	
S1540=	**RAND**	**GROUP HOMES/LOCAL EDUC. FUNDING**	**S -REF TO COM ON ED/HIED**	**00-05-30**	
S1543=	**DALTON**	**REDUCE PAPERWORK IN PUBLIC SCHOOLS-1**	**S -REF TO COM ON ED/HIED**	**00-05-30**	
S1549=	ODOM	UNC MILLENNIAL CAMPUSES	*H -REF TO COM ON RULES	00-05-30	00-06-07

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.

SENATE

NOTICE OF COMMITTEE MEETING
And
BILL SPONSOR NOTICE

The Senate Committee on **EDUCATION/HIGHER EDUCATION** will meet at the following time:

DATE: Wednesday, May 24, 2000
TIME: 10:00 A.M.
ROOM: 414, LOB

The following bill will be considered:

- SB 1255 Closing the Achievement Gap Senator Bill Martin

Senator Howard Lee, Co-Chair
Senator Walter Dalton, Co-Chair

Principal Clerk_____
Reading Clerk_____

AGENDA

SENATE EDUCATION/HIGHER EDUCATION

Wednesday, May 24, 2000
10:00 A.M.
Room 414 LOB

CALL TO ORDER **Presiding: Senator Dalton, Co-Chair**

- SB 1255 Closing the Achievement Gap — Senator Bill Martin

Senator Howard Lee, Co-Chair
Senator Walter Dalton, Co-Chair

MINUTES

SENATE EDUCATION/HIGHER EDUCATION COMMITTEE

Wednesday, May 24, 2000
Room 414 LOB
10:00 A.M.

The Senate Education/Higher Education Committee met at 10:00 A.M. on Wednesday, May 24, 2000, in room 414 of the Legislative Office Building. There were 20 Senators present. Senator Dalton, Co-Chair presided. He welcomed the members and visitors. Senator Dalton introduced his Intern for the summer, Anthony Hicks from Rutherfordton, North Carolina and a student at UNC-charlotte.

Senator Dalton recognized Senator Lee, Co-Chair. Senator Lee introduced Ms. Martha Heinz, Charter Schools Association, from Pinehurst, North Carolina and Bishop McDuffie, North Carolina Charter School Association and the Laurinburg Institute, Laurinburg, North Carolina. Also, recognized was Mr. Norman George. Ms. Heinz spoke briefly to the Committee. She advocated the following points:

1. Fairness in funding for the Charter Schools.
2. That HB 1302 is referred out of the Finance Committee.
3. Money is appropriated for facilities for the Charter Schools.
4. Transportation funds for the Charter Schools are available.

Ms. Heinz reported the Charter Schools have succeeded in reducing class size for students and have improved the learning situation in the State for minority children.

Bishop McDuffie thanked the Committee for their assistance to the Charter Schools and noted the benefits of the Charter Schools for minority school children.

Senator's Lee and Dalton thanked Ms. Heinz and Bishop McDuffie for their remarks.

Senator Dalton recognized Senator Bill Martin to brief the Committee on SB 1255, closing the Achievement Gap. *(See Attachment 1).* Senator Martin summarized a prepared written statement for the Committee regarding SB 1255. *(See Attachment 2).* Senator Martin noted that SB 1255 was a result of the recommendations of the *Commission on Improving the Academic Achievement of minority and At-Risk Students. (See Attachment 3).*

Senator Martin reported State Superintendent of Education Mr. Mike Ward, issued a call to school administrators, parents, and communities across the State to find the will to close the achievement gaps between students; to challenge all students to reach higher standards; and to stand firm on the high expectations set under the ABCs of Public Education and the Student Accountability Standards. Superintendent Ward proposed specific actions for the Department of Public Instruction and the State Board of Education to guide the effort. *(See Attachment 4).*

Senator Dalton introduced Dr. Henry Johnson to speak on behalf of SB 1255. Dr. Johnson stated the State Board of Education does support the Bill in principle and in particulars. The State Board of Education supports the Amendments recommended for the Bill. He reported to the Committee, the Department of Public Instruction has assigned personnel and teachers on loan to work exclusively on closing the gap among all segments of the student population in North Carolina.

Next, Senator Dalton recognized Mr. Cecil Banks, Governor's Office, to speak on behalf of SB 1255. Mr. Banks stated that Governor Hunt is supportive of SB 1255. He stated the Governor believes SB 1255 will help to achieve the "1st in America" education goals for North Carolina.

Senator Dalton recognized Mr. Peter Leousis, Assistant Secretary of Health and Human Services. Mr. Leousis reviewed environmental factors that contribute to students being classified as "at-risk". He stated the Department of Health and Human Services fully supports SB 1255. It is the hope of the Department of Health and Human Services that SB 1255 will serve as a bridge between the Department and the schools. Mr. Leousis urged the Committee to vote a favorable recommendation for SB 1255.

Lastly, Senator Dalton introduced Mr. Greg Mallioit, North Carolina Justice and Community Development Center. Mr. Mallioit referred the Committee to a graph that illustrated the achievement gap in Reading and Math between students. *(See Attachment 6).* He stated that SB 1255 would assist North Carolina to close the gap and continue its leadership role in education. He urged the Committee to support the Bill.

Senator Martin moved to amend SB 1255. *(See Attachment 6).* Senator Horton offered a motion for the adoption of the Amendment. It carried unanimously.

Senator Dalton recognized three Committee members for comments and questions.

Senator Dalton noted that SB 1255 is a very important Bill and is a direct result of a Study Commission. Due to the time constraint, further action on SB 1255 was deferred until the next Committee meeting.

Senator Dalton adjourned the meeting at 10:55 A.M.

Senator Walter Dalton, Co-Chair

Christina K. Minard, Education Committee Assistant

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

S 1

SENATE BILL 1255*

Short Title: Closing the Achievement Gap. (Public)

Sponsors: Senators Martin of Guilford, Carter, Dannelly, Garrou, Garwood; Albertson, Ballance, Clodfelter, Lucas, Phillips, Plyler, Purcell, Robinson, Rucho, Warren, and Weinstein.

Referred to: Education/Higher Education.

May 16, 2000

A BILL TO BE ENTITLED

AN ACT TO IMPLEMENT RECOMMENDATIONS OF THE COMMISSION ON IMPROVING THE ACADEMIC ACHIEVEMENT OF MINORITY AND AT-RISK STUDENTS TO ESTABLISH A PILOT PROGRAM TO ASSIST FAMILIES AT CERTAIN INCOME LEVELS WITH CHILDREN PERFORMING BELOW GRADE LEVEL IN IMPROVING FAMILY COHESIVENESS, FUNCTIONING, AND ECONOMIC PROGRESS AND STUDENT ACADEMIC SUCCESS, TO DIRECT THE STATE BOARD OF EDUCATION TO STUDY ISSUES RELATED TO CLOSING THE ACHIEVEMENT GAP, TO MAKE PERMANENT THE COMMISSION, TO APPROPRIATE FUNDS TO SUPPORT THE HISTORICALLY MINORITY COLLEGE AND UNIVERSITY INITIATIVE TO CLOSE THE ACHIEVEMENT GAP, AND TO APPROPRIATE FUNDS TO IMPLEMENT THIS ACT.

Whereas, minority and at-risk students represent a disproportionately high number of the public school population not experiencing academic success; and

Whereas, the unacceptable educational achievement is demonstrated by unsatisfactory performance of many minority and at-risk students on State-administered end-of-grade, end-of-course, and competency tests; and

Whereas, there is a significant gap in academic achievement between minority and at-risk students and majority students; and

Whereas, the achievement gap between student groups has not been significantly closed or narrowed in the past decade despite an overall increase in student achievement in North Carolina; and

Whereas, the reported discipline rate for minority and at-risk students is high, when compared to other students; and

Whereas, the dropout rate for minority and at-risk students is high; and

Whereas, the State Board of Education and the Department of Public Instruction recognize that, although progress is being made, there is still much that remains to be done to sufficiently meet the education needs of so many minority and at-risk students; and

Whereas, it is acknowledged that to the extent our schools do not satisfactorily meet the education needs of minority and at-risk students, North Carolina taxpayers experience unnecessary economic and social burdens through factors such as reduced economic competitiveness and increased expenditures for law enforcement and for constructing and operating juvenile justice and adult correctional facilities; and

Whereas, the General Assembly recognizes that in order to be competitive as a State in the 21st century, all students must achieve educational proficiency in a rapidly changing technological, educational, and cultural environment; and

Whereas, it is in the best interest of the North Carolina citizenry that a coordinated strategy be developed for implementing measures designed to yield substantial improvements in the educational achievement of minority and at-risk students; Now, therefore,

The General Assembly of North Carolina enacts:

Section 1.(a) The Department of Health and Human Services, Division of Social Services, shall establish and administer a pilot program to assist families that have children who are performing below school grade level in strengthening family cohesiveness, functioning, and economic progress and improving the academic performance of their children. The program shall be developed and implemented no later than August 1, 2001, as follows:

(1) Each pilot program shall be family-focused and designed to improve family success in addressing issues pertaining to:
   a. Family functioning and economic progress;
   b. Academic success for children in the family in a manner that reduces the likelihood that the children will have a life of poverty; and
   c. Strengthening the communities in which the family lives.

(2) There shall be at least eight pilot programs initially established which shall be based on components of successful models and concepts. Any nonprofit, tax-exempt organization or local government agency that is part of the collaborative effort to develop the pilot program may serve as the lead agency in applying for and administering grant funds.

(3) Families eligible for participation in a pilot program shall be those families:
   a. Who have at least one child in elementary or middle school who is performing academically at least one year below the child's grade level;
   b. At least one adult member of which agrees to participate in the program and in a culturally appropriate assessment of family functioning; and
   c. Whose income is below two hundred percent (200%) of the federal poverty level or whose income is at or above two hundred percent (200%) of the federal poverty level if authorized by the requirements of the funding source.

(4) The Department and other entities collaborating to develop the program shall identify resources currently available to address the concerns of below-grade-level academic performance and problems related to family cohesiveness, functioning, and family economic progress and shall strive to harness these resources in a manner that increases effectiveness and reduces overall costs of the pilot program. The Department shall also determine which entities can best operate which components of the total pilot program, and how those entities can contribute to the abilities of others to be more successful in operating their components.

(5) The Department may obtain the services of consultants in the planning, coordination, implementation, and evaluation of the program.

(6) The Department of Health and Human Services shall establish a task force to collaborate with and advise the Department on the development and implementation of the program. The task force shall consist of, at a minimum, representatives of:
   a. The Department of Public Instruction;
   b. The Cooperative Extension Services at North Carolina Agricultural and Technical State University and at North Carolina State University;
   c. The Office of Juvenile Justice;
   d. Workforce Development Boards;
   e. Local education agencies;
   f. Local departments or boards of social services, county commissioners, and health departments;
   g. Community-based organizations, specifically those that work within low-income communities; and
   h. Religious organizations or institutions.

(7) Each of the pilot programs shall have comparable structures for administration, advice, and technical assistance.

(8) Each pilot program shall be developed in a way that results in observable and measurable outcomes and that is subject to sound evaluation techniques. Evaluation measures and techniques shall be designed and implemented to:
a. Identify and explain the components of the pilot program that are successful and those that are not successful;
b. Recommend systemic changes through integration of positive outcomes; and
c. Produce outcomes that, if successful, can be replicated.

(9) The Department shall present a progress report to the Commission on Improving the Academic Achievement of Minority and At-Risk Students by March 1, 2001. This report shall contain a plan to implement and evaluate the program, including:
a. Pilot sites selected;
b. Identification of evaluation tools;
c. Identification of existing sources of federal and State funding that can be used to implement and evaluate the program;
d. Identification of additional resources, fiscal and otherwise, that are available to implement and evaluate the program; and
e. Strategies that utilize school facilities to the maximum reasonable extent possible and that do not place undue burdens on school personnel.

(10) The Department shall make a final report to the Commission on Improving the Academic Achievement of Minority and At-Risk Students by February 1, 2002. This report shall include a recommendation as to whether the program should be extended statewide. If so, the Department shall present a plan that includes the projected cost, process, and time frame for implementation of the program statewide.

Section 1.(b) There is appropriated from the General Fund to the Department of Health and Human Services, Division of Social Services, the sum of two hundred fifty thousand dollars ($250,000) for planning and initial implementation of the pilot program authorized under this section. The Department of Health and Human Services, the Department of Commerce, and the Department of Public Instruction, shall allocate block grant funds that are available for the purposes for which the pilot programs are implemented to supplement State funds appropriated for the planning, full implementation, and evaluation of the pilot programs.

Section 2. The State Board of Education (Board) shall study the connection between the identification of minority and at-risk students as students with behavioral or emotional disabilities and the gap in student achievement. As part of this study, the Board shall examine the following:

(1) The criteria used to identify whether a student has a behavioral or emotional disability and requires special education. The study shall

determine whether identification and placement decisions of these students are based primarily on valid and objective criteria.

(2) The curricula for these students, to determine whether they are sufficiently rigorous and the teaching methodologies are sound and appropriate.

(3) Utilization of other services, such as mental health, mentoring, and consultation, to improve academic and social success for these students.

(4) Qualifications of teachers who are assigned to teach these students.

The Board shall make an interim report by January 1, 2001, and a final report by March 1, 2001, on the results of this study, including findings and any recommendations, to the Commission on Improving the Academic Achievement of Minority and At-Risk Students (Commission) and to the Joint Legislative Education Oversight Committee.

Section 3. The Board shall study the underrepresentation of minority and at-risk students in honors classes, advanced placement classes, and academically gifted programs. The Board shall evaluate whether this underrepresentation contributes to the gap in student achievement. In particular, the Board shall examine the criteria used to identify whether a student is eligible for one of these classes or programs. The study shall determine whether identification and placement decisions of these students are based primarily on valid and objective criteria. The Board also shall examine whether low academic expectations or certain instructional practices, such as tracking, contribute to this underrepresentation. The Board shall make an interim report by January 1, 2001, and a final report by March 1, 2001, on the results of this study, including findings and any recommendations needed to increase representation of students in these programs, to the Commission on Improving the Academic Achievement of Minority and At-Risk Students (Commission) and to the Joint Legislative Education Oversight Committee.

Section 4. The Board shall design an annual Minority Achievement Report Card to be implemented fully beginning with the 2001-2002 school year. The report card shall be based on data the Board collects from local school administrative units and individual schools. Local school administrative units shall collect, maintain, and submit data needed to prepare the report card. The Board shall establish a baseline in accordance with its plan for the report card. The Board shall condense and publicly disseminate the data in a form that can be accessed easily, such as through a web site.

The Board shall report to the Commission by October 1, 2000, on the development of the report card under this section.

Section 5. The Board shall develop guidelines to enable the formation of a local task force in each local school administrative unit. The purpose of this task force is to advise and work with the local board of education and administration on closing the gap in academic achievement and on developing a collaborative plan for achieving that goal. The guidelines shall provide for the following:

(1) Each local school administrative unit shall have a task force, if appropriate.

(2) Each task force shall be racially diverse and shall include parents, school personnel, and representatives from human service agencies, nonprofit organizations, and the business sector.

The Board shall determine the funding needed to implement these guidelines and shall report this information to the Commission by November 1, 2000.

Section 6. The Board shall develop a plan and budget (projecting five-year cost) to:

(1) Provide sufficient staff development activities so as to ensure teachers have the tools needed for success in teaching a diverse student population and interacting with their families. These activities shall include understanding and respecting racial, ethnic, religious, and cultural impact on a child's development and personality.

(2) Provide sufficient funding for Limited English Proficiency (LEP) students.

(3) Translate the State-level forms and basic school information that will be made available to parents or to the general public into Spanish and include them on the Department of Public Instruction's web site in English and Spanish.

(4) Evaluate the level of funding needed to have LEAs hire translators to work with Spanish-speaking parents and those school personnel whose jobs require regular contact with those parents.

(5) Provide appropriate staff development funds for training in English as Second Language (ESL) methodologies and pedagogy for teachers, administrators, and support personnel.

(6) Review implementation guidelines for student accountability standards and promotion policies for LEP students.

(7) Develop guidelines for evaluating students' instructional portfolios and for waiving test standards for LEP students. In its development of guidelines, the Board shall consider extending the End-of-Grade testing exemption period to more than two years for LEP students.

The Board shall report to the Commission on the plan and budget developed under this section by November 15, 2000.

Section 7. The Board shall develop a plan to establish a hotline to collect complaints alleging disparate treatment of minority students and students from low-income families. The plan shall include the following:

(1) The establishment of teams to review and categorize the complaints for reporting annually to the General Assembly.

(2) The appropriate number of hotline personnel who speak and understand Spanish.

(3) A mechanism, where warranted, for the Board to respond to and secure an independent and impartial investigation of systemic problems revealed through the complaints.

(4) A procedure for the Board to report individual complaints, unless the person making the complaint requests otherwise, to the appropriate local school administrative unit so that it also may investigate.

(5) The criteria for a local investigation that assures fair and impartial investigation.

(6) Any additional information that is required so that the hotline is fully implemented by the beginning of the 2001-2002 school year.

The Board shall report to the Commission by November 15, 2000, on the implementation of this section. This report may include recommendations and a request for funding to establish the hotline.

Section 8. The Board shall report data from the 1998-99 and 1999-2000 school years on student suspensions and expulsions. The report shall show, for each local school administrative unit and by race, gender, and conduct, the number of students suspended for less than 11 days, the number of students suspended for more than 10 days, the number of students expelled, and the number of students placed in an alternative program as the result of student conduct which could have led to a suspension or expulsion. Each local school administrative unit shall submit to the Board by October 1, 2000, any information the Board needs to make this report. The Board shall report to the Commission by November 15, 2000.

Section 9.(a) Chapter 120 of the General Statutes is amended by adding the following new Article to read:

"ARTICLE 27.

"Commission on Improving the Academic Achievement of Minority and At-Risk Students.

"§ 120-240. Creation; members.

There is established the Commission on Improving the Academic Achievement of Minority and At-Risk Students. The Commission shall consist of 22 members, as follows:

(1) Five senators and three public members appointed by the President Pro Tempore of the Senate;

(2) Five representatives and three public members appointed by the Speaker of the House of Representatives; and

(3) Six public members appointed by the Governor, who represent groups or individuals with knowledge and experience in advocating, educating, or assisting minority and at-risk students to achieve, at least one of whom is a representative of a statewide nonprofit education advocacy organization that advocates on behalf of minority and at-risk students and at least one of whom is a representative of a statewide organization that represents the interests of African-Americans.

In making appointments to the Commission, the appointing officers shall ensure that racial minorities have significant representation on the Commission.

(b) Members of the Commission shall serve terms of two years beginning on August 15 of each odd-numbered year, with no prohibition against reappointment. Initial terms shall commence on August 15, 2001.

(c) The President Pro Tempore of the Senate shall designate one member as cochair and the Speaker of the House of Representatives shall designate one member as cochair.

(d) When a vacancy occurs in the membership of the Commission, the vacancy shall be filled by the same appointing officer who made the initial appointment.

"**§ 120-241. Authority.**

(a) The Commission shall be authorized to:

(1) Gather accurate and reliable data and research information pertaining to the status of minority and at-risk students in the North Carolina public education system;

(2) Identify and visit education programs and other efforts within and outside North Carolina that appear to be successful in yielding significant positive results for minority and at-risk students;

(3) Consult with higher education faculty members and other persons who have been engaged in extensive research and observation related to these issues and encourage their direct involvement in the activities of the Commission;

(4) Conduct hearings throughout the State for the purpose of obtaining meaningful information regarding successful education programs and efforts related to those concerns;

(5) Identify, consult, and meet with representatives of national, regional, and State-level organizations and agencies that could be particularly helpful in addressing these concerns;

(6) Devise recommendations as to steps that should be taken to address these concerns -- steps to be taken separately and collectively by:

a. State government agencies;
b. Local government agencies;
c. Public schools and higher education institutions;
d. Nonprofit organizations, including community-based organizations, with a particular emphasis on those with direct ties to families of these children and youth;
e. Foundations;
f. Religious organizations or institutions;
g. Civic organizations;
h. Business and industry; and
i. Other entities.

(7) Determine the extent and categories of fiscal and human resources needed to address the identified concerns;

(8) Determine what data is currently collected from programs and activities designed to close the achievement gap, whether through education agencies, human services entities, or government funded private, nonprofit agencies, and the extent to which the data may be used in longitudinal analyses.

(b) The Commission should place particular emphasis on programs and efforts that have been successful in imparting:

(1) Improved educational achievement;

(2) Reduction of school discipline and behavioral problems;

(3) Reduction of minority and at-risk student dropout rates; and

(4) Improved relations between parents, schools, and students.

"§ 120-242. Commission; reports.

The Commission may report to the General Assembly no later than 30 days after the convening of any regular session of the General Assembly. A report to the General Assembly may contain any legislation needed to implement a recommendation of the Commission.

"§ 120-243. Powers; reimbursement; meeting place; staff.

(a) The Commission, while in the discharge of official duties, may exercise all the powers provided under G.S. 120-19 and G.S. 120-19.1 through G.S. 120-19.4. All State departments and agencies and local governments and their subdivisions shall furnish the Commission with information in their possession or available to them.

(b) Members of the Commission shall receive per diem, subsistence, and travel allowances at the rates set forth in G.S. 120-3.1, G.S. 138-5, and G.S. 138-6, as applicable.

(c) The Commission may meet in the Legislative Building or the Legislative Office Building.

(d) Upon approval of the Legislative Services Commission, the Legislative Services Officer shall assign professional and clerical staff to assist in the work of the Commission. The expenses relating to the employees shall be borne by the Commission. The Commission may contract for professional, clerical, or consultant services as provided by G.S. 120-32.02.

"§ 120-244. Commission subcommittees; noncommission membership.

The Commission cochairs may establish subcommittees for the purpose of making special studies under its authority, and may appoint noncommission members to serve on each subcommittee as resource persons. Resource persons shall be voting members of the subcommittee and shall receive per diem, subsistence, and travel allowances in accordance with G.S. 120-3.1, G.S. 138-5, and G.S. 138-6, as applicable."

Section 10. There is appropriated from the General Fund to the Board of Governors of The University of North Carolina the sum of one million five hundred thousand dollars ($1,500,000) for the 2000-2001 fiscal year to support the Historically Minority College and University Initiative to Close the Achievement Gap.

Section 11. Of the funds appropriated to State Aid to Local School Administrative Units, the State Board of Education may use up to two hundred thousand dollars ($200,000) to implement Sections 2 through 8 of this act.

Section 12. There is appropriated from the General Fund to the General Assembly the sum of fifty thousand dollars ($50,000) for the 2000-2001 fiscal year for the expenses of the Commission on Improving the Academic Achievement of Minority and At-Risk Students as established under S.L. 1999-395, Sections 15.1 through 15.11.

Section 13. Section 9 of this act becomes effective January 31, 2001. The remainder of this act becomes effective July 1, 2000.

Prepared Statement of Sen. Bill Martin - SB1255 "Closing the Achievement Gap"
(NC Senate Education/Higher Education Committee, May 24, 2000)

North Carolina has received tremendous national and international acclaim for our Smart Start program that was initiated by Governor Hunt. Smart Start has helped us recognize the need to give children a good beginning, one that prepares them to enter school with a significantly higher potential for success in learning and in applying knowledge. In the past, some have questioned the benefit of such efforts. What the research has generally shown is that the benefit can tend to dissipate if there is no follow-up once the child enters school. The apparent key to success is the existence of environments that allow the child to flourish in the family setting, in early childhood development activities, and in school. Where these elements - family, school and community -- fail to come together in a manner that strengthens and support each others ability to provide those environments, potential for a child's success decreases. One of the strongest facets of Smart Start is the emphasis on strong collaboration, the emphasis on coming together to create a greater benefit. This concept is a fundamental part of SB1255, as we seek to improve the environments that lead to better learning experiences and outcomes for those children who - according to local, state and national data - have not experienced positive learning outcomes to the extent as has been true for other students.

In North Carolina, strides are being made toward increased academic standards and accountability in our public schools. While I, and many others, consider this to be commendable, we are concerned about the disparity that exists in measured academic performance of African-American, American Indian and Hispanic/Latin American students, as compared with their White counterparts. We are concerned that a child's educational future is determined by what is now referred to as "high stakes testing" We are concerned that not enough is being done throughout our State to close the achievement gap. The Study Commission on Improving Academic Achievement of Minority and At-Risk Students was created to examine and propose recommendations for addressing this gap. Within the limited time-frame available, I believe we have accomplished a lot, and have identified much other work that remains to be done. The Interim Report of the Commission was been presented to this current Session of the General Assembly and I hope you will read it in detail. In your examination of the report, please do not overlook the portion designated as Future Commission Activities. I would, also, direct your attention to the excellent report issued in 1999 by the NC Justice and Community Development Center, entitled "Exposing the Gap. "Exposing the Gap" has been a major factor in raising our level of awareness as to disparities in academic achievement among North Carolina's children. Representative Pete Oldham and I were fortunate to have been named co-chairmen of the Commission.

High stakes testing is a form of testing where decisions about a child's promotion, tracking, ability grouping and graduation are based on a single test score without taking other factors into consideration (such as academic record, other evidence of a student's understanding and mastery and application of knowledge and skills). This concern is not limited to North Carolina. A week or two ago, I found that Senator Paul Wellstone (D-MN) and Congressman Robert Scott (D-VA) are seeking to address high stakes testing through companion bills on the federal level entitled "Fairness and Accuracy in Student Testing Act". If enacted, their legislation would withhold Elementary and Secondary Education Act funds from any State or local education agency that solely relies on "high stakes" tests" It, also, sets other standards for the use of "high stakes" testing. That legislation is based on the results of a Congressionally ordered study that was conducted by the National Academy of Sciences. The study report was issued in 1999 through the Academy's National Research Council. The report recognizes, among other things, that (1) valid, reliable and relevant tests, when combined with other information, can lead to good decisions that promote student learning and equality of opportunity; (2) a test score is not an exact measure of a student's knowledge or skills; (3) world-class curricula emphasize student understanding and

application of concepts; (4) problems of test validity are greatest among children below eight years old or below third grade; (5) parents, educators, public officials, and others who share responsibility for educational outcomes should have access to information about the nature and interpretation of tests and test scores; (6) high stakes decisions based on tests should be buttressed by other relevant information, such as grades and teacher recommendations; and (7) policymakers should monitor, both, intended and unintended consequences of high stakes assessments on all students and on significant subgroups of students.

Accordingly, Senator Wellstone's and Congressman Scott's legislation provides that standardized high stakes testing must be only "one of multiple measures" of student achievement and may not carry determinative weight in the decision making process. The legislation, also, provides that such tests must be valid and reliable for the purposes for which they are used, must measure what the student was taught, must provide students with multiple opportunities to demonstrate proficiency, and must provide appropriate accommodations for students with limited English proficiency or disabilities.

I believe North Carolina's education policy leaders seriously want to make North Carolina the nation's leader in closing the academic achievement gap and in propelling each student to be all that he or she can be. On April 27 of this year, our State Superintendent, Mike Ward, gave a very compelling presentation to the Conference on Minority/At-Risk Student Achievement. Among many other poignant points, he stressed that each North Carolina graduate from high school must be ready to take his or her place in an increasingly complex and competitive workplace; our children will suffer if we do not have high standards and high expectations for our students' success. He stated, and I quote" *"[T]he engine of sustained economic growth is not the assembly line, not the phone line, not the modem line, not even the bottom line; it's the commencement line. We simply cannot afford the numbers of youngsters, too many of them minority, too many of them poor, who are unable to meet the academic and technical demands of our schools, much less the demands of the contemporary and future workplace. Likewise, we cannot afford to fail in the quest to prompt even greater success among those who are already achieving at relatively high levels."* Many of Dr. Ward's recommendations to the State Board of Education, and many of the recommendations of our study commission are very consistent. The State Board has endorsed his recommendations.

The Study Commission on Improving the Academic Achievement of Minority and At Risk Students' legislation Rep. Pete Oldham and I have introduced, the short title of which is "Closing the Achievement Gap", will better position North Carolina to provide the kind of support our minority students and students who have been placed at risk will need if North Carolina is to be known as the nation's leader in maximizing the potential of "all" its students. Our children should not be held responsible for our failure to identify and provide that which they need to succeed in school. We have the economic, social and moral obligation to identify and make provisions for meeting those needs, while, at the same time, prompting increasing success for those students already achieving at relatively high levels.

Highlights of the "Closing the Achievement Gap" Legislation

- As North Carolina pursues that very appropriate and admirable goal of increased student academic achievement, we must do so in a way that
  - acknowledges that an achievement gap does exists between African-American, American Indian and Hispanic/Latin American students, as compared to their White counterparts;

- recognizes that, with proper planning and action, the achievement gap can be closed;
- establishes a process reasonably designed to increase academic standards in conjunction with closing the gap through the use of best practices; and
- does not further unduly disadvantage identifiable subgroups of students who are not currently recognized as demonstrating adequate academic performance.

➢ This legislation provides, among other things, that

- the Department of Health and Human Services – in consultation with the Department of Public Instruction and other governmental and non-governmental agencies – will establish a family-focused, outcome-based pilot program to enhance the learning environment within families at certain income levels that have children performing below grade-level. The program must be subject to sound evaluation. The collaborating agencies shall examine existing sources of federal and state funds that can be used to implement the program, and determine what additional resources are needed, and shall develop a plan for full implementation.
- the State Board of Education shall
  - examine the extent to which identification and placement decisions regarding students with behavioral or emotional disabilities are based on valid and objective criteria;
  - examine the under-representation of minority and at-risk students in honors classes, advanced placement classes, and academically gifted programs;
  - examine student suspensions and expulsions, and placement in alternative programs;
  - examine the extent to which services such as mental health services and mentoring services can be better utilized to improve academic and social success for students with behavioral or emotional disabilities;
  - design a "Minority Achievement Report Card" that measures success the public education system is having in closing the achievement gap;
  - develop guidelines for formation of local task forces to advise and work with school boards and administrations on closing the gap;
  - develop a plan and budget for providing
    - teachers the tools for success in teaching a diverse student population and interacting with families of those students;
    - sufficient funding for Limited English Proficiency students;
    - staff development funds for education in English as Second Language methodologies;
- the State Board of Education shall, further, develop a plan for collecting complaints alleging disparate treatment of minority students and students form low-income families;
- $1,500,000 shall be appropriated to the "Historically Minority College & University Initiative to Close the Achievement Gap" to continue developing and implementing its plan that will assist in this overall effort; and
- the Commission shall be permanent so it can conduct its work activities through August 15, 2001 and beyond.

SENATE BILL 1255:
Closing the Achievement Gap

BILL ANALYSIS

Committee:	Senate Education	**Introduced by:**	Sen. Bill Martin
Date:	May 24, 2000	**Summary by:**	Robin S. Johnson RSJ
Version:	First		Committee Counsel

SUMMARY: ***A recommendation of the Commission on Improving the Academic Achievement of Minority and At-Risk Students (Commission), Senate Bill 1255 would establish a pilot program; direct the State Board of Education (SBE) to make studies, plans, and reports; make permanent the Commission; and appropriate funds.***

BILL ANALYSIS: The bill would:

- Direct the Department of Health and Human Services (DHHS) to establish a pilot program to assist families at certain income levels that have children performing below grade level. The pilots would be family-focused. DHHS and other appropriate State and local governmental agencies would determine existing sources of federal and state funding that can be utilized to implement the program, and would determine what additional resources -- fiscal and otherwise -- are available to carry out the purposes of this legislation. DHHS would be required to make a progress report to the Commission by March 1, 2001, and a final report by February 1, 2002. The final report would include a recommendation as to whether the pilot program should be extended statewide.
- Direct the SBE to (i) study the connection between the identification of minority and at-risk students as students with behavioral and emotional disabilities and the student achievement gap; (ii) design an annual Minority Achievement Report Card; (iii) study the underrepresentation of minority and at-risk students in honors classes, advanced placement classes, and academically gifted programs; (iv) develop guidelines to enable the formation of local task forces to assist local boards and administration on closing the achievement gap; (v) develop a plan and five-year budget to meet specified needs of students who have limited proficiency in the English language; (vi) develop a plan to establish a hotline and teams to collect and investigate complaints alleging disparate treatment of minority students and students from low-income families; and (vii) report by LEA and by race, gender, and conduct, the number of student suspensions, expulsions, and placements in alternative programs during the past two school years. The Board would be directed to report to the Commission on these issues.
- Make permanent the Commission so that it can continue its work after the end of this year and accomplish the work described in its interim report.
- Appropriate $1.5 million for FY 2000-2001 to support the Historically Minority College and University Initiative to Close the Achievement Gap. North Carolina Central University coordinates this Initiative.
- Appropriate $250,000 for FY 2000-2001 to implement the DHHS pilot program.
- Authorize the SBE to spend up to $200,000 from funds appropriated for FY 2000-2001 to carry out its directives.
- Appropriate $50,000 for FY 2000-2001 for Commission to continue its work after the Short Session.

EFFECTIVE DATE: The section that makes permanent the Commission would become effective January 31, 2001. The rest of the bill would take effect July 1, 2000.

CLOSING THE GAP & CHALLENGING ALL STUDENTS TO REACH HIGHER LEVELS OF PERFORMANCE

State Superintendent Mike Ward is issuing a call to school administrators, parents, and communities across this state to find the will to close the achievement gaps between students and to challenge all students to reach higher standards. At the same time, he believes that North Carolina must stand firm on high expectations set under the ABCs of Public Education and by the new Student Accountability Standards. With the support of the State Board of Education, he has proposed the following actions for the Department of Public Instruction and State Board to guide this effort.

1. Children at every performance level should improve academically. Students experiencing difficulty should be helped to reach proficiency and beyond. High-performing students should reach even higher levels of achievement. The goal should be growth across all levels—with performance lines converging. The most immediate goal is closing the gaps in the percentages of students who are achieving at grade level.

2. Create a permanent advisory committee to the State Superintendent/Department to address the issues of higher standards and closing performance gaps by race, gender and socioeconomic status. This group's actions will include issuing an annual report on the status of and progress to close gaps and challenge all students to higher levels.

3. Establish a section within the Department to provide technical assistance to schools and school systems to help close the gaps. The ABCs assistance team approach will be used as the model for this section. These staff members and teachers-on-loan will work with other Department staff to address best practices, alternative education, dropout prevention, instruction and testing, parent and community involvement, staff development and other areas.

4. Require local school systems to develop annual plans for closing gaps and challenging all students to higher levels. Conduct random reviews of these plans.

5. Develop budget requests for the short session and the next biennium, 2001-03, and subsequent years of the Legislature for funds for DPI, local school systems and local schools to use in closing the gaps and challenging all students to higher levels of performance.

6. Direct $4 million in Goals 2000 funds for 2000-01 to assist local school systems in closing the gaps. These funds will go out to school systems in August (2000). Also, coordinate with other state, federal and private agencies and groups to secure funding and services that can help close gaps and challenge students.

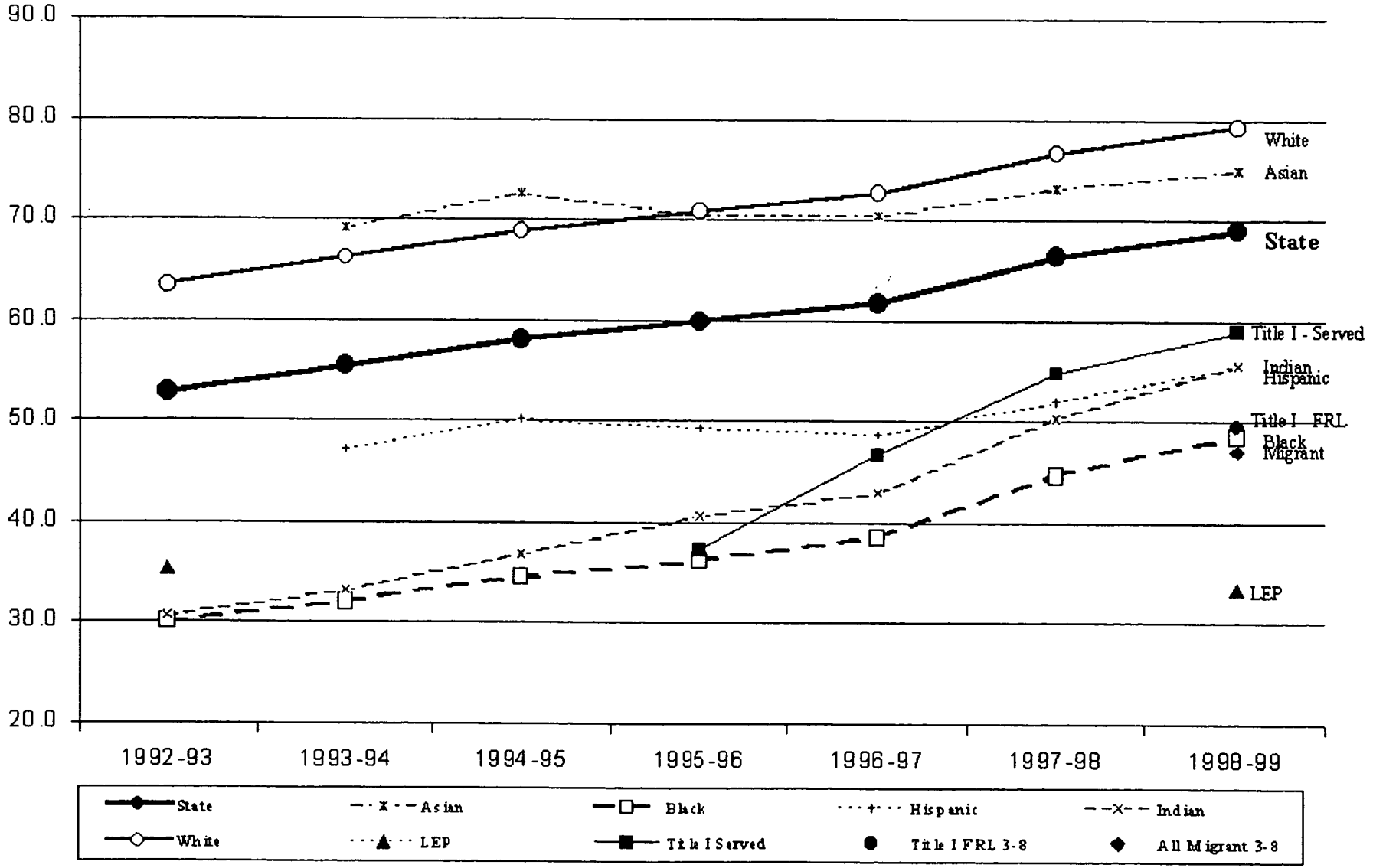
7. Calculate each school's progress under the ABCs accountability program based on the second and third retests for students in grades 3, 5 and 8 (Gateway years under the Student Accountability Standards). This change will reward schools for making progress with students who need extra help. Also, work with the five local districts participating in the ABCs pilot program that rewards schools for improving performance of subgroups of students.

8. Seek funding and legislation to pilot dual language demonstration sites to help meet the needs of English language learners.

9. Develop a resource center for schools and school systems for information on best practices in closing gaps. This center would include information on available training in multicultural issues, what's working in high-performing schools and other resources.

10. Encourage local collaboration of school leaders, parents, the faith community, students, historically minority colleges and universities, other higher education institutions and other stakeholders to hold community forums and take actions to support closing gaps and challenging students to higher levels of performance.

Percentage of Students at/above Grade Level in both EOG Reading and Math
in Grades 3 to 8 – 1993 to 1999



ATTACHMENT 5

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 1255

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

S1255-ARH-001

Date_____,2000

Comm. Sub. []
Amends Title []

Senator Martin
moves to amend the bill on page 5, lines 10 and 24, by deleting "January 1" and substituting "January 15";

and on page 5, lines 11 and 24, by deleting "March 1" and by substituting "May 15";

and on page 5, line 34, by rewriting the line to read:
"baseline in accordance with its plan for the report card. The board may combine this information with another report, as long as the information reported under this section is readily discernible. The Board shall condense";

and on page 5, line 37, by deleting "October 1" and substituting "November 15";

and on page 6, line 34, by rewriting the line to read:
"LEP students, to the extent that this extension does not conflict with federal law or regulation.";

and on page 6, line 39, by rewriting the line to read:
"income families. In developing the plan, the Board shall give strong consideration to the following:";

and on page 7, line 15, by inserting between the words "data" and "from" the phrase ", to the extent those data are reasonably available,";

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 1255

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

S1255-ARH-001 Page 2 of __

and on page 7, line 16, by inserting after the word "expulsions." the phrase "All such data shall be collected and reported beginning with the effective date of this act.";

and on page 7, line 17, by deleting the word "conduct," and by substituting the phrase "the reason for the suspensions and expulsions,";

and on page 7, line 22, by deleting "October 1" and substituting "October 15";

and on page 7, line 23, by deleting "November 15" and substituting "February 15";

and on page 10, lines 2-3, by deleting "two hundred thousand dollars ($200,000) and by substituting "four hundred thousand dollars ($400,000)".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

THE NEWS & OBSERVER
TUESDAY, MAY 30, 2000

New bill aims to close school achievement gaps

BY TIM SIMMONS
STAFF WRITER

Richard Jacobsen isn't an educator by trade, but the social services director of Mecklenburg County can talk at length about the needs of public schools.

Educators, in turn, find themselves talking these days about how Jacobsen uses welfare money to help poor children improve their classrooms skills.

In the coming weeks, both sides are likely to find themselves talking even more as state lawmakers search for ways to help close the achievement gap in North Carolina's classrooms.

"We need to attack this problem in ways we don't normally think of," said Sen. Bill Martin, a Greensboro Democrat. "This program in Charlotte is a good example of that."

Martin is the primary sponsor of a bill to improve the classroom achievement of minority children and poor students in North Carolina. The bill follows several months of research by a legislative study commission chaired by Martin and Rep. Pete Oldham, a Democrat from Winston-Salem. The two legislators introduced identical House and Senate bills with 42 co-sponsors.

Expected to clear the Senate's education committee this week, the bill is designed to attack the gap at several different levels.

The most obvious strategies involve changes in the schools, where fewer than half of all black children pass the state's mandatory reading and math tests. In comparison, almost 80 percent of white students, 75 percent of Asian students and 55 percent of Hispanics and American Indians passed both tests.

The state's top educators say schools must do more to close that gap, particularly when it comes to increasing teachers' expectations for poor and minority children. A separate bill with almost $41 million in new programs is designed to help in that regard.

Martin wants to broaden the state's efforts to include programs outside the school run by non-profits, religious groups, local government agencies and others.

That's why Jacobsen has attracted so much attention recently.

With the help of researchers at UNC-Chapel Hill, Mecklenburg County charted the academic progress of more than 17,000 low-income children in the 1990s. At any given time during the study, only about one-third of the children were performing at grade level. Almost half of those who were tracked ended up dropping out of school.

In 1998, a followup study was done involving about 700 low-income students who did succeed in school.

When the two groups were compared, one obvious difference was that most of the successful children were enrolled in good after-school programs, Jacobsen said. They were also four times more likely to graduate.

So Jacobsen approached the school district, offering to spend more than $1 million in federal money to pay certified teachers to work with 1,500 low-income children twice a week after school.

The program operated only four months last year, but more than half the children passed the state's reading and math tests. This year's results are not yet available.

On a simple level, the program appeals to state officials because it redirects existing federal money to help children who typically struggle in the classroom. The arrangement also ensures that schools keep their primary focus on the classroom by giving the lead role in the program to social services.

At a more complex level, such efforts could reshape the way local groups think about how they can work together to help children, said Peter Leousis, an assistant secretary at the state Department of Health and Human Services.

"Sometimes you see local agencies cooperate across lines, but this is the first time I have ever known the legislature to push the idea from a state level," Leousis said.

The bill calls for the state to establish at least eight pilot programs that would work to close the achievement gap by helping children outside the school day.

Martin echoed the comments of state schools Superintendent Mike Ward when he said the bill must not close the gap by slowing the progress of high-achieving students of all races.

"We can improve education for all children," Martin said. "But it takes more effort for some than it does for others and schools shouldn't be expected to do it all themselves."

Staff writer Tim Simmons can be reached at 829-4535 or tsimmons@nando.com

VISITOR REGISTRATION SHEET

SENATE COMMITTEE ON EDUCATION/HIGHER EDUCATION

Wednesday, May 24, 2000
Room 414 LOB

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
David Brown	OSBM
[illegible]	Public School Forum
[illegible]	WCPSS
Paula A. Wolf	Covenant W/ NC's Children
Martha Helms	NC Association of Charter Schools
Cassandra Atkinson	NC Black Leadership Caucus
Yvonne Perry	NC Justice Ctr.
Greg Richardson	N.C. Commission of Indian Affairs
[illegible]	NCCCS
[illegible]	NC CIA
[illegible]	NCCU

VISITOR REGISTRATION SHEET

SENATE COMMITTEE ON EDUCATION/HIGHER EDUCATION

Wednesday, May 24, 2000
Room 414 LOB

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Audrey Galloway	NCAE
Amanda Adams	Covenant w/ NC's children
Sara Allen	"
Lonnie Winn	NCSBA
Jim Ayers	NCASA

Principal Clerk____
Reading Clerk____

SENATE

NOTICE OF COMMITTEE MEETING
And
BILL SPONSOR NOTICE

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

DATE: Wednesday, May 31, 2000
TIME: 10:00 A.M.
ROOM: 414 LOB

The following bill will be considered:

- SB 1255 Closing the Achievement Gap Senator Bill Martin

Senator Howard Lee, Co-Chair
Senator Walter Dalton, Co-Chair

AGENDA

SENATE EDUCATION/HIGHER EDUCATION

Wednesday, May 31, 2000
10:00 A.M.
Room 414 LOB

CALL TO ORDER **Presiding: Senator Lee, Co-Chair**

- SB 1255 Closing the Achievement Gap Senator Bill Martin

Senator Howard Lee, Co-Chair
Senator Walter Dalton, Co-Chair

MINUTES

SENATE EDUCATION/HIGHER EDUCATION

Wednesday, May 31, 2000
10:00 A.M.
Room 414 LOB

The Senate Education/Higher Education Committee met on Wednesday, May 31, 2000 at 10:00 A.M. in room 414 of the Legislative Office Building. Senator Dalton, Co-Chair presided. There were 11 Senators present. Senator Dalton called the meeting to order and introduced Pages: Amanda Lilley, sponsored by Senator Bob Martin and Tiffany Bracey, sponsored by Senator Jordan.

Senator Dalton recognized Senator Bill Martin to brief the Committee on pertinent information pertaining to S1255. *(See Attachment 1).*

Senator Dalton recognized Senator Horton to explain an Amendment to S1255. Senator Horton offered a motion to adopt the Amendment. The motion carried and the Amendment offered by Senator Horton was adopted. *(See Attachment 2).*

The Short Title of S1255 is: *Closing the Achievement Gap.* The Long Title: *An Act to Implement Recommendations of the Commission on Improving the Academic Achievement of Minority and At-Risk Students to Establish a Pilot Program to Assist Families at Certain Income Levels with Children Performing Below Grade Level in Improving Family Cohesiveness, Functioning, and Economic Progress and Student Academic Success, to Direct the State Board of Education to Study Issues Related to Closing the Achievement Gap, to make Permanent the Commission, to Appropriate Funds to Support the Historically Minority College and University Initiative to Close the Achievement Gap, and to Appropriate Funds to Implement this Act.* An Amendment to S 1255 was adopted. **SB 1255 was UNFAVORABLE TO BILL, BUT FAVORABLE AS TO C.S. BILL.** ***(See Attachment 3).*** The Committee Report is attached. *(See Attachment 4).*

Senator Dalton adjourned the meeting at 10:15 A.M.

Senator Walter Dalton, Co-Chair

Christina K. Minard, Education Committee Assistant

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

S 1

SENATE BILL 1255*

Short Title: Closing the Achievement Gap. (Public)

Sponsors: Senators Martin of Guilford, Carter, Dannelly, Garrou, Garwood; Albertson, Ballance, Clodfelter, Lucas, Phillips, Plyler, Purcell, Robinson, Rucho, Warren, and Weinstein.

Referred to: Education/Higher Education.

May 16, 2000

A BILL TO BE ENTITLED

AN ACT TO IMPLEMENT RECOMMENDATIONS OF THE COMMISSION ON IMPROVING THE ACADEMIC ACHIEVEMENT OF MINORITY AND AT-RISK STUDENTS TO ESTABLISH A PILOT PROGRAM TO ASSIST FAMILIES AT CERTAIN INCOME LEVELS WITH CHILDREN PERFORMING BELOW GRADE LEVEL IN IMPROVING FAMILY COHESIVENESS, FUNCTIONING, AND ECONOMIC PROGRESS AND STUDENT ACADEMIC SUCCESS, TO DIRECT THE STATE BOARD OF EDUCATION TO STUDY ISSUES RELATED TO CLOSING THE ACHIEVEMENT GAP, TO MAKE PERMANENT THE COMMISSION, TO APPROPRIATE FUNDS TO SUPPORT THE HISTORICALLY MINORITY COLLEGE AND UNIVERSITY INITIATIVE TO CLOSE THE ACHIEVEMENT GAP, AND TO APPROPRIATE FUNDS TO IMPLEMENT THIS ACT.

Whereas, minority and at-risk students represent a disproportionately high number of the public school population not experiencing academic success; and

Whereas, the unacceptable educational achievement is demonstrated by unsatisfactory performance of many minority and at-risk students on State-administered end-of-grade, end-of-course, and competency tests; and

Whereas, there is a significant gap in academic achievement between minority and at-risk students and majority students; and

Whereas, the achievement gap between student groups has not been significantly closed or narrowed in the past decade despite an overall increase in student achievement in North Carolina; and

Whereas, the reported discipline rate for minority and at-risk students is high, when compared to other students; and

Whereas, the dropout rate for minority and at-risk students is high; and

Whereas, the State Board of Education and the Department of Public Instruction recognize that, although progress is being made, there is still much that remains to be done to sufficiently meet the education needs of so many minority and at-risk students; and

Whereas, it is acknowledged that to the extent our schools do not satisfactorily meet the education needs of minority and at-risk students, North Carolina taxpayers experience unnecessary economic and social burdens through factors such as reduced economic competitiveness and increased expenditures for law enforcement and for constructing and operating juvenile justice and adult correctional facilities; and

Whereas, the General Assembly recognizes that in order to be competitive as a State in the 21st century, all students must achieve educational proficiency in a rapidly changing technological, educational, and cultural environment; and

Whereas, it is in the best interest of the North Carolina citizenry that a coordinated strategy be developed for implementing measures designed to yield substantial improvements in the educational achievement of minority and at-risk students; Now, therefore,

The General Assembly of North Carolina enacts:

Section 1.(a) The Department of Health and Human Services, Division of Social Services, shall establish and administer a pilot program to assist families that have children who are performing below school grade level in strengthening family cohesiveness, functioning, and economic progress and improving the academic performance of their children. The program shall be developed and implemented no later than August 1, 2001, as follows:

(1) Each pilot program shall be family-focused and designed to improve family success in addressing issues pertaining to:
   a. Family functioning and economic progress;
   b. Academic success for children in the family in a manner that reduces the likelihood that the children will have a life of poverty; and
   c. Strengthening the communities in which the family lives.

(2) There shall be at least eight pilot programs initially established which shall be based on components of successful models and concepts. Any nonprofit, tax-exempt organization or local government agency that is part of the collaborative effort to develop the pilot program may serve as the lead agency in applying for and administering grant funds.

(3) Families eligible for participation in a pilot program shall be those families:
   a. Who have at least one child in elementary or middle school who is performing academically at least one year below the child's grade level;
   b. At least one adult member of which agrees to participate in the program and in a culturally appropriate assessment of family functioning; and
   c. Whose income is below two hundred percent (200%) of the federal poverty level or whose income is at or above two hundred percent (200%) of the federal poverty level if authorized by the requirements of the funding source.

(4) The Department and other entities collaborating to develop the program shall identify resources currently available to address the concerns of below-grade-level academic performance and problems related to family cohesiveness, functioning, and family economic progress and shall strive to harness these resources in a manner that increases effectiveness and reduces overall costs of the pilot program. The Department shall also determine which entities can best operate which components of the total pilot program, and how those entities can contribute to the abilities of others to be more successful in operating their components.

(5) The Department may obtain the services of consultants in the planning, coordination, implementation, and evaluation of the program.

(6) The Department of Health and Human Services shall establish a task force to collaborate with and advise the Department on the development and implementation of the program. The task force shall consist of, at a minimum, representatives of:
   a. The Department of Public Instruction;
   b. The Cooperative Extension Services at North Carolina Agricultural and Technical State University and at North Carolina State University;
   c. The Office of Juvenile Justice;
   d. Workforce Development Boards;
   e. Local education agencies;
   f. Local departments or boards of social services, county commissioners, and health departments;
   g. Community-based organizations, specifically those that work within low-income communities; and
   h. Religious organizations or institutions.

(7) Each of the pilot programs shall have comparable structures for administration, advice, and technical assistance.

(8) Each pilot program shall be developed in a way that results in observable and measurable outcomes and that is subject to sound evaluation techniques. Evaluation measures and techniques shall be designed and implemented to:
a. Identify and explain the components of the pilot program that are successful and those that are not successful;
b. Recommend systemic changes through integration of positive outcomes; and
c. Produce outcomes that, if successful, can be replicated.

(9) The Department shall present a progress report to the Commission on Improving the Academic Achievement of Minority and At-Risk Students by March 1, 2001. This report shall contain a plan to implement and evaluate the program, including:
a. Pilot sites selected;
b. Identification of evaluation tools;
c. Identification of existing sources of federal and State funding that can be used to implement and evaluate the program;
d. Identification of additional resources, fiscal and otherwise, that are available to implement and evaluate the program; and
e. Strategies that utilize school facilities to the maximum reasonable extent possible and that do not place undue burdens on school personnel.

(10) The Department shall make a final report to the Commission on Improving the Academic Achievement of Minority and At-Risk Students by February 1, 2002. This report shall include a recommendation as to whether the program should be extended statewide. If so, the Department shall present a plan that includes the projected cost, process, and time frame for implementation of the program statewide.

Section 1.(b) There is appropriated from the General Fund to the Department of Health and Human Services, Division of Social Services, the sum of two hundred fifty thousand dollars ($250,000) for planning and initial implementation of the pilot program authorized under this section. The Department of Health and Human Services, the Department of Commerce, and the Department of Public Instruction, shall allocate block grant funds that are available for the purposes for which the pilot programs are implemented to supplement State funds appropriated for the planning, full implementation, and evaluation of the pilot programs.

Section 2. The State Board of Education (Board) shall study the connection between the identification of minority and at-risk students as students with behavioral or emotional disabilities and the gap in student achievement. As part of this study, the Board shall examine the following:

(1) The criteria used to identify whether a student has a behavioral or emotional disability and requires special education. The study shall

determine whether identification and placement decisions of these students are based primarily on valid and objective criteria.

(2) The curricula for these students, to determine whether they are sufficiently rigorous and the teaching methodologies are sound and appropriate.

(3) Utilization of other services, such as mental health, mentoring, and consultation, to improve academic and social success for these students.

(4) Qualifications of teachers who are assigned to teach these students.

The Board shall make an interim report by January 1, 2001, and a final report by March 1, 2001, on the results of this study, including findings and any recommendations, to the Commission on Improving the Academic Achievement of Minority and At-Risk Students (Commission) and to the Joint Legislative Education Oversight Committee.

Section 3. The Board shall study the underrepresentation of minority and at-risk students in honors classes, advanced placement classes, and academically gifted programs. The Board shall evaluate whether this underrepresentation contributes to the gap in student achievement. In particular, the Board shall examine the criteria used to identify whether a student is eligible for one of these classes or programs. The study shall determine whether identification and placement decisions of these students are based primarily on valid and objective criteria. The Board also shall examine whether low academic expectations or certain instructional practices, such as tracking, contribute to this underrepresentation. The Board shall make an interim report by January 1, 2001, and a final report by March 1, 2001, on the results of this study, including findings and any recommendations needed to increase representation of students in these programs, to the Commission on Improving the Academic Achievement of Minority and At-Risk Students (Commission) and to the Joint Legislative Education Oversight Committee.

Section 4. The Board shall design an annual Minority Achievement Report Card to be implemented fully beginning with the 2001-2002 school year. The report card shall be based on data the Board collects from local school administrative units and individual schools. Local school administrative units shall collect, maintain, and submit data needed to prepare the report card. The Board shall establish a baseline in accordance with its plan for the report card. The Board shall condense and publicly disseminate the data in a form that can be accessed easily, such as through a web site.

The Board shall report to the Commission by October 1, 2000, on the development of the report card under this section.

Section 5. The Board shall develop guidelines to enable the formation of a local task force in each local school administrative unit. The purpose of this task force is to advise and work with the local board of education and administration on closing the gap in academic achievement and on developing a collaborative plan for achieving that goal. The guidelines shall provide for the following:

(1) Each local school administrative unit shall have a task force, if appropriate.

(2) Each task force shall be racially diverse and shall include parents, school personnel, and representatives from human service agencies, nonprofit organizations, and the business sector.

The Board shall determine the funding needed to implement these guidelines and shall report this information to the Commission by November 1, 2000.

Section 6. The Board shall develop a plan and budget (projecting five-year cost) to:

(1) Provide sufficient staff development activities so as to ensure teachers have the tools needed for success in teaching a diverse student population and interacting with their families. These activities shall include understanding and respecting racial, ethnic, religious, and cultural impact on a child's development and personality.

(2) Provide sufficient funding for Limited English Proficiency (LEP) students.

(3) Translate the State-level forms and basic school information that will be made available to parents or to the general public into Spanish and include them on the Department of Public Instruction's web site in English and Spanish.

(4) Evaluate the level of funding needed to have LEAs hire translators to work with Spanish-speaking parents and those school personnel whose jobs require regular contact with those parents.

(5) Provide appropriate staff development funds for training in English as Second Language (ESL) methodologies and pedagogy for teachers, administrators, and support personnel.

(6) Review implementation guidelines for student accountability standards and promotion policies for LEP students.

(7) Develop guidelines for evaluating students' instructional portfolios and for waiving test standards for LEP students. In its development of guidelines, the Board shall consider extending the End-of-Grade testing exemption period to more than two years for LEP students.

The Board shall report to the Commission on the plan and budget developed under this section by November 15, 2000.

Section 7. The Board shall develop a plan to establish a hotline to collect complaints alleging disparate treatment of minority students and students from low-income families. The plan shall include the following:

(1) The establishment of teams to review and categorize the complaints for reporting annually to the General Assembly.

(2) The appropriate number of hotline personnel who speak and understand Spanish.

(3) A mechanism, where warranted, for the Board to respond to and secure an independent and impartial investigation of systemic problems revealed through the complaints.

(4) A procedure for the Board to report individual complaints, unless the person making the complaint requests otherwise, to the appropriate local school administrative unit so that it also may investigate.

(5) The criteria for a local investigation that assures fair and impartial investigation.

(6) Any additional information that is required so that the hotline is fully implemented by the beginning of the 2001-2002 school year.

The Board shall report to the Commission by November 15, 2000, on the implementation of this section. This report may include recommendations and a request for funding to establish the hotline.

Section 8. The Board shall report data from the 1998-99 and 1999-2000 school years on student suspensions and expulsions. The report shall show, for each local school administrative unit and by race, gender, and conduct, the number of students suspended for less than 11 days, the number of students suspended for more than 10 days, the number of students expelled, and the number of students placed in an alternative program as the result of student conduct which could have led to a suspension or expulsion. Each local school administrative unit shall submit to the Board by October 1, 2000, any information the Board needs to make this report. The Board shall report to the Commission by November 15, 2000.

Section 9.(a) Chapter 120 of the General Statutes is amended by adding the following new Article to read:

"ARTICLE 27.

"Commission on Improving the Academic Achievement of Minority and At-Risk Students.

"§ 120-240. Creation; members.

There is established the Commission on Improving the Academic Achievement of Minority and At-Risk Students. The Commission shall consist of 22 members, as follows:

(1) Five senators and three public members appointed by the President Pro Tempore of the Senate;

(2) Five representatives and three public members appointed by the Speaker of the House of Representatives; and

(3) Six public members appointed by the Governor, who represent groups or individuals with knowledge and experience in advocating, educating, or assisting minority and at-risk students to achieve, at least one of whom is a representative of a statewide nonprofit education advocacy organization that advocates on behalf of minority and at-risk students and at least one of whom is a representative of a statewide organization that represents the interests of African-Americans.

In making appointments to the Commission, the appointing officers shall ensure that racial minorities have significant representation on the Commission.

(b) Members of the Commission shall serve terms of two years beginning on August 15 of each odd-numbered year, with no prohibition against reappointment. Initial terms shall commence on August 15, 2001.

(c) The President Pro Tempore of the Senate shall designate one member as cochair and the Speaker of the House of Representatives shall designate one member as cochair.

(d) When a vacancy occurs in the membership of the Commission, the vacancy shall be filled by the same appointing officer who made the initial appointment.

"**§ 120-241. Authority.**

(a) The Commission shall be authorized to:

(1) Gather accurate and reliable data and research information pertaining to the status of minority and at-risk students in the North Carolina public education system;

(2) Identify and visit education programs and other efforts within and outside North Carolina that appear to be successful in yielding significant positive results for minority and at-risk students;

(3) Consult with higher education faculty members and other persons who have been engaged in extensive research and observation related to these issues and encourage their direct involvement in the activities of the Commission;

(4) Conduct hearings throughout the State for the purpose of obtaining meaningful information regarding successful education programs and efforts related to those concerns;

(5) Identify, consult, and meet with representatives of national, regional, and State-level organizations and agencies that could be particularly helpful in addressing these concerns;

(6) Devise recommendations as to steps that should be taken to address these concerns -- steps to be taken separately and collectively by:

a. State government agencies;
b. Local government agencies;
c. Public schools and higher education institutions;
d. Nonprofit organizations, including community-based organizations, with a particular emphasis on those with direct ties to families of these children and youth;
e. Foundations;
f. Religious organizations or institutions;
g. Civic organizations;
h. Business and industry; and
i. Other entities.

(7) Determine the extent and categories of fiscal and human resources needed to address the identified concerns;

(8) Determine what data is currently collected from programs and activities designed to close the achievement gap, whether through education agencies, human services entities, or government funded private, nonprofit agencies, and the extent to which the data may be used in longitudinal analyses.

(b) The Commission should place particular emphasis on programs and efforts that have been successful in imparting:

(1) Improved educational achievement;

(2) Reduction of school discipline and behavioral problems;

(3) Reduction of minority and at-risk student dropout rates; and

(4) Improved relations between parents, schools, and students.

"**§ 120-242. Commission; reports.**

The Commission may report to the General Assembly no later than 30 days after the convening of any regular session of the General Assembly. A report to the General Assembly may contain any legislation needed to implement a recommendation of the Commission.

"**§ 120-243. Powers; reimbursement; meeting place; staff.**

(a) The Commission, while in the discharge of official duties, may exercise all the powers provided under G.S. 120-19 and G.S. 120-19.1 through G.S. 120-19.4. All State departments and agencies and local governments and their subdivisions shall furnish the Commission with information in their possession or available to them.

(b) Members of the Commission shall receive per diem, subsistence, and travel allowances at the rates set forth in G.S. 120-3.1, G.S. 138-5, and G.S. 138-6, as applicable.

(c) The Commission may meet in the Legislative Building or the Legislative Office Building.

(d) Upon approval of the Legislative Services Commission, the Legislative Services Officer shall assign professional and clerical staff to assist in the work of the Commission. The expenses relating to the employees shall be borne by the Commission. The Commission may contract for professional, clerical, or consultant services as provided by G.S. 120-32.02.

"**§ 120-244. Commission subcommittees; noncommission membership.**

The Commission cochairs may establish subcommittees for the purpose of making special studies under its authority, and may appoint noncommission members to serve on each subcommittee as resource persons. Resource persons shall be voting members of the subcommittee and shall receive per diem, subsistence, and travel allowances in accordance with G.S. 120-3.1, G.S. 138-5, and G.S. 138-6, as applicable."

Section 10. There is appropriated from the General Fund to the Board of Governors of The University of North Carolina the sum of one million five hundred thousand dollars ($1,500,000) for the 2000-2001 fiscal year to support the Historically Minority College and University Initiative to Close the Achievement Gap.

Section 11. Of the funds appropriated to State Aid to Local School Administrative Units, the State Board of Education may use up to two hundred thousand dollars ($200,000) to implement Sections 2 through 8 of this act.

Section 12. There is appropriated from the General Fund to the General Assembly the sum of fifty thousand dollars ($50,000) for the 2000-2001 fiscal year for the expenses of the Commission on Improving the Academic Achievement of Minority and At-Risk Students as established under S.L. 1999-395, Sections 15.1 through 15.11.

Section 13. Section 9 of this act becomes effective January 31, 2001. The remainder of this act becomes effective July 1, 2000.

ATTACHMENT 2

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 1255

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

S1255-ARH-001

Date_____,2000

Comm. Sub. []
Amends Title []

Senator Martin
moves to amend the bill on page 5, lines 10 and 24, by deleting "January 1" and substituting "January 15";

and on page 5, lines 11 and 24, by deleting "March 1" and by substituting "May 15";

and on page 5, line 34, by rewriting the line to read:
"baseline in accordance with its plan for the report card. The board may combine this information with another report, as long as the information reported under this section is readily discernible. The Board shall condense";

and on page 5, line 37, by deleting "October 1" and substituting "November 15";

and on page 6, line 34, by rewriting the line to read:
"LEP students, to the extent that this extension does not conflict with federal law or regulation.";

and on page 6, line 39, by rewriting the line to read:
"income families. In developing the plan, the Board shall give strong consideration to the following:";

and on page 7, line 15, by inserting between the words "data" and "from" the phrase ", to the extent those data are reasonably available,";

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 1255

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

S1255-ARH-001 Page 2 of __

and on page 7, line 16, by inserting after the word "expulsions." the phrase "All such data shall be collected and reported beginning with the effective date of this act.";

and on page 7, line 17, by deleting the word "conduct," and by substituting the phrase "the reason for the suspensions and expulsions,";

and on page 7, line 22, by deleting "October 1" and substituting "October 15";

and on page 7, line 23, by deleting "November 15" and substituting "February 15";

and on page 10, lines 2-3, by deleting "two hundred thousand dollars ($200,000) and by substituting "four hundred thousand dollars ($400,000)".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

S D

SENATE BILL 1255*
Proposed Committee Substitute S1255-PCS2845-RH001

Short Title: Closing the Achievement Gap. (Public)

Sponsors:

Referred to:

May 16, 2000

A BILL TO BE ENTITLED

AN ACT TO IMPLEMENT RECOMMENDATIONS OF THE COMMISSION ON IMPROVING THE ACADEMIC ACHIEVEMENT OF MINORITY AND AT-RISK STUDENTS TO ESTABLISH A PILOT PROGRAM TO ASSIST FAMILIES AT CERTAIN INCOME LEVELS WITH CHILDREN PERFORMING BELOW GRADE LEVEL IN IMPROVING FAMILY COHESIVENESS, FUNCTIONING, AND ECONOMIC PROGRESS AND STUDENT ACADEMIC SUCCESS, TO DIRECT THE STATE BOARD OF EDUCATION TO STUDY ISSUES RELATED TO CLOSING THE ACHIEVEMENT GAP, TO MAKE PERMANENT THE COMMISSION, TO APPROPRIATE FUNDS TO SUPPORT THE HISTORICALLY MINORITY COLLEGE AND UNIVERSITY INITIATIVE TO CLOSE THE ACHIEVEMENT GAP, AND TO APPROPRIATE FUNDS TO IMPLEMENT THIS ACT.

Whereas, minority and at-risk students represent a disproportionately high number of the public school population not experiencing academic success; and

Whereas, the unacceptable educational achievement is demonstrated by unsatisfactory performance of many minority and at-risk students on State-administered end-of-grade, end-of-course, and competency tests; and

Whereas, there is a significant gap in academic achievement between minority and at-risk students and majority students; and

Whereas, the achievement gap between student groups has not been significantly closed or narrowed in the past decade despite an overall increase in student achievement in North Carolina; and

Whereas, the reported discipline rate for minority and at-risk students is high, when compared to other students; and

Whereas, the dropout rate for minority and at-risk students is high; and

Whereas, the State Board of Education and the Department of Public Instruction recognize that, although progress is being made, there is still much that remains to be done to sufficiently meet the education needs of so many minority and at-risk students; and

Whereas, it is acknowledged that to the extent our schools do not satisfactorily meet the education needs of minority and at-risk students, North Carolina taxpayers experience unnecessary economic and social burdens through factors such as reduced economic competitiveness and increased expenditures for law enforcement and for constructing and operating juvenile justice and adult correctional facilities; and

Whereas, the General Assembly recognizes that in order to be competitive as a State in the 21st century, all students must achieve educational proficiency in a rapidly changing technological, educational, and cultural environment; and

Whereas, it is in the best interest of the North Carolina citizenry that a coordinated strategy be developed for implementing measures designed to yield substantial improvements in the educational achievement of minority and at-risk students; Now, therefore,

The General Assembly of North Carolina enacts:

Section 1.(a) The Department of Health and Human Services, Division of Social Services, shall establish and administer a pilot program to assist families that have children who are performing below school grade level in strengthening family cohesiveness, functioning, and economic progress and improving the academic performance of their children. The program shall be developed and implemented no later than August 1, 2001, as follows:

(1) Each pilot program shall be family-focused and designed to improve family success in addressing issues pertaining to:
   a. Family functioning and economic progress;
   b. Academic success for children in the family in a manner that reduces the likelihood that the children will have a life of poverty; and
   c. Strengthening the communities in which the family lives.

(2) There shall be at least eight pilot programs initially established which shall be based on components of successful models and concepts. Any nonprofit, tax-exempt organization or local government agency that is part of the collaborative effort to develop the pilot program may serve as the lead agency in applying for and administering grant funds.

(3) Families eligible for participation in a pilot program shall be those families:

a. Who have at least one child in elementary or middle school who is performing academically at least one year below the child's grade level;
b. At least one adult member of which agrees to participate in the program and in a culturally appropriate assessment of family functioning; and
c. Whose income is below two hundred percent (200%) of the federal poverty level or whose income is at or above two hundred percent (200%) of the federal poverty level if authorized by the requirements of the funding source.

(4) The Department and other entities collaborating to develop the program shall identify resources currently available to address the concerns of below-grade-level academic performance and problems related to family cohesiveness, functioning, and family economic progress and shall strive to harness these resources in a manner that increases effectiveness and reduces overall costs of the pilot program. The Department shall also determine which entities can best operate which components of the total pilot program and how those entities can contribute to the abilities of others to be more successful in operating their components.

(5) The Department may obtain the services of consultants in the planning, coordination, implementation, and evaluation of the program.

(6) The Department of Health and Human Services shall establish a task force to collaborate with and advise the Department on the development and implementation of the program. The task force shall consist of, at a minimum, representatives of:
a. The Department of Public Instruction;
b. The Cooperative Extension Services at North Carolina Agricultural and Technical State University and at North Carolina State University;
c. The Office of Juvenile Justice;
d. Workforce Development Boards;
e. Local education agencies;
f. Local departments or boards of social services, county commissioners, and health departments;
g. Community-based organizations, specifically those that work within low-income communities;
h. Religious organizations or institutions; and
i. Charter schools.

(7) Each of the pilot programs shall have comparable structures for administration, advice, and technical assistance.

(8) Each pilot program shall be developed in a way that results in observable and measurable outcomes and that is subject to sound

evaluation techniques. Evaluation measures and techniques shall be designed and implemented to:

a. Identify and explain the components of the pilot program that are successful and those that are not successful;

b. Recommend systemic changes through integration of positive outcomes; and

c. Produce outcomes that, if successful, can be replicated.

(9) The Department shall present a progress report to the Commission on Improving the Academic Achievement of Minority and At-Risk Students by March 1, 2001. This report shall contain a plan to implement and evaluate the program, including:

a. Pilot sites selected;

b. Identification of evaluation tools;

c. Identification of existing sources of federal and State funding that can be used to implement and evaluate the program;

d. Identification of additional resources, fiscal and otherwise, that are available to implement and evaluate the program; and

e. Strategies that utilize school facilities to the maximum reasonable extent possible and that do not place undue burdens on school personnel.

(10) The Department shall make a final report to the Commission on Improving the Academic Achievement of Minority and At-Risk Students by February 1, 2002. This report shall include a recommendation as to whether the program should be extended statewide. If so, the Department shall present a plan that includes the projected cost, process, and time frame for implementation of the program statewide.

Section 1.(b) There is appropriated from the General Fund to the Department of Health and Human Services, Division of Social Services, the sum of two hundred fifty thousand dollars ($250,000) for planning and initial implementation of the pilot program authorized under this section. The Department of Health and Human Services, the Department of Commerce, and the Department of Public Instruction shall allocate block grant funds that are available for the purposes for which the pilot programs are implemented to supplement State funds appropriated for the planning, full implementation, and evaluation of the pilot programs.

Section 2. The State Board of Education (Board) shall study the connection between the identification of minority and at-risk students as students with behavioral or emotional disabilities and the gap in student achievement. As part of this study, the Board shall examine the following:

(1) The criteria used to identify whether a student has a behavioral or emotional disability and requires special education. The study shall determine whether identification and placement decisions of these students are based primarily on valid and objective criteria.

(2) The curricula for these students, to determine whether they are sufficiently rigorous and the teaching methodologies are sound and appropriate.

(3) Utilization of other services, such as mental health, mentoring, and consultation, to improve academic and social success for these students.

(4) Qualifications of teachers who are assigned to teach these students.

The Board shall make an interim report by January 15, 2001, and a final report by May 15, 2001, on the results of this study, including findings and any recommendations, to the Commission on Improving the Academic Achievement of Minority and At-Risk Students (Commission) and to the Joint Legislative Education Oversight Committee.

Section 3. The Board shall study the underrepresentation of minority and at-risk students in honors classes, advanced placement classes, and academically gifted programs. The Board shall evaluate whether this underrepresentation contributes to the gap in student achievement. In particular, the Board shall examine the criteria used to identify whether a student is eligible for one of these classes or programs. The study shall determine whether identification and placement decisions of these students are based primarily on valid and objective criteria. The Board also shall examine whether low academic expectations or certain instructional practices, such as tracking, contribute to this underrepresentation. The Board shall make an interim report by January 15, 2001, and a final report by May 15, 2001, on the results of this study, including findings and any recommendations needed to increase representation of students in these programs, to the Commission on Improving the Academic Achievement of Minority and At-Risk Students (Commission) and to the Joint Legislative Education Oversight Committee.

Section 4. The Board shall design an annual Minority Achievement Report Card to be implemented fully beginning with the 2001-2002 school year. The report card shall be based on data the Board collects from local school administrative units and individual schools. Local school administrative units shall collect, maintain, and submit data needed to prepare the report card. The Board shall establish a baseline in accordance with its plan for the report card. The Board may combine this information with another report, as long as the information reported under this section is readily discernible. The Board shall condense and publicly disseminate the data in a form that can be accessed easily, such as through a web site.

The Board shall report to the Commission by November 15, 2000, on the development of the report card under this section.

Section 5. The Board shall develop guidelines to enable the formation of a local task force in each local school administrative unit. The purpose of this task force is to advise and work with the local board of education and administration on closing the gap in academic achievement and on developing a collaborative plan for achieving that goal. The guidelines shall provide for the following:

(1) Each local school administrative unit shall have a task force, if appropriate.

(2) Each task force shall be racially diverse and shall include parents, school personnel, and representatives from human service agencies, nonprofit organizations, and the business sector.

The Board shall determine the funding needed to implement these guidelines and shall report this information to the Commission by November 1, 2000.

Section 6. The Board shall develop a plan and budget (projecting five-year cost) to:

(1) Provide sufficient staff development activities so as to ensure teachers have the tools needed for success in teaching a diverse student population and interacting with their families. These activities shall include understanding and respecting racial, ethnic, religious, and cultural impact on a child's development and personality.

(2) Provide sufficient funding for Limited English Proficiency (LEP) students.

(3) Translate the State-level forms and basic school information that will be made available to parents or to the general public into Spanish and include them on the Department of Public Instruction's web site in English and Spanish.

(4) Evaluate the level of funding needed to have LEAs hire translators to work with Spanish-speaking parents and those school personnel whose jobs require regular contact with those parents.

(5) Provide appropriate staff development funds for training in English as Second Language (ESL) methodologies and pedagogy for teachers, administrators, and support personnel.

(6) Review implementation guidelines for student accountability standards and promotion policies for LEP students.

(7) Develop guidelines for evaluating students' instructional portfolios and for waiving test standards for LEP students. In its development of guidelines, the Board shall consider extending the End-of-Grade testing exemption period to more than two years for LEP students, to the extent that this extension does not conflict with federal law or regulation.

The Board shall report to the Commission on the plan and budget developed under this section by November 15, 2000.

Section 7. The Board shall develop a plan to establish a hotline to collect complaints alleging disparate treatment of minority students and students from low-income families. In developing the plan, the Board shall give strong consideration to the following:

(1) The establishment of teams to review and categorize the complaints for reporting annually to the General Assembly.

(2) The appropriate number of hotline personnel who speak and understand Spanish.

(3) A mechanism, where warranted, for the Board to respond to and secure an independent and impartial investigation of systemic problems revealed through the complaints.

(4) A procedure for the Board to report individual complaints, unless the person making the complaint requests otherwise, to the appropriate local school administrative unit so that it also may investigate.

(5) The criteria for a local investigation that assures fair and impartial investigation.

(6) Any additional information that is required so that the hotline is fully implemented by the beginning of the 2001-2002 school year.

The Board shall report to the Commission by November 15, 2000, on the implementation of this section. This report may include recommendations and a request for funding to establish the hotline.

Section 8. The Board shall report data, to the extent those data are reasonably available, from the 1998-99 and 1999-2000 school years on student suspensions and expulsions. All such data shall be collected and reported beginning with the effective date of this act. The report shall show, for each local school administrative unit and by race, gender, and the reason for the suspensions and expulsions, the number of students suspended for less than 11 days, the number of students suspended for more than 10 days, the number of students expelled, and the number of students placed in an alternative program as the result of student conduct which could have led to a suspension or expulsion. Each local school administrative unit shall submit to the Board by October 15, 2000, any information the Board needs to make this report. The Board shall report to the Commission by February 15, 2001.

Section 9. Chapter 120 of the General Statutes is amended by adding the following new Article to read:

"ARTICLE 27.

"Commission on Improving the Academic Achievement of Minority and At-Risk Students.

"§ 120-240. Creation; members.

(a) There is established the Commission on Improving the Academic Achievement of Minority and At-Risk Students. The Commission shall consist of 22 members, as follows:

(1) Five Senators and three public members appointed by the President Pro Tempore of the Senate;

(2) Five Representatives and three public members appointed by the Speaker of the House of Representatives; and

(3) Six public members appointed by the Governor, who represent groups or individuals with knowledge and experience in advocating, educating, or assisting minority and at-risk students to achieve, at least one of whom is a representative of a statewide nonprofit education advocacy organization that advocates on behalf of minority and at-risk students and at least one of whom is

a representative of a statewide organization that represents the interests of African-Americans.

In making appointments to the Commission, the appointing officers shall ensure that racial minorities have significant representation on the Commission.

(b) Members of the Commission shall serve terms of two years beginning on August 15 of each odd-numbered year, with no prohibition against reappointment. Initial terms shall commence on August 15, 2001.

(c) The President Pro Tempore of the Senate shall designate one member as cochair and the Speaker of the House of Representatives shall designate one member as cochair.

(d) When a vacancy occurs in the membership of the Commission, the vacancy shall be filled by the same appointing officer who made the initial appointment.

"§ 120-241. Authority.

(a) The Commission shall be authorized to:

(1) Gather accurate and reliable data and research information pertaining to the status of minority and at-risk students in the North Carolina public education system;

(2) Identify and visit education programs and other efforts within and outside North Carolina that appear to be successful in yielding significant positive results for minority and at-risk students;

(3) Consult with higher education faculty members and other persons who have been engaged in extensive research and observation related to these issues and encourage their direct involvement in the activities of the Commission;

(4) Conduct hearings throughout the State for the purpose of obtaining meaningful information regarding successful education programs and efforts related to those concerns;

(5) Identify, consult, and meet with representatives of national, regional, and State-level organizations and agencies that could be particularly helpful in addressing these concerns;

(6) Devise recommendations as to steps that should be taken to address these concerns -- steps to be taken separately and collectively by:

a. State government agencies;
b. Local government agencies;
c. Public schools and higher education institutions;
d. Nonprofit organizations, including community-based organizations, with a particular emphasis on those with direct ties to families of these children and youth;
e. Foundations;
f. Religious organizations or institutions;
g. Civic organizations;
h. Business and industry; and
i. Other entities.

(7) Determine the extent and categories of fiscal and human resources needed to address the identified concerns; and

(8) Determine what data are currently collected from programs and activities designed to close the achievement gap, whether through education agencies, human services entities, or government funded private, nonprofit agencies, and the extent to which the data may be used in longitudinal analyses.

(b) The Commission should place particular emphasis on programs and efforts that have been successful in imparting:

(1) Improved educational achievement;

(2) Reduction of school discipline and behavioral problems;

(3) Reduction of minority and at-risk student dropout rates; and

(4) Improved relations among parents, schools, and students.

"**§ 120-242. Commission; reports.**

The Commission may report to the General Assembly no later than 30 days after the convening of any regular session of the General Assembly. A report to the General Assembly may contain any legislation needed to implement a recommendation of the Commission.

"**§ 120-243. Powers; reimbursement; meeting place; staff.**

(a) The Commission, while in the discharge of official duties, may exercise all the powers provided under G.S. 120-19 and G.S. 120-19.1 through G.S. 120-19.4. All State departments and agencies and local governments and their subdivisions shall furnish the Commission with information in their possession or available to them.

(b) Members of the Commission shall receive per diem, subsistence, and travel allowances at the rates set forth in G.S. 120-3.1, 138-5, 138-6, as applicable.

(c) The Commission may meet in the Legislative Building or the Legislative Office Building.

(d) Upon approval of the Legislative Services Commission, the Legislative Services Officer shall assign professional and clerical staff to assist in the work of the Commission. The expenses relating to the employees shall be borne by the Commission. The Commission may contract for professional, clerical, or consultant services as provided by G.S. 120-32.02.

"**§ 120-244. Commission subcommittees; noncommission membership.**

The Commission cochairs may establish subcommittees for the purpose of making special studies under its authority and may appoint noncommission members to serve on each subcommittee as resource persons. Resource persons shall be voting members of the subcommittee and shall receive per diem, subsistence, and travel allowances in accordance with G.S. 120-3.1, 138-5, and 138-6, as applicable."

Section 10. There is appropriated from the General Fund to the Board of Governors of The University of North Carolina the sum of one million five hundred thousand dollars ($1,500,000) for the 2000-2001 fiscal year to support the Historically Minority College and University Initiative to Close the Achievement Gap.

Section 11. Of the funds appropriated to State Aid to Local School Administrative Units, the State Board of Education may use up to four hundred thousand dollars ($400,000) to implement Sections 2 through 8 of this act.

Section 12. There is appropriated from the General Fund to the General Assembly the sum of fifty thousand dollars ($50,000) for the 2000-2001 fiscal year for the expenses of the Commission on Improving the Academic Achievement of Minority and At-Risk Students as established under S.L. 1999-395, Sections 15.1 through 15.11.

Section 13. Section 9 of this act becomes effective January 31, 2001. The remainder of this act becomes effective July 1, 2000.

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

SENATE EDUCATION/HIGHER EDUCATION COMMITTEE REPORT
Senator Lee, Co-Chair
Senator Dalton, Co-Chair

Monday, June 5, 2000

SENATOR DALTON,
Submits the following with recommendations as to passage:

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

SB **1255** Closing the Achievement Gap

Draft Number:	PCS2845
Sequential Referral:	Appropriations/Base Budget
Recommended Referral:	None
Long Title Amended:	No

TOTAL REPORTED: 1

Committee Clerk Comment:

SENATE BILL 1255:
Closing the Achievement Gap

BILL ANALYSIS

Committee:	Senate Education	**Introduced by:**	Sen. Bill Martin
Date:	May 24, 2000	**Summary by:**	Robin S. Johnson
Version:	First		Committee Counsel

SUMMARY: ***A recommendation of the Commission on Improving the Academic Achievement of Minority and At-Risk Students (Commission), Senate Bill 1255 would establish a pilot program; direct the State Board of Education (SBE) to make studies, plans, and reports; make permanent the Commission; and appropriate funds.***

BILL ANALYSIS: The bill would:

- Direct the Department of Health and Human Services (DHHS) to establish a pilot program to assist families at certain income levels that have children performing below grade level. The pilots would be family-focused. DHHS and other appropriate State and local governmental agencies would determine existing sources of federal and state funding that can be utilized to implement the program, and would determine what additional resources -- fiscal and otherwise -- are available to carry out the purposes of this legislation. DHHS would be required to make a progress report to the Commission by March 1, 2001, and a final report by February 1, 2002. The final report would include a recommendation as to whether the pilot program should be extended statewide.
- Direct the SBE to (i) study the connection between the identification of minority and at-risk students as students with behavioral and emotional disabilities and the student achievement gap; (ii) design an annual Minority Achievement Report Card; (iii) study the underrepresentation of minority and at-risk students in honors classes, advanced placement classes, and academically gifted programs; (iv) develop guidelines to enable the formation of local task forces to assist local boards and administration on closing the achievement gap; (v) develop a plan and five-year budget to meet specified needs of students who have limited proficiency in the English language; (vi) develop a plan to establish a hotline and teams to collect and investigate complaints alleging disparate treatment of minority students and students from low-income families; and (vii) report by LEA and by race, gender, and conduct, the number of student suspensions, expulsions, and placements in alternative programs during the past two school years. The Board would be directed to report to the Commission on these issues.
- Make permanent the Commission so that it can continue its work after the end of this year and accomplish the work described in its interim report.
- Appropriate $1.5 million for FY 2000-2001 to support the Historically Minority College and University Initiative to Close the Achievement Gap. North Carolina Central University coordinates this Initiative.
- Appropriate $250,000 for FY 2000-2001 to implement the DHHS pilot program.
- Authorize the SBE to spend up to $200,000 from funds appropriated for FY 2000-2001 to carry out its directives.
- Appropriate $50,000 for FY 2000-2001 for Commission to continue its work after the Short Session.

EFFECTIVE DATE: The section that makes permanent the Commission would become effective January 31, 2001. The rest of the bill would take effect July 1, 2000.

CLOSING THE GAP & CHALLENGING ALL STUDENTS TO REACH HIGHER LEVELS OF PERFORMANCE

State Superintendent Mike Ward is issuing a call to school administrators, parents, and communities across this state to find the will to close the achievement gaps between students and to challenge all students to reach higher standards. At the same time, he believes that North Carolina must stand firm on high expectations set under the ABCs of Public Education and by the new Student Accountability Standards. With the support of the State Board of Education, he has proposed the following actions for the Department of Public Instruction and State Board to guide this effort.

1. Children at every performance level should improve academically. Students experiencing difficulty should be helped to reach proficiency and beyond. High-performing students should reach even higher levels of achievement. The goal should be growth across all levels—with performance lines converging. The most immediate goal is closing the gaps in the percentages of students who are achieving at grade level.

2. Create a permanent advisory committee to the State Superintendent/Department to address the issues of higher standards and closing performance gaps by race, gender and socioeconomic status. This group's actions will include issuing an annual report on the status of and progress to close gaps and challenge all students to higher levels.

3. Establish a section within the Department to provide technical assistance to schools and school systems to help close the gaps. The ABCs assistance team approach will be used as the model for this section. These staff members and teachers-on-loan will work with other Department staff to address best practices, alternative education, dropout prevention, instruction and testing, parent and community involvement, staff development and other areas.

4. Require local school systems to develop annual plans for closing gaps and challenging all students to higher levels. Conduct random reviews of these plans.

5. Develop budget requests for the short session and the next biennium, 2001-03, and subsequent years of the Legislature for funds for DPI, local school systems and local schools to use in closing the gaps and challenging all students to higher levels of performance.

6. Direct $4 million in Goals 2000 funds for 2000-01 to assist local school systems in closing the gaps. These funds will go out to school systems in August (2000). Also, coordinate with other state, federal and private agencies and groups to secure funding and services that can help close gaps and challenge students.

7. Calculate each school's progress under the ABCs accountability program based on the second and third retests for students in grades 3, 5 and 8 (Gateway years under the Student Accountability Standards). This change will reward schools for making progress with students who need extra help. Also, work with the five local districts participating in the ABCs pilot program that rewards schools for improving performance of subgroups of students.

8. Seek funding and legislation to pilot dual language demonstration sites to help meet the needs of English language learners.

9. Develop a resource center for schools and school systems for information on best practices in closing gaps. This center would include information on available training in multicultural issues, what's working in high-performing schools and other resources.

10. Encourage local collaboration of school leaders, parents, the faith community, students, historically minority colleges and universities, other higher education institutions and other stakeholders to hold community forums and take actions to support closing gaps and challenging students to higher levels of performance.

VISITOR REGISTRATION SHEET

SENATE EDUCATION/HIGHER EDUCATION

Wednesday, May 31, 2000
414 LOB

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE ASSISTANT

NAME	FIRM OR AGENCY AND ADDRESS
LINDA Suggs	NCASA
Ann McColl	Attorney
Sara Schmidt	NC Justice Center
Yvonne Perry	NC Justice Center
Marcus Cave	NC Justice Center
Sara Singleton	Governor's Office -leg
Elizabeth Bondurant	Intern - Sen. Foxx
Paula A. Wolf	Covenant w/ NC's Children
Alicia Covington	YAIO
Susan Harris	WCPSS
Elizabeth Provencher	OSBM

VISITOR REGISTRATION SHEET

SENATE EDUCATION/HIGHER EDUCATION

Wednesday, May 31, 2000
414 LOB

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE ASSISTANT

NAME	FIRM OR AGENCY AND ADDRESS
Ginger Jones	OSBM
Sam Lee	OSBM
Ann Belan	SBE
Henry Johnson	DPI
Molly Lazo-Chadderton	NC Justice Center
David-Brown	OSBM
Karen Gare	Governor's Office
Elz. Dalton	Intern - Basnight
Travis Hill	Lt. Gov. Office
Stuart Albright	Lt. Gov. Office
Carl Bank	Gov's Office

Principal Clerk____
Reading Clerk____

SENATE

NOTICE OF COMMITTEE MEETING
And
BILL SPONSOR NOTICE

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

DATE: **Wednesday, June 7, 2000**
TIME: **10:00 A.M.**
ROOM: **414 LOB**

The following bills will be considered:

•	SB 1186	Respectful Forms of Address/School	Senator Beverly Perdue
•	SB 1177	Enhanced Character Education	Senator Howard Lee
•	SB 1549	UNC Millennial Campuses	Senator Fountain Odom

Senator Howard Lee, Co-Chair
Senator Walter Dalton, Co-Chair

AGENDA

SENATE EDUCATION/HIGHER EDUCATION

Wednesday, June 7, 2000
10:00 A.M.
Room 414 LOB

CALL TO ORDER **Presiding: Senator Lee, Co-Chair**

• SB 1186	Respectful Forms of Address/School	Senator Beverly Perdue
• SB 1177	Enhanced Character Education	Senator Howard Lee
• SB 1549	UNC Millennial Campuses	Senator Fountain Odom

Senator Howard Lee, Co-Chair
Senator Walter Dalton, Co-Chair

MINUTES

SENATE EDUCATION/HIGHER EDUCATION

Wednesday, June 7, 2000
10:00 A.M.
Room 414 LOB

The Senate Education/Higher Education Committee met on Wednesday, June 7, 2000 at 10:00 A.M. in room 414 of the Legislative Office Building. There were nineteen Senators present. Senator Lee called the meeting to order and introduced Pages: Sarah Bass, sponsored by Senator Odom; Meghan McGrayne, sponsored by Senator Kinnaird; Whitney Crump, sponsored by Senator Foxx; and Maurice Maynard, sponsored by Senator Carter.

Senator Lee introduced Senator Fountain Odom to brief the Committee on SB 1549. Senator Odom stated the bill would build a partnership of the universities, industry, and government agencies and foster interaction in multidisciplinary programs on a campus setting to create solutions to contemporary problems. This bill would allow these partnerships to be created at all of the sixteen university campuses. The requirements would be: the universities would be required to make a finding that each institution had the fiscal and administrative capability to create a millennial campus; that the millennial campus would enhance the mission of the institution; and thirdly, that the millennial campus would enhance the economic development of the region served by the constitution institution.

Senator Lee recognized several individuals from the public sector who spoke in strong support of SB 1549. *(See Attachment 2).* Several members of the Committee offered comments regarding SB 1549.

The Short Title of SB1549 is: *UNC Millennial Campuses.* The Long Title: *An Act to Authorize the Creation of Millennial Campuses at the Constituent Institutions of the University of North Carolina.* **SB 1549 was voted a FAVORABLE REPORT, and REFERRED TO FINANCE.** ***(See Attachment 3).*** The Committee Report is attached. *(See Attachment 4).*

Senator Lee briefed the Committee on the Committee Substitute for SB 1186 and SB 1177. *(See Attachment 5).* An explanation of the proposed Committee Substitute is included in *Attachment 6.* He explained that in 1995, the General Assembly considered and passed legislation relating to the establishment of teaching character education in the North Carolina public schools. The proposed Committee Substitute for SB 1186 and SB 1177 will further enhance the commitment of teaching character education.

Senator Lee recognized Senator Dalton to present SB 1177. Senator Dalton stated the proposed bill intensifies the focus on character education in the schools. It does not *mandate* a curriculum of character education. However, if character education is taught, it must include the following components: respect for teachers; assist with teacher retention; encourage long-term effects on the job market; incorporate school safety principles; foster good citizenship; and develop volunteerism programs by students.

Senator Perdue remarked that the proposed bill would restore respect and proper behavior in the classrooms. And this will transfer into the job market with each student. She stated the skills learned would continue with the students into their adult life.

Following the presentations by the sponsors of the bills– Senators Lee, Dalton and Perdue – there was a lengthy discussion by the Committee.

Senator Lee adjourned the meeting at 11:00 A.M.

Senator Howard Lee, Co-Chair

Christina K. Minard, Education Committee Assistant

SENATE BILL 1549: UNC Millennial Campuses.

BILL ANALYSIS

Committee:	Senate Education/Higher Education	**Introduced by:**	Sen. Odom
Date:	June 7, 2000	**Summary by:**	Robin Johnson Committee Counsel
Version:	First		

SUMMARY: ***Senate Bill 1549 would authorize the Board of Governors (Board) to designate real property and appurtenant facilities to be part of a Millennial Campus and to issue revenue bonds to pay the cost of buildings, structures or other facilities on a Millennial Campus. A Millennial Campus would be associated with one or more constituent institutions of The University of North Carolina other than North Carolina State University (NCSU) or the University of North Carolina at Chapel Hill (UNC-CH). A Millennial Campus would have the same purpose as the Centennial Campus located at NCSU and the Horace Williams Campus located at UNC-CH. These campuses, authorized in 1987 and 1999 respectively, are intended to bring together business, industry, and academia. The act would take effect when it becomes law.***

BILL ANALYSIS:

Designation of a Millennial Campus. The Board would be authorized to designate real property and appurtenant facilities to be held by or acquired by a constituent institution as a Millennial Campus. This designation would be based on a recommendation of the President after she has consulted with the institution's Chancellor and Board of Trustees. The Board would be required to make an express finding that the institution has the administrative and fiscal capability to create and maintain a Millennial Campus. It also must find that the creation of a Millennial Campus would enhance the institution's research, teaching, and service missions and the region's economic development. The Board would be able to authorize two or more institutions that meet these other requirements to create a joint Millennial Campus.

Leases. The Board would be authorized to approve and enter into leases of land and buildings on or for a Millennial Campus. Rental agreements made for 10 years or less would not require the approval of the Governor and Council of State. No service charge would be deducted for the State Land Fund from the proceeds of any lease of State lands designated as part of a Millennial Campus. These provisions are identical to those applicable to the Centennial and Horace Williams Campuses.

Revenue Bonds. The Board would be allowed to issue revenue bonds to pay all or part of the cost of any project on a Millennial Campus. These projects may include administration buildings, libraries, research or instructional facilities, roads, water, sewer, parking, and other facilities related to the operation of the Campus. The bonds are payable from revenues derived from leases, rentals, charges, and fees set by the Board of Governors. Currently, the Board may issue revenue bonds to pay the cost of these projects on the Centennial Campus and the Horace Williams Campus.

Umstead Act Exemption. Much of the revenue generated from a Millennial Campus will come from the lease of office space to private industry. As a general rule, it is unlawful under the Umstead Act for the State to lease space in a State-owned building for the purpose of operating a business. A Millennial Campus would be treated the same as the Centennial and Horace Williams Campuses, which are exempted from these provisions of the Umstead Act.

Trust Fund. The proceeds from all monies received through the development of a Millennial Campus would be credited to a special, nonreverting trust fund. The money in each fund may be used only for the development of that Campus. These trust funds would be identical to those created for the Centennial and Horace Williams Campuses. The Board would manage and administer each trust fund; however, the Board may delegate these responsibilities to the chancellors.

Effective Date. The bill would take effect when it becomes law.

Re-referral. The bill must be re-referred to Finance.

S1549-SMRH-001

SB 1549 UNC Millennial Campuses
Senate Education/Higher Education Committee
10:00 a.m. Wednesday, June 7, 2000

Available to speak:

General Administration
J. B. Hunter, Vice President for Public Affairs/University Advancement
Jeff Davies, Vice President for Finance
Clifton Metcalf, Associate Vice President for State Government al Affairs

UNC Charlotte

Harry Leamy, director, Cameron Applied Research Center
-- can discuss importance to Charlotte business community, educational opportunities
Ed Kizer, assistant to the Chancellor
-- can discuss origin of Millennial campus proposal in Charlotte Chamber of Commerce's *Advantage Carolina* program

Western Carolina University

John Bardo, Chancellor
-- can discuss vision for WCU Cornerstone Campus, impact on region, educational opportunities

N.C. State University (Centennial Campus)

George Worsley, Vice Chancellor for Finance and Business
Charles Moreland, Vice Chancellor for Research, Outreach, and Extension
-- both can discuss Centennial Campus development and examples of contribution to the Raleigh area and the state

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

S 1

SENATE BILL 1549*

Short Title: UNC Millennial Campuses. (Public)

Sponsors: Senator Odom.

Referred to: Education/Higher Education.

May 30, 2000

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE CREATION OF MILLENNIAL CAMPUSES AT THE CONSTITUENT INSTITUTIONS OF THE UNIVERSITY OF NORTH CAROLINA.

The General Assembly of North Carolina enacts:

Section 1. The catch line of G.S. 116-36.5 reads as rewritten:

"**§ 116-36.5. Centennial Campus trust fund; Horace Williams Campus trust ~~fund.~~ fund; Millennial Campuses' trust funds.**"

Section 2. G.S. 116-36.5 is amended by adding a new subsection to read:

"(c) All moneys received through development of a Millennial Campus of a constituent institution of The University of North Carolina as defined by G.S. 116-198.33(4b), from whatever source, including the net proceeds from the lease or rental of real property on a Millennial Campus, shall be placed in a special, continuing, and nonreverting trust fund having the sole and exclusive use for further development of that Millennial Campus, including its operational development. This fund shall be treated in the manner of institutional trust funds as provided in G.S. 116-36.1. This fund shall be deemed an additional and alternative method of funding the Millennial Campus and not an exclusive one. To the extent that any general, special, or local law is inconsistent with this section, it is declared inapplicable to this section."

Section 3. The title of Article 21B of the General Statutes reads as rewritten:

"The Centennial ~~Campus and~~ Campus, the Horace Williams ~~Campus~~ Campus, and the Millennial Campuses Financing Act."

Section 4. G.S. 116-198.31 reads as rewritten:

"**§ 116-198.31. Purpose of Article.**

The purpose of this Article is to authorize the Board of Governors of The University of North Carolina to issue revenue bonds, payable from any leases, rentals, charges, fees, and other revenues but with no pledge of taxes or the faith and credit of the State or any agency or political subdivision thereof, to pay the cost, in whole or part, of buildings, structures, or other facilities for the Centennial Campus, located at North Carolina State University at ~~Raleigh and~~ Raleigh, for the Horace Williams Campus located at the University of North Carolina at Chapel ~~Hill.~~ Hill, and for any Millennial Campus as defined by G.S. 116-198.33(4b)."

Section 5. G.S. 116-198.33 reads as rewritten:

"**§ 116-198.33. Definitions.**

As used in this Article, the following words and terms shall have the following meanings, unless the context shall indicate another or different meaning or intent:

(1) The word 'Board' shall mean the Board of Governors of The University of North Carolina.

(2) The word 'cost' as applied to any project, shall include the cost of acquisition or construction; the cost of acquisition of all property, both real and personal, or interests therein; the cost of demolishing, removing, or relocating any buildings or structures on land so acquired, including the cost of acquiring any lands to which such buildings or structures may be removed or relocated; the cost of all labor, materials, equipment and furnishings, financing charges, interest prior to and during construction and, if deemed advisable by the Board, for a period not exceeding one year after completion of such construction; provisions for working capital, reserves for debt service and for extensions, enlargements, additions, and improvements; cost of engineering, financial, and legal services, plans, specifications, studies, surveys, and estimates of cost and of revenues; administrative expenses; expenses necessary or incident to determining the feasibility or practicability of constructing the project; and such other expenses as may be necessary or incident to acquisition or construction with respect to the project or to the placing of the project in operation. Any obligation or expense incurred by the Board prior to the issuance of bonds under the provisions of this Article in connection with any of the foregoing items of cost may be regarded as a part of such cost.

(3) The word 'Institution' shall mean North Carolina State University at Raleigh and the University of North Carolina at Chapel ~~Hill.~~ Hill, or a constituent institution of The University of North Carolina with a Millennial Campus as defined by G.S. 116-198.33(4b).

(4) The term 'Centennial Campus' means all of the following properties:

a. The real property and appurtenant facilities bounded by Blue Ridge Road, Hillsborough Street, Wade Avenue, and Interstate 440 that are the sites of the College of Veterinary Medicine, the University Club, and the Agricultural Turf Grass Management Program.

b. The real property and appurtenant facilities that are the former Dix Hospital properties and other contiguous parcels of property that are adjacent to Centennial Boulevard.

c. All other real property and appurtenant facilities designated by the Board of Governors as part of the Centennial Campus. The properties designated by the Board of Governors do not have to be contiguous with the Centennial Campus to be designated as part of that Campus.

(4a) The term 'Horace Williams Campus' means all of the following properties:

a. The real property and appurtenant facilities left to the University of North Carolina at Chapel Hill by the Will of Henry Horace Williams.

b. All other real property and appurtenant facilities designated by the Board of Governors as part of the Horace Williams Campus. The properties designated by the Board of Governors do not have to be contiguous with the Horace Williams Campus to be designated as part of that Campus.

(4b) The term 'Millennial Campus' means all real property and appurtenant facilities designated by the Board of Governors as part of a Millennial Campus of a constituent institution of The University of North Carolina other than North Carolina State University or the University of North Carolina at Chapel Hill. The properties designated by the Board of Governors do not have to be contiguous with the constituent institution to be designated as part of the institution's Millennial Campus.

(5) The term 'existing facilities' shall mean buildings and facilities, then existing, any part of the revenues of which are pledged under the provisions of any resolution authorizing the issuance of revenue bonds hereunder to the payment of such bonds.

(6) The word 'project' shall mean and shall include any one or more buildings, structures, administration buildings, libraries, research or instructional facilities, housing maintenance, storage, or utility facilities, and any facilities related thereto or required or useful for conducting of research or the operation of the Centennial ~~Campus or~~ Campus, the Horace Williams Campus, or of a Millennial Campus as defined by G.S. 116-198.33(4b), including roads, water, sewer, power, gas, greenways, parking, or any other support facilities essential or convenient for the orderly conduct of the

Centennial ~~Campus or~~ Campus, the Horace Williams ~~Campus~~ Campus, or a Millennial Campus, respectively.

(7) The word 'revenues' shall mean all or any part of the rents, leases, charges, fees, and other income revenues derived from or in connection with any project or projects and existing facilities."

Section 6. G.S. 116-198.34 reads as rewritten:

"**§ 116-198.34. General powers of Board of Governors.**

The Board may exercise any one or more of the following powers:

(1) To determine the location and character of any project or projects, and to acquire, construct, and provide the same, and to maintain, repair, and operate, and to enter into contracts for the management, lease, use, or operation of all or any portion of any project or projects and any existing facilities.

(2) To issue revenue bonds as hereinafter provided to pay all or any part of the cost of any project or projects, and to fund or refund the same.

(3) To fix and revise from time to time and charge and collect rates, fees, rents, and charges for the use of, and for the services furnished by, all or any portion of any project or projects.

(4) To establish and enforce, and to agree through any resolution or trust agreement authorizing or securing bonds under this Article to make and enforce, rules and regulations for the use of and services rendered by any project or projects and any existing facilities, to provide for the maximum use of any project or projects and any existing facilities.

(5) To acquire, hold, lease, and dispose of real and personal property in the exercise of its powers and the performance of its duties hereunder and to lease all or any part of any project or projects and any existing facilities upon such terms and conditions as the Board determines, subject to the provisions of G.S. 143-341 and Chapter 146 of the General Statutes.

Notwithstanding G.S. 143-341 and Chapter 146 of the General Statutes, a disposition by easement, lease, or rental agreement of space in any building on the Centennial ~~Campus or~~ Campus, on the Horace Williams ~~Campus~~ Campus, or on a Millennial Campus made for a period of 10 years or less shall not require the approval of the Governor and the Council of State. All other acquisitions and dispositions made under this subdivision are subject to the provisions of G.S. 143-341 and Chapter 146 of the General Statutes.

(6) To employ consulting engineers, architects, attorneys, accountants, construction and financial experts, superintendents, managers, and such other employees and agents as may be necessary in its

judgment in connection with any project or projects and existing facilities, and to fix their compensation.

(7) To make and enter into all contracts and agreements necessary or incidental to the performance of its duties and the execution of its powers under this Article.

(8) To receive and accept from any federal, State, or other public agency and any private agency, person or other entity donations, loans, grants, aid, or contributions of any money, property, labor, or other things of value for any project or projects, and to agree to apply and use the same in accordance with the terms and conditions under which the same are provided.

(8a) To designate the real property and appurtenant facilities to be included as part of the Centennial ~~Campus or~~ Campus, the Horace Williams ~~Campus.~~ Campus, or a Millennial Campus.

(8b) Acting on recommendation made by the President of The University of North Carolina after consultation by the President with the Chancellor and the Board of Trustees of a constituent institution, to designate real property held by, or to be acquired by, a constituent institution as a 'Millennial Campus' of the institution. That designation shall be based on an express finding by the Board of Governors that the institution desiring to create a 'Millennial Campus' has the administrative and fiscal capability to create and maintain such a campus and provided further, that the Board of Governors has found that the creation of the constituent institution's 'Millennial Campus' will enhance the institution's research, teaching, and service missions as well as enhance the economic development of the region served by the institution. Additionally, the Board of Governors may authorize two or more constituent institutions which meet the requirements of this section to create a joint Millennial Campus.

(9) To do all acts and things necessary or convenient to carry out the powers granted by this Article."

Section 7. G.S. 116-198.35 reads as rewritten:

"**§ 116-198.35. Issuance of bonds and bond anticipation notes.**

The Board is hereby authorized to issue, subject to the approval of the Director of the Budget, at one time or from time to time, revenue bonds of the Board for the purpose of paying all or any part of the cost of acquiring, constructing, or providing any project or projects on the Centennial ~~Campus or~~ Campus, on the Horace Williams ~~Campus.~~ Campus, or on a Millennial Campus. The bonds of each issue shall be dated, shall mature at such time or times not exceeding 40 years from their date or dates, shall bear interest at such rate or rates as may be determined by the Board, and may be redeemable before maturity, at the option of the Board, at such price or prices and under such terms and conditions as may be fixed by the Board prior to the issuance of the bonds. The Board shall determine the form and manner of execution

of the bonds, including any interest coupons to be attached thereto, and shall fix the denomination or denominations of the bonds and the place or places of payment of principal and interest, which may be at any bank or trust company within or without the State. In case any officer whose signature or a facsimile of whose signature shall appear on any bonds or coupons shall cease to be such officer before the delivery of such bonds, such signature or such facsimile shall nevertheless be valid and sufficient for all purposes the same as if he had remained in office until such delivery. Notwithstanding any of the other provisions of this Article or any recitals in any bonds issued under the provisions of this Article, all such bonds shall be deemed to be negotiable instruments under the laws of this State, subject only to the provisions for registration in any resolution authorizing the issuance of such bonds or any trust agreement securing the same. The bonds may be issued in coupon or registered form or both or as book-entry bonds, as the Board may determine, and provision may be made for the registration of any coupon bonds as to principal alone and also as to both principal and interest, and for the reconversion into coupon bonds of any bonds registered as to both principal and interest. The Board may sell such bonds in such manner, at public or private sale, and for such price, as it may determine to be for the best interests of the Board.

The proceeds of the bonds of each issue shall be used solely for the purpose for which such bonds shall have been authorized and shall be disbursed in such manner and under such restrictions, if any, as the Board may provide in the resolution authorizing the issuance of such bonds or in the trust agreement hereinafter mentioned securing the same. Unless otherwise provided in the authorizing resolution or in the trust agreement securing such bonds, if the proceeds of such bonds, by error of estimates or otherwise, shall be less than such cost, additional bonds may in like manner be issued to provide the amount of such deficit and shall be deemed to be of the same issue and shall be entitled to payment from the same fund without preference or priority of the bonds first issued for the same purpose.

The resolution providing for the issuance of revenue bonds, and any trust agreement securing such bonds, may also contain such limitations upon the issuance of additional revenue bonds as the Board may deem proper, and such additional bonds shall be issued under such restrictions and limitations as may be prescribed by such resolution or trust agreement.

Prior to the preparation of definitive bonds, the Board may, under like restrictions, issue interim receipts or temporary bonds, with or without coupons, exchangeable for definitive bonds when such bonds shall have been executed and are available for delivery. The Board may also provide for the replacement of any bonds which shall become mutilated or be destroyed or lost.

Except as herein otherwise provided, bonds may be issued under this Article and other powers vested in the Board under this Article may be exercised by the Board without obtaining the consent of any department, division, commission, board, bureau, or agency of the State and without any other proceedings or the happening of any other conditions or things than those proceedings, conditions, or things which are specifically required by this Article.

The Board may enter into or negotiate a note with an acceptable bank or trust company in lieu of issuing bonds for the financing of projects covered under this section. The terms and conditions of any note of this nature shall be in accordance with the terms and conditions surrounding issuance of bonds.

The Board is hereby authorized to issue, subject to the approval of the Director of the Budget, at one time or from time to time, revenue bond anticipation notes of the Board in anticipation of the issuance of bonds authorized pursuant to the provisions of this Article. The principal of and the interest on such notes shall be payable solely from the proceeds of bonds or renewal notes, or, in the event bond or renewal note proceeds are not available, any available revenues of the project or projects for which such bonds shall have been authorized. The notes of each issue shall be dated, shall mature at such time or times not exceeding two years from their date or dates, shall bear interest at such rate or rates as may be determined by the Board, and may be redeemable before maturity, at the option of the Board, at such price or prices and under such terms and conditions as may be fixed by the Board prior to the issuance of the notes. The Board shall determine the form and the manner of execution of the notes, including any interest coupons to be attached thereto, and shall fix the denomination or denominations of the notes and the place or places of payment of principal and interest, which may be at any bank or trust company within or without the State. In case any officer whose signature or a facsimile of whose signature shall appear on any notes or coupons shall cease to be such officer before the delivery of such notes, such signature or such facsimile shall nevertheless be valid and sufficient for all purposes the same as if he had remained in office until such delivery. Notwithstanding any of the other provisions of this Article or any recitals in any notes issued under the provisions of this Article, all such notes shall be deemed to be negotiable instruments under the laws of this State, subject only to the provisions for registration in any resolution authorizing the issuance of such notes or any trust agreement securing the bonds in anticipation of which such notes are being issued. The notes may be issued in coupon or registered form or both or as book entry notes, as the Board may determine, and provision may be made for the registration of any coupon notes as to principal alone and also as to both principal and interest, and for the reconversion into coupon notes of any notes registered as to both principal and interest. The Board may sell such notes in such manner, at public or private sale, and for such price, as it may determine to be for the best interests of the Board.

The proceeds of the notes of each issue shall be used solely for the purpose for which the bonds in anticipation of which such notes are being issued shall have been authorized, and such note proceeds shall be disbursed in such manner and under such restrictions, if any, as the Board may provide in the resolution authorizing the issuance of such notes or bonds or in the trust agreement securing such bonds.

The resolution providing for the issuance of notes, and any trust agreement securing the bonds in anticipation of which such notes are being authorized, may also contain such limitations upon the issuance of additional notes as the Board may deem proper, and such additional notes shall be issued under such restrictions and limitations as may be prescribed by such resolution or trust agreement. The Board

may also provide for the replacement of any notes which shall become mutilated or be destroyed or lost.

Except as herein otherwise provided, notes may be issued under this Article and other powers vested in the Board under this Article may be exercised by the Board without obtaining the consent of any department, division, commission, board, bureau, or agency of the State and without any other proceedings or the happening of any other conditions or things than those proceedings, conditions, or things which are specifically required by this Article.

Unless the context shall otherwise indicate, the word 'bonds' wherever used in this Article, shall be deemed and construed to include the words 'bond anticipation notes.'"

Section 8. G.S. 116-198.37 reads as rewritten:

"**§ 116-198.37. Fixing fees, rents, and charges; sinking fund.**

For the purpose of aiding in the acquisition, construction, or provision of any project and the maintenance, repair, and operation of any project or any existing facilities, the Board is authorized to fix, revise from time to time, charge, and collect such fee or fees for such privileges and services and in such amount or amounts as the Board shall determine, and to fix, revise from time to time, charge, and collect other fees, rents, and charges for the use of and for the services furnished or to be furnished by any project or projects and any existing facilities, or any portion thereof, and to contract with any person, partnership, association, or corporation for the lease, use, occupancy, or operation of any project or projects and any existing facilities, or any part thereof, and to fix the terms, conditions, fees, rents, and charges for any such lease, use, occupancy, or operation. So long as bonds issued hereunder and payable therefrom are outstanding, such fees, rents, and charges shall be so fixed and adjusted, with relation to other revenues available therefor, as to provide funds pursuant to the requirements of the resolution or trust agreement authorizing or securing such bonds at least sufficient with such other revenues, if any, (i) to pay the cost of maintaining, repairing, and operating any project or projects and any existing facilities any part of the revenues of which are pledged to the payment of the bonds issued for such project or projects, (ii) to pay the principal of and the interest on such bonds as the same shall become due and payable, and (iii) to create and maintain reserves for such purposes. Any surplus funds remaining after application to the purposes mentioned in (i), (ii), and (iii), above, shall be held in trust and applied by the Board to the development of the Centennial ~~Campus or~~ Campus, the Horace Williams ~~Campus~~ Campus, or a Millennial Campus, as applicable. Such fees, rents, and charges shall not be subject to supervision or regulation by any other commission, board, bureau, or agency of the State. A sufficient amount of the revenues, except such part thereof as may be necessary to pay such cost of maintenance, repair, and operation and to provide such reserves therefor and for renewals, replacements, extensions, enlargements, and improvements as may be provided for in the resolution authorizing the issuance of such bonds or in the trust agreement securing the same, shall be set aside at such regular intervals as may be provided in such resolution or such trust agreement in a sinking fund which is hereby

pledged to and charged with the payment of the principal of and the interest on such bonds as the same shall become due and the redemption price or the purchase price of bonds retired by call or purchase as therein provided. Such pledge shall be valid and binding from the time when the pledge is made; the fees, rents, and charges and other revenues or other moneys so pledged and thereafter received by the Board shall immediately be subject to the lien of such pledge without any physical delivery thereof or further act; and the lien of any such pledge shall be valid and binding as against all parties having claims of any kind in tort, contract, or otherwise against the Board, irrespective of whether such parties have notice thereof. Neither the resolution nor any trust agreement by which a pledge is created need be filed or recorded except in the records of the Board. The use and disposition of moneys to the credit of such sinking fund shall be subject to the provisions of the resolution authorizing the issuance of such bonds or of the trust agreement securing the same."

Section 9. G.S. 146-30(b1) reads as rewritten:

"(b1) Notwithstanding the other provisions of this section, no service charge into the State Land Fund shall be deducted from or levied against the proceeds of any disposition by lease, rental, or easement of State lands that are designated as part of the Centennial Campus as defined by ~~G.S. 116-198.33(4) or~~ G.S. 116-198.33(4), that are designated as part of the Horace Williams Campus as defined by ~~G.S. 116-198.33(4a).~~ G.S. 116-198.33(4a), or that are designated as part of a Millennial Campus as defined by G.S. 116-198.33(4b). All net proceeds of those dispositions are governed by G.S. 116-36.5."

Section 10. G.S. 66-58(b) reads as rewritten:

"(b) The provisions of subsection (a) of this section shall not apply to:

(1) Counties and municipalities.

(2) The Department of Health and Human Services or the Department of Agriculture and Consumer Services for the sale of serums, vaccines, and other like products.

(3) The Department of Administration, except that the agency shall not exceed the authority granted in the act creating the agency.

(4) The State hospitals for the mentally ill.

(5) The Department of Health and Human Services.

(6) The North Carolina School for the Blind at Raleigh.

(6a) The Office of Juvenile Justice.

(7) The North Carolina Schools for the Deaf.

(8) The Greater University of North Carolina with regard to its utilities and other services now operated by it nor to the sale of articles produced incident to the operation of instructional departments, articles incident to educational research, articles of merchandise incident to classroom work, meals, books, or to articles of merchandise not exceeding twenty-five cents (25¢) in value when sold to members of the educational staff or staff auxiliary to education or to duly enrolled students or occasionally to immediate members of the families of members of the

educational staff or of duly enrolled students nor to the sale of meals or merchandise to persons attending meetings or conventions as invited guests nor to the operation by the University of North Carolina of an inn or hotel and dining and other facilities usually connected with a hotel or inn, nor to the hospital and Medical School of the University of North Carolina, nor to the Coliseum of North Carolina State University at Raleigh, and the other schools and colleges for higher education maintained or supported by the State, nor to the Centennial Campus of North Carolina State University at Raleigh, nor to the Horace Williams Campus of the University of North Carolina at Chapel Hill, nor to a Millennial Campus of a constituent institution of The University of North Carolina, nor to the comprehensive student health services or the comprehensive student infirmaries maintained by the constituent institutions of the University of North Carolina.

(9) The Department of Environment and Natural Resources, except that the Department shall not construct, maintain, operate or lease a hotel or tourist inn in any park over which it has jurisdiction. The North Carolina Wildlife Resources Commission may sell wildlife memorabilia as a service to members of the public interested in wildlife conservation.

(10) Child-caring institutions or orphanages receiving State aid.

(11) Highlands School in Macon County.

(12) The North Carolina State Fair.

(13) Rural electric memberships corporations.

(13a) State Farm Operations Commission.

(13b) The Department of Agriculture and Consumer Services with regard to its lessees at farmers' markets operated by the Department.

(13c) The Western North Carolina Agricultural Center.

(13d) Agricultural centers or livestock facilities operated by the Department of Agriculture and Consumer Services.

(14) Nothing herein contained shall be construed to prohibit the engagement in any of the activities described in subsection (a) hereof by a firm, corporation or person who or which is a lessee of space only of the State of North Carolina or any of its departments or agencies; provided the leases shall be awarded by the Department of Administration to the highest bidder, as provided by law in the case of State contracts and which lease shall be for a term of not less than one year and not more than five years.

(15) The State Department of Correction is authorized to purchase and install automobile license tag plant equipment for the purpose of manufacturing license tags for the State and local governments and for such other purposes as the Department may direct.

The Commissioner of Motor Vehicles, or such other authority as may exercise the authority to purchase automobile license tags is hereby directed to purchase from, and to contract with, the State Department of Correction for the State automobile license tag requirements from year to year.

The price to be paid to the State Department of Correction for the tags shall be fixed and agreed upon by the Governor, the State Department of Correction, and the Motor Vehicle Commissioner, or such authority as may be authorized to purchase the supplies.

(16) Laundry services performed by the Department of Correction may be provided only for agencies and instrumentalities of the State which are supported by State funds and for county or municipally controlled and supported hospitals presently being served by the Department of Correction, or for which services have been contracted or applied for in writing, as of May 22, 1973. In addition to the prior sentence, laundry services performed by the Department of Correction may be provided for the Governor Morehead School and the North Carolina School for the Deaf.

The services shall be limited to wet-washing, drying and ironing of flatwear or flat goods such as towels, sheets and bedding, linens and those uniforms prescribed for wear by the institutions and further limited to only flat goods or apparel owned, distributed or controlled entirely by the institutions and shall not include processing by any dry-cleaning methods; provided, however, those garments and items presently being serviced by wet-washing, drying and ironing may in the future, at the election of the Department of Correction, be processed by a dry-cleaning method.

(17) The North Carolina Global TransPark Authority or a lessee of the Authority.

(18) The activities and products of private enterprise carried on or manufactured within a State prison facility pursuant to G.S. 148-70.

(19) The North Carolina Justice Academy.

(20) The Department of Transportation, or any nonprofit lessee of the Department, for the sale of books, crafts, gifts, and other tourism-related items at visitor centers owned by the Department."

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

ATTACHMENT 4

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

EDUCATION/HIGHER EDUCATION COMMITTEE REPORT
Senator Howard Lee, Co-Chair
Senator Walter Dalton, Co-Chair

Wednesday, June 07, 2000

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

FAVORABLE

S.B. **1549** UNC Millennial Campuses
Sequential Referral: None
Recommended Referral: Finance

TOTAL REPORTED: 1

Committee Clerk Comment:

DRAFT

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

S D

S1177-CSRJ-001
SENATE PROPOSED COMMITTEE SUBSTITUTE
SENATE BILL 1177
THIS IS A DRAFT 7-JUN-00 07:47:57
ATTENTION: LINE NUMBERS MAY CHANGE AFTER ADOPTION

Short Title: Enhanced Character Education. (Public)

Sponsors:

Referred to: Education/Higher Education.

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. As an aspect of this character trait, the curriculum may include instruction on respectful forms of address that students should use when addressing school employees on school property including 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 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."

(9) Volunteerism. -- Rendering a service of one's own free will with no promise of compensation to others in the community; being actively involved in your school by offering to help other students achieve academic success through such programs as student mentoring; developing a sense of caring for others and participating as a responsible citizen in the community. Public schools 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 implement this act.

Section 4. This act becomes effective July 1, 2000.

SENATE BILL 1177:
Enhanced Character Education

BILL ANALYSIS

Committee:	Senate Education/Higher Ed	**Introduced by:**	Senators Lee and Dalton
Date:	June 6, 2000	**Summary by:**	Sara Kamprath
Version:	Proposed Committee Substitute (S1177-CSRJ-001)		Education Policy Analyst

SUMMARY: ***The proposed committee substitute for Senate Bill 1177 amends the character education provisions of G.S. 115C-81(h) by adding the new character trait of volunteerism to those that may be taught in the public schools. The committee substitute also directs that local boards of education that require the teaching of character education shall incorporate into their curriculum the following three additional character traits: respect for teachers, responsibility for school safety, and good citizenship. The committee substitute would also appropriate $25,000 for the 2000-2001 fiscal year to the State Board of Education to aid LEA's in implementing the Act. The committee substitute is effective July 1, 2000.***

BACKGROUND: As a part of the legislation that implemented the ABC's Plan, the General Assembly amended the Basic Education Program in 1996 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.

BILL ANALYSIS: The proposed committee substitute adds the 9th character trait of volunteerism to the 8 character traits outlined in G.S. 115C-81(h). Volunteerism is defined to include an individual student serving as a mentor and helping another student achieve academic success. The public schools may use service-learning as a tool to help students relate their service experience to skills and knowledge gained in the classroom.

The committee substitute also directs that local boards of education requiring character education under G.S. 115C-81(h) shall incorporate 3 additional character traits into their programs. The 3 character traits are 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.

Re-referral. The bill must be re-referred to Appropriations.

State Support for Character Education
(Effective May 30, 2000)

State	Mandates or Encourages Character Education Through Legislation	Considered Legislation During 2000 Session
Alabama		(Courtesy)
Alaska		
Arizona		(Pending - ethics)
Arkansas		
California		(Pending)
Colorado		(Died)
Connecticut		
Delaware		(Pending - State of Character)
District of Columbia	(After School Program)	
Florida		
Georgia		(Pending)
Hawaii		
Idaho		
Illinois		
Indiana		(Courtesy)
Iowa		
Kansas		
Kentucky		(Pending) (Courtesy)
Louisiana	(Courtesy)	
Maine	(Virtue/Morality)	
Maryland		
Massachusetts		
Michigan		
Minnesota		
Mississippi		(Courtesy)
Missouri		
Montana		
Nebraska		
Nevada		
New Hampshire		
New Jersey		
New Mexico		
New York		
North Carolina		(Pending - Courtesy)
North Dakota		
Ohio		(Pending)

State	Mandates or Encourages Consumer Education Through Legislation	Considered Legislation During 2008 Session
Oklahoma	🗐	🗐 (Pending)
Oregon	🗐	
Pennsylvania		🗐 (Pending)
Rhode Island		
South Carolina		🗐 (Pending) 🗐 (Courtesy)
South Dakota	🗐	
Tennessee	🗐	
Texas		
Utah	🗐	
Vermont		
Virginia	🗐	
Washington	🗐	🗐 (Pending)
West Virginia		🗐 (Pending)
Wisconsin		🗐 (Pending - Courtesy)
Wyoming		

Source: Michelle Exstrom, Research Analyst II
National Conference of State Legislatures
1560 Broadway, Suite 700
Denver, CO 80202
(303) 830-2200
michelle.exstrom@ncsl.org

VISITOR REGISTRATION SHEET

SENATE EDUCATION/HIGHER EDUCATION

Wednesday, June 7, 2000
Room 414 LOB

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE ASSISTANT

NAME	FIRM OR AGENCY AND ADDRESS
Robert Hunsley	ACLU-NC
Greg Owens	ACLU-NC
Jonathan Haronitz	ACLU-NC
HARRY LEAMY	UNC CHARLOTTE
Ed Kizer	UNC charlotte
David Calhoon	NCAE
John Barrow	WCU
Tom McClure	WCU
Marcus Cane	NC Justice Center
Yvonne Perry	NC Justice Center
John Wilson	NCAE

VISITOR REGISTRATION SHEET

SENATE EDUCATION/HIGHER EDUCATION

Wednesday, June 7, 2000
Room 414 LOB

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE ASSISTANT

NAME	FIRM OR AGENCY AND ADDRESS
Evelyn Hawthorne	UNC-CH
Phil Conrad	Lt. Governor's Office
Ann Bulam	SBE
George Whitten	Danville R+D
Travis Hill	LL Gov.'s Office
Natalie English	Charlotte Chamber
Helen Lyman	Mech. Co.
Alicia Gruenebaum	YAIO
Sarah Allen	Covenant w/ NC's Children
Elizabeth Bondurant	Intern - Sen. Foxx
Daniel Burlock	SEO

VISITOR REGISTRATION SHEET

SENATE EDUCATION/HIGHER EDUCATION

Wednesday, June 7, 2000
Room 414 LOB

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE ASSISTANT

NAME	FIRM OR AGENCY AND ADDRESS
Mark Fleming	NCSU
Ann Hale	NC Center for Public Policy Research
Ginger Jones	OSBM
Sam Lee	OSBM
David Brown	OSBM
Susan Massey	General Assembly
Edwin Stetson	General Assembly
Elizabeth Troyer-Oates	OSBM
Susan Fannin	WCPSS
John Morris	PSF
Bill Brooks	NCFPC

VISITOR REGISTRATION SHEET

SENATE EDUCATION/HIGHER EDUCATION

Wednesday, June 7, 2000
Room 414 LOB

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE ASSISTANT

NAME	FIRM OR AGENCY AND ADDRESS
Matty Lapp-Chadbourn	NC Justice & Com. Dev. Center

Principal Clerk ___
Reading Clerk ___

SENATE

NOTICE OF COMMITTEE MEETING
And
BILL SPONSOR NOTICE

The Senate Committee on **EDUCATION/HIGHER EDUCATION** will meet at the following time:

DATE: **Wednesday, June 14, 2000**
TIME: **10:00 A.M.**
ROOM: **414, LOB**

The following bills will be considered:

- SB 1177 Enhanced Character Education Senator Howard Lee

Senator Howard Lee, Co-Chair
Senator Walter Dalton, Co-Chair

AGENDA

SENATE EDUCATION/HIGHER EDUCATION

Wednesday, June 14, 2000
10:00 A.M.
Room 414 LOB

CALL TO ORDER **Presiding: Senator Lee, Co-Chair**

- SB 1177 Enhanced Character Education Senator Howard Lee
- SB 1543 Reduce paperwork in Public Schools Senator Walter Dalton

Senator Howard Lee, Co-Chair
Senator Walter Dalton, Co-Chair

MINUTES

SENATE EDUCATION/HIGHER EDUCATION

Wednesday, June 14, 2000
10:00 A.M.
Room 414 LOB

The Senate Education/Higher Education Committee met on Wednesday, June 14, 2000 at 10:00 A.M. in room 414 of the Legislative Office Building. There were nineteen members present. Senator Lee called the meeting to order and introduced Pages: Ricky Schlieper, sponsored by Senator Webster; Adam Ryne, sponsored by Senator Foxx; and Frank Bullock III, sponsored by Senator Rand.

On behalf of the Committee, Senator Lee welcomed the members of the visiting North Carolina School Boards. He then welcomed the retired teachers who were visiting the legislature. Senator Lee recognized a retired teacher from Tarboro, Ms. Dee Long. Ms. Long spoke briefly to the Committee.

Senator Lee recognized Senator Dalton to brief the Committee on SB1177. *(See Attachment 1).* Next, Senator Lee recognized Mr. John Wilson, Director of the North Carolina Association of Educators. Mr. Wilson voiced his support of SB1177. Ms. Judy Hoffman, representing the Wake County School Board, noted that North Carolina is the best model in the country for teaching character education. Ms. Hoffman reported that 40% of the schools in North Carolina are already teaching character education. Several teaching aids have been developed, including a teacher workbook.

The third person who spoke in favor of SB1177 was Mr. Joe Brooks, representing the North Carolina Family Council. Mr. Brooks was very supportive of teaching character education in the schools.

Ms. Dawn Woody, Coordinator of the North Carolina Character Education Partnership, spoke to the Committee in favor of SB1177. Ms. Woody works with the Department of Public Instruction.

One person spoke opposed to SB1177. The individual represented the Caldwell County School Board. He reported the School Board was opposed to any additional state mandates.

Senator Lee recognized Senator Allran. Senator Allran introduced three Amendments to SB1177. The First Amendment proposed, suggested that the section on volunteerism be moved to another section. The motion carried. The second amendment involved changing "may" to "shall" on Line 16 of SB1177. The motion was defeated. The third amendment suggested an extension of the date of implementation to September 1, 2001. The motion for the third amendment carried.

Several members of the Committee spoke in favor of SB1177.

Senator Foxx spoke in the negative regarding SB1177.

Senator Lee summarized the motivation for the Bill. He stated the passage of SB1177 would send a message of support for the North Carolina schools and teachers.

Senator Lucas offered a motion to give SB1177 a Favorable Report. The motion carried.

The Short Title of SB1177 is: *Enhanced Character Education.* The Long Title: *An Act to Strengthen and Enhance the Curriculum for Character Education and to Appropriate Funds to Implement the Curriculum.* **SB 1177 was voted an UNFAVORABLE AS TO ORIGINAL BILL, BUT FAVORABLE AS TO COMMITTEE SUBSTITUTE.** ***(See Attachment 2).*** The Committee Report is attached. *(See Attachment 3).*

Senator Lee adjourned the meeting at 11:00 A.M.

Senator Howard Lee, Co-Chair

Christina K. Minard

Christina K. Minard, Education Committee Assistant

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

S 1

SENATE BILL 1177

Short Title: Enhanced Character Eduction. (Public)

Sponsors: Senators Lee, Dalton; Ballance, Dannelly, Garrou, Hagan, Harris, Lucas, Martin of Guilford, Odom, Perdue, Phillips, Purcell, Rand, Reeves, Shaw of Cumberland, and Wellons.

Referred to: Education/Higher Education.

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.

(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 peaceful resolution of conflicts and disagreements.

(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. 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 implement this act.

Section 3. This act becomes effective July 1, 2000.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

S D

SENATE BILL 1177
Proposed Committee Substitute S1177-PCS7786-RJ002

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.

(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 peaceful resolution of conflicts and disagreements.

(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.

(4) Volunteerism. -- Rendering a service of one's own free will, to others in the community, with no promise of compensation, being actively involved in your school by offering to help other students achieve academic success through such programs as student mentoring; developing a sense of caring for others and participating as a responsible citizen in the community. Public schools 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 2. 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 3. This act becomes effective September 1, 2001.

ATTACHMENT 3

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

EDUCATION/HIGHER EDUCATION COMMITTEE REPORT
Senator Howard Lee, Co-Chair
Senator Walter Dalton, Co-Chair

Thursday, June 15, 2000

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

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

S.B. **1177** Enhanced Character Education

Draft Number:	PCS7786
Sequential Referral:	Appropriations/Base Budget
Recommended Referral:	None
Long Title Amended:	No

TOTAL REPORTED: 1

Committee Clerk Comment:

SENATE BILL 1177:
Enhanced Character Education

BILL ANALYSIS

Committee:	Senate Education/Higher Ed	**Introduced by:**	Senators Lee and Dalton
Date:	June 6, 2000	**Summary by:**	Sara Kamprath
Version:	Proposed Committee Substitute (S1177-CSRJ-001)		Education Policy Analyst

SUMMARY: ***The proposed committee substitute for Senate Bill 1177 amends the character education provisions of G.S. 115C-81(h) by adding the new character trait of volunteerism to those that may be taught in the public schools. The committee substitute also directs that local boards of education that require the teaching of character education shall incorporate into their curriculum the following three additional character traits: respect for teachers, responsibility for school safety, and good citizenship. The committee substitute would also appropriate $25,000 for the 2000-2001 fiscal year to the State Board of Education to aid LEA's in implementing the Act. The committee substitute is effective July 1, 2000.***

BACKGROUND: As a part of the legislation that implemented the ABC's Plan, the General Assembly amended the Basic Education Program in 1996 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.

BILL ANALYSIS: The proposed committee substitute adds the 9th character trait of volunteerism to the 8 character traits outlined in G.S. 115C-81(h). Volunteerism is defined to include an individual student serving as a mentor and helping another student achieve academic success. The public schools may use service-learning as a tool to help students relate their service experience to skills and knowledge gained in the classroom.

The committee substitute also directs that local boards of education requiring character education under G.S. 115C-81(h) shall incorporate 3 additional character traits into their programs. The 3 character traits are 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.

Re-referral. The bill must be re-referred to Appropriations.

State Support for Character Education
(Effective May 30, 2000)

State	Mandates or Encourages Character Education Through Legislation	Considered Legislation During 2000 Fall Session
Alabama		 (Courtesy)
Alaska		
Arizona		 (Pending - ethics)
Arkansas		
California		 (Pending)
Colorado		 (Died)
Connecticut		
Delaware		 (Pending - State of Character)
District of Columbia	(After School Program)	
Florida		
Georgia		 (Pending)
Hawaii		
Idaho		
Illinois		
Indiana		 (Courtesy)
Iowa		
Kansas		
Kentucky		 (Pending)  (Courtesy)
Louisiana	(Courtesy)	
Maine	(Virtue/Morality)	
Maryland		
Massachusetts		
Michigan		
Minnesota		
Mississippi		 (Courtesy)
Missouri		
Montana		
Nebraska		
Nevada		
New Hampshire		
New Jersey		
New Mexico		
New York		
North Carolina		 (Pending - Courtesy)
North Dakota		
Ohio		 (Pending)

State	Statutes or Marriage Definition Subject to Strict Legislation	Constitutional Legislation During 2004 Session
Oklahoma		(Pending)
Oregon		
Pennsylvania		(Pending)
Rhode Island		
South Carolina		 (Pending) (Courtesy)
South Dakota		
Tennessee		
Texas		
Utah		
Vermont		
Virginia		
Washington		 (Pending)
West Virginia		 (Pending)
Wisconsin		 (Pending - Courtesy)
Wyoming		

Source: Michelle Exstrom, Research Analyst II
National Conference of State Legislatures
1560 Broadway, Suite 700
Denver, CO 80202
(303) 830-2200
michelle.exstrom@ncsl.org

VISITOR REGISTRATION SHEET

SENATE EDUCATION/HIGHER EDUCATION COMMITTEE

Wednesday, June 14, 2000
10:00 A.M.
414 LOB

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Marcus Cave	NCJCDC
Yvonne Perry	NCJCDC
Cathy Neagle	Carteret Co. Bd. of Educ.
Susan Massey	General Assembly
Edwin Slaton	General Assembly
R.G. "Pete" Gurley	Wayne Co.
Lehman Smith	Wayne County
Shirley Sims-Stewart	Wayne County
BILL RIVENBARK	CRAVEN COUNTY
Betty Braswell-Yoh	Orange County
Alicia Cruchebaum	YAIO

VISITOR REGISTRATION SHEET

SENATE EDUCATION/HIGHER EDUCATION COMMITTEE

Wednesday, June 14, 2000
10:00 A.M.
414 LOB

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Linda Washington	Wake County -

VISITOR REGISTRATION SHEET

SENATE EDUCATION/HIGHER EDUCATION COMMITTEE

Wednesday, June 14, 2000
10:00 A.M.
414 LOB

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
John Dewitson	NCAE
Judy Hoffman	Wake County School Board
Amber Perrell	PENC
Dawn Woody	NCDPI / N.C. Character Ed. Partnership
Mike Salanik	Roanoke Rapids Board of Education
Charlie Abourjilie	Guilford County Schools
Cynthia Jones	OSBM
Ann Belcher	SBE
Sandy Salstrom	SBE
Mary Watson	DPI

MINUTES

SENATE EDUCATION/HIGHER EDUCATION COMMITTEE

Wednesday, June 21, 2000
Senate Chambers-Desk of Senator Howard Lee, Co-chair

A meeting was called of the Senate Education/Higher Education Committee in the Senate Chambers at the desk of Senator Howard Lee, Co-Chair. There were 18 members present. The purpose of the meeting was to consider Committee Substitute #2, for Senate Bill 1177.

Senator Dalton spoke briefly and explained the changes that were incorporated in Committee Substitute #2 for SB 1177.

Senator Wellons offered a motion to vote a favorable report for Committee Substitute #2. The motion carried. *SENATE BILL 1177 WAS UNFAVORABLE AS TO COMMITTEE SUBSTITUTE BILL NO. 1, BUT FAVORABLE AS TO COMMITTEE SUBSTITUTE BILL NO. 2. (See attachment 1).* The Committee Report is attached. *(See Attachment 2).*

Senator Lee adjourned the meeting and thanked the members for attending.

Senator Howard Lee, Co-Chair

Christina K. Minard, Education Committee Assistant

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

S D

SENATE BILL 1177
Education/Higher Education Committee Substitute Adopted 6/15/00
Proposed Committee Substitute S1177-PCS3981-RH002b

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.

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

EDUCATION/HIGHER EDUCATION COMMITTEE REPORT

Senator Howard Lee, Co-Chair
Senator Walter Dalton, Co-Chair

Thursday, June 22, 2000

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

UNFAVORABLE AS TO COMMITTEE SUBSTITUTE BILL NO. 1,
BUT FAVORABLE AS TO COMMITTEE SUBSTITUTE BILL NO. 2

SB (C.S.#1)**1177** Enhanced Character Education

Draft Number:	PCS3981
Sequential Referral:	Appropriations/Base Budget
Recommended Referral:	None
Long Title Amended:	No

TOTAL REPORTED: 1

Committee Clerk Comment:

Principal Clerk ___
Reading Clerk ___

SENATE
NOTICE OF COMMITTEE MEETING

The Senate Committee on **EDUCATION/HIGHER EDUCATION** will meet at the following time:

DATE: **Wednesday, June 28, 2000**
TIME: **10:00 A.M.**
ROOM: **414, LOB**

The following bill will be considered:

- SB 1212 Suspended Student Placement Pilot Senator Charles Carter

Senator Howard Lee, Co-Chair
Senator Walter Dalton, Co-Chair

AGENDA

SENATE EDUCATION/HIGHER EDUCATION COMMITTEE

Wednesday, June 28, 2000
10:00 A.M.
Room 414 LOB

CALL TO ORDER **Presiding: Senator Walter Dalton, Co-Chair**

- SB 1212 Suspended Student Placement Pilot Senator Charles Carter

Senator Howard Lee, Co-Chair
Senator Walter Dalton, Co-Chair

MINUTES

SENATE EDUCATION/HIGHER EDUCATION COMMITTEE

Wednesday, June 28, 2000
10:00 A.M.
414 LOB

The Senate Education/Higher Education Committee met on Wednesday, June 28, 2000, in room 414 of the Legislative Office Building. There were 12 Senators present. Senator Lee, Co-Chair, called the meeting to order and welcomed the members and visitors. He introduced the following Pages: Caroline Stubblefield and Kathleen Cross, sponsored by Senator Webster; Joyce Jones, sponsored by Senator Basnight; and Michelle Bailey, sponsored by Senator Carter. Senator Lee welcomed Ms. Carrie Hagan, daughter of Senator Kay Hagan, and Ms. Clay Watkins, a friend of the Hagan family to the meeting.

Senator Lee stated the purpose of the meeting was to consider SB 1212, Suspended Student Placement Pilot, sponsored by Senator Charles Carter. Senator Lee recognized Senator Carter to brief the Committee on SB1212. Senator Carter thanked Senator Lee for the opportunity to present the Bill to the Committee for consideration. Senator Carter summarized SB 1212 *(See Attachment 1).*

Senator Carter sent forth an Amendment to delete Nash County, and substitute Wilson County as one of the participating counties. Senator Horton offered a motion for the adoption of the Amendment. The motion carried and the Amendment was adopted. *(See Attachment 2).*

A lengthy discussion by the members followed Senator Carter's briefing.

Senator Lee recognized members of the Public who spoke regarding SB1212.

The first was Chief Sweat, Director of the Office of Juvenile Justice. Chief Sweat spoke in support of SB1212. Ms. LeAnn Winter stated the North Carolina School Board Association recommended some changes in the bill. Mr. Gregory Malhoit, representing the North Carolina Justice and Community Development Center, spoke in favor of SB1212.

Senator Lee recognized Committee members for additional comments.

The Committee voted a favorable report for SB1212. The Short Title of SB1212 is *Suspended Student Placement Pilot.* The Long Title: An *Act to Establish Pilot Programs for the use of Alternative Learning Programs and Juvenile Day Reporting Centers as a Required Placement for Suspended Students. (See Attachment 3).* **SENATE BILL 1212 WAS UNFAVORABLE AS TO BILL, BUT FAVORABLE AS TO COMMITTEE SUBSTITUTE BILL.** The Committee Report is attached. *(See Attachment 4).*

Senator Lee adjourned the meeting at 11:00 A.M.

Senator Howard Lee, Co-Chair

Christina K. Minard, Education Committee Assistant

SENATE BILL 1212:
Suspended Student Placement Pilot

BILL ANALYSIS

Committee:	Senate Education/Higher Education	**Introduced by:**	Senator Carter
Date:	June 27, 2000	**Summary by:**	Sara Kamprath Education Policy Analyst
Version:	First Edition		

SUMMARY: ***Senate Bill 1212 directs the Department of Public Instruction, in cooperation with the Office of Juvenile Justice, to create four pilot programs to serve suspended students in alternative learning programs, day reporting centers, or other similar supervised day programs during their suspension. The pilot programs are to be created in Buncombe, Davidson, Nash, and Wayne Counties. The Department of Public Instruction and the Office of Juvenile Justice shall report on the implementation of the pilots to the Joint Legislative Education Oversight Committee by April 1, 2002. The bill becomes effective when it becomes law.***

BACKGROUND: Senate Bill 1212 is a recommendation of the LRC Committee on Juvenile Crime and Delinquency to the 2000 Session of the General Assembly.

BILL ANALYSIS: The bill will place both short-term and long-term suspended juveniles in alternative learning programs, day reporting centers, or other similar supervised day programs for the length of their suspension. Structured day programs, such as day reporting centers, currently serve juveniles who may be under court supervision or on probation for misdemeanors or felonies.

The Department of Public Instruction and the Office of Juvenile Justice shall report to the Education Oversight Committee on the implementation of the pilot programs and any recommendations for expanding the program statewide. The report is due by April 1, 2002.

S1212-SMRJ-001

ATTACHMENT 2

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 1212

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

S1212-ARJ-001

Page 1 of __

Date 6-28 ,2000

Comm. Sub. []
Amends Title []
First Edition

Senator Carter

moves to amend the bill on page 1, line 10, by deleting the word "Nash" and substituting the word "Wilson".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED V FAILED _____ TABLED _____

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

S D

SENATE BILL 1212*
Proposed Committee Substitute S1212-PCS8673-RJ

Short Title: Suspended Student Placement Pilot. (Public)

Sponsors:

Referred to:

May 11, 2000

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH PILOT PROGRAMS FOR THE USE OF ALTERNATIVE LEARNING PROGRAMS AND JUVENILE DAY REPORTING CENTERS AS A REQUIRED PLACEMENT FOR SUSPENDED STUDENTS.

The General Assembly of North Carolina enacts:

Section 1.(a) The Department of Public Instruction, in cooperation with the Office of Juvenile Justice, shall establish four pilot programs which place suspended students in supervised programs during the term of the suspension. The pilot programs shall be established in Buncombe, Davidson, Wilson, and Wayne Counties.

The pilot programs shall place suspended juveniles in alternative learning programs, day reporting centers, or other similar supervised day programs for juveniles, during the term of the student's suspension.

Section 1.(b) The Department of Public Instruction and the Office of Juvenile Justice shall report to the Joint Legislative Education Oversight Committee by April 1, 2002, on the implementation of the pilot programs. The report shall include a recommendation as to whether the program should be instituted statewide, including any legislative recommendations.

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

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

EDUCATION/HIGHER EDUCATION COMMITTEE REPORT

Senator Howard Lee, Co-Chair
Senator Walter Dalton, Co-Chair

Wednesday, June 28, 2000

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

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

S.B. **1212** Suspended Student Placement Pilot

Draft Number:	PCS8673
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	No

TOTAL REPORTED: 1

Committee Clerk Comment:

SENATE EDUCATION/HIGHER EDUCATION COMMITTEE

Wednesday, June 28, 2000
10:00 A.M.
Room 414 LOB

VISITOR REGISTRATION SHEET

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Harriet Baker	NCAE
Audrey Galloway	NCAE
Rebecca Diehl Wolfe	NCAE
Ali Suher	NCCCS
Robert Hensley	ACLU-NC
Jonathan Horowitz	ACLU-NC
Greg Owens	ACLU-NC
April Carson	ACLU - NC
Clai Watkins	———
Carrie Hagan	———
Alex Reeves	Sen. Garron's office

SENATE EDUCATION/HIGHER EDUCATION COMMITTEE

Wednesday, June 28, 2000
10:00 A.M.
Room 414 LOB

VISITOR REGISTRATION SHEET

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Karen Gann	Gov's Office
Lin McDowell	NCICU
Ellen Schmidt	NC Justice Center
Elizabeth Groenden	OSBM
Katherine Miller	NCASA
Lad Rucker	CJTC
Deborah Ross	ACLU
Audrey Galloway	NCAE
Ann Bellamy	SBE
Nicole Dozier	NC Justice Ctr
Amy Miller	"

SENATE EDUCATION/HIGHER EDUCATION COMMITTEE

Wednesday, June 28, 2000
10:00 A.M.
Room 414 LOB

VISITOR REGISTRATION SHEET

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
John W. Wilson	NCAE
Cathy Dick	OJJ
Susan Harris	WCPSS
Marc Sanders	Governor's Office
Hal Miller	NCACCT
Stuart Albright	Lt. Governor's Office
Marcus Care	NC Justice + Community Development Center
Leanne Winner	NCSBA
Ginger Jones	OSBM
Sam Lee	OSBM
David Bray	OSBM

SENATE EDUCATION/HIGHER EDUCATION COMMITTEE

Wednesday, June 28, 2000
10:00 A.M.
Room 414 LOB

VISITOR REGISTRATION SHEET

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Matty Lazo-Chaddock	NC Justice Center
Amanda Abrams	Covenant w/ NC's Children