2001-2002

HOUSE EDUCATION

MINUTES

ATTENDANCE

COMMITTEE ON EDUCATION

2001-2002

DATES	3/6	3/13	3/20	3/22	3/27	3/29	4/3	4/5	@ 11:00 4/10	@ 11:00 4/12	4/16	4/17	7:30 AM 4/19	11:00 4/19	4/23
BONNER, Donald CO-CHAIR	✓	✓	✓	✓	✓	exc	✓	✓	✓	✓	✓	✓	✓	✓	✓
WARNER, ALEX CO-CHAIR	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
JEFFUS, Maggie VICE-CHAIR	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
MEMBERS															
ALEXANDER, Martha	✓	✓	✓	✓	✓		-	✓	✓	✓					exc ✓
ALLEN, Gordon		✓		✓	✓	✓	✓	✓	✓	✓	✓	✓		✓	✓
ARNOLD, Gene		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓	✓
BAREFOOT, Daniel	✓	✓	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
BARNHART, Jeff	✓	✓	✓	✓	✓	✓	✓	✓	—						✓
BELL, Larry	✓	✓	✓	✓	✓	✓	✓	—	✓	✓	✓	✓	✓	✓	✓
BLUST, John		✓		✓		✓	✓	—	✓	✓	✓	✓		✓	
BOWIE, Joni	✓	exc	✓		✓	✓	✓	✓	✓	✓		✓			✓
BOYD-McINTYRE, Flossie				✓	✓	✓	-	—	—	✓	✓			✓	✓
~~CANSLER, Lanier~~ Crawford, Mark	✓			✓			-	—	—	✓ resigned/appt · Gov. HHS				✓	
CARPENTER, Margaret	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓
COATES, Lorene	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓	✓		✓
COX, Leslie	✓	✓	✓		✓		✓	✓	✓			✓	✓	✓	✓
CRAWFORD, James	✓		✓	✓	✓	✓	✓	—	✓	✓		✓		✓	
CREECH, Billy							-	—	—						
DOCKHAM, Jerry			✓	✗	✓	✓	—	✓	—			✓		✓	
EDWARDS, Zeno	✓	✓	✓	✓	✓		-	✓	✓	✓	✓	✓	✓		✓
ESPOSITO, Theresa	✓	exc	exc	exc	✓	✓	✓	—	✓		✓	✓	✓	✓	
FOX, Stan	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
GOODWIN, Wayne	✓	✓	✓	✓	✓	✓	✓	✓		✓	✓	✓	✓	✓	✓
GULLEY, Jim	✓	✓	✓	✓	✓	✓	✓	—	✓	✓			✓	✓	✓
HAIRE, Phillip		✓	✓	✓		✓	✓	—	✓	✓	✓	✓	✓		✓

Crawford, Mark (New) ——→ ✓ ✓ ✓ ✓ ✓

ATTENDANCE

COMMITTEE ON EDUCATION

2001-2002

DATES	3/6	3/13	3/20	3/22	3/27	3/29	4/3	4/5	@ 11:00 4/10	@ 11:00 4/12	4/16	4/17	7:30 AM 4/19	11:00 4/19	4/23
MEMBERS CONTINUED															
HENSLEY, Bob	✓	✓		✓	✓		✓	✓	✓	✓	✓			✓	✓
HIATT, William						✓	✓	✓	–	✓				✓	
HILTON, Mark	✓	✓	✓	✓	✓	✓	–	✓	✓	✓	✓	✓	✓	✓	✓
HOLMES, George	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓			
INSKO, Verla	✓	✓	✓		✓	✓	–	–	✓			✓	✓	✓	✓
JOHNSON, Linda		✓	✓		✓	✓	✓	✓	✓		✓				✓
LUCAS, Marvin	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓		✓	
McCOMBS, Eugene	✓	✓	✓		✓	✓	✓	✓	–	✓		✓	✓	✓	✓
McLAWHORN, Marian	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓	✓	✓
McMAHAN, Edwin	✓	✓	✓	✓	✓		✓	–	✓	✓	✓			✓	
MICHAUX, Henry		✓	✓	✓	✓	✓	✓	✓	✓	✓		✓			
MILLER, Paul		✓	✓		✓	✓	✓	✓	✓	✓		✓		✓	
MORGAN, Richard							–	–	–						
NYE, EDD	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓	✓	✓	✓
OLDHAM, Warren		✓	✓	✓	✓	✓	✓	–	✓	✓		✓		✓	✓
OWENS, Bill	✓	✓	✓		✓	✓	✓	–	✓			✓			
POPE, Art		✓		✓	exc		✓	✓	✓					✓	✓
RAYFIELD, John	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
RUSSELL, Carolyn	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	
SEXTON, Wayne	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓	✓		✓	
SHERRILL, Wilma	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓	✓		✓	✓
SMITH, Ronnie		✓	✓	✓	✓		✓	✓	✓	.	✓		✓	.	✓
THOMPSON, Gregg		✓	✓	✓			✓	–	✓	✓		✓		✓	
TOLSON, Joe	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
TUCKER, Russell	✓	✓	✓			✓	–	✓	✓		✓	✓	✓		✓

ATTENDANCE

COMMITTEE ON EDUCATION

2001-2002

DATES	3/6	3/13	3/20	3/22	3/27	3/29	4/3	4/5	@ 11:00 4/10	@ 11:00 4/12	4/16	4/17	7:30 AM 4/19	11:30 4/19	4/23
MEMBERS CONTINUED															
UNDERHILL, Alice	✓	✓	✓	✓	✓	✓	✓	✓	–	✓	✓	✓	✓	✓	✓
WALEND, Trudi		✓	✓	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
WALKER, Tracy	✓	✓	✓	✓	✓	✓	✓	✓	–	✓	✓	✓	✓	✓	✓
WARREN, Edith	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
WEISS, Jennifer	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
WEST, Roger	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓	✓	✓	
WOMBLE, Larry	✓	✓	✓	✓	✓	✓	✓	✓	✓			✓	✓	✓	
Warwick				✓	✓		–	✓	✓		✓	✓		✓	✓
EX-OFFICIO MEMBERS															
REPRESENTATIVE CUNNINGHAM							✓	–	✓						
REPRESENTATIVE HACKNEY								–	✓						
REPRESENTATIVE BADDOUR								–							
REPRESENTATIVE DEDMON								–							
REPRESENTATIVE EARLE								–							✓
STAFF															
Shirley Iorio															
Robin Johnson															
Kory Goldsmith															
Sara Kamprath															
Dee Atkinson															
COMMITTEE ASSISTANTS															
~~**Lucy Johnson**~~ Phyllis Cannon	4/23	–													
Ann Stancil	✓	✓													

ATTENDANCE

COMMITTEE ON EDUCATION

2001-2002

DATES	11:00 4/24	3:30 4/24	5/8	5/15	6/17	5/22	5/31	6/5	6/7	6/12	7/3	7/10	7/17	7/24	7/31
BONNER, Donald CO-CHAIR	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓	✓	✓	✓
WARNER, ALEX CO-CHAIR	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓	✓	✓
JEFFUS, Maggie VICE-CHAIR	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓	✓	✓
MEMBERS															
ALEXANDER, Martha	✓			✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
ALLEN, Gordan	✓	✓	✓		✓	✓		✓		✓	✓		✓		✓
ARNOLD, Gene	✓		✓	✓	✓	✓	✓	✓		✓	✓	✓	✓	✓	✓
BAREFOOT, Daniel	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
BARNHART, Jeff	✓	✓			✓	✓		✓	✓		✓	✓		✓	✓
BELL, Larry	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓	✓	✓
BLUST, John	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓	✓	✓
BOWIE, Joni	✓	✓	✓	✓	✓		✓	✓	✓	✓	✓		✓		
BOYD-McINTYRE, Flossie	✓	✓		✓				✓	✓			✓		✓	
~~CANSLER, Lanier~~															
CARPENTER, Margaret		✓	✓	✓	✓	✓	✓			✓	✓	✓	✓	✓	✓
COATES, Lorene	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
COX, Leslie	✓	✓	✓	✓	✓		✓		✓	✓	✓	✓	✓	✓	✓
CRAWFORD, James	✓	✓	✓	✓			✓	✓		✓	✓				
CREECH, Billy		✓	✓			✓	✓		✓		✓	✓		✓	
DOCKHAM, Jerry	✓	✓	✓						✓		✓	✓			✓
EDWARDS, Zeno	✓	✓	✓	✓	✓	✓		✓	✓	✓	✓	✓	✓	✓	✓
ESPOSITO, Theresa		✓	sick LVC	sick LVC	sick	sick	✓	sick	✓	✓	sick	✓	✓		
FOR, Stan	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓	✓	✓	✓	✓
GOODWIN, Wayne	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
GULLEY, Jim	✓		✓	✓	✓	✓	✓	✓	✓			✓		✓	✓
HAIRE, Phillip	✓	✓	✓	✓	✓	✓		✓		✓	✓	✓		✓	✓
Crawford, M.	✓	✓	✓	✓	✓	✓	✗	✓	✓	✓	✓	✓	✓	✓	✓

ATTENDANCE

COMMITTEE ON EDUCATION

2001-2002

DATES	11:00 4/24	3:30 4/24	5/8	5/15	5/17	5/22	5/31	6/5	6/7	6/12	7/3	7/10	7/17	7/24	7/31
MEMBERS CONTINUED															
HENSLEY, Bob				✓	✓	✓		✓	✓	✓	✓	✓	✓	✓	✓
HIATT, William		✓			✓				✓						
HILTON, Mark	✓	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	
HOLMES, George	✓	✓	✓	✓				✓							
INSKO, Verla	✓			✓		✓	✓	✓	✓	✓	✓	✓	✓		✓
JOHNSON, Linda	✓	✓	✓	✓				✓		✓	✓			✓	✓
LUCAS, Marvin	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	
McCOMBS, Eugene	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓	✓	✓	✓
McLAWHORN, Marian	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓
McMAHAN, Edwin	✓	✓	✓	✓		✓		✓	✓	✓	✓			✓	
MICHAUX, Henry	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	
MILLER, Paul			✓	✓	✓		✓		✓		✓	✓	✓	✓	✓
MORGAN, Richard													✓		
NYE, EDD	✓	✓			✓	✓	✓						✓	✓	✓
OLDHAM, Warren	✓	✓	✓				✓							✓	
OWENS, Bill		✓	✓	✓		✓			✓	✓	✓				
POPE, Art	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓				
RAYFIELD, John	✓	✓	✓	✓	✓	✓	✓	✓	✓	death family	✓	✓	✓	✓	✓
RUSSELL, Carolyn	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
SEXTON, Wayne	✓			✓			✓	✓	✓		✓		✓	✓	
SHERRILL, Wilma	✓	✓	✓	✓		✓	✓	✓	✓	✓		✓	✓	✓	✓
SMITH, Ronnie	✓	✓	✓		✓	✓	✓		✓	✓	✓	✓	✓	✓	✓
THOMPSON, Gregg			✓	✓											
TOLSON, Joe	✓	✓	✓		✓	✓	✓		✓	✓	✓	✓	✓	✓	✓
TUCKER, Russell		✓	✓	✓	✓				✓	✓	✓	✓	✓	✓	✓

ATTENDANCE

COMMITTEE ON EDUCATION

2001-2002

DATES	11:00 4/24	3:30 4/24	5/8	5/15	5/17	5/22	5/31	6/5	6/7	6/12	7/3	7/10	7/17	7/24	7/31
MEMBERS CONTINUED															
UNDERHILL, Alice	✓	✓	✓	✓	✓			✓		✓	✓	✓	✓		✓
WALEND, Trudi	✓	✓		✓	✓	✓		✓	✓	✓	✓	✓	✓	✓	✓
WALKER, Tracy	✓		✓		✓	✓		✓	✓		✓	✓	✓	✓	✓
WARREN, Edith	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓	✓	✓	✓
WEISS, Jennifer	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
WEST, Roger	✓	✓	✓	✓	✓	✓	✓	✓		✓		✓	✓	✓	✓
WOMBLE, Larry	✓	✓	✓	✓	✓	✓		✓	✓	✓	✓	✓	✓	✓	✓
Warwick	✓	✓	✓	✓	✓	✓			✓	✓	✓	✓			
EX-OFFICIO MEMBERS															
REPRESENTATIVE CUNNINGHAM				✓											
REPRESENTATIVE HACKNEY															
REPRESENTATIVE BADDOUR				✓											
REPRESENTATIVE DEDMON															
REPRESENTATIVE EARLE															
STAFF															
Shirley Iorio															
Robin Johnson															
Kory Goldsmith															
Sara Kamprath															
Dee Atkinson															
COMMITTEE ASSISTANTS															
~~Lucy Johnson~~ Phyllis Carmen															
Ann Stancil															

ATTENDANCE

COMMITTEE ON EDUCATION

2001-2002

DATES	8/7	11/13		2002 7/2	7/23	7/30	8/20	8/27	9/25	10/3					
BONNER, Donald CO-CHAIR	✓	✓			✓	✓	✓	✓	✓						
WARNER, ALEX CO-CHAIR	✓	✓		✓	✓	✓		✓	✓						
JEFFUS, Maggie VICE-CHAIR	✓	✓		✓	✓	✓	✓	✓	✓						
MEMBERS															
ALEXANDER, Martha		✓		✓	✓	✓	✓		✓						
ALLEN, Gordan	✓	✓		✓	✓			✓	✓						
ARNOLD, Gene	✓			✓	✓		✓	✓	✓						
BAREFOOT, Daniel		✓		✓	✓	✓	✓	✓	✓						
BARNHART, Jeff	✓			✓	✓	✓			✓						
BELL, Larry	✓	✓		✓	✓	✓	✓	✓	✓						
BLUST, John				✓	✓	✓	✓								
BOWIE, Joni	ex			✓	✓	✓		✓							
BOYD-McINTYRE, Flossie						✓									
~~CANSLER, Lanier~~															
CARPENTER, Margaret				✓	✓	✓	✓								
COATES, Lorene	✓	✓		✓	✓		✓	✓	✓						
COX, Leslie	✓			✓	✓	✓	✓	✓	✓						
CRAWFORD, James	✓					✓	✓	✓							
CREECH, Billy							✓								
DOCKHAM, Jerry															
EDWARDS, Zeno	✓	✓		✓	✓	✓	✓		✓						
ESPOSITO, Theresa					✓	✓	✓	✓	✓						
FOR, Stan	ex			✓	✓	✓	✓	✓	✓						
GOODWIN, Wayne	✓	✓		✓	✓	✓	✓	✓	✓						
GULLEY, Jim	✓	✓		✓	✓	✓	✓	✓	✓						
HAIRE, Phillip					✓	✓			✓						
Crawford, M.	✓	✓			✓	✓	✓	✓	✓						

meeting in House chamber

ATTENDANCE

COMMITTEE ON EDUCATION

2001-2002

DATES	8/7	11/13		2002 7/2	7/23	7/30	8/20	8/27	9/25						
MEMBERS CONTINUED															
HENSLEY, Bob	✓			✓	✓	✓	✓	✓	✓						
HIATT, William															
HILTON, Mark	✓	✓			✓	✓	✓	✓							
HOLMES, George				✓	✓										
INSKO, Verla	✓	✓		✓		✓	✓	✓							
JOHNSON, Linda		✓		✓	✓	✓	✓	✓	✓						
LUCAS, Marvin				✓	✓	✓	✓	✓	✓						
McCOMBS, Eugene		✓		✓	✓	✓	✓	✓	✓						
McLAWHORN, Marian	✓	✓		✓	✓	✓	✓	✓							
McMAHAN, Edwin	✓			✓	✓										
MICHAUX, Henry		✓			✓			✓							
MILLER, Paul	✓			✓		✓	✓	✓							
MORGAN, Richard								✓							
NYE, EDD				✓		✓	✓	✓	✓						
OLDHAM, Warren		✓							✓						
OWENS, Bill				✓			✓	✓							
POPE, Art	✓			✓	✓	✓	✓	✓	✓						
RAYFIELD, John	✓	✓		✓	✓	✓	✓	✓	✓						
RUSSELL, Carolyn	✓			✓	✓	✓	✓	✓	✓						
SEXTON, Wayne	✓				✓	✓	✓								
SHERRILL, Wilma		✓		✓	✓	✓	✓	✓	✓						
SMITH, Ronnie		✓		✓	✓		✓	✓							
THOMPSON, Gregg															
TOLSON, Joe	✓			✓	✓		✓	✓	✓						
TUCKER, Russell				✓											

ATTENDANCE

COMMITTEE ON EDUCATION

2001-2002

DATES	8/7	11/13		2002 7/2	7/23	7/30	8/20	8/27	9/25							
MEMBERS CONTINUED																
UNDERHILL, Alice					✓											
WALEND, Trudi		✓		✓	✓	✓	✓	✓	✓							
WALKER, Tracy	✓	✓		✓	✓	✓	✓	✓	✓							
WARREN, Edith	✓	✓		✓	✓	✓	✓	✓	✓							
WEISS, Jennifer	✓	✓		✓	✓	✓	✓	✓	✓							
WEST, Roger	✓				✓	✓	✓									
WOMBLE, Larry	✓	✓		✓	✓	✓		✓	✓							
Warwick		✓														
EX-OFFICIO MEMBERS																
REPRESENTATIVE CUNNINGHAM																
REPRESENTATIVE HACKNEY																
REPRESENTATIVE BADDOUR																
REPRESENTATIVE DEDMON																
REPRESENTATIVE EARLE																
STAFF																
Shirley Iorio																
Robin Johnson																
Kory Goldsmith																
Sara Kamprath																
Dee Atkinson																
COMMITTEE ASSISTANTS																
~~**Lucy Johnson**~~ Phyllis Camerin																
Ann Stancil																

HOUSE EDUCATION COMMITTEE MINUTES

MARCH 6, 2001

The House Education Committee met for the first time of the 2001 session on Tuesday, March 6, 2001, at 11:00 am in Room 643 of the Legislative Office Building. Representative Donald Bonner, Co-chair, presided. The attendance sheet indicates the members present.

Rep. Bonner called the meeting to order and introduced Mr. Mike Ward, State Superintendent of Public Instruction.

Mr. Ward spoke on Assisting Low-Performing and At-Risk Schools. Highlights of Mr. Ward's comments are included in ATTACHMENT 1.

After much discussion, the meeting adjourned.

Donald A. Bonner
Rep. Donald Bonner, Co-Chair

Alex Warner
Rep. Alex Warner, Co-Chair

Ann Stancil
Ann Stancil, Committee Clerk

att. 1

PUBLIC SCHOOLS OF NORTH CAROLINA

Assisting Low-Performing and At-Risk Schools

MANDATED ASSISTANCE

- Schools assigned an Assistance Team
- Up to 15 schools served annually
- Service provided for an entire school year (daily)
- Mentor and coach marginal teachers
- Build capacity in entire staff
- Share and model best practices
- Eighty-five percent success rate

STATE BOARD OF EDUCATION
DEPARTMENT OF PUBLIC INSTRUCTION

PUBLIC SCHOOLS OF NORTH CAROLINA

Assisting Low-Performing and At-Risk Schools

VOLUNTARY ASSISTANCE

- Second tier of low-performing/at-risk schools
- Serve 15 - 20 schools annually
- Service provided by State consultants
- Service provided an entire year (2 - 4 days/week)
- Build capacity in entire staff
- Share and model best practices
- Provide support for instructional monitoring

STATE BOARD OF EDUCATION
DEPARTMENT OF PUBLIC INSTRUCTION

PUBLIC SCHOOLS OF NORTH CAROLINA

Federal Resources Total Funds Budgeted for LEAs ($ in millions)

Note: Federal funds are appropriated on a yearly basis and funding levels are not guaranteed from one year to the next.

Category	FY 1999-2000	Increases*	FY 2000-2001
Class-size Reduction Funds	$25 m	$2 m	$27 m
Program Improvement Grants for Children with Disabilities (Sliver)	4 m	1 m	5 m
Title I – Accountability	0	2 m	2 m
Goals 2000 Low Performing	2 m	1 m	3 m
Title I FIE Low Performing	$600 k	$400 k	1 m

Other Federal Resources:

$ 500,000 High Student Achievement (FY 99-00 allotted in FY 00-01)
Reading Excellence Fund *(new funds FY 2000-2001, not yet available)*
21st Century Community Learning Centers
Workforce Investment Act

Other Potential Resources

Administrative Outreach Funds - $28 estimated for each year
Active Pursuit Business and Private Community Resources
Increased Financial Flexibility for the use of funds for these initiatives to allow better redirection of resources based on individual LEA circumstances.

VISITOR REGISTRATION SHEET

COMMITTEE ON EDUCATION — March 6, 2001

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Yvonne Perry	NC JCDC
Brad Sneeden	SDPI
Henry Johnson	SDPI
Hal Miller	NCACCT
Carole Lawler	EGHS
Marvin Pittman	SDPI
Jennifer Bennett	NCDPI
Mark Hurd	DPI
D Earl Hayes	DPI
Eddie Leak	DPI
Louise Lonnie	Rhyne Elem. Gaston Co. AKA Sorority

VISITOR REGISTRATION SHEET

COMMITTEE ON EDUCATION

Name of Committee **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Cheryl Freeman	~~P.O. Box 1771 Gastonia, NC 28053~~ Alpha Kappa Alpha Sorority, Inc
Jan Ramsaur	NCATA
Louis M. Fabrizio	NCDPI
[illegible]	SBE
Ann Bulam	Bulam Associates
Annie Belton	Phi Omega Chapter Alpha Kappa Alpha - Winston-Salem NC
Mildred Patterson	Phi Omega Chapter Alpha Kappa Alpha Sorority - WIS, NC
Virginia K. Newell	Alpha Kappa Alpha Connections, WS NC
Larry Price	Wilson County Schools P.O. Box 2048 - Wilson
Lillian A. Lee	Alpha Theta Omega Chapter, AKA Sorority Inc 2008 Bowman Lane, Raleigh, NC 27610
Doris Brinson	Alpha Theta Omega Chapter Alpha Kappa Alpha Sorority, Inc

VISITOR REGISTRATION SHEET

COMMITTEE ON EDUCATION
Name of Committee **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Jorja Williams	X, Rho Omega Chapter Alpha Kappa Alpha Sorority Inc.
Margaret J. Hargrove	Alpha Theta Omega Chapter Alpha Kappa Sorority, Raleigh, NC
Thelma N. Anders	Alpha Theta Omega Chapter Alpha Kappa Alpha Sorority Ral., NC
M L Canty	Sigma Tau Omega Chapter (AKA) POB 667, Cary, NC 27511
Felecia Dixon	Sigma Tau Omega chapter - Alpha Kappa Alpha Sorority, INC.
Jeanne B. Holmes	Sigma Tau Omega chapter (Cary) Alpha Kappa Alpha Sorority, Inc -
Dee Donaldson	Sigma Tau Omega Alpha Kappa Alpha Sorority
Butch Bunnells	NCSDA
E. Ramona Brown	NC Dept of Health and Human Services 5133 Danforville Ct. Knightdale, NC 27545 Alpha Kappa Alpha Sorority Inc.
Tamaiva M. Johnson	Nortel Networks 1001 Kirkland Run, Durham, NC 27713 Alpha Kappa Alpha Sorority Inc. Zeta Kappa Omega
Shawn Mallette	Zeta Kappa Omega Chapter Alpha Kappa Alpha Sorority 517 Crestline Blvd - Greenville, N.C. 27834

HOUSE EDUCATION COMMITTEE MEETING

MARCH 13, 2001

The House Education Committee met on Tuesday, March 13, at 11:00 am in Room 643 in the Legislative Office Building. The attendance of the committee members is attached.

Rep. Warner, Co-chair, chaired the committee and the following bills were heard in the committee on this date.

Rep. Barefoot was called on to explain **HOUSE BILL 195, A BILL TO BE ENTITLES AN ACT TO REQUIRE THE PUBLIC SCHOOLS TO PROVIDE A YEARLONG COURSE OF INSTRUCTION ON NORTH CAROLINA HISTORY AND GEOGRAPHY TO ALL FOURTH-AND EIGHTH-GRADE STUDENTS.** A committee substitute was offered and after much discussion, the committee substitute passed, unfavorable to original bill.

Rep. Bonner was called on to explain two technical amendments for **HOUSE BILL 386, A BILL TO BE ENTITLED AN ACT TO MODIFY THE AUDIT PROCEDURES FOR COMMUNITY COLLEGE PROGRAMS.** After much discussion, the amendments passed with a favorable report, unfavorable to original bill.

Meeting adjourned.

Rep. Alex Warner, Co-chair

Rep. Donald Bonner

Ann Stancil, Committee Clerk

2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

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

☒ Committee Substitute for
H.B. 195 A BILL TO BE ENTITLED AN ACT TO REQUIRE THE PUBLIC SCHOOLS TO PROVIDE A YEARLONG COURSE OF INSTRUCTION ON NORTH CAROLINA HISTORY AND GEOGRAPHY TO ALL FOURTH- AND EIGHTH-GRADE STUDENTS.

☐ With a favorable report.

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

☐ With a favorable report, as amended.

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

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

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

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

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

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

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

☐ Without prejudice.

☐ With an indefinite postponement report.

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

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

2/15/01

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

H D

HOUSE BILL 195
PROPOSED COMMITTEE SUBSTITUTE H195-PCS3197-RJ-2

Short Title: N.C. History Taught in Grades 4 and 8. (Public)

Sponsors:

Referred to:

February 21, 2001

A BILL TO BE ENTITLED

AN ACT TO REQUIRE THE PUBLIC SCHOOLS TO PROVIDE A YEARLONG COURSE OF INSTRUCTION ON NORTH CAROLINA HISTORY AND GEOGRAPHY TO ALL FOURTH- AND EIGHTH-GRADE STUDENTS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-81 is amended by adding a new subsection to read:

"(b1) Both the standard course of study and the Basic Education Program shall include the requirement that the public schools provide a yearlong course of instruction on North Carolina history and geography to all students in the fourth grade and all students in the eighth grade. The course at each grade level may include up to four weeks of instruction relating to the local area in which the students reside."

SECTION 2. This act is effective when it becomes law and applies to all school years beginning with the 2001-2002 school year.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

H 1

HOUSE BILL 195

Short Title:	N.C. History Taught in Grades 4 and 8.	(Public)
Sponsors:	Representatives Barefoot; Alexander, Baddour, Bell, Bonner, Cansler, Church, Coates, Cole, Cox, Crawford, Culp, Cunningham, Davis, Dedmon, Edwards, Fox, Gibson, Goodwin, Gray, Gulley, Hackney, Haire, Hall, Harrington, Hensley, Hill, Holliman, Holmes, Hunter, Hurley, Jarrell, Jeffus, Kiser, Lucas, Luebke, McAllister, McCombs, McLawhorn, Mitchell, Morris, Nye, Oldham, Owens, Preston, Rayfield, Redwine, Rogers, Setzer, Sexton, Shubert, Smith, Sutton, Teague, Tolson, Tucker, Underhill, Wainwright, Walend, Walker, Warner, Warren, Warwick, Weatherly, West, G. Wilson, Womble, Wright, and Yongue.	
Referred to:	Education.	

February 21, 2001

A BILL TO BE ENTITLED

AN ACT TO REQUIRE THE PUBLIC SCHOOLS TO PROVIDE A YEARLONG COURSE OF INSTRUCTION ON NORTH CAROLINA HISTORY AND GEOGRAPHY TO ALL FOURTH- AND EIGHTH-GRADE STUDENTS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-81 is amended by adding a new subsection to read:

"(b1) Both the standard course of study and the Basic Education Program shall include the requirement that the public schools provide a year-long course of instruction on North Carolina history and geography to all students in the fourth grade and all students in the eight grade. The course at each grade-level shall include at least four weeks of instruction relating to the local area in which the students reside."

SECTION 2. This act is effective when it becomes law and applies to all school years beginning with the 2001-2002 school year.

HOUSE BILL 195:
N.C. History Taught in Grades 4 and 8.

BILL ANALYSIS

Committee:	House Education	**Introduced by:**	Barefoot
Date:	March 9, 2001	**Summary by:**	Sara Kamprath
Version:	First Edition		Policy Analyst

SUMMARY: ***House Bill 195 requires that a year-long course in North Carolina history and geography be taught to all fourth-grade and eighth-grade public school students. The act is effective when it becomes law and applies beginning with the 2001-02 school year.***

BACKGROUND: At its March meeting, the State Board of Education heard an update on the process to revise the Social Studies curriculum. A committee of elementary teachers, middle school teachers, high school teachers, parents, members of relevant professional organizations, and private and public university educators suggested various revisions that included keeping North Carolina history and geography at the fourth grade. However, the committee recommended changing the scope and sequence of topics so that courses on North Carolina history and connections to other countries would be taught at the 6th, 7th and 8th grades instead of the current North Carolina history course in 8th grade. Attached is the current and proposed social studies content sequence.

The proposed content sequence is a framework for the complete curriculum revision that will be completed later this year. During March, a series of public meetings has been scheduled across the State to hear citizen feedback on the scope and sequence framework. The scope and sequence changes are scheduled to go before the State Board for its approval by June 2001. The final draft of the complete social studies curriculum revision is scheduled to go before the State Board in December 2001. The curriculum changes would be implemented in 2003.

H195-SMRJ-001

Current and Proposed Social Studies Content Sequence

GRADE	CURRENT	PROPOSED*
K	Individual and Group Relationships	Self and Family/Families Around the World
1	Home and School	Neighborhoods and Communities
2	Neighborhoods and Local Communities	Geography: Local, State, US, and World
3	Communities	People Around the World
4	NC: The Land and its People	NC: The Land, People and History
5	US, Canada, and Latin America	US: The Land, People and History
6	Europe and Former Soviet Republics	NC's Global Connections: Latin America, Mexico, Nations of the Caribbean, and Canada
7	Africa and Asia	NC's Global Connections: Africa, Asia, and the Pacific Rim
8	NC: History of an American State	NC's Global Connections: Europe and Northern Asia
9	Economic, Legal and Political Systems	World Studies: History, Culture and Geography
10	World Studies	Economic, Legal, and Political Systems in Action in US History to 1877
11	US History	Economic, Legal, and Political Systems in Action in US History, 1877 to the present
12	Electives Economics Geography Government International Relations Law and Justice Religions Psychology Sociology	Electives African American History Economics Geography Government International Relation Law and Justice Religions Psychology Sociology Issues in Contemporary NC History

*Proposed by the Social Studies Review and Expert Committees

~~2001 COMMITTEE REPORT~~
~~HOUSE OF REPRESENTATIVES~~

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

Committee Substitute for
H.B. 386 A BILL TO BE ENTITLED AN ACT TO MODIFY THE AUDIT PROCEDURES FOR COMMUNITY COLLEGE PROGRAMS.

☐ With a favorable report.

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

☐ With a favorable report, as amended.

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

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

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

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

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

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

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

☐ Without prejudice.

☐ With an indefinite postponement report.

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

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

2/15/01

(over)

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 386

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

H386-ARC-3 [v.3]

Date _____,2001

Comm. Sub. [NO]
Amends Title [NO]
First Edition

Representative Bonner

moves to amend the bill on page 1, line 6, by deleting "(n)" and substituting "(m)";

and on page 1, line 9, by rewriting the line to read:

"**SECTION 2.** Section 103(a) of Chapter 321 of the 1993 Session Laws is repealed.

SECTION 3. This act becomes effective July 1, 2001 and applies to audits conducted on and after that date.".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

HOUSE BILL 386:
Community College Audit Procedures-AB

BILL ANALYSIS

Committee:	House Education	**Introduced by:**	Reps. Yongue and Bonner
Date:	March 13, 2001	**Summary by:**	Shirley Iorio, Ph D
Version:	First		Committee Staffl

SUMMARY: ***This bill would provide that the State Board of Community Colleges require auditors to use a statistically valid sample size in performing audits of community college programs.***

CURRENT LAW: Current guidelines require that a 25% sample of records be used for any program audit.

BILL ANALYSIS: The State Board of Community Colleges would need to define a "statistically valid sample size".

BACKGROUND: The current requirement of a 25% sample of records has a different result depending on the size of the community college. Twenty-five percent of the records at a small college might be a few records that take a short amount of time to audit. However, at a large college, 25% of the records is a much larger number that often takes weeks to audit and therefore allows less time for off-campus site visits.

Changing from a 25% sample of records to a "statistically valid sample size" will result in an increase in the number of records pulled at the smallest colleges, but a substantial decrease in the number at the large institutions. The larger colleges have programs in many off-campus locations. According to the Community College Systems Office, this change to a "statistically valid sample size" will allow more time for random visits to off-campus sites, and less time examining records.

The bill would become effective July 1, 2001.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

H D

HOUSE BILL 386
PROPOSED COMMITTEE SUBSTITUTE H386-PCS3196-SF-1

Short Title: Community College Audit Procedures-AB. (Public)

Sponsors:

Referred to:

March 1, 2001

A BILL TO BE ENTITLED

AN ACT TO MODIFY THE AUDIT PROCEDURES FOR COMMUNITY COLLEGE PROGRAMS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S.115D-5 is amended by adding a new subsection to read:

"(m) The State Board of Community Colleges shall require auditors of community college programs to use a statistically valid sample size in performing audits of community colleges."

SECTION 2. Section 103(a) of Chapter 321 of the 1993 Session Laws is repealed.

SECTION 3. This act becomes effective July 1, 2001, and applies to audits conducted on and after that date.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

H

HOUSE BILL 386

Short Title:	Community College Audit Procedures-AB.	(Public)
Sponsors:	Representatives Yongue, Bonner (Primary Sponsors); Dockham, Esposito, Gillespie, Kiser, McLawhorn, Morris, Preston, and Sherrill.	
Referred to:	Education.	

March 1, 2001

A BILL TO BE ENTITLED

AN ACT TO MODIFY THE AUDIT PROCEDURES FOR COMMUNITY COLLEGE PROGRAMS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S.115D-5 is amended by adding a new subsection to read:

"(n) The State Board of Community Colleges shall require auditors of community college programs to use a statistically valid sample size in performing audits of community colleges."

SECTION 2. This act becomes effective July 1, 2001.

REFERRAL FORM

NORTH CAROLINA HOUSE OF REPRESENTATIVES
ASSIGNMENT OF BILLS TO SUBCOMMITTEE

COMMITTEE: **EDUCATION**

CHAIRMAN: **Representative BONNER AND WARNER**

DATE: **TUESDAY, MARCH 13, 2001**

Bill Number (Indicate **H** or **S**): H 217

Short Title: SCHOOL CURRICULUM MUST INCLUDE CONSUMER EDUCATION

Assigned to Subcommittee on: **Pre-School, Elementary and Secondary Education**

Re-Assigned to Subcommittee on:

Bill Number (Indicate **H** or **S**):

Short Title:

Assigned to Subcommittee on:

Re-Assigned to Subcommittee on:

Bill Number (Indicate **H** or **S**):

Short Title:

Assigned to Subcommittee on:

Re-Assigned to Subcommittee on:

Bill Number (Indicate **H** or **S**):

Short Title:

Assigned to Subcommittee on:

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Bill Number (Indicate **H** or **S**):

Short Title:

Assigned to Subcommittee on:

Re-Assigned to Subcommittee on:

Bill Number (Indicate **H** or **S**):

Short Title:

Assigned to Subcommittee on:

Re-Assigned to Subcommittee on:

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

HOUSE BILL 217

Short Title:	School Curriculum Must Include Consumer Educ.	(Public)
Sponsors:	Representatives Miller; Adams, Bell, Cunningham, Gibson, Hunter, Luebke, Michaux, Nesbitt, Oldham, Wainwright, and Womble.	
Referred to:	Education.	

February 22, 2001

A BILL TO BE ENTITLED

AN ACT TO REQUIRE THE PUBLIC SCHOOLS TO PROVIDE CONSUMER EDUCATION IN GRADES NINE THROUGH TWELVE.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-81 is amended by adding a new subsection to read:

"(i) The State Board of Education shall adopt a consumer education curriculum for grades 9 through 12 and shall specify the minimum amount of instructional time that shall be devoted to it. Topics covered in the curriculum shall include, but not be limited to, installment purchasing, budgeting, investing, banking, bank lending practices, comparisons between conventional and sub-prime lending sources, consumer credit issues, win/loss ratios of State-sponsored lotteries, comparisons of prices, and an understanding of the consumer's role in formulating and achieving the goals of the mixed free enterprise system through the consumer's interaction with agriculture, business, labor unions, and government."

SECTION 2. This act is effective when it becomes law and applies beginning with the 2001-2002 school year.

HOUSE EDUCATION
Notes for Agenda Items
March 13, 2001

HB 144 SCHOOL CLOSED DUE TO INCLEMENT WEATHER/FLEXIBILITY

Rep. Buchanan
Kory, Staff person handling

There is a technical amendment for this bill. Because Rep. Buchanan is not a committee member, you will need to call on a member of the committee to offer the amendment. Rep. Bonner could do it.

Per your conversation with Rep. Buchanan, you discussed sending this bill to a subcommittee if it runs into trouble.

DPI staff is available to answer questions.

HB 195 NORTH CAROLINA HISTORY TAUGHT IN GRADES 4 AND 8

Rep. Barefoot
Sara, Staff person handling

DPI staff is available to answer questions.

HB 386 COMMUNITY COLLEGE AUDIT PROCEDURES

Reps. Bonner and Yongue
Shirley, Staff person handling

There is a technical amendment for this bill. Rep. Bonner can offer the amendment.

You might want to call on Kennon Briggs from the Community College System to answer questions.

NOTE: IF THERE ARE ANY AMENDMENTS TO ANY OF THESE, THE MOTION (IF FAVORABLE) SHOULD BE: FAVORABLE TO BILL AS AMENDED, ROLLED INTO A COMMITTEE SUBSTITUTE, WITH A FAVORABLE REPORT TO THE COMMITTEE SUBSTITUTE AND AN UNFAVORABLE REPORT TO THE ORIGINAL BILL.

HOUSE EDUCATION COMMITTEE MEETING

MARCH 20, 2001

The House Education Committee met on Tuesday, March 20th, at 11:00 am. The attendance of the committee members is indicated on the attendance sheet. The visitor sheet is also attached.

Rep. Bonner chaired the committee and the following bills were heard in the Education Committee on this date:

House Bill 15, AN ACT TO AMEND THE PUBLIC SCHOOL LAWS BY DEFINING THE TERM "MIDDLE SCHOOL".
Rep. Warner explained the bill.
Rep. Arnold made a motion to adopt the committee substitute. Motion passed.
Rep. Womble made a motion for a favorable report, unfavorable to original bill. The motion passed.

House Bill 144, AN ACT TO PROVIDE ADMINISTRATIVE FLEXIBILITY TO SCHOOLS THAT ARE CLOSED DUE TO INCLEMENT WEATHER.
Rep. Buchanan explained the bill.
Rep. Warner moved to adopt technical amendment.
After much discussion, the bill was sent to an adhoc subcommittee. The following members were called on to be on this committee:

Rep. Warren, chair	Rep. Fox
Rep. Gulley	Rep. Rep. Arnold
Rep. Holmes	Rep. Rep. Barefoot
Rep. Oldham	Rep. Rep. Thompson

The adhoc committee will report on the bill.

The committee adjourned.

Donald C. Bonner
Rep. Donald Bonner, Co-chair

Alex Warner
Rep. Alex Warner, Co-Chair

Ann Stancil
Ann Stancil, Committee Clerk

~~2001 COMMITTEE REPORT~~
~~HOUSE OF REPRESENTATIVES~~

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

H.B. 15, A BILL TO BE ENTITLED AN ACT TO AMEND THE DEFINITION OF A SCHOOL SYSTEM AND AMEND THE RECOMMENDED SCHOOL CLASSIFICATIONS BY ADDING THE DEFINITION OF THE TERM "MIDDLE SCHOOL".

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

☐ With a favorable report, as amended.

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

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

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

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

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

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

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

☐ Without prejudice.

☐ With an indefinite postponement report.

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

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

2/15/01

(new)

Senate/H Edu
3/28/01

HOUSE BILL 15:
Amend School Classifications

BILL ANALYSIS

Committee:	House Education	**Introduced by:**	Representative Warner
Date:	March 19, 2001	**Summary by:**	Sara Kamprath
Version:	PCS for First Edition		Education Policy Analyst
	H15-CSRJ-001		

SUMMARY: ***The proposed committee substitute for House Bill 15 would give a local board of education the discretion to organize the schools within its system. The proposed committee substitute also amends the recommended school classifications by setting out the grades associated with each classification and by adding a new classification of middle school. The proposed act would become effective July 1, 2001.***

CURRENT LAW: School systems shall have 12 years or grades and may be organized in 1 of 2 ways. The first way of organizing school systems is with an elementary school comprised of the first eight grades and a high school comprised of the last four grades. The second way includes an elementary school, a junior high school and a senior high school. The junior high school can be comprised of the 7th, 8th or 9th grades or the 8th and 9th grades. The senior high school is comprised of the 10th, 11th and 12th grades.

BILL ANALYSIS: The proposed committee substitute would delete the current statutory methods for organizing school systems and would leave the responsibility for organizing schools to the discretion of the local boards of education. The proposed committee substitute adds middle school as one of the recommended school classifications and also sets out the grades that comprise each classification. The school classifications outlined in the proposed committee substitute do not prohibit local boards of education from using other means to classify schools.

H15-CSRJ-001

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

H D

HOUSE BILL 15
PROPOSED COMMITTEE SUBSTITUTE H15-CSRJ-3 [v.6]

3/19/2001 7:46:14 PM

Short Title: Amend School Classifications. (Public)

Sponsors:

Referred to:

January 29, 2001

A BILL TO BE ENTITLED

AN ACT TO AMEND THE DEFINITION OF A SCHOOL SYSTEM AND AMEND THE RECOMMENDED SCHOOL CLASSIFICATIONS BY ADDING THE DEFINITION OF THE TERM "MIDDLE SCHOOL".

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-74 reads as rewritten:

"**§ 115C-74. School system defined.**

The school system of each local school administrative unit shall consist of 12 years of study or grades, and shall be graded on the basis of a school year of not less than nine months. Schools within the system may be organized in the discretion of the local board of education. ~~The system may be organized in one or two ways as follows: The first eight grades shall be styled the elementary school and the remaining four grades, the high school; or if more practicable, a junior high school may be formed by combining the first year of high school with both the seventh and eighth grades or with the eighth grade alone, and a senior high school which shall comprise the last three years of high school work. For purposes of Title V of the National Defense Education Act of 1958 (Public Law 85-864) the term "secondary school" shall be applicable to grades seven through 12.~~"

SECTION 2. G.S. 115C-75 reads as rewritten:

"**§ 115C-75. Recommended school classification.**

(a) The different types of public schools are classified and defined as follows:

(1) An "elementary school" is a school ~~which embraces a part or all of the eight elementary grades and which~~ that includes all or part of the first through eighth grade and that may have a kindergarten or other early childhood program.

(2) A "high school" is a school ~~which embraces a high school department above the elementary grades and which~~ that includes all or part of grades nine through 12 and that offers at least the minimum high school course of study prescribed by the State Board of Education.

~~(3) A "union school" is a school which embraces both elementary and high school grades.~~

(4) A "junior high school" is a school ~~which embraces not more than the first year of high school with not more than the upper two elementary grades.~~that includes all or part of grades seven through nine.

(4a) A "middle school" is a school that includes all or part of grades six through nine.

(5) A "senior high school" is a school ~~which embraces~~ that includes the tenth, eleventh and twelfth grades.

(6) A "union school" is a school that includes elementary, middle, and high school grades.

(b) The school classifications in subsection (a) of this section are recommendations only and do not prohibit local boards of education from classifying schools in other ways.

(c) For purposes of Title V of the National Defense Education Act of 1958 (Public Law 85-864) the term "secondary school" shall be applicable to grades seven through 12."

SECTION 3. G.S. 115C-239 reads as rewritten:

§ 115C-239. Authority of local boards of education.

Each local board of education is hereby authorized to acquire, own, lease, contract and operate school buses for the transportation of pupils enrolled in the public schools of such local school administrative unit, and of persons employed in the operation of such schools in accordance with rules and regulations adopted by the State Board of Education under the authority of G.S. 115C-12(17) and within the limitations set forth in G.S. 115C-239 to 115C-246, 115C-248 to 115C-254 and 115C-256 to 115C-259. Boards of education which own and operate school buses for the transportation of pupils shall have authority to establish separate systems of transportation for pupils attending elementary schools and for pupils attending ~~junior or~~ middle schools, junior high schools, or senior high schools. Each such board may operate such buses to and from such of the schools within the local school administrative unit, and in such number, as the board shall from time to time find practicable and appropriate for the safe, orderly and efficient transportation of such pupils and employees to such schools."

SECTION 4. This act becomes effective July 1, 2001.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

HOUSE BILL 15

Short Title:	Definition of the Term "Middle School".	(Public)
Sponsors:	Representatives Warner; Bell, Church, and Lucas.	
Referred to:	Education.	

January 29, 2001

A BILL TO BE ENTITLED

AN ACT TO AMEND THE PUBLIC SCHOOL LAWS BY DEFINING THE TERM "MIDDLE SCHOOL".

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-74 reads as rewritten:

"**§ 115C-74. School system defined.**

The school system of each local school administrative unit shall consist of 12 years of study or grades, and shall be graded on the basis of a school year of not less than nine months. The system may be organized in one or two ways as follows: The first eight grades shall be styled the elementary school and the remaining four grades, the high school; or if more practicable, a junior high school or middle school may be formed by combining the first year of high school with both the seventh and eighth grades or with the eighth grade alone, and a senior high school which shall comprise the last three years of high school work. For purposes of Title V of the National Defense Education Act of 1958 (Public Law 85-864) the term "secondary school" shall be applicable to grades seven through 12. "

SECTION 2. G.S. 115C-75(4) reads as rewritten:

"(4) A "junior high school" or "middle school" is a school which embraces not more than the first year of high school with not more than the upper two elementary grades."

SECTION 3. This act becomes effective July 1, 2001.

Ann Stancil (Rep. Warner)

From: Ann Stancil (Rep. Warner)
Sent: Wednesday, March 21, 2001 3:40 PM
To: Nancy Willis (Rep. Warren); Mary Capps (Rep. Fox); Lucille Carter (Rep. Gulley); Mary Hayes (Rep. Gene Arnold); Glenda Jacobs (Rep. Holmes); Jackie Pittman (Rep. Barefoot); Delta Prince (Rep. Oldham); Edna Sykes (Rep. Thompson)
Cc: Lucy Johnson (Rep. Bonner)
Subject: ADHOC SUBCOMMITTEE PRESCHOOL/ELEMENTARY & SECONDARY SCHOOLS

AT THE FULL EDUCATION COMMITTEE MEETING ON TUESDAY, MARCH 20, 2001, CO-CHAIRMAN BONNER APPOINTED A ADHOC SUBCOMMITTEE FOR PRESCHOOL/ELEMENTARY/SECONDARY SCHOOLS TO STUDY HB 144, SCHOOL CLOSED DUE TO INCLEMENT WEATHER, AND REPORT BACK TO THE EDUCATION COMMITTEE. REP. WARREN WILL CHAIR THIS COMMITTEE

file

2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

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

☐ Committee Substitute for
H.B. 144 A BILL TO BE ENTITLED AN ACT TO PROVIDE ADMINISTRATIVE FLEXIBILITY TO SCHOOLS THAT ARE CLOSED DUE TO INCLEMENT WEATHER.

☐ With a favorable report.

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

☐ With a favorable report, as amended.

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

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

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

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

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

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

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

☐ Without prejudice.

☐ With an indefinite postponement report.

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

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

2/15/01

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

H D

HOUSE BILL 144
PROPOSED COMMITTEE SUBSTITUTE H144-PCS3404-SF-8

Short Title: School Closed Due to Inclement Weather/Flex. (Public)

Sponsors:

Referred to:

February 19, 2001

A BILL TO BE ENTITLED

AN ACT TO PROVIDE ADMINISTRATIVE FLEXIBILITY TO SCHOOLS THAT ARE CLOSED DUE TO INCLEMENT WEATHER.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-84.2(a) is amended by adding a new subdivision to read:

"**§ 115C-84.2. School calendar.**

(a) **(Applicable to all school years beginning with the 2000-2001 school year)** 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:

...

(1a) Notwithstanding the provisions of subdivision (1) of this subsection, if more than 15 days are lost in a unit due to inclement weather, the school calendar for that unit is not required to include both a minimum of 180 days and a minimum of 1,000 hours of instruction. The local board of education for that unit may elect to operate for that year with a calendar that includes (i) a minimum of 180 days, (ii) a minimum of 1,000 hours of instructional time, or (iii) both. The local board shall report to the Department of Public Instruction on any calendar adopted pursuant to this subdivision.

...."

SECTION 2. G.S. 115C-84.2(b) reads as rewritten:

"(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~~ 35 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~~ 35 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."

SECTION 3. This act becomes effective July 1, 2001, and applies to all school years beginning with the 2001-2002 school year.

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 144

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

H144-ARC-2 [v.2]

Date _____,2001

Comm. Sub. [NO]
Amends Title [NO]
First Edition

Representative

moves to amend the bill on page 1, line 23, by rewriting the line to read:
"**SECTION 2.**. G.S. 115C-174.12(b) reads as rewritten:".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

HOUSE BILL 144:
School Closed Due to Inclement Weather/Flex.

BILL ANALYSIS

Committee:	House Education	**Introduced by:**	Rep. Buchanan
Date:	March 12, 2001	**Summary by:**	Kory Goldsmith KG
Version:	1ST Edition		Committee Counsel

SUMMARY: ***The bill would allow a local board of education to modify its school calendar to contain either 180 instructional days, 1000 instructional hours, or both if schools have been closed for more than 12 days due to inclement weather. It also directs the State Board of Education to adopt policies that allow a school board to administer the State-mandated tests on later dates if a significant amount of instructional time has been lost due to inclement. The act becomes effective July 1, 2001 and applies to all school years beginning with the 2001-2002 school year.***

CURRENT LAW:

School Calendar: G.S. 115C-84.2 governs the school calendar. It provides that the calendar shall consist of 220 days. Of those days, there must be at least 180 instructional days **and** 1000 instructional hours. There must also be 10 vacation days, 10-11 holidays, and 19-20 teacher workdays as scheduled by the local board and the individual schools. There must be at least 42 consecutive days when teachers are not required to work.

Local boards are directed to adopt plans to make up instructional days and instructional hours missed due to inclement weather. However, if schools are closed early due to inclement weather, both the scheduled number of instructional hours and the instructional day counts towards the required minimum.

On inclement weather days when school is closed for students, but employees are required to work, an employee may elect not to report due to hazardous travel conditions. The employee may account for that day by either using annual leave or making up the day at a time agreed upon by the employee and the employee's supervisor or principal.

Test Administration: G.S. 115C-174.12(b) makes the Superintendent of Public Instruction responsible for the statewide administration of the ABC's testing program. Under current State Board policy, the multiple choice End-of-Course and End-of –Grade tests are to be administered within 3 weeks of the last day of school. Each local board determines the exact date, based upon its own calendar, and the board has the authority to revise that date if it has had to add days to the end of the year because of inclement weather.

There is less flexibility regarding the open-ended examines (Reading and Math in grades 4 & 7) and the writing tests (grades 4, 7 & 10). Those exams must be administered on the date set by the State Board. If schools are closed on that date due to inclement weather, State Board policy provides that the test(s) must be administered within 2 days of the students returning to school.

BILL ANALYSIS: The bill removes the requirement of 180 instructional days **and** 1000 instructional hours for school boards that have lost more than 12 instructional days due to inclement weather. Those boards would be able to revise their calendars to include either 180 instructional days or 1000 instructional hours or both. A local board that adopts a revised calendar must report the change to the Department of Public Instruction.

The bill directs the State Board to adopt policies to allow local school administrative units that have lost a significant amount of instructional time due to inclement weather to administer the statewide tests at a later date then other units.

BACKGROUND: In 1997, the General Assembly adopted legislation that revised how the school calendar is constructed. In exchange for increased flexibility in developing the calendar and paying teachers for forfeited vacation days, school boards and the State Board of Education were no longer able to waive a certain number of days lost due to inclement weather. A number of counties also lost the ability to "bank" instructional time in order to make up for snow days.

During the Hurricane Floyd Special Extra Session, the General Assembly passed legislation that allowed school boards in counties that had been declared disaster areas to revise their calendars to provide for either 180 instructional days or 1000 instructional hours.

ISSUES:

Constitutional: It is not clear whether allowing school boards the option of adopting a school calendar of 1000 instructional hours is constitutional. Section 2 of Article IX of the North Carolina Constitution provides that: "The General Assembly shall provide by taxation and otherwise for a general and uniform system of free public schools, **which shall be maintained at least nine months in every year**, and wherein equal opportunities shall be provided for all students." There is nothing in the proposed legislation that ensures that a calendar based only upon instructional hours will also meet the constitutional requirement of a minimum of nine months. Furthermore, the previous school calendar law interpreted one month as containing 20 instructional days, thereby requiring 180 instructional days. There is also no minimum amount of instructional time required for a school board that opts for just 180 instructional days. It is also unclear whether this structure meets the constitutional requirement for a general and "uniform" system of schools.

Personnel: The legislation does not address the relationship between instructional time and employment contracts. Several school boards faced this issue as a result of the Hurricane Floyd legislation. The boards increased the number of instructional hours and reduced the number of instructional days. However, there was disagreement as to whether the "banked" instructional time also counted towards teachers' contractual obligation of 220 days of employment. If the banked time did not count towards the term of employment, school boards had the authority and obligation to require teachers to make up the missed days. See G.S. 115C-302.1. If the banked time did count towards the contractual obligation, then some teachers (those who had reported to school on a snow day) would be required to work beyond their contractual obligation. Other (hourly/daily) employees would lose salary because of the shortened number of school days.

Test Administration/Security: The State Board currently has policies governing when certain tests may be administered. School boards may currently administer the multiple choice End-of-Grade and End-of-Course Tests within the last 3 weeks of school, and may change those dates if the year is extended to make up for lost school days. However, the writing and open-ended tests have a less flexible window for adjustments. Issues that impact those open-ended tests are security problems and contracts with scoring companies. Unlike the multiple choice tests (which have 3 different versions each year), the open-ended tests and the writing tests have only one version per year. There would be a fiscal impact if the State Board were required to develop multiple versions of these tests each year to have available for alternate test dates.

(See attached chart regarding history of instructional days missed due to inclement weather.)

COUNTIES THAT MISSED MORE THAN 12 DAYS DUE TO INCLEMENT WEATHER 1995-2000

1995-96:	Alleghany (20) Ashe (22) Avery (22) Buncombe (18) Asheville City (15) Cherokee (15) Clay (13) Graham (19) Granville (14) Haywood (17) Jackson (14) Madison (24) Mitchell (24) Rockingham (14) Stokes (14) Surry (14) Warren (14) Watauga (23) Yancey (23)	**1999-2000:**	Alamance (13) Alleghany (13) Avery (13) Bertie (16) Duplin (17) Edgecombe (19) Granville (14) Greene (17) Guilford (13) Halifax (16) Weldon City (16) Hertford (14) Johnston (13) Lenoir (18) Madison (15) Martin (13) Mitchell (13) Nash/Rocky Mount (13) Northampton (13) Pitt (17) Rockingham (13) Sampson (14) Stokes (14) Warren (14) Wayne (15)
1997-96:	Alleghany (15) Ashe (15)		
1997-98:	Ashe (15) Avery (18) Madison (13) Mitchell (18) Watauga (13) Yancey (15)		
1998-99:	Ashe (13) Mitchell (14) Yancey (14)		

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

H 1

HOUSE BILL 144

Short Title:	School Closed Due to Inclement Weather/Flex.	(Public)
Sponsors:	Representatives Buchanan; Cansler, Gillespie, and West.	
Referred to:	Education.	

February 19, 2001

A BILL TO BE ENTITLED

AN ACT TO PROVIDE ADMINISTRATIVE FLEXIBILITY TO SCHOOLS THAT ARE CLOSED DUE TO INCLEMENT WEATHER.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-84.2(a) is amended by adding a new subdivision to read:

"**§ 115C-84.2. School calendar.**

(a) **(Applicable to all school years beginning with the 2000-2001 school year)** 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:

...

(1b) Notwithstanding the provisions of subdivision (1) of this subsection, if more than 12 days are lost in a unit due to inclement weather, the school calendar for that unit is not required to include both a minimum of 180 days and a minimum of 1000 hours of instruction. The local board of education for that unit may elect to operate for that year with a calendar that includes (i) a minimum of 180 days, (ii) a minimum of 1,000 hours of instructional time, or (iii) both. The local board shall report to the Department of Public Instruction on any calendar adopted pursuant to this subdivision.

...."

SECTION 2. G.S. 115C-174.129(b) reads as rewritten:

"(b) The Superintendent of Public Instruction shall be responsible, under policies adopted by the State Board of Education, for the statewide administration of the testing program provided by this Article. These policies shall permit local school administrative units in which a significant amount of instructional time has been lost due to inclement weather to administer the tests at a later date than other units."

SECTION 3. This act becomes effective July 1, 2001, and applies to all school years beginning with the 2001-2002 school year.

VISITOR REGISTRATION SHEET

EDUCATION — 3-20-01

Name of Committee — Date

VISITORS:. PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Leanne Winner	NCSBA
Ann Benham	Benham Assoc.
[illegible]	SBE
Brad Sneeden	DPI
Michelle Cotton	DMH/DD/SA
Allen Suggs	DPI
Gary L. Williamson	DPI
Mildred L. Payne	NCDPI
[illegible]	NCCCS
Hal Miller	NCACCT
Butch Gunnells	NCSDA
David Brown	OSBPM
Robin Allen	CLA - SNF
Paula A. Wolf	Covenant w/ NC's Children
Joe Parker	GHSP
David Ferrell	Hyatt Caldwell & Ferrell PA
Eddie Caldwell	EEBC
Mickey Fanney	Rep Baddour - intern
[illegible]	YAIO
[illegible]	NCPAPA
Fred Bartholomew	Johnston Co.

HOUSE EDUCATION COMMITTEE MEETING

MARCH 22, 2001

The House Education Committee met on Thursday, March 22, at 11:00 am in Room 643 of the Legislative Office Building. The attendance of the committee members is indicated on the attendance sheet . The visitor sheet is also attached.

Rep. Warner chaired the committee and the following bill was heard in the Education Committee on this date:

House Bill 405, AMENDS STUDENT ACCOUNTABILITY PROGRAM. Rep. Rogers was called on to explained the bill.
The Proposed Committee Substitute was adopted. **(ATTACHED)**
Motion was made to accept the amendment made by Rep. Pope. Motion carried.
Rep. Haire made a motion to defer the bill until the next meeting. The motion carried.

The meeting adjourned.

Rep. Alex Warner, Co-Chair

Rep. Donald Bonner, Co-chair

Ann Stancil, Committee Clerk

Rep. Bonner

HOUSE EDUCATION
Notes for Agenda Items
March 22, 2001
Representative Warner Presiding

We would recommend hearing this bill (HB 405) first as a courtesy to Representative Rogers because he is not on the committee and came on Tuesday but we didn't have time for this bill.

HB 405 AMENDS STUDENT ACCOUNTABILITY PROGRAM

Rep. Rogers, Sponsor
Robin, Staff person handling

There is a PCS for this bill. It makes conforming changes to statutes that were omitted from the original bill.

This is an agency bill – recommended by the State Board. J.B. Buxton and perhaps Chris Caasey from DPI should be available in the audience to answer questions.

The motion should be: Favorable report to the committee substitute, unfavorable to the original.

HB 248 MEETING THE NEEDS OF STUDENTS WITH DISABILITIES

Rep. Boyd-McIntyre, Sponsor
Robin, Staff person handling

There is a PCS for this bill.
This bill reflects the recommendations of the Study Commission on Children with Special Needs.

J B Buxton and perhaps Lowell Harris from DPI will be in the audience to answer questions.

The motion should be: Favorable report to the committee substitute, unfavorable to the original.

HB 341 COMMUNITY COLLEGE FOCUSED INDUSTRIAL TRAINING PROGRAM.

Rep. Tolson, Sponsor
Sara, Staff person handling this

Scott Ralls, VP, Economic & Workforce Development, Community Colleges System Office is in the audience to answer questions.

HB 401 COMMUNITY COLLEGE SYSTEM OFFICE FLEXIBILITY.

Rep. Rogers, Sponsor
Sara, Staff person handling

Kennon Briggs, VP for Business and Finance, Community Colleges System Office is in the audience to answer questions.

We recommend that this bill be last on the agenda because staff needs more time to give a closer look at this bill.

NOTE: IF THERE ARE ANY AMENDMENTS TO ANY OF THESE, THE MOTION (IF FAVORABLE) SHOULD BE: FAVORABLE TO BILL AS AMENDED, ROLLED INTO A COMMITTEE SUBSTITUTE, WITH A FAVORABLE REPORT TO THE COMMITTEE SUBSTITUTE AND AN UNFAVORABLE REPORT TO THE ORIGINAL BILL.

HOUSE EDUCATION COMMITTEE MEETING

MARCH 27, 2001

The House Education Committee met on Tuesday, March 27, 2001, at 11:00 AM in Room 643 of the Legislative Office Building. The attendance sheet represents the members of the committee that were present.

Rep. Bonner, Co-chair, presided over the meeting.

Community College President, Martin Lancaster was introduced to speak before the committee. Due to a malfunction of the tape recorder, there is no record of his speech.

Rep. Donald Bonner, Co-chair

Rep. Alex Warner, Co-chair

Ann Stancil, Committee Clerk

(Lucy Johnson was responsible for these minutes. She was not responsible for the tape malfunction).

HOUSE EDUCATION COMMITTEE MEETING

MARCH 29, 2001

The House Education Committee met on Thursday, March 29, 2001, at 11:00 AM, in Room 643 of the Legislative Office Building.

Rep. Warner, Co-chair, presided.

The following bills were referred to the Subcommittee on Community Colleges.

House Bill 401, Community College System Office Flexibility-AB
House Bill 410, Disposal of Community College Property-AB
House Bill 421, Budget Approval Process/Community Colleges
House Bill 431, Financial Assistance for CC Students
House Bill 438, Clarify Community College Performance Measure-AB

The following bills were considered before the committee:

House Bill 341, Community College Focused Industrial Training Program. Rep. Tolson was called on to explain the bill. After discussion, Rep. Goodwin made a motion for a favorable report, seconded by Rep. Lucas. The motion passed.

House Bill 248, Meeting the Needs of Students With Disabilities. Rep. Boyd McIntyre was called on to explain the bill. Rep. Bell made a motion to adopt the committee substitute. The motion passed. Rep. Warren offered an amendment, which passed. Rep. Russell also offered an amendment and it passed. Rep. Arnold offered an amendment and it passed. This bill will be taken up in a future meeting.

Meeting adjourned.

Rep. Alex Warner, Co-chair

Rep. Donald Bonner, Co-chair

Ann Stancil, Committee Clerk

REFERRAL FORM

NORTH CAROLINA HOUSE OF REPRESENTATIVES
ASSIGNMENT OF BILLS TO SUBCOMMITTEE

COMMITTEE: **EDUCATION**

CHAIRMAN: **Representative Warner**

DATE: **Thursday, March 29, 2001**

Bill Number (Indicate **H** or **S**): H 401

Short Title: Comm. Coll. System Office Flexibility-AB.

Assigned to Subcommittee on: **Community Colleges**

Re-Assigned to Subcommittee on:

Bill Number (Indicate **H** or **S**): H 410

Short Title: Disposal of Community College Property-AB

Assigned to Subcommittee on: **Community Colleges**

Re-Assigned to Subcommittee on:

Bill Number (Indicate **H** or **S**): H 421

Short Title: Budget Approval Process/Comm. Colleges

Assigned to Subcommittee on: **Community Colleges**

Re-Assigned to Subcommittee on:

Bill Number (Indicate **H** or **S**): H 431

Short Title: Financial Assistance for CC Students

Assigned to Subcommittee on: **Community Colleges**

Re-Assigned to Subcommittee on:

Bill Number (Indicate **H** or **S**): H 438

Short Title: Clarify Comm. College Performance Measure-AB

Assigned to Subcommittee on: **Community Colleges**

Re-Assigned to Subcommittee on:

Bill Number (Indicate **H** or **S**):

Short Title:

Assigned to Subcommittee on:

Re-Assigned to Subcommittee on:

Bill Number (Indicate **H** or **S**):

Short Title:

Assigned to Subcommittee on:

Re-Assigned to Subcommittee on:

Warner 11

2001 PERMANENT SUBCOMMITTEE REPORT
HOUSE OF REPRESENTATIVES

FOR RECOMMENDING BILLS TO STANDING COMMITTEE OR TO THE FLOOR OF THE HOUSE
The following report(s) from permanent sub committee(s) is/are presented:
By Representative(s) **MCLAWHORN** (Chair/Chairs) for the Permanent Subcommittee on **COMMUNITY COLLEGES** of the Standing Committee on **EDUCATION.**

☐ Committee Substitute for
H.B. 401 A BILL TO BE ENTITLED AN ACT TO PROVIDE BUDGET FLEXIBILITY TO THE COMMUNITY COLLEGES SYSTEM OFFICE.

REPORTED TO THE STANDING COMMITTEE ON

RECOMMENDED ACTION:

☐ With a favorable recommendation.

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

☐ With a favorable recommendation, as amended.

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

☐ With an unfavorable recommendation.

☐ With a favorable recommendation as to proposed committee substitute bill, ☐ which changes the title, unfavorable as to original bill.

☐ With a favorable recommendation as to proposed House committee substitute bill, ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ Without prejudice.

☐ Other recommended action: _____.

WITH APPROVAL OF STANDING COMMITTEE CHAIR(S) FOR REPORT TO BE MADE DIRECTLY TO THE FLOOR OF THE HOUSE:
Representative WARNER AND BONNER for the Standing Committee on EDUCATION.

s/ Donald C. Bonner
Allen Warner

☐ With a favorable report.
☐ With a favorable report, as amended.
☒ With a favorable report as to committee substitute bill (~~#_____~~), ☐ ~~which changes the title~~, unfavorable as to original bill/ ~~(Committee Substitute Bill #_____)~~. ~~(and recommendation that the committee substitute bill (#_____) be referred to the Committee on_____.)~~

02/15/01

Warner

2001 PERMANENT SUBCOMMITTEE REPORT
HOUSE OF REPRESENTATIVES

FOR RECOMMENDING BILLS TO STANDING COMMITTEE OR TO THE FLOOR OF THE HOUSE
The following report(s) from permanent sub committee(s) is/are presented:
By Representative(s) **MCLAWHORN** (Chair/Chairs) for the Permanent Subcommittee on **COMMUNITY COLLEGES** of the Standing Committee on **EDUCATION**.

☐ Committee Substitute for
H.B. 421 A BILL TO BE ENTITLED AN ACT TO MODIFY THE PROCEDURE FOR SUBMITTING LOCAL BUDGETS TO THE STATE BOARD OF COMMUNITY COLLEGES FOR APPROVAL

REPORTED TO THE STANDING COMMITTEE ON

RECOMMENDED ACTION:

☐ With a favorable recommendation.

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

☐ With a favorable recommendation, as amended.

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

☐ With an unfavorable recommendation.

☐ With a favorable recommendation as to proposed committee substitute bill, ☐ which changes the title, unfavorable as to original bill.

☐ With a favorable recommendation as to proposed House committee substitute bill, ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ Without prejudice.

☐ Other recommended action: _____.

WITH APPROVAL OF STANDING COMMITTEE CHAIR(S) FOR REPORT TO BE MADE DIRECTLY TO THE FLOOR OF THE HOUSE:
Representative WARNER AND BONNER for the Standing Committee on EDUCATION.

s/ Donald C. Bonner
Alex Warner

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

02/15/01

Warner

2001 PERMANENT SUBCOMMITTEE REPORT
HOUSE OF REPRESENTATIVES

FOR RECOMMENDING BILLS TO STANDING COMMITTEE OR TO THE FLOOR OF THE HOUSE
The following report(s) from permanent sub committee(s) is/are presented:
By Representative(s) **MCLAWHORN** (Chair/Chairs) for the Permanent Subcommittee on **COMMUNITY COLLEGES** of the Standing Committee on **EDUCATION.**

☐ Committee Substitute for
H.B. 438 A BILL TO BE ENTITLED AN ACT TO CLARIFY THE PERFORMANCE MEASURES ON WHICH COMMUNITY COLLEGES ARE EVALUATED FOR THE PURPOSE OF PERFORMANCE BUDGETING.

REPORTED TO THE STANDING COMMITTEE ON

RECOMMENDED ACTION:

☐ With a favorable recommendation.

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

☐ With a favorable recommendation, as amended.

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

☐ With an unfavorable recommendation.

☐ With a favorable recommendation as to proposed committee substitute bill, ☐ which changes the title, unfavorable as to original bill.

☐ With a favorable recommendation as to proposed House committee substitute bill, ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ Without prejudice.

☐ Other recommended action: _____.

WITH APPROVAL OF STANDING COMMITTEE CHAIR(S) FOR REPORT TO BE MADE DIRECTLY TO THE FLOOR OF THE HOUSE:
Representative WARNER AND BONNER for the Standing Committee on EDUCATION.

s/ Donald C. Bonner
Alex Warner

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

02/15/01

2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

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

☐ Committee Substitute for
H.B. 341 A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE COMMUNITY COLLEGE SYSTEM TO PAY FEES AND MATERIAL COSTS FOR SOME COMPANIES UNDER THE FOCUSED INDUSTRIAL TRAINING PROGRAM.

☒ With a favorable report.

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

☐ With a favorable report, as amended.

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

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

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

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

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

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

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

☐ Without prejudice.

☐ With an indefinite postponement report.

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

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

2/15/01

HOUSE BILL 341:
Comm. Coll. Focused Industrial Training Prog.

BILL ANALYSIS

Committee:	House Education	**Introduced by:**	Representative Tolson
Date:	March 21, 2001	**Summary by:**	Sara Kamprath
Version:	First Edition		Education Policy Analyst

SUMMARY: ***House Bill 341 authorizes the State Board of Community Colleges to use up to $100,000 each year from funds appropriated for the 2001-2003 fiscal biennium to pay for safety courses for certain small companies. These funds shall be used to pay registration fees and material costs for safety courses offered through the Occupational Continuing Education or Focused Industrial Training programs. The act becomes effective July 1, 2001.***

BACKGROUND: In response to the 1991 fire at the Imperial Foods Processing Plant in Hamlet, NC, the Workplace Safety Training Task Force was created. The Task Force found that many small companies that need safety training are the least able to pay for this training. The Task Force wanted to remove the financial barrier for these companies to get that training. This legislation grew out of a recommendation of that task force.

BILL ANALYSIS: From its 2001-2003 appropriations, the State Board of Community Colleges may use up to $100,000 each year to pay the registration fees and material costs of certain small companies for safety courses. The Occupational Continuing Education or the Focused Industrial Training programs provide these courses. To be eligible a company must meet the following 3 requirements:

1. must be eligible to participate in the Focused Industrial Training Program
2. has less than 150 employees
3. has been identified by community college representatives and regional training directors as having difficulty in paying these fees and costs

The Division of Economic and Workforce Development, NC Community College System Office, must give prior approval for any expenditure of these funds.

H341-SMRJ-001

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

HOUSE BILL 341

Short Title:	Comm. Coll. Focused Industrial Training Prog.	(Public)
Sponsors:	Representatives Tolson; Alexander, Baddour, Dockham, Gillespie, Hilton, Kiser, Morris, Preston, and Sherrill.	
Referred to:	Education, if favorable, Appropriations.	

March 1, 2001

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE COMMUNITY COLLEGES SYSTEM TO PAY FEES AND MATERIAL COSTS FOR SOME COMPANIES UNDER THE FOCUSED INDUSTRIAL TRAINING PROGRAM.

The General Assembly of North Carolina enacts:

SECTION 1. Of the funds appropriated to the North Carolina System of Community Colleges for the 2001-2003 fiscal biennium, the State Board of Community Colleges may use up to one hundred thousand dollars ($100,000) each year to pay registration fees and material costs for Occupational Continuing Education or Focused Industrial Training safety courses provided to companies that (i) are eligible to participate in the Focused Industrial Training Program, (ii) have less than 150 employees, and (iii) are found by community college representatives and regional customized training directors to face challenges in paying these fees and costs.

These funds shall not be expended without the prior approval of the North Carolina Community Colleges System Office, Division of Economic and Workforce Development.

SECTION 2. This act becomes effective July 1, 2001.

HOUSE EDUCATION COMMITTEE MINUTES

APRIL 3, 2001

The House Education Committee met on Tuesday, April 3, 2001, at 11:00 AM in Room 643 of the Legislative Office Building. Representative Bonner, Co-chair, presided over the meeting. The attendance sheet indicates the members present.

The following bill was discussed in the committee today.

SENATE BILL 71, ***AN ACT TO ESTABLISH A PILOT PROGRAM UNDER WHICH PARTICIPATING LOCAL SCHOOL ADMINISTRATIVE UNITS PLACE ALL STUDENTS WHO ARE ON SHORT-TERM OUT-OF-SCHOOL SUSPENSION IN ALTERNATIVE LEARNING PROGRAMS.***

Senator Carter, sponsor of the bill, was called on to explain the bill. Also present was Attorney General Roy Cooper, who answered questions and discussion regarding the bill. Rep. Arnold moved to adopt a committee substitute. The committee substitute passed.

Rep. Arnold made a motion for a favorable report for committee substitute, unfavorable to original bill. The motion passed.

Meeting adjourned.

Rep. Donald Bonner, Co-chair

Rep. Alex Warner, Co-chair

Ann Stancil, Committee Clerk

(2)

2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

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

☒ Committee Substitute for
S.B.71 A BILL TO BE ENTITLED AN ACT TO ESTABLISH A PILOT PROGRAM UNDER WHICH PARTICIPATING LOCAL SCHOOL ADMINISTRATIVE UNITS PLACE ALL STUDENTS WHO ARE ON SHORT-TERM OUT-OF-SCHOOL SUSPENSION IN ALTERNATIVE LEARNING PROGRAMS.

☐ With a favorable report.

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

☐ With a favorable report, as amended.

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

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

☒ With a favorable report as to House committee substitute bill (# 2), ☐ ~~which changes the title~~, unfavorable as to ~~Senate~~ House committee substitute bill ~~#~~ /.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

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

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

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

☐ Without prejudice.

☐ With an indefinite postponement report.

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

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

2/15/01

SENATE BILL 71:
Suspended Students Ass'd to Alternative Progs.

BILL ANALYSIS

Committee:	House Education	**Introduced by:**	Senator Carter
Date:	April 2, 2001	**Summary by:**	Sara Kamprath
Version:	Fourth Edition		Education Policy Analyst

SUMMARY: ***Senate Bill 71 would direct the State Board of Education, in cooperation with the Department of Juvenile Justice and Delinquency Prevention (Department), to establish a pilot program for up to five participating school systems. Under the pilot, the participating systems would agree to place students who are suspended from school for up to 10 school days in alternative learning programs, day reporting centers, or other similar supervised day programs during their suspension.***

The bill would take effect when it becomes law.

BILL ANALYSIS:

Plan for placement must be developed: The bill directs the State Board of Education and the Department of Juvenile Justice and Delinquency (Department) to develop an application process to encourage local boards of education to apply for the pilot program. The Superintendent of Public Instruction and the Secretary of the Department select the participating units. The bill would require a participating board of education to develop and adopt a plan for the alternative placement of all students who are given a short-term, out-of-school suspension. The goal of the plan shall be the successful reentry of students into the regular school setting. However, the plan may exclude some or all students who are on a short-term, out-of-school suspension pending a decision for long-term suspension and students with disabilities where it would be an inappropriate placement. Placement may be in alternative learning programs, day reporting centers, and other similar supervised programs for juveniles. The development of this plan must be in consultation with the chief court counselor in that district. Each participating board shall consult with a number of interested parties.

Each plan would include a detailed plan for making the placing and transporting students, ensuring the students' participation in the alternative placement, facilitating communication between the school and the alternative placement, providing opportunities for the students to make up coursework, and providing opportunities for parent involvement. The plan also would identify resources to implement the plan, state the plan's goals and anticipated outcomes, and include an annual assessment process.

Under current law, principals may suspend for a maximum of 10 school days any student who violates a local school administrative unit's conduct policies. These are known as "short-term suspensions". A student, whose misconduct is of a more serious nature that may lead to a longer term of suspension or an alternative placement, can be placed initially on a short-term suspension while the school is making that decision. (Federal law and policies specifically address the discipline and placement of children with disabilities.)

A student may be placed on an "in-school suspension" or an "out-of-school suspension." In-school suspensions usually consist of removal from the regular classroom(s) and placement in a supervised room that is specifically set aside for this purpose. Out-of-school suspensions are where students are not allowed on school property during the suspension period. Structured day programs, such as day reporting

centers, currently serve juveniles who may be under court supervision or on probation for misdemeanors or felonies.

Funding/Resources: The bill would allow participating units to delay implementation until they determine the availability of adequate funds. If a unit determines there are insufficient funds for implementation, the local superintendent would be directed to notify the State Board of Education so it can select another participating unit. The pilots, State Board of Education and the Department shall implement the alternative settings within existing State Resources, by redirecting State resources and by using non-State funds.

The bill also would allow the Department and the Juvenile Crime Prevention Councils to use their programs, employees, funds and other resources to meet the needs of students placed in alternative settings.

To the extent practicable, the pilots shall have separate programs or classrooms for the suspended students and violent adjudicated offenders.

Contracts with other entities for alternative placement services: The bill would allow participating boards to contract with nonprofit corporations and other governmental entities to provide the alternative placement services.

Nonprofits that contract with the participating units would be required to obtain adequate liability insurance to cover claims arising from the provision of services by the nonprofit. The participating boards of education would not be responsible for the supervision or control of any program administered by or under the control of any other agency or corporation. Finally, claims would be barred against the school board and its employees and officers for damages that may arise out of matters occurring in any program not under the direct control and supervision of the local board and its employees.

Under current law, school boards and their employees and officers are not liable for matters that occur in programs that are not under their direct control and supervision. A question could arise, however, concerning their liability where an "agency" relationship has been created.

Student absences from alternative placement: The bill specifies that local policies governing promotion and course credits would govern the treatment of student absences from the alternative setting. If the participating unit determines attendance in this setting is mandatory, then the compulsory attendance law would apply.

Report required: The Department of Public Instruction and the Department must report to the Joint Legislative Education Oversight Committee on the implementation and effectiveness of the pilot program and any recommendations for expanding the program statewide. The report is due by April 15, 2003.

BACKGROUND: A similar bill, Senate Bill 1212, was introduced last year as a recommendation of the LRC Committee on Juvenile Crime and Delinquency to the 2000 Session of the General Assembly. It passed the Senate, but languished in the House.

Robin Johnson contributed significantly to this summary.

S71-SMRJ-001(Fourth Edition)

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

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SENATE BILL 71

Education/Higher Education Committee Substitute Adopted 3/8/01
Third Edition Engrossed 3/15/01
House Committee Substitute Favorable 4/5/01
PROPOSED HOUSE COMMITTEE SUBSTITUTE S71-PCS3474-SF-20

Short Title: Suspended Students Ass'd to Alternative Progs. (Public)

Sponsors:

Referred to:

February 6, 2001

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH A PILOT PROGRAM UNDER WHICH PARTICIPATING LOCAL SCHOOL ADMINISTRATIVE UNITS PLACE ALL STUDENTS WHO ARE ON SHORT-TERM OUT-OF-SCHOOL SUSPENSION IN ALTERNATIVE LEARNING PROGRAMS.

The General Assembly of North Carolina enacts:

SECTION 1.(a) The State Board of Education, in cooperation with the Department of Juvenile Justice and Delinquency Prevention, shall establish a pilot program under which participating local school administrative units place all students who are on short-term out-of-school suspension in alternative learning programs. These alternative placements may be in alternative learning programs, day reporting centers, and other similar supervised programs for students. The Superintendent of Public Instruction and the Secretary of the Department of Juvenile Justice and Delinquency Prevention shall select no more than five local school administrative units to participate in the program.

SECTION 1.(b) The State Board of Education and the Department of Juvenile Justice and Delinquency Prevention shall develop an application process that encourages local boards of education to apply for inclusion in the pilot program. As a part of the application process, a local board shall indicate how it proposes to address the issues set out in subsection (e) of this section. A local board of education that applies and is selected by the Superintendent and the Secretary to participate in the program shall develop and adopt a plan for placing in alternative learning programs, with the goal of successful reentry into the students' regular school setting, all students who are on short-term out-of-school suspension except that:

(1) A pilot unit may elect not to include in its plan the placement of some or all of the students who are on short-term out-of-school suspension

and for whom a recommendation to the local superintendent for long-term suspension is pending; and

(2) The plan shall not require the placement of a student with disabilities in an alternative learning program if it is determined that the placement is inappropriate under the student's individual education plan.

The assignment of a student in an alternative learning program shall be for the duration of the period of short-term suspension.

SECTION 1.(c) The chief court counselor in the judicial district or a designee must work closely with the pilot unit in developing the plan. The pilot unit shall consult with other interested parties such as local designees of the Department of Public Instruction, the Department of Health and Human Services, and the Department of Juvenile Justice and Delinquency Prevention, the local Juvenile Crime Prevention Council, educators, parents, local public and private agencies serving juveniles and their families, local business leaders, citizens with an interest in youth problems, and youth representatives on the development of the plan.

SECTION 1.(d) Any selected pilot unit may delay implementation of its plan until the local board determines that adequate funds are available from federal, State, and local allocations and other sources. If the local board of a selected pilot unit determines that funds will not be adequate to implement the pilot program, the superintendent shall notify the State Board of Education that the pilot program will not be implemented so that another pilot unit may be selected.

SECTION 1.(e) The plan should:

(1) Include a detailed plan for:
   a. Making the alternative placements;
   b. Transporting each student to the student's alternative placement;
   c. Ensuring that the student is participating in the alternative placement;
   d. Facilitating communication between the school from which the student is suspended and the alternative placement;
   e. Providing the student an opportunity to complete and receive credit for work missed during the period of suspension and to participate in the State accountability program; and
   f. Notifying and providing parents the opportunity to be involved;

(2) Identify resources that will be used to implement the plan, the sources of funds, and the process for procuring funds;

(3) State the plan's goals and anticipated outcomes of the pilot program;

(4) Include a process for assessing on an annual basis the success of the local school administrative unit in implementing the plan and the effectiveness of the plan; and

(5) Identify the extent to which the plan includes collaboration with other agencies and the Juvenile Crime Prevention Councils.

SECTION 1.(f) Notwithstanding any other provision of law, the Department of Juvenile Justice and Delinquency Prevention and Juvenile Crime Prevention Councils

may use their programs, employees, funds, and other resources to meet the needs of all students on short-term out-of-school suspension in the pilot units who are placed in alternative learning programs. The pilot unit shall, to the extent reasonable and practicable, ensure that suspended students are in programs or classrooms that are separate from those in which violent adjudicated offenders are placed. The pilot unit shall not send suspended students to programs or classrooms in training schools, detention centers, or other similar facilities.

Notwithstanding any other provision of law, the pilot unit may contract with nonprofit corporations and other governmental entities to meet the needs of these students and may assign students to programs administered and staffed in whole or in part by these entities. The nonprofit shall maintain adequate liability insurance to cover claims arising from the provision of services by the nonprofit.

SECTION 1.(g) Any absences from the alternative learning program shall be subject to local board policies regarding promotion and course credits. Also, if a pilot unit determines that attendance in the alternative learning program is mandatory for eligible short-term suspended students, the students shall attend in accordance with the compulsory attendance requirements of G.S. 115C-378.

SECTION 1.(h) Except as provided in subsection (e) of this section, the pilots shall be implemented in accordance with G.S. 115C-391. The policies and procedures for the discipline of students with disabilities shall be consistent with federal and State laws and regulations.

SECTION 1.(i) The Department of Public Instruction and the Department of Juvenile Justice and Delinquency Prevention shall report to the Joint Legislative Education Oversight Committee by April 15, 2003, on:

(1) The implementation of the program in the pilot units;
(2) The full cost of implementing the pilot program;
(3) The sources of funds and other resources used to implement the pilot programs;
(4) Each unit's assessment of its plan;
(5) Instances of effective local collaboration and coordination of services;
(6) Innovative or experimental aspects of the plans that would be useful models for replication in other local school administrative units; and
(7) A recommendation as to whether the program should be instituted statewide, including any legislative recommendations.

SECTION 1.(j) The State Board of Education, the Department of Juvenile Justice and Delinquency Prevention, and the pilot units shall implement this act, within existing State resources, by redirecting existing State resources and by using non-State funds.

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

HOUSE EDUCATION COMMITTEE MEETING

APRIL 5, 2001

The House Education Committee met on Thursday, April 5, 2001, at 11:00 AM, in Room 643 of the Legislative Office Building. The attendance sheet represents the members that were present.

Rep. Warner presided over the meeting.

HOUSE BILL 938, TO PERMIT CERTAIN COMMUNITY COLLEGES TO GRANT SECURITY INTERESTS TO FEDERAL AGENCIES and
HOUSE BILL 443, APPROPRIATE FUNDS TO ESTABLISH A NORTH CAROLINA COMMUNITY COLLEGES INSTRUCTIONAL TRUST FUND were referred to the Subcommittee on Community Colleges.

Rep. Hurley was called on the explain ***HOUSE BILL 190, LOCAL FLEXIBILITY REGARDING CHARTER SCHOOL TEACHERS***. After much discussion, Rep. Russell asked could this bill be made into a local bill? It was decided by the Chair to displace the bill so that an amendment could be prepared.

Co-chair Bonner presided at this time in order for Rep. Warner to explain his ***HOUSE BILL 620, RECORDS OF SCHOOL SUSPENSIONS MAY BE RETAINED***. Rep. Warren moved to adopt the committee substitute for discussion. Rep. Arnold moved for a favorable report to committee substitute, unfavorable to original bill. The motion carried.

Meeting adjourned.

Rep. Alex Warner, Co-chair

Rep. Donald Bonner, Co-chair

Jackie Hamby, Committee Clerk

Ann Stancil, Transcriber

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REFERRAL FORM

NORTH CAROLINA HOUSE OF REPRESENTATIVES
ASSIGNMENT OF BILLS TO SUBCOMMITTEE

COMMITTEE: **EDUCATION**

CHAIRMAN: **Representative Bonner and Warner**

DATE: **April 5, 2001**

Bill Number (Indicate **H** or **S**): HB 443

Short Title: APPROPRIATE FUNDS TO ESTABLISH A NORTH CAROLINA COMMUNITY COLLEGES INSTRUCTIONAL TRUST FUND.

Assigned to Subcommittee on: **EDUCATION Subcommittee on Community Colleges**

Re-Assigned to Subcommittee on:

Bill Number (Indicate **H** or **S**): HB 938

Short Title: TO PERMIT CERTAIN COMMUNITY COLLEGES TO GRANT SECURITY INTERESTS TO FEDERAL AGENCIES.

Assigned to Subcommittee on: **EDUCATION Subcommittee on Community Colleges**

Re-Assigned to Subcommittee on:

Bill Number (Indicate **H** or **S**):

Short Title:

Assigned to Subcommittee on:

Re-Assigned to Subcommittee on:

Bill Number (Indicate **H** or **S**):

Short Title:

Assigned to Subcommittee on:

Re-Assigned to Subcommittee on:

Bill Number (Indicate **H** or **S**):

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Re-Assigned to Subcommittee on:

Bill Number (Indicate **H** or **S**):

Short Title:

Assigned to Subcommittee on:

Re-Assigned to Subcommittee on:

Bill Number (Indicate **H** or **S**):

Short Title:

Assigned to Subcommittee on:

Re-Assigned to Subcommittee on:

~~2001 COMMITTEE REPORT~~
~~HOUSE OF REPRESENTATIVES~~

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

☒ Committee Substitute for
H.B. 190 A BILL TO BE ENTITLED AN ACT TO PERMIT LOCAL FLEXIBILITY WITH REGARD TO THE REHIRING OF TEACHERS WHO LEAVE PUBLIC SCHOOLS TO TEACH IN CHARTER SCHOOLS.

☐ With a favorable report.

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

☐ With a favorable report, as amended.

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

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

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

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

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

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

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

☐ Without prejudice.

☐ With an indefinite postponement report.

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

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

2/15/01

HOUSE BILL 190:
Local Flex. Regarding Charter Sch. Teachers

BILL ANALYSIS

Committee:	House Education	**Introduced by:**	Rep. Hurley
Date:	April 3, 2001	**Summary by:**	Robin Johnson
Version:	First		Committee Counsel

SUMMARY: ***This bill would repeal the provision that requires a local school administrative unit (LEA) to grant an extended leave of absence to a teacher who leaves the LEA to teach in a charter school. The bill also would eliminate the priority reemployment rights these teachers have with the LEA when their leave ends. It would continue to protect teachers currently on leave for the duration of their current authorized leave period, but would prohibit further extensions.***

CURRENT LAW: Generally, any teacher may, for a variety of reasons, request a leave of absence, which typically is granted for a finite period. The LEA may extend a leave; however, it is highly unlikely that it would grant a permanent leave.

A leave of absence for a teacher who leaves the LEA to teach in a charter school is an exception to the general law. The LEA must grant the leave for any number of years, as requested in writing by the teacher, and must extend the leave at the teacher's request. For the first year of a charter school's operation, the LEA may require that the request for leave or extension of leave be made up to 45 days before the teacher would otherwise have to report for duty. After the first year, the LEA may require that the request be made up to 90 days before the teacher would otherwise have to report for duty.

A teacher who has career status prior to receiving this particular extended leave of absence may return to a school in the LEA with career status at the end of the leave of absence or upon the end of employment at the charter school if an appropriate position is available. If an appropriate position is not available, the teacher's name must be placed on a list of available teachers and that teacher must have priority on all positions for which that teacher is qualified.

When a request for any leave of absence is granted, the LEA typically fills that position with a teacher who is hired on a terminating contract. This means that the person is usually hired on a year-by-year basis. The school may hire, train, and support that person, only to lose that person after a year. Most teachers are seeking a permanent position and therefore are reluctant to take temporary positions, or they leave when a permanent position becomes available.

ANALYSIS: House Bill 190 would repeal G.S. 115C-238.29F(e)(3), which governs leaves of absence for teachers who leave an LEA to teach in a charter school.

The bill provides that this repeal would not apply to teachers on extended leaves that were granted or requested before the bill's effective date. It also would not apply to teachers who are not yet on leave, but whose requests were made and granted before the bill's effective date. These teachers, however, would not be entitled to additional leave or an extension of a leave after the effective date.

(Summary continued on other side)

BACKGROUND: Originally, this provision was enacted as part of the legislation creating charter schools. Since these schools were a new concept, it was believed it would encourage qualified teachers to teach in charter schools. A year later, another bill was negotiated and enacted that "fine-tuned" the original law. This act provided a shorter time frame for teachers who wanted to go a charter school during its first year (since many of those schools only started looking for staff in the summer.)

The requirement for the LEA to grant and extend this leave for any amount of time requested by the teacher may contribute to the already difficult problem some LEAs face with filling teaching vacancies particularly in critical need areas such as math, science, and special education.

EFFECTIVE DATE: The bill would take effect when it becomes law.

H190-SMRH-001: Dr. Shirley Iorio, Committee Staff, contributed significantly to this summary.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

H 1

HOUSE BILL 190*

Short Title:	Local Flex. Regarding Charter Sch. Teachers.	(Public)
Sponsors:	Representatives Hurley; Barefoot, Culp, Dedmon, Esposito, Fox, Lucas, McAllister, McLawhorn, Morris, Preston, Redwine, Rogers, Saunders, Smith, Teague, Tolson, Wainwright, Walker, Warner, and G. Wilson.	
Referred to:	Education.	

February 21, 2001

A BILL TO BE ENTITLED

AN ACT TO PERMIT LOCAL FLEXIBILITY WITH REGARD TO THE REHIRING OF TEACHERS WHO LEAVE PUBLIC SCHOOLS TO TEACH IN CHARTER SCHOOLS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-238.29F(e)(3) is repealed.

SECTION 2. Section 1 of this act does not apply to any teacher who is on an extended leave of absence that was requested or granted on or before the effective date of this act pursuant to G.S. 115C-238.29F(e)(3) or who requested and was granted an extended leave of absence pursuant to G.S. 115C-238.29F(e)(3) before the effective date of this act; however, such teachers referred to in this section shall not be granted an additional leave of absence or an extension of a leave of absence pursuant to G.S. 115C-238.29F(e)(3) after the effective date of this act.

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

2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

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

☐ Committee Substitute for
H.B. 620 A BILL TO BE ENTITLED AN ACT TO GIVE SCHOOL SUPERINTENDENTS FLEXIBILITY REGARDING THE EXPUNCTION OF RECORDS OF A STUDENT'S SUSPENSION OR EXPULSION FROM SCHOOL.

☐ With a favorable report.

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

☐ With a favorable report, as amended.

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

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

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

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

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

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

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

☐ Without prejudice.

☐ With an indefinite postponement report.

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

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

2/15/01

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

H D

HOUSE BILL 620
PROPOSED COMMITTEE SUBSTITUTE H620-PCS6204-RH-12

Short Title: Records of Sch. Suspension May Be Retained. (Public)

Sponsors:

Referred to:

March 15, 2001

A BILL TO BE ENTITLED

AN ACT TO GIVE SCHOOL SUPERINTENDENTS FLEXIBILITY REGARDING THE EXPUNCTION OF RECORDS OF A STUDENT'S SUSPENSION OR EXPULSION FROM SCHOOL.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-402 reads as rewritten:

"**§ 115C-402. Student records; maintenance; contents; confidentiality.**

(a) The official record of each student enrolled in North Carolina public schools shall be permanently maintained in the files of the appropriate school after the student graduates, or should have graduated, from high school unless the local board determines that such files may be filed in the central office or other location designated by the local board for that purpose.

(b) The official record shall contain, as a minimum, adequate identification data including date of birth, attendance data, grading and promotion data, and such other factual information as may be deemed appropriate by the local board of education having jurisdiction over the school wherein the record is maintained. Each student's official record also shall include notice of any suspension for a period of more than 10 days or of any expulsion under G.S. 115C-391 and the conduct for which the student was suspended or expelled. ~~The notice of suspension or expulsion shall be expunged from the record if the~~ The superintendent or the superintendent's designee shall expunge from the record the notice of suspension or expulsion if the following criteria are met:

(1) One of the following persons makes a request for expungement:

a. The student's parent, legal guardian, or custodian.

b. The student, if the student is at least 16 years old or is emancipated.

(2) The student ~~(i)~~ either graduates from high school or ~~(ii)~~is not expelled or suspended again during the two-year period commencing on the date of the student's return to school after the expulsion or ~~suspension.~~suspension.

(3) The superintendent or the superintendent's designee determines that the maintenance of the record is no longer needed to maintain safe and orderly schools.

(4) The superintendent or the superintendent's designee determines that the maintenance of the record is no longer needed to adequately serve the child.

(c) Each local board's policy on student records shall include information on the procedure for expungement under subsection (b) of this section.

(d) The official record of each student is not a public record as the term 'public record' is defined by G.S. 132-1. The official record shall not be subject to inspection and examination as authorized by G.S. 132-6."

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. These policies shall provide that when notice is given to students or parents of a suspension of more than 10 days or expulsion, this notice shall identify what information will be included in the student's official record and the procedure for expungement of this information under G.S. 115C-402. The State Board shall develop guidelines to assist local boards in this process."

SECTION 3. This act is effective when it becomes law and applies beginning with the 2001-2002 school year.

HOUSE BILL 620:
Records of Sch. Suspension May be Retained.

BILL ANALYSIS

Committee:	House Education	**Introduced by:**	Reps. Warner & Bonner
Date:	April 5, 2001	**Summary by:**	Robin Johnson
Version:	H620-CSRH-12[v.3]		Committee Counsel

SUMMARY: ***The PCS expands who may ask for expungement, requires local boards to include in their discipline and student records policies information on the procedure for expungement, and makes technical changes.***

The bill would allow the superintendent to maintain suspension and expulsion information in a student's permanent record for a longer period of time than currently is authorized. The information could be maintained unless the student (if at least 16 or emancipated) or the student's parent, guardian or custodian makes a request for expungement and the superintendent determines it is no longer needed to maintain safe and orderly schools and to adequately serve the student.

The bill would take effect when it becomes law and would apply beginning with the 2001-2002 school year.

CURRENT LAW: Current law (G.S. 115C-402) requires each public school to maintain one permanent, official record of each student in that school. The law specifies what information must be included in that record. One of the items that must be included in the official record is notice of any expulsion or any suspension of more than 10 days and the conduct for which the student was so suspended or expelled. The notice **must** be expunged from this record (i) when the student graduates from high school or (ii) two years after the date of the student's return to school following the suspension or expulsion -- but only if the student is not expelled or suspended again during that two-year period.

The permanent record is a confidential record and is exempt from the Public Records Act. However, parents and school personnel are entitled to see information maintained in the student's permanent record. A copy of this information is what is forwarded when the student transfers to another school.

BILL ANALYSIS: House Bill 620 would amend G.S. 115C-402 by qualifying the automatic expungement. Expungement will only occur after the student graduates or after two years of "good behavior", IF the student (who must be at least 16 or emancipated) or the student's parent, legal guardian, or custodian makes a request AND the superintendent or the superintendent's designee determines that maintenance of the record is no longer needed to (i) maintain safe and orderly schools and (ii) adequately serve the child. Each local board's policy on student records would be required to include information on the expungement procedure.

In addition, the bill would amend G.S. 115C-391(f), which is part of the statute governing student discipline, suspensions, and expulsions, and their placement in alternative settings. This subsection currently requires local boards to have clear student conduct policies. The bill would require these policies must provide that when notice is given to students or parents of a suspension of more than 10 days or an expulsion, this notice must identify the information that will be placed in the student's official record and the procedure for expungement.

(Summary continued on other side)

BACKGROUND: The current law was enacted as part of the Safe Schools Act of 1997. At the time, it was unclear whether this particular information was even part of a student's permanent record. When students transferred to another school, it was claimed that sometimes the receiving school did not know of the disciplinary action (even if it was recent). At the same time, since the Safe Schools Act made mandatory certain lengths of suspensions for certain misconduct, there were some who believed the record should be purged of this information when the student graduated or exhibited "good" behavior for the following two years.

H620-SMRH-002

VISITOR REGISTRATION SHEET

COMMITTEE ON EDUCATION — 04/05/01

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Gene Causby	NCSBA
[illegible]	NCPTPA
Suzanne Williams	NCCCS
Tim McDowell	NCICU
[illegible]	SBE
Eddie Caldwell	EPSC
Leanne Winner	NCSBA
Lynne Winner	NCBA
Amy Mabe	NC Justice
Jim Babb	Charlotte
John Hood	NCFPC

VISITOR REGISTRATION SHEET

COMMITTEE ON EDUCATION — 04/05/01

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Hal Miller	NCACCT
Jim Dyer	NCASA
Ann Bulem	Bulem Assoc.
Susan Hanson	WCPSS
Sam Lee	OSBPM
Cynthia Jones	OSBPM
Elizabeth Greenstein	OSBPM
Marilyn Edmonston	YAIO
Rudolph E. Cloud	Rudolph E. Cloud and Assoc.
Anna Bridgers	Randolph Cloud & Ass.
Ed Kerr	N.C.A.C.C
Bill Wilson	NCAFL

Stephanie Morrison — UNC-CH

Jeff Wahlenberg — UNC-CH

VISITOR REGISTRATION SHEET

Name of Committee _____ Date _____

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK.

NAME	FIRM OR AGENCY AND ADDRESS
Kristen Reed	UNC-CH
Harriet Bade	NCAE
JOHN SANDERS	—

HOUSE EDUCATION COMMITTEE

MINUTES
April 10, 2001

The House Education Committee met on Tuesday, April 10, 2001, at 11:00 a.m. in Room 643 of the Legislative Office Building. Representative Donald Bonner, Chairman, presided. The Committee Roll Sheet is attached as a record to the Minutes.

Chairman Bonner opened the meeting with an introduction of the Page assigned to serve the House Education Committee this week.

HOUSE BILL 169: The Chairman recognized Representative Adams, bill sponsor, to explain HB 169, UNC BOARD OF GOVERNORS-STUDENT MEMBER. HB169 would give the student member of the UNC Board of Governors the right to vote. A bill analysis is attached to further explain the bill. Student David Chesley and NCSU student Andrew Payne were introduced and asked to comment on the bill.

Representative Pope spoke in opposition to the bill, but after a period of committee discussion he offered an amendment (ATTACHED) whereby he could support HB 169 and made a motion for adoption of the amendment. The motion carried.

Representative Owens made a motion that the amendment to HB 169 be rolled into a House Committee Substitute and that the House Committee Substitute for HB 169 be given a favorable report, unfavorable to the original bill. The motion carried.

HOUSE BILL 190: Representative Hurley was recognized to explain House Bill 190, AN ACT TO PERMIT LOCAL FLEXIBILITY WITH REGARD TO THE REHIRING OF TEACHERS WHO LEAVE PUBLIC SCHOOLS TO TEACH IN CHARTER SCHOOLS. This presentation was continued from a meeting held last week. An amendment was offered at the last meeting by Representative Russell. Following her explanation of the amendment (ATTACHED), a motion was made by Representative Haire for adoption of the amendment and the motion carried.

Following further discussion, Representative Arnold sent forth an amendment (ATTACHED) to HB 190 with Representative Warner speaking in opposition to the amendment. Representative Arnold moved for adoption of the amendment and the motion failed.

Representative Haire made a motion that Representative Russell's amendment to HB 190 be rolled into a House Committee Substitute and that the House Committee Substitute for HB 190 be given a favorable report, unfavorable to the original bill. The motion carried.

The meeting was adjourned at 11:50 a.m. to reconvene for a second meeting fifteen minutes after Session this date

Representative Donald Bonner,
Presiding Chairman

Jacquelyn A. Hamby,
Acting Committee Assistant

Afternoon meeting was cancelled.

4-10-01 Education
15 min. after Session

Rep. Bonner:
Please announce that HB 169 - PCS Favorable
HB 190 - PCS Favorable

House Committee on Education

April 10, 2001

Rep. Bonner presiding

The following bills will be considered:

(The bills are in numerical order and not necessarily the order they will be considered.)

@ 11:00 am

HB 169 – UNC Bd of Govs-Student Member – Representative Adams P.C.S. Favorable

HB 177 – UNC Tuition/Military Students – Representative McAllister Withdrawn til Thursday

HB 190 – Local Flex. Regarding Charter Sch. Teachers - Representative Hurley P.C.S. Favorable

HB 243 – Teacher Retirement Eligibility – Representative Rogers

HB 545 – Teacher Credit for Excess Personal Leave – Representative Blust

HB 568 – Schools Must Protect Student & Family Privacy – Representative Ellis

HB 608 – School Employee Health Certificate – Representative Walend

HB 752 – UNC-Greensboro Parking Jurisdiction – Representative Jeffus

~~2001~~ COMMITTEE REPORT
~~HOUSE OF REPRESENTATIVES~~

The following report(s) from standing committee(s) ~~is~~/are presented:
By Representative(s) **Bonner, Warner** ~~(Chair~~/Chairs) for the Committee on **EDUCATION.**

☐ Committee Substitute for
H.B. 169 A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE STUDENT MEMBER OF THE BOARD OF GOVERNORS SHALL HAVE THE SAME RIGHT TO VOTE AS ALL OTHER MEMBERS.

☐ With a favorable report.

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

☐ With a favorable report, as amended.

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

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

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

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

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

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

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

☐ Without prejudice.

☐ With an indefinite postponement report.

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

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

2/15/01

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

H D

HOUSE BILL 169
PROPOSED COMMITTEE SUBSTITUTE H169-PCS3362-RH-19

Short Title: UNC Bd of Govs-Student Member. (Public)

Sponsors:

Referred to:

February 20, 2001

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT THE STUDENT MEMBER OF THE BOARD OF GOVERNORS SHALL HAVE THE SAME RIGHT TO VOTE AS ALL OTHER MEMBERS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 116-6.1 reads as rewritten:

"**§ 116-6.1. Student member of the Board of Governors.**

(a) Commencing July 1, 1991, and during his continuance as a student in good standing at a constituent institution of The University of North Carolina, the person serving as president of the University of North Carolina Association of Student Governments (UNCASG) ~~or his designee~~ shall serve ex officio as a member of the Board of Governors. This student member shall be in addition to the 32 members elected to the Board of Governors.

(b) The student member shall have all the rights and privileges of ~~membership, except that he shall not have a vote.~~ membership."

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

HOUSE BILL 169

Short Title:	UNC Bd of Govs-Student Member.	(Public)
Sponsors:	Representatives Adams; Blue, Coates, Fox, Hackney, Insko, Jarrell, Jeffus, Setzer, Walker, Weiss, and Womble.	
Referred to:	Education.	

February 20, 2001

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT THE STUDENT MEMBER OF THE BOARD OF GOVERNORS SHALL HAVE THE SAME RIGHT TO VOTE AS ALL OTHER MEMBERS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 116-6.1(b) reads as rewritten:

"(b) The student member shall have all the rights and privileges of ~~membership, except that he shall not have a vote.~~ membership."

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

Passed
4-10-01
file

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

EDITION No. _____

H. B. No. 169 DATE 4-10-01

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

COMMITTEE SUBSTITUTE _____

Rep.) Pope
)
Sen.)

moves to amend the bill on page 1, line 6

( ) WHICH CHANGES THE TITLE

by rewriting the line to read:

"SECTION 1. G.S. 116-6.1 reads as rewritten:

"§ 116-6.1. Student member of the Board of Governors.

(a) Commencing July 1, 1991, and during his continuance as a student in good standing at a constituent institution of The University of North Carolina, the person serving as president of the University of North Carolina Association of Student Governments (UNCASG) ~~or his designee~~ shall serve ex officio as a member of the Board of Governors. This student member shall be in addition to the 32 members elected to the Board of Governors.";

and on p. 1, l. 7, by deleting the quotation mark.

SIGNED Pope

ADOPTED _____ FAILED _____ TABLED _____

GA-33-A

PRINCIPAL CLERK'S OFFICE (FOR ENGROSSMENT)

4-10-01

HOUSE BILL 169:
UNC Bd of Govs-Student Member.

BILL ANALYSIS

Committee:	House Education	**Introduced by:**	Representative Adams
Date:	April 6, 2001	**Summary by:**	Sara Kamprath
Version:	First Edition		Education Policy Analyst

SUMMARY: ***House Bill 169 would give the student member of the UNC Board of Governors the right to vote. The bill is effective when it becomes law.***

CURRENT LAW: The UNC Board of Governors is composed of thirty-two voting members serving staggered four-year terms. Each long session, the General Assembly elects sixteen members to the Board. The Senate and the House of Representatives separately elect eight members to fill the vacancies on the Board.

Former board chairmen, who have served at least one full term, may continue to serve on the Board for an additional four-year term after their regular elected term has expired. Board members who are former North Carolina governors and have served at least one term on the Board may continue to serve. The Board members who are former board chairmen or former North Carolina governors are non-voting members emeriti but have all the other rights and privileges of serving on the Board.

Currently, the student serving as the president of the UNC Association of Student Governments (UNCASG) or his designee is a non-voting ex officio member of the Board. The UNC Association of Student Governments is composed of the student body Presidents of the sixteen constituent institutions. Typically, UNCASG elects a new president each year.

BILL ANALYSIS: House Bill 169 changes the status of the student member of the UNC Board of Governors from non-voting to voting. This change would increase the number of voting members on the Board from thirty-two to thirty-three.

BACKGROUND: In 1997, an identical Senate bill was introduced. The Senate Education/Higher Education Committee amended the bill to authorize the Joint Legislative Education Oversight Committee to study the issue but the issue was never studied.

H169-SMRJ-001

Julie
4-10-01

2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

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

☐ Committee Substitute for
H.B. 190 A BILL TO BE ENTITLED AN ACT TO PERMIT LOCAL FLEXIBILITY WITH REGARD TO THE REHIRING OF TEACHERS WHO LEAVE PUBLIC SCHOOLS TO TEACH IN CHARTER SCHOOLS.

☐ With a favorable report.

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

☐ With a favorable report, as amended.

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

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

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

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

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

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

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

☐ Without prejudice.

☐ With an indefinite postponement report.

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

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

2/15/01

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

H D

HOUSE BILL 190*
PROPOSED COMMITTEE SUBSTITUTE H190*-PCS3358-RH-16

Short Title: Local Flex. Regarding Charter Sch. Teachers. (Public)

Sponsors:

Referred to:

February 21, 2001

A BILL TO BE ENTITLED

AN ACT TO PERMIT LOCAL FLEXIBILITY WITH REGARD TO THE REHIRING OF TEACHERS WHO LEAVE PUBLIC SCHOOLS TO TEACH IN CHARTER SCHOOLS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-238.29F(e)(3) reads as rewritten:

"(e) Employees. –

...

(3) If a teacher employed by a local school administrative unit makes a written request for ~~an extended~~ a leave of absence to teach at a charter school, the local school administrative unit shall grant the ~~leave. The local school administrative unit shall grant a leave for any number of years requested by the teacher, shall extend the leave for any number of years requested by the teacher, and shall extend the leave at the teacher's request.~~ leave for one year. For the initial year of a charter school's operation, the local school administrative unit may require that the request for a leave of absence ~~or extension of leave~~ be made up to 45 days before the teacher would otherwise have to report for duty. ~~For subsequent years,~~ After the initial year of a charter school's operation, the local school administrative unit may require that the request for a leave of absence ~~or extension of leave~~ be made up to 90 days before the teacher would otherwise have to report for duty. A local board of education is not required to grant a request for a leave of absence or a request to extend or renew a leave of absence for a teacher who previously has received a leave of absence from that school board under this subdivision.

The local school administrative unit that grants a leave of absence to a teacher under this subdivision shall give priority hiring

consideration to that ~~A teacher who has career status under G.S. 115C-325 prior to receiving an extended leave of absence to teach at a charter school may return to a public school in the local school administrative unit with career status at the end of the leave of absence or~~ teacher upon the end of that teacher's employment at the charter school if an appropriate position is available. If an appropriate position is ~~unavailable, the teacher's name shall be placed on a list of available teachers and~~ not available, that teacher shall have priority on all positions that become available during the next three consecutive years for which that teacher is ~~qualified in accordance with G.S. 115C-325(e)(2)~~ qualified. If the local school administrative unit offers the teacher a position for which the teacher is qualified and the teacher refuses the position, the administrative unit is no longer required to give priority hiring consideration to that teacher."

SECTION 2. This act is effective when it becomes law and applies to requests under G.S. 115C-238.29F(e)(3) that are made on and after that date.

pg. 1

Russell Amendment passed. 4-10-01

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 190*

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

H190-ARC-6 [v.6]

Date _____,2001

Comm. Sub. [NO]
Amends Title [NO]
First Edition

Representative Russell

moves to amend the bill on page 1, by rewriting lines 6-14 to read:

"**SECTION 1.** G.S. 115C-238.29F(e)(3) reads as rewritten:

'(e) Employees. –

...

(3) If a teacher employed by a local school administrative unit makes a written request for ~~an extended~~ a leave of absence to teach at a charter school, the local school administrative unit shall grant the ~~leave. The local school administrative unit shall grant a leave for any number of years requested by the teacher, shall extend the leave for any number of years requested by the teacher, and shall extend the leave at the teacher's request.~~ leave for one year. For the initial year of a charter school's operation, the local school administrative unit may require that the request for a leave of absence ~~or extension of leave~~ be made up to 45 days before the teacher would otherwise have to report for duty. ~~For subsequent years,~~ After the initial year of a charter school's operation, the local school administrative unit may require that the request for a leave of absence ~~or extension of leave~~ be made up to 90 days before the teacher would otherwise have to report for duty. A

pg. 2
Russell Amendment
4.10.01

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 190*

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

H190-ARC-6 [v.6]

local board of education is not required to grant a request for a leave of absence or a request to extend or renew a leave of absence for a teacher who previously has received a leave of absence from that school board under this subdivision.

The local school administrative unit that grants a leave of absence to a teacher under this subdivision shall give priority hiring consideration to that ~~A teacher who has career status under G.S. 115C-325 prior to receiving an extended leave of absence to teach at a charter school may return to a public school in the local school administrative unit with career status at the end of the leave of absence or~~ teacher upon the end of that teacher's employment at the charter school if an appropriate position is available. If an appropriate position is ~~unavailable, the teacher's name shall be placed on a list of available teachers and~~ not available, that teacher shall have priority on all positions that become available during the next three consecutive years for which that teacher is ~~qualified in accordance with G.S. 115C-325(e)(2)~~ qualified. If the local school administrative unit offers the teacher a position for which the teacher is qualified and the teacher refuses the position, the administrative unit is no longer required to give priority hiring consideration to that teacher. '

SECTION 2. This act is effective when it becomes law and applies to requests under G.S. 115C-238.29F(e)(3) that are made on and after that date."

SIGNED C. Russell
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

4-10-01

HOUSE BILL 190:
Local Flex. Regarding Charter Sch. Teachers

BILL ANALYSIS

Committee:	House Education	**Introduced by:**	Rep. Hurley
Date:	April 3, 2001	**Summary by:**	Robin Johnson
Version:	First		Committee Counsel

SUMMARY: This bill would repeal the provision that requires a local school administrative unit (LEA) to grant an extended leave of absence to a teacher who leaves the LEA to teach in a charter school. The bill also would eliminate the priority reemployment rights these teachers have with the LEA when their leave ends. It would continue to protect teachers currently on leave for the duration of their current authorized leave period, but would prohibit further extensions.

CURRENT LAW: Generally, any teacher may, for a variety of reasons, request a leave of absence, which typically is granted for a finite period. The LEA may extend a leave; however, it is highly unlikely that it would grant a permanent leave.

A leave of absence for a teacher who leaves the LEA to teach in a charter school is an exception to the general law. The LEA must grant the leave for any number of years, as requested in writing by the teacher, and must extend the leave at the teacher's request. For the first year of a charter school's operation, the LEA may require that the request for leave or extension of leave be made up to 45 days before the teacher would otherwise have to report for duty. After the first year, the LEA may require that the request be made up to 90 days before the teacher would otherwise have to report for duty.

A teacher who has career status prior to receiving this particular extended leave of absence may return to a school in the LEA with career status at the end of the leave of absence or upon the end of employment at the charter school if an appropriate position is available. If an appropriate position is not available, the teacher's name must be placed on a list of available teachers and that teacher must have priority on all positions for which that teacher is qualified.

When a request for any leave of absence is granted, the LEA typically fills that position with a teacher who is hired on a terminating contract. This means that the person is usually hired on a year-by-year basis. The school may hire, train, and support that person, only to lose that person after a year. Most teachers are seeking a permanent position and therefore are reluctant to take temporary positions, or they leave when a permanent position becomes available.

ANALYSIS: House Bill 190 would repeal G.S. 115C-238.29F(e)(3), which governs leaves of absence for teachers who leave an LEA to teach in a charter school.

The bill provides that this repeal would not apply to teachers on extended leaves that were granted or requested before the bill's effective date. It also would not apply to teachers who are not yet on leave, but whose requests were made and granted before the bill's effective date. These teachers, however, would not be entitled to additional leave or an extension of a leave after the effective date.

(Summary continued on other side)

BACKGROUND: Originally, this provision was enacted as part of the legislation creating charter schools. Since these schools were a new concept, it was believed it would encourage qualified teachers to teach in charter schools. A year later, another bill was negotiated and enacted that "fine-tuned" the original law. This act provided a shorter time frame for teachers who wanted to go a charter school during its first year (since many of those schools only started looking for staff in the summer.)

The requirement for the LEA to grant and extend this leave for any amount of time requested by the teacher may contribute to the already difficult problem some LEAs face with filling teaching vacancies particularly in critical need areas such as math, science, and special education.

EFFECTIVE DATE: The bill would take effect when it becomes law.

H190-SMRH-001: Dr. Shirley Iorio, Committee Staff, contributed significantly to this summary.

4-10-01

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

H 1

HOUSE BILL 190*

Short Title:	Local Flex. Regarding Charter Sch. Teachers.	(Public)
Sponsors:	Representatives Hurley; Barefoot, Culp, Dedmon, Esposito, Fox, Lucas, McAllister, McLawhorn, Morris, Preston, Redwine, Rogers, Saunders, Smith, Teague, Tolson, Wainwright, Walker, Warner, and G. Wilson.	
Referred to:	Education.	

February 21, 2001

A BILL TO BE ENTITLED

AN ACT TO PERMIT LOCAL FLEXIBILITY WITH REGARD TO THE REHIRING OF TEACHERS WHO LEAVE PUBLIC SCHOOLS TO TEACH IN CHARTER SCHOOLS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-238.29F(e)(3) is repealed.

SECTION 2. Section 1 of this act does not apply to any teacher who is on an extended leave of absence that was requested or granted on or before the effective date of this act pursuant to G.S. 115C-238.29F(e)(3) or who requested and was granted an extended leave of absence pursuant to G.S. 115C-238.29F(e)(3) before the effective date of this act; however, such teachers referred to in this section shall not be granted an additional leave of absence or an extension of a leave of absence pursuant to G.S. 115C-238.29F(e)(3) after the effective date of this act.

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

Arnolds Amendment
Failed
4-10-01

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

H. B. No. 190 DATE 3-20-01

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

(Rep.) Arnold
Sen.)

moves to amend the bill on page _____, line _____

by change title line 4 by removing period and inserting, "And Change the cap Allowed for Charter schools from 100 to 135."

Further amend on line 14 by inserting the following: "Section 3. The State Board of Education may allocated an additional 35 charters to entities desiring to establish charter schools in North Carolina bringing the allowed total to 135."

Section 4.

This act is effective when it becomes law."

SIGNED Gene Arnold

ADOPTED _____ FAILED _____ TABLED _____

GA-33-A PRINCIPAL CLERK'S OFFICE (FOR ENGROSSMENT)

House Committee on Education

April 10, 2001

Rep. Bonner presiding

The following bills will be considered:

(The bills are in numerical order and not necessarily the order they will be considered.)

HB 169 – UNC Bd of Govs-Student Member – Representative Adams

HB 177 – UNC Tuition/Military Students – Representative McAllister

HB 190 – Local Flex. Regarding Charter Sch. Teachers - Representative Hurley

HB 243 – Teacher Retirement Eligibility – Representative Rogers

HB 545 – Teacher Credit for Excess Personal Leave – Representative Blust

HB 568 – Schools Must Protect Student & Family Privacy – Representative Ellis

HB 608 – School Employee Health Certificate – Representative Walend

HB 752 – UNC-Greensboro Parking Jurisdiction – Representative Jeffus

4-10-01

15 minutes after Session

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

H 1

HOUSE BILL 243

Short Title:	Teacher Retirement Eligibility.	(Public)
Sponsors:	Representatives Rogers; Bell, Bonner, Boyd-McIntyre, Carpenter, Cox, Culpepper, Earle, Hurley, Insko, Jarrell, Lucas, McLawhorn, Preston, Russell, Shubert, Smith, Teague, Wainwright, Warner, Warwick, Weiss, and Yongue.	
Referred to:	Education, if favorable, Pensions and Retirement.	

February 26, 2001

A BILL TO BE ENTITLED

AN ACT TO AMEND THE DEFINITION OF THE TERM "TEACHER" FOR PURPOSES OF MEMBERSHIP IN THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 135-1(25) reads as rewritten:

"(25) "Teacher" shall mean any teacher, helping teacher, librarian, principal, supervisor, superintendent of public schools or any full-time employee, city or county, superintendent of public instruction, or any full-time employee of Department of Public Instruction, president, dean or teacher, or any full-time employee in any educational institution supported by and under the control of the State: Provided, ~~that~~ that, except as otherwise provided in this subdivision, the term "teacher" shall not include any part-time, temporary, or substitute teacher or employee, and shall not include those participating in an optional retirement program provided for in G.S. 135-5.1. In all cases of doubt, the Board of ~~Trustees, hereinafter defined,~~ Trustees shall determine whether any person is a teacher as defined in this Chapter. The term "teacher" includes teachers who are employed to teach in permanent positions and who work not less than fifty percent (50%) of the time that is required of a person who is employed as a teacher, as that term is defined under the provisions of G.S. 115C-325(6)."

SECTION 2. This act becomes effective July 1, 2001.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

H **1**

HOUSE BILL 545

Short Title:	Teacher Credit for Excess Personal Leave.	(Public)
Sponsors:	Representatives Blust; Jarrell, Jeffus, Johnson, and Morris.	
Referred to:	Education.	

March 12, 2001

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 of 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. A teacher or other employee paid on the teacher salary schedule may carry forward to July 1 a maximum of five days of personal leave; the remainder of the teacher or other employee's personal leave shall be converted to sick leave.

Personal leave may be used only upon the authorization of the 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 day 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 substitute deduction."

SECTION 2. This act becomes effective July 1, 2001.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

H 1

HOUSE BILL 568

Short Title:	Schools Must Protect Student & Family Privacy.	(Public)
Sponsors:	Representative Ellis.	
Referred to:	Education.	

March 12, 2001

A BILL TO BE ENTITLED

AN ACT TO ENSURE THAT THE PUBLIC SCHOOLS PROTECT THE RIGHTS OF STUDENTS AND THEIR FAMILIES.

The General Assembly of North Carolina enacts:

SECTION 1. Article 29 of Chapter 115C of the General Statutes is amended by adding a new section to read:

"**§ 115C-405. Protection of the rights of students and their families.**

(a) All instructional materials, including teachers' manuals, films, tapes, or other supplementary materials, that will be used in connection with any survey, analysis, or evaluation as part of any program shall be available for inspection by the parents or guardians of the children.

(b) No student shall be required to submit to a survey, analysis, or evaluation that reveals information concerning any of the following without (i) the prior written consent of the student's parent if the student is an unemancipated minor or (ii) the prior consent of the student if the student is an adult or emancipated minor:

(1) Political affiliations;

(2) Mental and psychological problems potentially embarrassing to the student or his family;

(3) Sex behavior and attitudes;

(4) Illegal, antisocial, self-incriminating, and demeaning behavior;

(5) Critical appraisals of other individuals with whom respondents have close family relationships;

(6) Legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers; or

(7) Income, other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program.

(c) All surveys, analyses, and evaluations that are subject to the provisions of subsection (b) of this section shall be marked "Anonymous and Confidential" and the local board of education and its employees shall maintain the anonymity and the confidentiality of students' responses. A student's responses to such survey, analysis, or evaluation shall not be retained in that student's school record. No student shall be disciplined or penalized in any way because of the student's responses to such survey, analysis, or evaluation.

(d) Local school administrative units shall give parents and students effective notice of their rights under this section.

(e) The State Board of Education shall adopt rules and policies to implement the provisions of this section.

(f) The State Board of Education shall establish a review panel within the Department of Public Instruction to investigate, process, and review alleged violations of this section. If the review panel determines that there has been a failure to comply with such section, and that compliance with such section cannot be secured by voluntary means, the review panel shall report the matter to the State Board of Education. The State Board shall take such action as it determines appropriate to enforce this section."

SECTION 2. This act is effective when it becomes law and applies to all school years beginning with the 2001-2002 school year.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

HOUSE BILL 608

Short Title:	School Employee Health Certificate.	(Public)
Sponsors:	Representative Walend.	
Referred to:	Education.	

March 14, 2001

A BILL TO BE ENTITLED

AN ACT TO CLARIFY THE HEALTH CERTIFICATE REQUIREMENTS FOR PUBLIC SCHOOL EMPLOYEES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-323 reads as rewritten:

"**§ 115C-323. Employee health certificate.**

~~All public school employees upon initial employment, and those who have been separated from public school employment more than one school year, including superintendents, supervisors, principals, teachers, and any other employees in the public schools of the State, shall file in the office of the superintendent, before assuming his duties, a certificate from a physician licensed to practice medicine in the State of North Carolina, certifying that said person does not have tuberculosis in the communicable form, or other communicable disease, or any disease, physical or mental, which would impair the ability of the said person to perform effectively his duties. A local school board or a superintendent may require any person herein named to take a physical examination when deemed necessary.~~ Any person initially employed in a public school or reemployed in a public school after an absence of more than one school year shall provide a certificate to the superintendent certifying that the person does not have any physical or mental disease, including tuberculosis in the communicable form or other communicable disease, that would impair the person's ability to perform his or her duties effectively. The certificate shall be prepared by a physician licensed to practice in North Carolina or by a nurse practitioner or a physician's assistant, as provided in G.S. 90-18.3. A local school board or a superintendent may require any school employee to take a physical examination when deemed necessary.

Any public school employee who has been absent for more than 40 successive school days because of a communicable disease must, before returning to work, ~~file with the superintendent a physician's certificate~~provide a certificate to the superintendent certifying that the individual is free from any communicable disease.

The ~~examining physician shall make the aforesaid certificates on an examination form~~ certificate shall be prepared on a form supplied by the Superintendent of Public Instruction. The certificate shall be issued only after a physical examination has been conducted, at the time of the certification, ~~and such examination shall be~~ in accordance with rules and regulations adopted by the Superintendent of Public Instruction, with approval of the Secretary of Health and Human ~~Services, and such~~ Services. These rules and regulations may ~~include the requirement of~~ require an X-ray chest examination for all new employees of the public school system.

It shall be the duty of the superintendent of the school in which the person is employed to enforce the provisions of this section.

Any person violating any of the provisions of this section shall be guilty of a Class 1 misdemeanor."

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

HOUSE BILL 752*

Short Title:	UNC-Greensboro Parking Jurisdiction.	(Public)
Sponsors:	Representatives Jeffus; Bowie and Jarrell.	
Referred to:	Education.	

March 26, 2001

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE UNIVERSITY OF NORTH CAROLINA AT GREENSBORO TO REGULATE PARKING ON CERTAIN STREETS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 116-44.5 reads as rewritten:

"**§ 116-44.5. Special provisions applicable to identified constituent institutions of the University of North Carolina.**

In addition to the powers granted by G.S. 116-42.1, the board of trustees of each of the constituent institutions enumerated hereinafter shall have the additional powers prescribed:

(1) The Board of Trustees of the University of North Carolina at Chapel Hill may by ordinance prohibit, regulate, and limit the parking of motor vehicles on those portions of the following public streets in the Town of Chapel Hill where parking is not prohibited by an ordinance of the Town of Chapel Hill:

a. Battle Lane;
b. Country Club Road, between Raleigh Street and South Road;
c. Manning Drive;
d. McCauley Street, between Columbia Street and Pittsboro Street;
e. Pittsboro Street, between South Columbia Street and Cameron Avenue;
f. Boundary Street, between Country Club Road and East Franklin Street;
g. Park Place, between Boundary Street and East Franklin Street;
h. South Columbia Street, between Franklin Street and Manning Drive;

i. Cameron Avenue, between South Columbia Street and Raleigh Street;
j. Raleigh Street;
k. Ridge Road;
l. South Road, between Columbia Street and Country Club Road.

In addition, the Board of Trustees of the University of North Carolina at Chapel Hill may regulate traffic on Cameron Avenue, between Raleigh Street and South Columbia Street, and on Raleigh Street, in any manner not inconsistent with ordinances of the Town of Chapel Hill.

(2) The Board of Trustees of Appalachian State University may by ordinance prohibit, regulate, and limit the parking of motor vehicles on those portions of the following public streets in the Town of Boone where parking is not prohibited by an ordinance of the Town of Boone:

a. Faculty Street, between U.S. 221-U.S. 321 (Hardin Street) and Water Street;
b. Stadium Drive, between Faculty Street and Fernclift Drive;
c. College Street, between U.S. 421-U.S. 321 (King Street) and Locust Street;
d. Appalachian Street, between Locust Street and Howard Street;
e. Brown Street, between Locust Street and Howard Street.

(3) The Board of Trustees of the University of North Carolina at Charlotte may by ordinance prohibit, regulate, and limit the parking of motor vehicles on those portions of the following public roads in the County of Mecklenburg where parking is not prohibited by ordinance or other source of legal regulation of the County of Mecklenburg or other governmental entity with jurisdiction to regulate parking on such public road:

a. Mary Alexander Boulevard (State Road No. 2834), between its intersection with N.C. Highway 49 and its intersection with Mallard Creek Church Road.

In addition, the Board of Trustees of the University of North Carolina at Charlotte may regulate traffic on Mary Alexander Boulevard (State Road No. 2834), between its intersection with N.C. Highway 49 and its intersection with Mallard Creek Church Road, in any manner not inconsistent with any ordinances or other sources of legal regulation of the County of Mecklenburg or other governmental entity with jurisdiction to regulate traffic on such public road.

(3a) The Board of Trustees of the University of North Carolina at Wilmington may by ordinance prohibit, regulate, and limit the parking of motor vehicles on those portions of the following public streets in the City of Wilmington where parking is not prohibited by an ordinance of the City of Wilmington:

a. "H" Street.

(3b) The Board of Trustees of the University of North Carolina at Greensboro may by ordinance prohibit, regulate, and limit the parking of motor vehicles for those portions of any of the following public streets in the City of Greensboro where parking is not prohibited by an ordinance of the City of Greensboro:

a. Forest Street between Oakland Avenue and Spring Garden Street.

b. Highland Avenue between Oakland Avenue and Spring Garden Street.

c. Jefferson Street between Spring Garden Street and the Walker/Aycock parking lot.

d. Kenilworth Street between Oakland Avenue and Walker Avenue.

e. McIver Street between Walker Avenue and West Market Street.

f. Stirling Street between Oakland Avenue and Walker Avenue.

g. Theta Street between Kenilworth Street and Stirling Street.

h. Walker Avenue between Aycock Street and Jackson Library and between Tate Street and McIver Street.

(4) This section does not diminish the authority of any affected municipality, county or other governmental entity to prohibit parking on any public street or road listed herein. It is intended only to authorize the respective boards of trustees of the constituent institutions identified hereinabove to further prohibit, regulate, and limit parking on certain public streets and roads running through or adjacent to the campuses of the constituent institutions where parking is not prohibited by ordinance or other law of any affected municipality, county or other governmental entity. When an ordinance or other law of an affected municipality, county or other governmental entity is adopted to prohibit parking on any portion of any public street or road then regulated by an ordinance of a board of trustees, the ordinance of the board of trustees is superseded and the University, upon request of the municipality, county or other governmental entity, shall immediately remove any signs, devices, or markings erected or placed by the University on that portion of the street or road pursuant to the superseded ordinance."

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

VISITOR REGISTRATION SHEET

Education 4-10-01

Name of Committee Date

VISITORS:. PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Linda Dupree	NCASA
Cullen Deese	NCICU
Gene Causby	NC SEEN
William Stuffelbeam	NCSU
Deanne Kinner	NCSBA
JB Buxton	SBE
Hoke Wiggett	DPI
Paul Pulley	NCCCS
Sherry B Shelton	SEANC
Cindi Watkins	SEANC
ANDREW PAYNE	UNC Board of Governors
Charles Lawley	UNC ASG
Nikkita L. Mitchell	NCA&TSU, UNC ASG, NC Black Student Gov't Assoc.
Kristy Jones	Daily Tar Heel Reporter
Lauren Mitchell	NCA&TSU
Matt Adams	NCSU, State Chairman NC College Republicans
Brian P Carty	NCSU Student Senate
Nicole Dusenbery	PPAF of Orange Durham
Jennifer Sullivan	Nat'l Assoc of SW's - NC Chap.
Gregg Dunn	OSBPM
Sam Lee	OSBPM
Elizabeth Provencher	OSBPM
Karen Bass	YA10
Angie Wilson	BOD
Paul J. Jackson	Carolina Hispanic ASSN.
Alison Morris	Public School Forum of NC
Dan Beach	NCCDS - teacher

VISITOR REGISTRATION SHEET

Name of Committee

4-10-01
Date

VISITORS:. PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Anne Bulgin	Bulgin Associates
Susan Harrison	WCPSS
Jack Poletti	NCAE
Jane Coburn	NCAE
Linda Suggs	NCASA
Bobbie Todd	NCASA
Steve Hoffman	NCSBA
Hal Miller	NCACCT

HOUSE EDUCATION COMMITTEE MEETING

APRIL 12, 2001

The House Education Committee met on Thursday, April 12, at 11:00 am in Room 643 of the Legislative Office Building.

Rep Warner presided over the meeting.

Rep. Ellis was called on to explain **HOUSE BILL 568, SCHOOLS MUST PROTECT STUDENT AND FAMILY PRIVACY.** After much discussion, Rep. Hill moved for a favorable report. The motion carried.

Rep. Rogers was called on to explain **HOUSE BILL 243, TEACHER RETIREMENT ELIGIBILILTY.** Rep. Arnold sent forth a technical amendment. The amendment was adopted. Rep. McCombs moved to displace the bill until a later date. The motion carried.

Rep. Blust was called on to explain **HOUSE BILL 545, TEACHER CREDIT FOR EXCESS PERSONAL LEAVE.** After much discussion, Rep. Underhill moved for a favorable report. The motion carried.

Meeting adjourned.

Rep. Alex Warner, Co-chair

Rep. Donald Bonner, Co-chair

Jackie Hamby, Committee Clerk

Ann Stancil, Committee Clerk

4-12-01

2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

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

☐ Committee Substitute for
H.B. 568 A BILL TO BE ENTITLED AN ACT TO ENSURE THAT THE PUBLIC SCHOOLS PROTECT THE RIGHTS OF STUDENTS AND THEIR FAMILIES.

☒ With a favorable report.

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

☐ With a favorable report, as amended.

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

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

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

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

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

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

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

☐ Without prejudice.

☐ With an indefinite postponement report.

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

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

2/15/01

Education
4-12-01

HOUSE BILL 568:
Schools Must Protect Student & Family Privacy.

BILL ANALYSIS

Committee:	House Education	**Introduced by:**	Rep. Ellis
Date:	April 10, 2001	**Summary by:**	Robin Johnson
Version:	One		Committee Counsel

SUMMARY: This bill would establish requirements for administering student surveys and for obtaining, handling, and maintaining information related to these surveys. The bill would take effect when it becomes law and would apply to all school years, beginning with the 2001-2002 school year.

CURRENT LAW: There is no State law that addresses the issue of student surveys. There is, however, a federal law that is virtually identical to this bill The federal law (the Hatch Amendment – see other side of this summary for a copy) applies whenever a school is participating in a student survey that is – in ANY way – funded out of federal education dollars. The survey could be locally, State, or federally developed or administered.

BILL ANALYSIS: House Bill 568 would amend Article 29 of Chapter 115C of the General Statutes (Student Records) by creating a new G.S. 115C-405, governing student surveys. The bill would require: school systems to:

(a) Allow parents and guardians to inspect all instructional materials that will be used in connection with any survey, analysis, or evaluation (survey).

(b) Require the prior written consent of the (i) student's parent if the student is an unemancipated minor or (ii) student if the student is an adult or emancipated minor before requiring any student to submit to a survey that reveals information concerning:

- (1) Political affiliations;
- (2) Mental and psychological problems potentially embarrassing to the student or his family;
- (3) Sex behavior and attitudes;
- (4) Illegal, antisocial, self-incriminating, and demeaning behavior;
- (5) Critical appraisals of other individuals with whom respondents have close family relationships;
- (6) Legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers; or
- (7) Income, other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program.

(c) Mark "Anonymous and Confidential" all surveys subject to this act.

(d) Maintain the anonymity and the confidentiality of students' responses.

(e) Not keep a student's survey responses in that student's school record.

(f) Not discipline or penalize any student because of the student's survey responses.

(g) Provide parents and students effective notice of their rights under this section.

In addition, the bill would direct the Board to adopt rules and policies to implement the act, and establish a review panel within the Department of Public Instruction to investigate, process, and review alleged violations.

S568-SMRH-001

Protection of Pupil Rights (Hatch Amendment)

Goals 2000, Educate America Act—

Sec. 1017. PROTECTION OF PUPILS
Section 439 of the General Education Provisions Act (20 U.S.C. 1232g) is amended to read as follows:

"PROTECTION OF PUPIL RIGHTS

"Sec. 439. (a) All instructional materials, including teacher's manuals, films, tapes, or other supplementary material which will be used in connection with any survey, analysis, or evaluation as part of any applicable program shall be available for inspection by the parents or guardians of the children.

"(b) No student shall be required, as part of any applicable program, to submit to a survey, analysis, or evaluation that reveals information concerning—

"(1) political affiliations;
"(2) mental and psychological problems potentially embarrassing to the student or his family;
"(3) sex behavior and attitudes;
"(4) illegal, anti-social, self-incriminating and demeaning behavior;
"(5) critical appraisals of other individuals with whom respondents have close family relationships;
"(6) legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers; or
"(7) income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program),

without the prior consent of the student (if the student is an adult or emancipated minor), or in the case of an unemancipated minor, without the prior written consent of the parent.

"(c) Educational agencies and institutions shall give parents and students effective notice of their rights under this section.

"(d) Enforcement.—The Secretary shall take such action as the Secretary determines appropriate to enforce this section, except that action to terminate assistance provided under an applicable program shall be taken only if the Secretary determines that—

"(1) there has been a failure to comply with such section; and
"(2) compliance with such section cannot be secured by voluntary means.

"(e) Office of Review Board.—The Secretary shall establish or designate an office and review board within the Department of Education to investigate, process, review, and adjudicate violations of the rights established under this section.".

When does this act apply?

When federal money is involved in the implementation and maintenance of a program. If a school district has a federal grant to write curriculum, this law applies. If the state has a federal grant for a particular program, and in turn, provides grants to school districts for the same program, this law applies.

4-12-01

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

H **1**

HOUSE BILL 568

Short Title:	Schools Must Protect Student & Family Privacy.	(Public)
Sponsors:	Representative Ellis.	
Referred to:	Education.	

March 12, 2001

A BILL TO BE ENTITLED

AN ACT TO ENSURE THAT THE PUBLIC SCHOOLS PROTECT THE RIGHTS OF STUDENTS AND THEIR FAMILIES.

The General Assembly of North Carolina enacts:

SECTION 1. Article 29 of Chapter 115C of the General Statutes is amended by adding a new section to read:

"**§ 115C-405. Protection of the rights of students and their families.**

(a) All instructional materials, including teachers' manuals, films, tapes, or other supplementary materials, that will be used in connection with any survey, analysis, or evaluation as part of any program shall be available for inspection by the parents or guardians of the children.

(b) No student shall be required to submit to a survey, analysis, or evaluation that reveals information concerning any of the following without (i) the prior written consent of the student's parent if the student is an unemancipated minor or (ii) the prior consent of the student if the student is an adult or emancipated minor:

(1) Political affiliations;

(2) Mental and psychological problems potentially embarrassing to the student or his family;

(3) Sex behavior and attitudes;

(4) Illegal, antisocial, self-incriminating, and demeaning behavior;

(5) Critical appraisals of other individuals with whom respondents have close family relationships;

(6) Legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers; or

(7) Income, other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program.

(c) All surveys, analyses, and evaluations that are subject to the provisions of subsection (b) of this section shall be marked "Anonymous and Confidential" and the local board of education and its employees shall maintain the anonymity and the confidentiality of students' responses. A student's responses to such survey, analysis, or evaluation shall not be retained in that student's school record. No student shall be disciplined or penalized in any way because of the student's responses to such survey, analysis, or evaluation.

(d) Local school administrative units shall give parents and students effective notice of their rights under this section.

(e) The State Board of Education shall adopt rules and policies to implement the provisions of this section.

(f) The State Board of Education shall establish a review panel within the Department of Public Instruction to investigate, process, and review alleged violations of this section. If the review panel determines that there has been a failure to comply with such section, and that compliance with such section cannot be secured by voluntary means, the review panel shall report the matter to the State Board of Education. The State Board shall take such action as it determines appropriate to enforce this section."

SECTION 2. This act is effective when it becomes law and applies to all school years beginning with the 2001-2002 school year.

file

2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

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

☐ Committee Substitute for
H.B. 243 A BILL TO BE ENTITLED AN ACT TO AMEND THE DEFINITION OF THE TERM "TEACHER" FOR PURPOSES OF MEMBERSHIP IN THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM.

☐ With a favorable report.

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

☐ With a favorable report, as amended.

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

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

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

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

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

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

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

☐ Without prejudice.

☐ With an indefinite postponement report.

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

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

2/15/01

4-12-01

HOUSE BILL 243:
Teacher Retirement Eligibility

BILL ANALYSIS

Committee:	House Education	**Introduced by:**	Rep. Rogers
Date:	April 9, 2001	**Summary by:**	Kory Goldsmith KG
Version:	1ST Edition		Committee Counsel

SUMMARY: HB 243 would allow persons employed in permanent positions as teachers to participate in the State Retirement System provided they work at least 15 hours per week. The act would become effective July 1, 2001

CURRENT LAW: Only teachers who are employed full-time may participate in the State Retirement System. G.S. 135-1(25) defines "teacher" to include teachers, librarians, principals, supervisors, superintendents and full-time employees of a local school administrative unit. The State Board of Education defines a :"full-time employee" as someone whose regular work week is not less than 30 hours. SBE Benefits and Policy Manual, Policy #01.1.3. Persons employed less than 30 hours per week by a Local School Administrative unit are not eligible to participate in the retirement system. If they work between 20 and 30 hours, they may opt to purchase health insurance under the State plan.

BILL ANALYSIS: House Bill 243 amends G.S. 135-1(25) to include in the Retirement System teachers who are employed to teach and who work not less than 50% of the time that is required to qualify as a teacher under 115C-325(a)(6). G.S. 115C-325(a)(6) defines a "teacher" as a person who has a current teaching certificate, whose major responsibility is to teach or directly supervise teaching, who is classified or paid as a classroom teacher, and who is employed to fill a full-time, permanent position. A permanent employee is defined as a person hired to fill a position with the expectation of permanent employment if funding remains constant, or a person who will be paid for at least 6 consecutive pay periods to replace a person on a leave of absence. A full time employee is a person whose workweek is not less than 30 hours per week.

The amendment to G.S. 135-1(25) would allow classroom teachers filling permanent positions who work at least 15 hours per week to participate in the State Retirement System.

H243-SMRC-001

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 243

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

H243-ARC-11 [v.1]

Date _____ ,2001

Comm. Sub. [NO]
Amends Title [NO]
First Edition

Representative

moves to amend the bill on page1, line 22, by deleting the phrase "G.S. 115C-325(6)" and substituting "G.S. 115C-325(a)(6)".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

NORTH CAROLINA GENERAL ASSEMBLY
LEGISLATIVE ACTUARIAL NOTE
RETIREMENT

BILL NUMBER: House Bill 243

SHORT TITLE: Teachers Retirement Eligibility

SPONSOR(S): Representative Rogers

SYSTEM OR PROGRAM AFFECTED: Teachers' and State Employees' Retirement System

BILL SUMMARY: Under present law, an employee must work at least 30 hours per week on a recurring basis for nine or more month per years in order to be a member of the Teachers' and State Employees' Retirement System. This bill will allow teachers who work not less than 50% of the time to be required to be a member of the system.

EFFECTIVE DATE: July 1, 2001

ESTIMATED IMPACT ON STATE: Buck Consultants and Hartman & Associates state that the normal contributions paid on behalf of all members of the System will be adequate to fund the cost of these estimated 2,000 additional members.

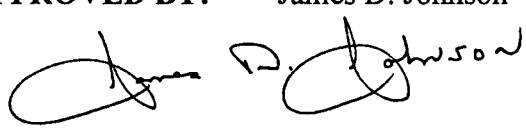
ASSUMPTIONS AND METHODOLOGY: Teacher's & State Employees' Retirement System: The cost estimates of the System's Actuary are based on the employee data, actuarial assumptions and actuarial methods used to prepare the December 31, 1999 actuarial valuation of the fund. The data included 285,784 active members with an annual payroll of $8.4 billion and 102,939 retired members in receipt of annual pensions totaling $1.510 billion. Significant actuarial assumptions used include (a) an investment return rate of 7.25%, (b) salary increase rate of 6.25%, (c) the George B. Buck Mortality Tables for deaths in service and after retirement and (d) rates of separation from active service based on System experience. The actuarial cost method used was the entry age normal method with open-end unfunded accrued liability and a frozen unfunded liquidation period of nine years. Detailed information concerning these assumptions and methods is shown in the actuary's report, which is available upon request from Stanley Moore.

SOURCES OF DATA: Retirement System Actuary - Buck Consultant, Inc.
General Assembly Actuary - Hartman & Associates, LLC

FISCAL RESEARCH DIVISION 733-4910 The above information is provided in accordance with North Carolina General Statute 120-114 and applicable Rules of the North Carolina Senate and House of Representatives.

PREPARED BY: Stanley Moore

APPROVED BY: James D. Johnson



DATE: March 19, 2001

NORTH CAROLINA GENERAL ASSEMBLY

LEGISLATIVE FISCAL NOTE

BILL NUMBER: House Bill 243 (1st Edition)

SHORT TITLE: **Teacher Retirement Eligibility**

SPONSOR(S): **Representative Rogers**

FISCAL IMPACT

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

	FY 2001-02	FY 2002-03	FY 2003-04	FY 2004-05	FY 2005-06
REVENUES					
EXPENDITURES					
General Fund	$1,765,000	$1,835.000	$1,908,000	$1,985,000	$2,064,000
Other					
POSITIONS:					

PRINCIPAL DEPARTMENT(S) & PROGRAM(S) AFFECTED: Local School Administrative Units, Teachers and State Employees Retirement System

EFFECTIVE DATE: July 1, 2001

BILL SUMMARY:

TEACHER RETIREMENT ELIGIBILITY. *TO AMEND THE DEFINITION OF THE TERM "TEACHER" FOR PURPOSES OF MEMBERSHIP IN THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM.* Amends GS 135-1(25) to broaden the definition of "teacher" for purposes of membership in retirement system. Term includes teachers who are employed to teach in permanent positions and who work not less than 50% of the time required of a person employed as a teacher, as defined in GS 115C-325(a)(6)(full-time, permanent positions).

Source: Bill Digest (2/26/01)

ASSUMPTIONS AND METHODOLOGY:

To be classified as a full-time teacher, an individual must be employed for the required workweek of the Local Education Agency (LEA) in which they are employed, but this must be at least 30 hours per week. Teachers employed 30 hours or more a week are currently a part of the retirement system. This bill will include teachers that are currently employed 50% of the work time required of a person by the school system. Based on the minimum of 30 hours a week for full-time classification, the 50% would allow teachers working between 15 hours and 30 hours a week to be a part of the Teachers' and State Employees' Retirement System.

The North Carolina Department of Public Instruction identified 1,191 teachers that were employed in North Carolina's public schools and worked between 15 and 30 hours per week (December 2000).

The average teacher salary as of December 2000 (6^{th} pay period) was $36,988.

For purposes of costing this bill, it is assumed that the average salary for part-time teachers is ½ the average teacher salary or $18,494.

The $1,764,000 estimate for FY 2001-02 is based on applying the scheduled FY 2001-02 retirement rate to 1,191 part-time teachers making an average of $18,494 (1,191 * $18,494); ($22,026,354 * 8.01%)

For all future years, the retirement rate was held constant and teacher salaries were increased 4% per year.

TECHNICAL CONSIDERATIONS:

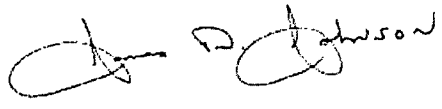
Some teachers elect to be employed 50% of the time to avoid deductions from their pay for items such as the required 6% employee contribution for retirement. This bill requires that all teachers working 50% of the school's work schedule be a part of the retirement system.

Some local school administrative units employ ½ teachers due to the fact that they can employ more teachers because they do not have to pay retirement and hospitalization. This bill would not impact hospitalization cost, however, the retirement cost would reduce the number of total ½ teachers a school system could employ.

FISCAL RESEARCH DIVISION 733-4910

PREPARED BY: Philip Price

APPROVED BY: James D. Johnson



DATE: April 12, 2001

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

H D

HOUSE BILL 243
PROPOSED COMMITTEE SUBSTITUTE H243-PCS6257-RC-26

Short Title: Teacher Retirement Eligibility. (Public)

Sponsors:

Referred to:

February 26, 2001

A BILL TO BE ENTITLED

AN ACT TO AMEND THE DEFINITION OF THE TERM "TEACHER" FOR PURPOSES OF MEMBERSHIP IN THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 135-1(25) reads as rewritten:

"(25) "Teacher" shall mean any teacher, helping teacher, librarian, principal, supervisor, superintendent of public schools or any full-time employee, city or county, superintendent of public instruction, or any full-time employee of Department of Public Instruction, president, dean or teacher, or any full-time employee in any educational institution supported by and under the control of the State: Provided, ~~that~~ that, except as otherwise provided in this subdivision, the term "teacher" shall not include any part-time, temporary, or substitute teacher or employee, and shall not include those participating in an optional retirement program provided for in G.S. 135-5.1. In all cases of doubt, the Board of ~~Trustees, hereinafter defined,~~ Trustees shall determine whether any person is a teacher as defined in this Chapter. The term "teacher" includes teachers as defined in G.S. 115C-325(a)(6) who are employed to teach in permanent positions, who work not less than 20 hours or more than 30 hours per week, and who are employed in low-performing schools or are employed to teach in the teacher's area of certification provided the State Board of Education has determined there is a shortage of certified teachers in that subject area."

SECTION 2. This act becomes effective July 1, 2001.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

H 1

HOUSE BILL 243

Short Title:	Teacher Retirement Eligibility.	(Public)
Sponsors:	Representatives Rogers; Bell, Bonner, Boyd-McIntyre, Carpenter, Cox, Culpepper, Earle, Hurley, Insko, Jarrell, Lucas, McLawhorn, Preston, Russell, Shubert, Smith, Teague, Wainwright, Warner, Warwick, Weiss, and Yongue.	
Referred to:	Education, if favorable, Pensions and Retirement.	

February 26, 2001

A BILL TO BE ENTITLED

AN ACT TO AMEND THE DEFINITION OF THE TERM "TEACHER" FOR PURPOSES OF MEMBERSHIP IN THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 135-1(25) reads as rewritten:

"(25) "Teacher" shall mean any teacher, helping teacher, librarian, principal, supervisor, superintendent of public schools or any full-time employee, city or county, superintendent of public instruction, or any full-time employee of Department of Public Instruction, president, dean or teacher, or any full-time employee in any educational institution supported by and under the control of the State: Provided, ~~that~~ that, except as otherwise provided in this subdivision, the term "teacher" shall not include any part-time, temporary, or substitute teacher or employee, and shall not include those participating in an optional retirement program provided for in G.S. 135-5.1. In all cases of doubt, the Board of ~~Trustees, hereinafter defined,~~ Trustees shall determine whether any person is a teacher as defined in this Chapter. The term "teacher" includes teachers who are employed to teach in permanent positions and who work not less than fifty percent (50%) of the time that is required of a person who is employed as a teacher, as that term is defined under the provisions of G.S. 115C-325(6)."

SECTION 2. This act becomes effective July 1, 2001.

4-12-01
file

2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

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

☐ Committee Substitute for
H.B. 545 A BILL TO BE ENTITLED AN ACT TO GIVE TEACHERS CREDIT FOR THE EXCESS PERSONAL LEAVE TIME THAT THEY EARN.

☒ With a favorable report.

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

☐ With a favorable report, as amended.

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

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

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

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

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

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

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

☐ Without prejudice.

☐ With an indefinite postponement report.

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

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

2/15/01

Education
4-12-01

HOUSE BILL 545:
Teacher Credit for Excess Personal Leave

BILL ANALYSIS

Committee:	House Education	**Introduced by:**	Rep. Blust
Date:	April 10, 2001	**Summary by:**	Shirley Iorio, Ph D
Version:	First		Committee Staff

SUMMARY: ***This bill would allow teachers to accumulate personal leave without any maximum until June 30 of each year and to carry forward to July1 a maximum of five days of personal leave. The remainder of the personal leave would be converted to sick leave.***

CURRENT LAW: Teachers earn personal leave at the rate of .20 days per month of employment, not to exceed two days per year. Unused personal leave may be carried forward from one year to another and may be accumulated to a maximum of five days. Personal leave may be used only upon the authorization of the teacher's immediate supervisor.

Unless approved by the principal, a teacher may 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 day before or the day after holidays or scheduled vacation days.

Teachers may transfer personal leave days between LEAs. If a teacher leaves a school system and is reemployed within 60 months from the date of separation, the LEA must credit the teacher with all personal leave accumulated at the time of separation.

Teachers using personal leave receive full salary less the required substitute deduction, which is $50 per day.

The act would become effective July 1, 2001.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

HOUSE BILL 545

Short Title:	Teacher Credit for Excess Personal Leave.	(Public)
Sponsors:	Representatives Blust; Jarrell, Jeffus, Johnson, and Morris.	
Referred to:	Education.	

March 12, 2001

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 of 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. A teacher or other employee paid on the teacher salary schedule may carry forward to July 1 a maximum of five days of personal leave; the remainder of the teacher or other employee's personal leave shall be converted to sick leave.

Personal leave may be used only upon the authorization of the 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 day 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 substitute deduction."

SECTION 2. This act becomes effective July 1, 2001.

Education 4-12-01

Name	Company
[illegible]	NCEA
Gary Caudill	NCSFSA
[illegible]	NCPAPA
Ann Bedsaul	Bedsaul Assoc.
Susan Harrison	WCPSS
[illegible]	NCASA
[illegible]	NCASA
Gary Malbolt	NC Justice Ctr.
GARY JARRETT	DPI
[illegible]	SBE
[illegible]	Public School Forum
[illegible]	NC Child Care Coalition
[illegible]	NCRTL
[illegible]	NCACCT
[illegible]	UNC
Lavinia Stahl	
George Soddath	NCSDA

Notwithstanding any other provision of law, the pilot unit may contract with nonprofit corporations and other governmental entities to meet the needs of these students and may assign students to programs administered and staffed in whole or in part by these entities. The nonprofit shall maintain adequate liability insurance to cover claims arising from the provision of services by the nonprofit. Local boards of education shall not be responsible for the supervision or control of any program run by or under the control of any other agency or corporation. No cause of action shall be maintained against a local board of education or its officers or employees for any damages or injury arising out of matters occurring in any program not under the direct supervision and control of the local board of education and its employees.

SECTION 1.(g) Any absences from the alternative learning program shall be subject to local board policies regarding promotion and course credits. Also, if a pilot unit determines that attendance in the alternative learning program is mandatory for eligible short-term suspended students, the students shall attend in accordance with the compulsory attendance requirements of G.S. 115C-378.

SECTION 1.(h) Except as provided in subsection (e) of this section, the pilots shall be implemented in accordance with G.S. 115C-391. The policies and procedures for the discipline of students with disabilities shall be consistent with federal and State laws and regulations.

SECTION 1.(i) The Department of Public Instruction and the Department of Juvenile Justice and Delinquency Prevention shall report to the Joint Legislative Education Oversight Committee by April 15, 2003, on:

(1) The implementation of the program in the pilot units;
(2) The full cost of implementing the pilot;
(3) The sources of funds and other resources used to implement the pilots;
(4) Each unit's assessment of its plan;
(5) Instances of effective local collaboration and coordination of services;
(6) Innovative or experimental aspects of the plans that would be useful models for replication in other local school administrative units; and
(7) A recommendation as to whether the program should be instituted statewide, including any legislative recommendations.

SECTION 1.(j) The State Board of Education, the Department of Juvenile Justice and Delinquency Prevention, and the pilot units shall implement this act, within existing State resources, by redirecting existing State resources and by using nonstate funds.

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

HOUSE EDUCATION COMMITTEE MEETING

APRIL 16, 2001

The House Education Committee met on Monday, April 16, 2001, at 4:30 pm in Room 643 of the Legislative Office Building. The attendance sheet indicates member present.

Rep. Bonner presided over the meeting.

Rep. Waland was called on to explain **HOUSE BILL 608, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE HEALTH CERTIFICATE REQUIREMENTS FOR PUBLIC SCHOOL EMPLOYEES.** Rep. Waland offered a proposed committee substitute. Rep. Allen moved for adoption of committee substitute. The motion carried. Rep. Edwards made a motion for a favorable report of committee substitute, unfavorable to original bill. The motion carried.

Rep. Jeffus was called on to explain **HOUSE BILL 752, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE UNIVERSITY OF NORTH CAROLINA AT GREENSBORO TO REGULATE PARKING ON CERTAIN STREETS.** Rep. Jeffus offered a technical amendment to the bill. Rep. Warner made a motion to adopt the amendment. The motion passed. Rep. Warner moved to roll amendment into committee substitute, favorable to committee substitute, unfavorable to original bill. The motion passed.

Rep. Boyd McIntyre was called on to explain **HOUSE BILL 248, A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE RECOMMENDATIONS OF THE STUDY COMMISSION ON CHILDREN WITH SPECIAL NEEDS.** Rep. Barefoot moved for adoption of proposed committee substitute. The motion passed. Other amendments were offered and passed. Rep. McLawhorn made a motion for amendments to be rolled into committee substitute, favorable report for committee substitute, unfavorable to original. Motion passed

Rep. Howard was called on to explain **HOUSE BILL 650, COMMUNITY COLLEGE SATELLITE CAMPUS IN STOKES COUNTY.** Rep. Tolson moved for adoption of proposed committee substitute and it passed. Rep. Warwick and Sexton offered amendments. After much discussion, the Chair announced that an Ad Hoc committee would be appointed to consider this bill. Those appointed were: Rep. Warwick (chair), Rep. Allen, Rep. Arnold, Rep. Bowie, Rep. Coates, Rep. Dockham, and Rep. McMahan.

Rep. Goodwin was called on to explain committee substitute # 1 for **HOUSE BILL 106, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE RIGHT TO APPEAL TO A LOCAL BOARD OF EDUCATION.** Rep. Warner moved for adoption of proposed committee substitute. Motion passed. Rep. Warner also moved for adoption of

amendment and it passed. After much discussion, Rep. Blust moved for a favorable report for committee substitute # 2, unfavorable to original bill. Motion passed.

Meeting adjourned.

Rep. Donald Bonner, Co-chair

Rep. Alex Warner, Co-chair

Ann Stancil, Committee Clerk

REFERRAL FORM

NORTH CAROLINA HOUSE OF REPRESENTATIVES
ASSIGNMENT OF BILLS TO SUBCOMMITTEE

COMMITTEE: **EDUCATION**

CHAIRMAN: **Representative BONNER/WARNER**

DATE: **MONDAY, APRIL 16, 2001**

Bill Number (Indicate **H** or **S**): H 151

Short Title: AMEND LEG. TUITION GRANTS

Assigned to Subcommittee on: **UNIVERSITIES**

Re-Assigned to Subcommittee on:

Bill Number (Indicate **H** or **S**): H 972

Short Title: UNC CAMPUS LAW ENFORCEMENT JURISDICTION

Assigned to Subcommittee on: **UNIVERSITIES**

Re-Assigned to Subcommittee on:

Bill Number (Indicate **H** or **S**): H 1004

Short Title: ANSON CO. TEACHER ED. CONSORTIUM

Assigned to Subcommittee on: **UNIVERSITIES**

Re-Assigned to Subcommittee on:

Bill Number (Indicate **H** or **S**):

Short Title:

Assigned to Subcommittee on:

Re-Assigned to Subcommittee on:

Bill Number (Indicate **H** or **S**):

Short Title:

Assigned to Subcommittee on:

Re-Assigned to Subcommittee on:

Bill Number (Indicate **H** or **S**):

Short Title:

Assigned to Subcommittee on:

Re-Assigned to Subcommittee on:

Bill Number (Indicate **H** or **S**):

Short Title:

Assigned to Subcommittee on:

Re-Assigned to Subcommittee on:

REFERRAL FORM

NORTH CAROLINA HOUSE OF REPRESENTATIVES
ASSIGNMENT OF BILLS TO SUBCOMMITTEE

COMMITTEE: **EDUCATION**

CHAIRMAN: **Representative BONNER/WARNER**

DATE: **MONDAY, APRIL 16, 2001**

Bill Number (Indicate **H** or **S**): H 25

Short Title: REMOVE CAP ON CHARTER SCHOOLS

Assigned to Subcommittee on: **Preschool, Elementary, and Secondary Education**

Re-Assigned to Subcommittee on:

Bill Number (Indicate **H** or **S**): H 26

Short Title: REMOVE CAP ON CHARTER SCHOOLS

Assigned to Subcommittee on: **Preschool, Elementary, and Secondary Education**

Re-Assigned to Subcommittee on:

Bill Number (Indicate **H** or **S**): H 29

Short Title: LIFT CAP ON CHARTER SCHOOLS

Assigned to Subcommittee on: **Preschool, Elementary and Secondary Education**

Re-Assigned to Subcommittee on:

Bill Number (Indicate **H** or **S**): H 823

Short Title: NONPUBLIC SCHOOL STUDENTS IN SCHOOL ACTIVITIES

Assigned to Subcommittee on: **Preschool, Elementary and Secondary Education**

Re-Assigned to Subcommittee on:

Bill Number (Indicate **H** or **S**):

Short Title:

Assigned to Subcommittee on:

Re-Assigned to Subcommittee on:

Bill Number (Indicate **H** or **S**):

Short Title:

Assigned to Subcommittee on:

Re-Assigned to Subcommittee on:

Bill Number (Indicate **H** or **S**):

Short Title:

Assigned to Subcommittee on:

Re-Assigned to Subcommittee on:

2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

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

☐ Committee Substitute for
H.B. 608 A BILL TO BE ENTITLED AN ACT TO CLARIFY THE HEALTH CERTIFICATE REQUIREMENTS FOR PUBLIC SCHOOL EMPLOYEES.

☐ With a favorable report.

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

☐ With a favorable report, as amended.

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

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

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

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

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

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

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

☐ Without prejudice.

☐ With an indefinite postponement report.

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

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

2/15/01

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

H D

HOUSE BILL 608
PROPOSED COMMITTEE SUBSTITUTE H608-PCS3389-SF-2

Short Title: School Employee Health Certificate. (Public)

Sponsors:

Referred to:

March 14, 2001

A BILL TO BE ENTITLED

AN ACT TO MODIFY THE HEALTH CERTIFICATE REQUIREMENTS FOR PUBLIC SCHOOL EMPLOYEES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-323 reads as rewritten:

"**§ 115C-323. Employee health certificate.**

~~All public school employees upon initial employment, and those who have been separated from public school employment more than one school year, including superintendents, supervisors, principals, teachers, and any other employees in the public schools of the State, shall file in the office of the superintendent, before assuming his duties, a certificate from a physician licensed to practice medicine in the State of North Carolina, certifying that said person does not have tuberculosis in the communicable form, or other communicable disease, or any disease, physical or mental, which would impair the ability of the said person to perform effectively his duties. A local school board or a superintendent may require any person herein named to take a physical examination when deemed necessary.~~ Any person initially employed in a public school or reemployed in a public school after an absence of more than one school year shall provide a certificate to the superintendent certifying that the person does not have any physical or mental disease, including tuberculosis in the communicable form or other communicable disease, that would impair the person's ability to perform his or her duties effectively. The certificate shall be prepared by a physician licensed to practice in North Carolina or by a licensed nurse practitioner or a licensed physician's assistant, as provided in G.S. 90-18.3. In the case of a person initially employed in a public school, the certificate may be prepared by a physician, a nurse practitioner, or a physician's assistant who holds a current unrestricted license or registration in another state and submits proof of this license on the certificate. A local school board or a superintendent may require any school employee to take a physical examination when deemed necessary.

Any public school employee who has been absent for more than 40 successive school days because of a communicable disease must, before returning to work, ~~file with the superintendent a physician's certificate~~provide a certificate to the superintendent certifying that the individual is free from any communicable disease.

The ~~examining physician shall make the aforesaid certificates on an examination form~~ certificate shall be prepared on a form supplied by the Superintendent of Public Instruction. The certificate shall be issued only after a physical examination has been conducted, at the time of the certification, ~~and such examination shall be~~ in accordance with rules and regulations adopted by the Superintendent of Public Instruction, with approval of the Secretary of Health and Human ~~Services, and such~~ Services. These rules and regulations may ~~include the requirement of~~ require an X-ray chest examination for all new employees of the public school system.

It shall be the duty of the superintendent of the school in which the person is employed to enforce the provisions of this section.

Any person violating any of the provisions of this section shall be guilty of a Class 1 misdemeanor."

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

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

HOUSE BILL 608

Short Title:	School Employee Health Certificate.	(Public)
Sponsors:	Representative Walend.	
Referred to:	Education.	

March 14, 2001

A BILL TO BE ENTITLED

AN ACT TO CLARIFY THE HEALTH CERTIFICATE REQUIREMENTS FOR PUBLIC SCHOOL EMPLOYEES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-323 reads as rewritten:

"**§ 115C-323. Employee health certificate.**

~~All public school employees upon initial employment, and those who have been separated from public school employment more than one school year, including superintendents, supervisors, principals, teachers, and any other employees in the public schools of the State, shall file in the office of the superintendent, before assuming his duties, a certificate from a physician licensed to practice medicine in the State of North Carolina, certifying that said person does not have tuberculosis in the communicable form, or other communicable disease, or any disease, physical or mental, which would impair the ability of the said person to perform effectively his duties. A local school board or a superintendent may require any person herein named to take a physical examination when deemed necessary.~~ Any person initially employed in a public school or reemployed in a public school after an absence of more than one school year shall provide a certificate to the superintendent certifying that the person does not have any physical or mental disease, including tuberculosis in the communicable form or other communicable disease, that would impair the person's ability to perform his or her duties effectively. The certificate shall be prepared by a physician licensed to practice in North Carolina or by a nurse practitioner or a physician's assistant, as provided in G.S. 90-18.3. A local school board or a superintendent may require any school employee to take a physical examination when deemed necessary.

Any public school employee who has been absent for more than 40 successive school days because of a communicable disease must, before returning to work, ~~file with the superintendent a physician's certificate~~provide a certificate to the superintendent certifying that the individual is free from any communicable disease.

The ~~examining physician shall make the aforesaid certificates on an examination form~~ certificate shall be prepared on a form supplied by the Superintendent of Public Instruction. The certificate shall be issued only after a physical examination has been conducted, at the time of the certification, ~~and such examination shall be~~ in accordance with rules and regulations adopted by the Superintendent of Public Instruction, with approval of the Secretary of Health and Human ~~Services, and such~~ Services. These rules and regulations may ~~include the requirement of~~ require an X-ray chest examination for all new employees of the public school system.

It shall be the duty of the superintendent of the school in which the person is employed to enforce the provisions of this section.

Any person violating any of the provisions of this section shall be guilty of a Class 1 misdemeanor."

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

2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

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

☐ Committee Substitute for
H.B. 752 A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE UNIVERSITY OF NORTH CAROLINA AT GREENSBORO TO REGULATE PARKING ON CERTAIN STREETS.

☐ With a favorable report.

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

☐ With a favorable report, as amended.

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

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

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

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

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

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

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

☐ Without prejudice.

☐ With an indefinite postponement report.

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

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

2/15/01

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

H D

HOUSE BILL 752*
PROPOSED COMMITTEE SUBSTITUTE H752*-PCS8184-RH-25

Short Title: UNC-Greensboro Parking Jurisdiction. (Public)

Sponsors:

Referred to:

March 26, 2001

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE UNIVERSITY OF NORTH CAROLINA AT GREENSBORO TO REGULATE PARKING ON CERTAIN STREETS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 116-44.5 reads as rewritten:

"**§ 116-44.5. Special provisions applicable to identified constituent institutions of the University of North Carolina.**

In addition to the powers granted by ~~G.S. 116-42.1~~G.S. 116-44.4, the board of trustees of each of the constituent institutions enumerated hereinafter shall have the additional powers prescribed:

(1) The Board of Trustees of the University of North Carolina at Chapel Hill may by ordinance prohibit, regulate, and limit the parking of motor vehicles on those portions of the following public streets in the Town of Chapel Hill where parking is not prohibited by an ordinance of the Town of Chapel Hill:

a. Battle Lane;

b. Country Club Road, between Raleigh Street and South Road;

c. Manning Drive;

d. McCauley Street, between Columbia Street and Pittsboro Street;

e. Pittsboro Street, between South Columbia Street and Cameron Avenue;

f. Boundary Street, between Country Club Road and East Franklin Street;

g. Park Place, between Boundary Street and East Franklin Street;

h. South Columbia Street, between Franklin Street and Manning Drive;

i. Cameron Avenue, between South Columbia Street and Raleigh Street;

j. Raleigh Street;
k. Ridge Road;
l. South Road, between Columbia Street and Country Club Road.

In addition, the Board of Trustees of the University of North Carolina at Chapel Hill may regulate traffic on Cameron Avenue, between Raleigh Street and South Columbia Street, and on Raleigh Street, in any manner not inconsistent with ordinances of the Town of Chapel Hill.

(2) The Board of Trustees of Appalachian State University may by ordinance prohibit, regulate, and limit the parking of motor vehicles on those portions of the following public streets in the Town of Boone where parking is not prohibited by an ordinance of the Town of Boone:

a. Faculty Street, between U.S. 221-U.S. 321 (Hardin Street) and Water Street;
b. Stadium Drive, between Faculty Street and Ferncliff Drive;
c. College Street, between U.S. 421-U.S. 321 (King Street) and Locust Street;
d. Appalachian Street, between Locust Street and Howard Street;
e. Brown Street, between Locust Street and Howard Street.

(3) The Board of Trustees of the University of North Carolina at Charlotte may by ordinance prohibit, regulate, and limit the parking of motor vehicles on those portions of the following public roads in the County of Mecklenburg where parking is not prohibited by ordinance or other source of legal regulation of the County of Mecklenburg or other governmental entity with jurisdiction to regulate parking on such public road:

a. Mary Alexander Boulevard (State Road No. 2834), between its intersection with N.C. Highway 49 and its intersection with Mallard Creek Church Road.

In addition, the Board of Trustees of the University of North Carolina at Charlotte may regulate traffic on Mary Alexander Boulevard (State Road No. 2834), between its intersection with N.C. Highway 49 and its intersection with Mallard Creek Church Road, in any manner not inconsistent with any ordinances or other sources of legal regulation of the County of Mecklenburg or other governmental entity with jurisdiction to regulate traffic on such public road.

(3a) The Board of Trustees of the University of North Carolina at Wilmington may by ordinance prohibit, regulate, and limit the parking of motor vehicles on those portions of the following public streets in the City of Wilmington where parking is not prohibited by an ordinance of the City of Wilmington:

a. "H" Street.

(3b) The Board of Trustees of the University of North Carolina at Greensboro may by ordinance prohibit, regulate, and limit the parking of motor vehicles for those portions of any of the following public streets in the City of Greensboro where parking is not prohibited by an ordinance of the City of Greensboro:

a. Forest Street between Oakland Avenue and Spring Garden Street.

b. Highland Avenue between Oakland Avenue and Spring Garden Street.

c. Jefferson Street between Spring Garden Street and the Walker/Aycock parking lot.

d. Kenilworth Street between Oakland Avenue and Walker Avenue.

e. McIver Street between Walker Avenue and West Market Street.

f. Stirling Street between Oakland Avenue and Walker Avenue.

g. Theta Street between Kenilworth Street and Stirling Street.

h. Walker Avenue between Aycock Street and Jackson Library and between Tate Street and McIver Street.

(4) This section does not diminish the authority of any affected municipality, county or other governmental entity to prohibit parking on any public street or road listed herein. It is intended only to authorize the respective boards of trustees of the constituent institutions identified hereinabove to further prohibit, regulate, and limit parking on certain public streets and roads running through or adjacent to the campuses of the constituent institutions where parking is not prohibited by ordinance or other law of any affected municipality, county or other governmental entity. When an ordinance or other law of an affected municipality, county or other governmental entity is adopted to prohibit parking on any portion of any public street or road then regulated by an ordinance of a board of trustees, the ordinance of the board of trustees is superseded and the University, upon request of the municipality, county or other governmental entity, shall immediately remove any signs, devices, or markings erected or placed by the University on that portion of the street or road pursuant to the superseded ordinance."

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

HOUSE BILL 752:
UNC-Greensboro Parking Jurisdiction.

BILL ANALYSIS

Committee:	House Education	**Introduced by:**	Rep. Jeffus
Date:	March 29, 2001	**Summary by:**	Robin Johnson
Version:	First		Committee Counsel

SUMMARY: ***House Bill 752 would authorize the board of trustees at the University of North Carolina at Greensboro (UNC-G) to adopt ordinances regulating parking on identified portions of Greensboro's public streets. Greensboro currently does not prohibit parking on the portions of these streets, which run through or are adjacent to the campus.***

CURRENT LAW: Currently, boards of trustees at the various universities regulate traffic, parking and motor vehicle registration on university property. In addition, four institutions (UNC-CH, ASU, UNC-C, and UNC-W) have authority to regulate parking on specified portions of roads running through or adjacent to their campuses.

BILL ANALYSIS: House Bill 752 would amend G.S. 116-44-5, by adding a new subdivision (3b) to allow the board of trustees at UNC-G to adopt ordinances regulating parking on certain parts of streets next to or running through the campus. The board may regulate parking only on the parts of these roads that Greensboro does not currently regulate. Furthermore, if, at a later time, the City decides to adopt its own ordinance to regulate parking in those places, then the City's ordinance will supersede the board's ordinance.

If the board adopts any ordinances under this section, then it is responsible for posting appropriate notice to the public of the parking restrictions. It also may issue decals or permits that must be displayed on the vehicle. An ordinance may provide for the removal to a storage area of any illegally parked car.

Violation of an ordinance is an infraction and is punishable by a penalty of not more than fifty dollars. However, an ordinance can specify that certain prohibited acts are not infractions and may subject the offender to a civil penalty. These penalties must be graduated based on the seriousness of the offense or the number of prior offenses for the person charged.

H752-SMRH-001

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

HOUSE BILL 752*

Short Title:	UNC-Greensboro Parking Jurisdiction.	(Public)
Sponsors:	Representatives Jeffus; Bowie and Jarrell.	
Referred to:	Education.	

March 26, 2001

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE UNIVERSITY OF NORTH CAROLINA AT GREENSBORO TO REGULATE PARKING ON CERTAIN STREETS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 116-44.5 reads as rewritten:

"**§ 116-44.5. Special provisions applicable to identified constituent institutions of the University of North Carolina.**

In addition to the powers granted by G.S. 116-42.1, the board of trustees of each of the constituent institutions enumerated hereinafter shall have the additional powers prescribed:

(1) The Board of Trustees of the University of North Carolina at Chapel Hill may by ordinance prohibit, regulate, and limit the parking of motor vehicles on those portions of the following public streets in the Town of Chapel Hill where parking is not prohibited by an ordinance of the Town of Chapel Hill:

a. Battle Lane;
b. Country Club Road, between Raleigh Street and South Road;
c. Manning Drive;
d. McCauley Street, between Columbia Street and Pittsboro Street;
e. Pittsboro Street, between South Columbia Street and Cameron Avenue;
f. Boundary Street, between Country Club Road and East Franklin Street;
g. Park Place, between Boundary Street and East Franklin Street;
h. South Columbia Street, between Franklin Street and Manning Drive;

i. Cameron Avenue, between South Columbia Street and Raleigh Street;
j. Raleigh Street;
k. Ridge Road;
l. South Road, between Columbia Street and Country Club Road.

In addition, the Board of Trustees of the University of North Carolina at Chapel Hill may regulate traffic on Cameron Avenue, between Raleigh Street and South Columbia Street, and on Raleigh Street, in any manner not inconsistent with ordinances of the Town of Chapel Hill.

(2) The Board of Trustees of Appalachian State University may by ordinance prohibit, regulate, and limit the parking of motor vehicles on those portions of the following public streets in the Town of Boone where parking is not prohibited by an ordinance of the Town of Boone:

a. Faculty Street, between U.S. 221-U.S. 321 (Hardin Street) and Water Street;
b. Stadium Drive, between Faculty Street and Ferncliff Drive;
c. College Street, between U.S. 421-U.S. 321 (King Street) and Locust Street;
d. Appalachian Street, between Locust Street and Howard Street;
e. Brown Street, between Locust Street and Howard Street.

(3) The Board of Trustees of the University of North Carolina at Charlotte may by ordinance prohibit, regulate, and limit the parking of motor vehicles on those portions of the following public roads in the County of Mecklenburg where parking is not prohibited by ordinance or other source of legal regulation of the County of Mecklenburg or other governmental entity with jurisdiction to regulate parking on such public road:

a. Mary Alexander Boulevard (State Road No. 2834), between its intersection with N.C. Highway 49 and its intersection with Mallard Creek Church Road.

In addition, the Board of Trustees of the University of North Carolina at Charlotte may regulate traffic on Mary Alexander Boulevard (State Road No. 2834), between its intersection with N.C. Highway 49 and its intersection with Mallard Creek Church Road, in any manner not inconsistent with any ordinances or other sources of legal regulation of the County of Mecklenburg or other governmental entity with jurisdiction to regulate traffic on such public road.

(3a) The Board of Trustees of the University of North Carolina at Wilmington may by ordinance prohibit, regulate, and limit the parking of motor vehicles on those portions of the following public streets in the City of Wilmington where parking is not prohibited by an ordinance of the City of Wilmington:

a. "H" Street.

(3b) The Board of Trustees of the University of North Carolina at Greensboro may by ordinance prohibit, regulate, and limit the parking of motor vehicles for those portions of any of the following public streets in the City of Greensboro where parking is not prohibited by an ordinance of the City of Greensboro:

a. Forest Street between Oakland Avenue and Spring Garden Street.

b. Highland Avenue between Oakland Avenue and Spring Garden Street.

c. Jefferson Street between Spring Garden Street and the Walker/Aycock parking lot.

d. Kenilworth Street between Oakland Avenue and Walker Avenue.

e. McIver Street between Walker Avenue and West Market Street.

f. Stirling Street between Oakland Avenue and Walker Avenue.

g. Theta Street between Kenilworth Street and Stirling Street.

h. Walker Avenue between Aycock Street and Jackson Library and between Tate Street and McIver Street.

(4) This section does not diminish the authority of any affected municipality, county or other governmental entity to prohibit parking on any public street or road listed herein. It is intended only to authorize the respective boards of trustees of the constituent institutions identified hereinabove to further prohibit, regulate, and limit parking on certain public streets and roads running through or adjacent to the campuses of the constituent institutions where parking is not prohibited by ordinance or other law of any affected municipality, county or other governmental entity. When an ordinance or other law of an affected municipality, county or other governmental entity is adopted to prohibit parking on any portion of any public street or road then regulated by an ordinance of a board of trustees, the ordinance of the board of trustees is superseded and the University, upon request of the municipality, county or other governmental entity, shall immediately remove any signs, devices, or markings erected or placed by the University on that portion of the street or road pursuant to the superseded ordinance."

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

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 752*

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

H752-ARH-8 [v.0]

Date _____,2001

Comm. Sub. [NO]
Amends Title [NO]
First Edition

Representative

moves to amend the bill on page 1, line 8, by deleting "G.S. 116-42.1" and by substituting "~~G.S. 116-42.1~~G.S. 116-44.4".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

NORTH CAROLINA GENERAL ASSEMBLY

LEGISLATIVE FISCAL NOTE

BILL NUMBER: HB 752 (First Edition)

SHORT TITLE: UNC Greensboro Parking Jurisdiction

SPONSOR(S): **Rep. Jeffus**

FISCAL IMPACT

Yes (x) **No ( )** **No Estimate Available ( )**

	FY 2001-02	FY 2002-03	FY 2003-04	FY 2004-05	FY 2005-06
REVENUES	**$23,000**	**$23,000**	**$23,000**	**$23,000**	**$23,000**
EXPENDITURES					
POSITIONS:					

PRINCIPAL DEPARTMENT(S) & PROGRAM(S) AFFECTED: UNC Greensboro

EFFECTIVE DATE: upon becoming law

BILL SUMMARY: House Bill 752 would amend G.S. 116-44-5, by adding a new subdivision (3b) to allow the board of trustees at UNC-G to adopt ordinances regulating parking on certain parts of streets next to or running through the campus. The board may regulate parking only on the parts of these roads that Greensboro does not currently regulate. Furthermore, if, at a later time, the City decides to adopt its own ordinance to regulate parking in those places, then the City's ordinance will supersede the board's ordinance.

If the board adopts any ordinances under this section, then it is responsible for posting appropriate notice to the public of the parking restrictions. It also may issue decals or permits that must be displayed on the vehicle. An ordinance may provide for the removal to a storage area of any illegally parked car.

Violation of an ordinance is an infraction and is punishable by a penalty of not more than fifty dollars. However, an ordinance can specify that certain prohibited acts are not infractions and may subject the offender to a civil penalty. These penalties must be graduated based on the seriousness of the offense or the number of prior offenses for the person charged.

ASSUMPTIONS AND METHODOLOGY: UNC Greensboro will have the authority to issue parking tickets for this portion of its campus under this bill. The revenues of $23,000 are based on an estimate of the fines generated on an additional 195 spaces that would be created by assuming jurisdiction of this additional road that goes through campus.

TECHNICAL CONSIDERATIONS: At this time UNC-G does not plan to sell additional parking permits. If it changes this position at a later time, some additional revenue may be generated. This revenue would be partially offset due to fewer parking fines.

FISCAL RESEARCH DIVISION 733-4910

PREPARED BY: Charlotte Todd

APPROVED BY: James D. Johnson

DATE: April 9, 2001

filed

2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

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

☐ Committee Substitute for
H.B. 248 A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE RECOMMENDATIONS OF THE STUDY COMMISSION ON CHILDREN WITH SPECIAL NEEDS.

☐ With a favorable report.

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

☐ With a favorable report, as amended.

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

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

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

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

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

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

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

☐ Without prejudice.

☐ With an indefinite postponement report.

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

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

2/15/01

Ed 4-16-01 Jule

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

H D

HOUSE BILL 248*
PROPOSED COMMITTEE SUBSTITUTE H248*-PCS3388-SF-6

Short Title: Meeting the Needs of Students With Disabilities. (Public)

Sponsors:

Referred to:

February 26, 2001

A BILL TO BE ENTITLED

AN ACT TO IMPLEMENT THE RECOMMENDATIONS OF THE STUDY COMMISSION ON CHILDREN WITH SPECIAL NEEDS.

The General Assembly of North Carolina enacts:

SECTION 1.(a) There is established the Commission on Students With Disabilities. The Commission shall consist of 18 members, appointed as follows:

(1) Seven persons appointed by the Speaker of the House of Representatives, four of whom shall be members of the House of Representatives, and three of whom shall be public members.

(2) Seven persons appointed by the President Pro Tempore of the Senate, four of whom shall be members of the Senate, and three of whom shall be public members.

(3) Four persons appointed by the Governor.

Each appointing authority shall assure insofar as possible that its appointees to the Commission reflect the composition of the North Carolina population with regard to ethnic, racial, age, and gender composition.

The Speaker of the House of Representatives and the President Pro Tempore of the Senate shall each designate a cochair of the Commission. The Commission shall meet upon the call of the cochairs. A quorum of the Commission is 10 members. While in the discharge of its official duties, the Commission has the powers of a joint committee under G.S. 120-19 and G.S. 120-19.1. Members of the Commission shall receive per diem, subsistence, and travel allowances in accordance with G.S. 120-3.1, 138-5, or 138-6, as appropriate.

SECTION 1.(b) The Commission shall study the following issues:

(1) The numbers of children receiving or needing services and the cost of educating students in State residential institutions compared to community-based programs.

(2) The effect of testing students with disabilities for accountability purposes versus the federal mandate for inclusion of these students in testing.
(3) The effect of the possible tension between the State's preference for safe schools and the federal preference for keeping students with disabilities in school if the discipline problem is related to their disability.
(4) The extent to which the frequency of expulsion or suspension of students with disabilities has increased in the past five years, and the extent to whether there is an increase of these disciplinary actions around the time of year when end-of-grade or end-of-course tests are administered.
(5) The financial cost of removing the current funding cap and providing funds for all of the students with disabilities who have been identified.
(6) Determination of whether special education services are being distributed equitably statewide (spending between rural and urban schools, rich and poor school districts).
(7) Determination of whether the State Board of Education has a neutral and clear appeal process for the exit exam, and how that process is working for students with disabilities.
(8) Determination of whether the State Board of Education has made the alternative assessment portfolio available to all students whose Individual Education Plan (IEP) or Section 504 Plan documents the need.
(9) The severity of the problems with training, recruiting, and retaining special education teachers.
(10) The State law regarding time limits in resolving disputes involving the educational placement of students with disabilities.
(11) The allocation and use of federal funds provided under the Individuals with Disabilities Education Act (IDEA).
(12) Reduction of paperwork and better utilization of computers and related technology to accomplish the necessary accumulation of information required under State and federal law.
(13) The operation, performance, educational outcomes, and such other categories as necessary to appropriately evaluate the two schools for the deaf located in Wilson, NC and Morganton, NC.
(14) The initial testing and labeling process of students.
(15) Any other issue the Commission determines is appropriate.

SECTION 1.(c) Upon approval of the Legislative Services Commission, the Legislative Services Officer shall assign appropriate professional staff from the Legislative Services Office of the General Assembly to assist with the study. The House of Representatives' and the Senate's Supervisors of Clerks shall assign clerical staff to the Commission, upon the direction of the Legislative Services Commission. The

Commission may meet in the Legislative Building or the Legislative Office Building upon the approval of the Legislative Services Commission. The Commission may contract for professional or consultant services as provided under G.S. 120-32.02 to assist with the study under subdivision (b)(1) of this section.

SECTION 1.(d) The Commission may make an interim report to the 2002 Regular Session of the 2001 General Assembly, upon its convening, and shall make its final report to the 2003 General Assembly upon its convening, and to the Governor. Upon submitting its final report, the Commission shall expire.

SECTION 2. G.S. 115C-105.35 reads as rewritten:

"**§ 115C-105.35. Annual performance goals.**

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

SECTION 3. G.S. 115C-12(9) reads as rewritten:

"(9) Miscellaneous Powers and Duties. – All the powers and duties exercised by the State Board of Education shall be in conformity with the Constitution and subject to such laws as may be enacted from time to time by the General Assembly. Among such duties are:

a. To certify and regulate the grade and salary of teachers and other school employees.

b. To adopt and supply textbooks.

c. To adopt rules requiring all local boards of education to implement the Basic Education Program on an incremental basis within funds appropriated for that purpose by the General Assembly and by units of local government. Beginning with the 1991-92 school year, the rules shall require each local school administrative unit to implement fully the standard course of study in every school in the State in accordance with the Basic Education Program so that every student in the State shall have equal access to the curriculum as provided in the Basic Education Program and the standard course of study.

The Board shall establish benchmarks by which to measure the progress that each local board of education has made in implementing the Basic Education Program.

The Board shall develop a State accreditation program that meets or exceeds the standards and requirements of the Basic Education Program. The Board shall require each local school

administrative unit to comply with the State accreditation program to the extent that funds have been made available to the local school administrative unit for implementation of the Basic Education Program.

The Board shall use the State accreditation program to monitor the implementation of the Basic Education Program.

c1. To issue an annual 'report card' for the State and for each local school administrative unit, assessing each unit's efforts to improve student performance based on the growth in performance of the students in each school and taking into account progress over the previous years' level of performance and the State's performance in comparison with other states. This assessment shall take into account factors that have been shown to affect student performance and that the State Board considers relevant to assess the State's efforts to improve student performance. This assessment shall include disaggregated data on students, including those with disabilities.

c2. Repealed by Session Laws 1995 (Regular Session, 1996), c. 716, s. 1.

c3. To develop a system of school building improvement reports for each school building. The purpose of school building improvement reports is to measure improvement in the growth in student performance at each school building from year to year, not to compare school buildings. The Board shall include in the building reports any factors shown to affect student performance that the Board considers relevant to assess a school's efforts to improve student performance. Local school administrative units shall produce and make public their school building improvement reports by ~~March 15, 1997, for the 1995-96 school year, by October 15, 1997, for the 1996-97 school year, and annually thereafter.~~ October 15 each year. Each report shall be based on building-level data for the prior school year.

c4. To develop guidelines, procedures, and rules to establish, implement, and enforce the School-Based Management and Accountability Program under Article 8B of this Chapter in order to improve student performance, increase local flexibility and control, and promote economy and efficiency.

d. To formulate rules and regulations for the enforcement of the compulsory attendance law.

e. To manage and operate a system of insurance for public school property, as provided in Article 38 of this Chapter.

In making substantial policy changes in administration, curriculum, or programs the Board should conduct hearings

throughout the regions of the State, whenever feasible, in order that the public may be heard regarding these matters."

SECTION 4. The State Board of Education shall post on its web site information regarding the education of students with disabilities. This web page shall include information about the ABCs, testing procedures, testing results, accommodations, complaint procedures, and procedures regarding reviews. The web page shall be easily accessible to parents and updated as often as necessary to keep the information current.

SECTION 5. The State Board of Education shall collect information to document how local school administrative units are funding the provision of special education to more students with disabilities than are covered by the State funding cap of twelve and one-half percent (12.5%).

SECTION 6. From funds appropriated to the General Assembly, the Legislative Services Commission shall allocate funds for the expenses of the Commission on Students with Disabilities established in Section 1 of this act.

SECTION 7. Sections 1 and 6 of this act become effective July 1, 2001. Section 3 of this act becomes effective July 1, 2002. The remainder of this act is effective when it becomes law.

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 248*

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

H248-ASF-3 [v.0]

Date _____,2001

Comm. Sub. [YES]
Amends Title [NO]
H248-CSSF-6

Representative Carpenter

moves to amend the bill on page 2, lines 36-37,
by inserting between the lines the following:

"(14) The initial testing and labeling process of students.";

and on page 2, line 37, by deleting "(14)" and substituting "(15)".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

EDITION No. _____

H. B. No. 248 DATE _____

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

COMMITTEE SUBSTITUTE _____

(Rep.) Arnold
Sen.)

1 moves to amend the bill on page 3, lines 20-21
2 ( ) WHICH CHANGES THE TITLE
3 by _____
4 (13) The operation, performance, educational
5 outcomes, and such other categories
6 as necessary to appropriately evaluate
7 the two schools for the Deaf located
8 in Wilson, NC and Morganton, NC.
9 _____
10 make necessary numerical changes.
11 _____
12 _____
13 _____
14 _____
15 _____
16 _____
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SIGNED _____

ADOPTED _____ FAILED _____ TABLED _____

GA-33-A

PRINCIPAL CLERK'S COPY

(Please type or use ballpoint pen)

H. B. No. 248 DATE

S. B. No. H248-CSRH-8 Amendment No. (to be filled in by Principal Clerk)

Rep.) G Warren
Sen.) G

moves to amend the bill on page 2, lines 29-30:

by inserting between the lines the following:

"(11) The allocation and use of federal funds provided under the Individuals with Disabilities Act (IDEA).

(12) Reduction of paperwork, and better utilization of computers and related technology to accomplish the necessary accumulation of information ~~and related technology~~ required under State and federal law.";

and on p. 2, line 30, by deleting "(11)" and substituting "(13)".

SIGNED Edith D Warren

ADOPTED FAILED TABLED

GA-33-A

HOUSE BILL 248:
Meeting the Needs of Students with Disabilities

BILL ANALYSIS

Committee:	House Education	**Introduced by:**	Rep. Boyd-McIntyre
Date:	March 22, 2001	**Summary by:**	Robin Johnson
Version:	H248-CSRH-8[v.1]		Committee Counsel

The PCS for House Bill 248 makes technical changes.

SUMMARY: ***This bill would establish the Commission on Students with Disabilities and provide for allocation of funds for its expenses, and require that, as part of the School-Based Management and Accountability Program, schools are held accountable for the educational growth of their students with disabilities. The bill would further require that the State Board of Education take the following actions:***

Include disaggregated data on students including those with disabilities in the Board's annual State report card,

post on its website current and accurate information regarding the education of students with disabilities, and

collect information to document how local school administrative units are funding the provision of special education for students with disabilities when the LEA is over the 12.5% cap.

BILL ANALYSIS:

Section 1: would establish the Commission on Students with Disabilities and direct it to study the following issues:

- The number of students receiving or needing services and the cost of educating students in State residential institutions compared to community based programs.
- The effect of testing students with disabilities for accountability purposes versus the federal mandate for inclusion of these students in testing.
- The effect of tension between the State's preference for safe schools and the federal preference for keeping students with disability related discipline problems in school.
- The extent of increases in expulsions and suspensions of students with disabilities in the past five years and the relationship of these disciplinary actions to the timing of tests.
- The cost of increasing the current funding cap of 12.5% to 13% or 13.5%.
- Whether special education services are being distributed equitably throughout the State.
- The neutrality and clarity of the appeal process for the exit exam, particularly as it affects students with disabilities.
- The availability of the alternative assessment portfolio to students whose IEP or Section 504 plan documents the need.
- The severity of problems with training, recruiting, and retaining special education teachers.
- Time limits in resolving disputes over the educational placement of students with disabilities.

- Any other issue the Commission deems appropriate.

The Commission may make an interim report to the 2002 General Assembly, and must make a final report to the 2003 General Assembly and the Governor. Upon making its final report, the Commission shall expire.

Section 2: would amend G.S. 115C-105.35 to require that, as part of the School-Based Management and Accountability Program, schools be held accountable for the educational growth of students with disabilities.

Section 3: would amend G.S. 115C-12(9) to require the State Board to include disaggregated data on students, including students with disabilities, in its annual assessment of the improvement in student performance in the State. This section would take effect July 1, 2002.

Section 4: would require the State Board of Education to post on its website information regarding the education of students with disabilities. The Board is further directed to keep the information current and easily accessible to parents.

Section 5: would require the State Board of Education to collect information to document how local school administrative units are funding the provision of special education to more students with disabilities than are covered by the State funding cap of 12.5%.

Section 6: would provide for the allocation of funds appropriated to the General Assembly for the expenses of the Commission on Students with Disabilities.

Section 7: Sections 1 and 6 would take effect July 1, 2001. Section 3 would become effective July 1, 2002. The remainder of the bill would become effective when it becomes law.

BACKGROUND: House Bill 248 reflects the recommendations of the Study Commission on Children with Special Needs. This Commission met extensively during 2000 to study issues relating to the education of students with disabilities.

H248-SMRH-001: Shirley Iorio, Committee Staff, contributed significantly to this summary.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

H D

HOUSE BILL 248*
PROPOSED COMMITTEE SUBSTITUTE H248-CSRH-8 [v.1]

3/21/2001 6:20:38 PM

Short Title: Meeting the Needs of Students with Disabilities. (Public)

Sponsors:

Referred to:

February 26, 2001

A BILL TO BE ENTITLED

AN ACT TO IMPLEMENT THE RECOMMENDATIONS OF THE STUDY COMMISSION ON CHILDREN WITH SPECIAL NEEDS.

The General Assembly of North Carolina enacts:

SECTION 1.(a) There is established the Commission on Students With Disabilities. The Commission shall consist of 18 members, appointed as follows:

(1) Seven persons appointed by the Speaker of the House of Representatives, four of whom shall be members of the House of Representatives, and three of whom shall be public members.

(2) Seven persons appointed by the President Pro Tempore of the Senate, four of whom shall be members of the Senate, and three of whom shall be public members.

(3) Four persons appointed by the Governor.

Each appointing authority shall assure insofar as possible that its appointees to the Commission reflect the composition of the North Carolina population with regard to ethnic, racial, age, and gender composition.

The Speaker of the House of Representatives and the President Pro Tempore of the Senate shall each designate a cochair of the Commission. The Commission shall meet upon the call of the cochairs. A quorum of the Commission is 10 members. While in the discharge of its official duties, the Commission has the powers of a joint committee under G.S. 120-19 and G.S. 120-19.1. Members of the Commission shall receive per diem, subsistence, and travel allowances in accordance with G.S. 120-3.1, 138-5, or 138-6, as appropriate.

SECTION 1.(b) The Commission shall study the following issues:

(1) The numbers of children receiving or needing services and the cost of educating students in State residential institutions compared to community-based programs.

(2) The effect of testing students with disabilities for accountability purposes versus the federal mandate for inclusion of these students in testing.

(3) The effect of the possible tension between the State's preference for safe schools and the federal preference for keeping students with disabilities in school if the discipline problem is related to their disability.

(4) The extent to which the frequency of expulsion or suspension of students with disabilities has increased in the past five years, and the extent to whether there is an increase of these disciplinary actions around the time of year when end-of-grade or end-of-course tests are administered.

(5) The financial cost of increasing the current funding cap of twelve and one-half percent (12.5%) to thirteen percent (13%) or thirteen and one-half percent (13.5%).

(6) Determination of whether special education services are being distributed equitably statewide (spending between rural and urban schools, rich and poor school districts).

(7) Determination of whether the State Board of Education has a neutral and clear appeal process for the exit exam, and how that process is working for students with disabilities.

(8) Determination of whether the State Board of Education has made the alternative assessment portfolio available to all students whose Individual Education Plan (IEP) or Section 504 Plan documents the need.

(9) The severity of the problems with training, recruiting, and retaining special education teachers.

(10) The State law regarding time limits in resolving disputes involving the educational placement of students with disabilities.

(11) Any other issue the Commission determines is appropriate.

SECTION 1.(c) Upon approval of the Legislative Services Commission, the Legislative Services Officer shall assign appropriate professional staff from the Legislative Services Office of the General Assembly to assist with the study. The House of Representatives' and the Senate's Supervisors of Clerks shall assign clerical staff to the Commission, upon the direction of the Legislative Services Commission. The Commission may meet in the Legislative Building or the Legislative Office Building upon the approval of the Legislative Services Commission. The Commission may contract for professional or consultant services as provided under G.S. 120-32.02 to assist with the study under subdivision (b)(1) of this section.

SECTION 1.(d) The Commission may make an interim report to the 2001 General Assembly, Regular Session 2002, upon its convening, and shall make its final report to the 2003 General Assembly upon its convening, and to the Governor. Upon submitting its final report, the Commission shall expire.

SECTION 2. G.S. 115C-105.35 reads as rewritten:

"**§ 115C-105.35. Annual performance goals.**

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

SECTION 3. G.S. 115C-12(9) reads as rewritten:

"(9) Miscellaneous Powers and Duties. – All the powers and duties exercised by the State Board of Education shall be in conformity with the Constitution and subject to such laws as may be enacted from time to time by the General Assembly. Among such duties are:

a. To certify and regulate the grade and salary of teachers and other school employees.

b. To adopt and supply textbooks.

c. To adopt rules requiring all local boards of education to implement the Basic Education Program on an incremental basis within funds appropriated for that purpose by the General Assembly and by units of local government. Beginning with the 1991-92 school year, the rules shall require each local school administrative unit to implement fully the standard course of study in every school in the State in accordance with the Basic Education Program so that every student in the State shall have equal access to the curriculum as provided in the Basic Education Program and the standard course of study.

The Board shall establish benchmarks by which to measure the progress that each local board of education has made in implementing the Basic Education Program.

The Board shall develop a State accreditation program that meets or exceeds the standards and requirements of the Basic Education Program. The Board shall require each local school administrative unit to comply with the State accreditation program to the extent that funds have been made available to the local school administrative unit for implementation of the Basic Education Program.

The Board shall use the State accreditation program to monitor the implementation of the Basic Education Program.

c1. To issue an annual 'report card' for the State and for each local school administrative unit, assessing each unit's efforts to

improve student performance based on the growth in performance of the students in each school and taking into account progress over the previous years' level of performance and the State's performance in comparison with other states. This assessment shall take into account factors that have been shown to affect student performance and that the State Board considers relevant to assess the State's efforts to improve student performance. This assessment shall include disaggregated data on students, including those with disabilities.

c2. Repealed by Session Laws 1995 (Regular Session, 1996), c. 716, s. 1.

c3. To develop a system of school building improvement reports for each school building. The purpose of school building improvement reports is to measure improvement in the growth in student performance at each school building from year to year, not to compare school buildings. The Board shall include in the building reports any factors shown to affect student performance that the Board considers relevant to assess a school's efforts to improve student performance. Local school administrative units shall produce and make public their school building improvement reports by ~~March 15, 1997, for the 1995-96 school year, by October 15, 1997, for the 1996-97 school year, and annually thereafter.~~ October 15 each year. Each report shall be based on building-level data for the prior school year.

c4. To develop guidelines, procedures, and rules to establish, implement, and enforce the School-Based Management and Accountability Program under Article 8B of this Chapter in order to improve student performance, increase local flexibility and control, and promote economy and efficiency.

d. To formulate rules and regulations for the enforcement of the compulsory attendance law.

e. To manage and operate a system of insurance for public school property, as provided in Article 38 of this Chapter.

In making substantial policy changes in administration, curriculum, or programs the Board should conduct hearings throughout the regions of the State, whenever feasible, in order that the public may be heard regarding these matters."

SECTION 4. The State Board of Education shall post on its web site information regarding the education of students with disabilities. This web page shall include information about the ABCs, testing procedures, testing results, accommodations, complaint procedures, and procedures regarding reviews. The web page shall be easily accessible to parents and updated as often as necessary to keep the information current.

SECTION 5. The State Board of Education shall collect information to document how local school administrative units are funding the provision of special education to more students with disabilities than are covered by the State funding cap of twelve and one-half percent (12.5%).

SECTION 6. From funds appropriated to the General Assembly, the Legislative Services Commission shall allocate funds for the expenses of the Commission on Students with Disabilities established in Section 1 of this act. This section would become effective July 1, 2001.

SECTION 7. Sections 1 and 6 of this act become effective July 1, 2001. Section 3 of this act becomes effective July 1, 2002. The remainder of this act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

HOUSE BILL 248*

Short Title:	Meeting the Needs of Students with Disabilities.	(Public)
Sponsors:	Representatives Boyd-McIntyre, McLawhorn; Alexander, Luebke, Preston, and Wainwright.	
Referred to:	Education, if favorable, Rules, Calendar, and Operations of the House.	

February 26, 2001

A BILL TO BE ENTITLED

AN ACT TO IMPLEMENT THE RECOMMENDATIONS OF THE STUDY COMMISSION ON CHILDREN WITH SPECIAL NEEDS.

The General Assembly of North Carolina enacts:

SECTION 1.(a) There is established the Commission on Students With Disabilities. The Commission shall consist of 18 members, appointed as follows:

(1) Seven persons appointed by the Speaker of the House of Representatives, four of whom shall be members of the House of Representatives, and three of whom shall be public members.

(2) Seven persons appointed by the President Pro Tempore of the Senate, four of whom shall be members of the Senate, and three of whom shall be public members.

(3) Four persons appointed by the Governor.

Each appointing authority shall assure insofar as possible that its appointees to the Commission reflect the composition of the North Carolina population with regard to ethnic, racial, age, and gender composition.

The Speaker of the House of Representatives and the President Pro Tempore of the Senate shall each designate a cochair of the Commission. The Commission shall meet upon the call of the cochairs. A quorum of the Commission is 10 members. While in the discharge of its official duties, the Commission has the powers of a joint committee under G.S. 120-19 and G.S. 120-19.1. Members of the Commission shall receive per diem, subsistence, and travel allowances in accordance with G.S. 120-3.1, 138-5, or 138-6, as appropriate.

SECTION 1.(b) The Commission shall study the following issues:

(1) The numbers of children receiving or needing services and the cost of educating students in State residential institutions compared to community-based programs.

(2) The effect of testing students with disabilities for accountability purposes versus the federal mandate for inclusion of these students in testing.

(3) The effect of the possible tension between the State's preference for safe schools and the federal preference for keeping students with disabilities in school if the discipline problem is related to their disability.

(4) The extent to which the frequency of expulsion or suspension of students with disabilities has increased in the past five years, and the extent to whether there is an increase of these disciplinary actions around the time of year when end-of-grade or end-of-course tests are administered.

(5) The financial cost of increasing the current funding cap of twelve and one-half percent (12.5%) to thirteen percent (13%) or thirteen and one-half percent (13.5%).

(6) Determination of whether special education services are being distributed equitably statewide (spending between rural and urban schools, rich and poor school districts).

(7) Determination of whether the State Board of Education has a neutral and clear appeal process for the exit exam, and how that process is working for students with disabilities.

(8) Determination of whether the State Board of Education has made the alternative assessment portfolio available to all students whose Individual Education Plan (IEP) or Section 504 Plan documents the need.

(9) The severity of the problems with training, recruiting, and retaining special education teachers.

(10) The State law regarding time limits in resolving disputes involving the educational placement of students with disabilities.

(11) Any other issue the Commission determines is appropriate.

SECTION 1.(c) Upon approval of the Legislative Services Commission, the Legislative Services Officer shall assign appropriate professional staff from the Legislative Services Office of the General Assembly to assist with the study. The House of Representatives' and the Senate's Supervisors of Clerks shall assign clerical staff to the Commission, upon the direction of the Legislative Services Commission. The Commission may meet in the Legislative Building or the Legislative Office Building upon the approval of the Legislative Services Commission. The Commission may contract for professional or consultant services as provided under G.S. 120-32.02 to assist with the study under subdivision (b)(1) of this section.

SECTION 1.(d) The Commission may make an interim report to the 2001 General Assembly, Regular Session 2001, upon its convening, and shall make its final report to the 2002 General Assembly upon its convening, and to the Governor. Upon submitting its final report, the Commission shall expire.

SECTION 2. G.S. 115C-105.35 reads as rewritten:

"§ 115C-105.35. Annual performance goals.

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

SECTION 3. G.S. 115C-12(9) reads as rewritten:

"(9) Miscellaneous Powers and Duties. – All the powers and duties exercised by the State Board of Education shall be in conformity with the Constitution and subject to such laws as may be enacted from time to time by the General Assembly. Among such duties are:

a. To certify and regulate the grade and salary of teachers and other school employees.

b. To adopt and supply textbooks.

c. To adopt rules requiring all local boards of education to implement the Basic Education Program on an incremental basis within funds appropriated for that purpose by the General Assembly and by units of local government. Beginning with the 1991-92 school year, the rules shall require each local school administrative unit to implement fully the standard course of study in every school in the State in accordance with the Basic Education Program so that every student in the State shall have equal access to the curriculum as provided in the Basic Education Program and the standard course of study.

The Board shall establish benchmarks by which to measure the progress that each local board of education has made in implementing the Basic Education Program.

The Board shall develop a State accreditation program that meets or exceeds the standards and requirements of the Basic Education Program. The Board shall require each local school administrative unit to comply with the State accreditation program to the extent that funds have been made available to the local school administrative unit for implementation of the Basic Education Program.

The Board shall use the State accreditation program to monitor the implementation of the Basic Education Program.

c1. To issue an annual 'report card' for the State and for each local school administrative unit, assessing each unit's efforts to improve student performance based on the growth in performance of the students in each school and taking into

account progress over the previous years' level of performance and the State's performance in comparison with other states. This assessment shall take into account factors that have been shown to affect student performance and that the State Board considers relevant to assess the State's efforts to improve student performance.

c2. Repealed by Session Laws 1995 (Regular Session, 1996), c. 716, s. 1.

c3. To develop a system of school building improvement reports for each school building. The purpose of school building improvement reports is to measure improvement in the growth in student performance at each school building from year to year, not to compare school buildings. The Board shall include in the building reports any factors shown to affect student performance that the Board considers relevant to assess a school's efforts to improve student performance. Local school administrative units shall produce and make public their school building improvement reports by ~~March 15, 1997, for the 1995-96 school year, by October 15, 1997, for the 1996-97 school year, and annually thereafter.~~ October 15 each year. Each report shall be based on building-level data for the prior school year. Each report shall include disaggregated data on students, including those with disabilities.

c4. To develop guidelines, procedures, and rules to establish, implement, and enforce the School-Based Management and Accountability Program under Article 8B of this Chapter in order to improve student performance, increase local flexibility and control, and promote economy and efficiency.

d. To formulate rules and regulations for the enforcement of the compulsory attendance law.

e. To manage and operate a system of insurance for public school property, as provided in Article 38 of this Chapter.

In making substantial policy changes in administration, curriculum, or programs the Board should conduct hearings throughout the regions of the State, whenever feasible, in order that the public may be heard regarding these matters."

SECTION 4. The State Board of Education shall post on its web site information regarding the education of students with disabilities. This web page shall include information about the ABCs, testing procedures, testing results, accommodations, complaint procedures, and procedures regarding reviews. The web page shall be easily accessible to parents and updated as often as necessary to keep the information current.

SECTION 5. The State Board of Education shall collect information to document how local school administrative units are funding the provision of special

education to more students with disabilities than are covered by the State funding cap of twelve and one-half percent (12.5%).

SECTION 6. From funds appropriated to the General Assembly, the Legislative Services Commission shall allocate funds for the expenses of the Commission on Students with Disabilities established in Section 1 of this act.

SECTION 7. Sections 1 and 6 of this act become effective July 1, 2001. The remainder of this act is effective when it becomes law.

2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

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

☐ Committee Substitute for
H.B. 106 A BILL TO BE ENTITLED AN ACT TO CLARIFY THE RIGHT TO APPEAL TO A LOCAL BOARD OF EDUCATION.

☐ With a favorable report.

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

☐ With a favorable report, as amended.

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

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

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

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

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

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

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

☐ Without prejudice.

☐ With an indefinite postponement report.

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

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

2/15/01

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

H D

HOUSE BILL 106
PROPOSED COMMITTEE SUBSTITUTE H106-PCS7192-RH-24

Short Title: Clarify Appeals to Local School Boards. (Public)

Sponsors:

Referred to:

February 14, 2001

A BILL TO BE ENTITLED

AN ACT TO CLARIFY THE RIGHT TO APPEAL TO A LOCAL BOARD OF EDUCATION.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-45(c) reads as rewritten:

"(c) Appeals to Board of Education and to Superior Court. – An appeal shall lie to the local board of education from ~~the~~ any final administrative decision ~~of all school personnel to the appropriate local board of education.~~ in the following matters:

(1) The discipline of a student under G.S. 115C-391(c), (d), (d1), (d2), or (d3).

(2) An alleged violation of a specified federal law, State law, State Board of Education policy, State rule, or local board policy, including any policy regarding grade retention of students.

(3) The terms or conditions of employment or employment status of a school employee.

(4) Any other decision that by statute specifically provides for a right of appeal to the local board of education and for which there is no other statutory appeal procedure.

(5) Any other matter in which the local board of education, in its discretion, chooses to grant a hearing.

In all ~~such~~ appeals to the board it ~~shall be~~ is the duty of the board of education to see that a proper notice is given to all parties concerned and that a record of the hearing is properly entered in the records of the board conducting the hearing.

The board of education may designate hearing panels composed of not less than two members of the board to hear and act upon such appeals in the name and on behalf of the board of education.

~~An appeal shall lie from the decision of a local board of education to the superior court of the State in any action of a local board of education affecting one's character or right to teach.~~ An appeal of right brought before a local board of education under

subdivision (1), (2), (3), or (4) of this subsection may be further appealed to the superior court of the State on the grounds that the local board's decision is in violation of constitutional provisions, is in excess of the statutory authority or jurisdiction of the board, is made upon unlawful procedure, is affected by other error of law, is unsupported by substantial evidence in view of the entire record as submitted, or is arbitrary or capricious."

SECTION 2. G.S. 115C-305 is repealed.

SECTION 3. This act becomes effective July 1, 2001, and applies to final administrative or school board decisions on or after that date.

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

EDITION No. _____

H. B. No. 106 DATE _____

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

COMMITTEE SUBSTITUTE H106-CSRH-24[v.0]

Rep.)
) _____
Sen.)

1 moves to amend the bill on page 1, line 12
2 ( ) WHICH CHANGES THE TITLE
3 by deleting "policy." and by substituting
4
5 "policy, including policies regarding
6 grade retention of students.".
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SIGNED _____

ADOPTED _____ FAILED _____ TABLED _____

GA-33-A

PRINCIPAL CLERK'S OFFICE (FOR ENGROSSMENT)

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

HOUSE BILL 106

Short Title:	Clarify Appeals to Local School Boards.	(Public)
Sponsors:	Representative Goodwin.	
Referred to:	Education.	

February 14, 2001

A BILL TO BE ENTITLED

AN ACT TO CLARIFY THE RIGHT TO APPEAL TO A LOCAL BOARD OF EDUCATION.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-45(c) reads as rewritten:

"(c) Appeals to Board of Education and to Superior Court. – An appeal shall lie to the local board of education from ~~the~~ any final administrative decision ~~of all school personnel to the appropriate local board of education.~~ in the following matters:

(1) The discipline of a student under G.S. 115C-391(c), (d), (d1), (d2), or (d3);

(2) An alleged violation of a specified federal law, State law, State Board of Education policy, State rule, or local board policy;

(3) An alleged violation of an employee's contract of employment, unless there is a more specific appeal procedure provided by law;

(4) Any decision affecting a school employee's character or right to teach, unless there is a more specific appeal procedure provided by law; and

(5) Any other decision that by statute specifically provides for a right of appeal to the local board of education and for which there is no other statutory appeal procedure.

A local board of education may also, in its discretion, grant a hearing regarding any final decision of school personnel within the local school administrative unit.

In all ~~such~~ appeals to the board it ~~shall be~~ is the duty of the board of education to see that a proper notice is given to all parties concerned and that a record of the hearing is properly entered in the records of the board conducting the hearing.

The board of education may designate hearing panels composed of not less than two members of the board to hear and act upon such appeals in the name and on behalf of the board of education.

An appeal shall lie from the decision of a local board of education to the superior court of the State in any action of a local board of education affecting one's character or right to teach."

SECTION 2. G.S. 115C-305 reads as rewritten:

"**§ 115C-305. Appeals ~~to board of education and~~ to superior court.**

~~Appeals to the local board of education or to the superior court shall lie from the decisions of all school personnel, including~~ School employees have a right to appeal final school board decisions affecting their character or the right to teach, as provided in G.S. 115C-45(c)."

SECTION 3. This act becomes effective January 1, 2002, and applies to final administrative or school board decisions on or after that date.

VISITOR REGISTRATION SHEET

Education — 4/16/01

Name of Committee — Date

VISITORS: Please sign below and return to Committee Clerk.

NAME	FIRM OR STATE AGENCY AND ADDRESS
Ann Bellamy	Bellamy Assoc.
Susan Harrison	WCBS
Jack Poulos	NCGA
Jim Cahoon	NCAE
Robin Allen	CLA - SNF
Clifton R. Metcalf	CBC OP
Butch Gunnells	NCSDA
George Suddath	NCSDA
Henry Hutaff	NCSDA
Leanne Winner	NCSDA
Debra [illegible]	NCBSA
Audrey A. Galloway	NCAE
William H. Potter Jr	NCDS
Dick Carlton	Carlton + Alexander
Jim Woodall	Leandro Law Journal
Mark Dunl	Smith Helms
DAVID RICE	WS JOURNAL

HOUSE EDUCATION COMMITTEE MEETING

TUESDAY APRIL 17, 2001

The House Education Committee met on Tuesday, April 17, 2001 at 11:00 am in Room 643 in the Legislative Office Building. The attendance sheet indicates the members present.

Rep Warner presided over the meeting.

Rep. Michaux moved that the following bills be re-referred to Appropriations. The motion carried.
HOUSE BILL 988, PROVIDE FUNDING BEFORE NEW SCHOOL STANDARDS
HOUSE BILL 990, STATE BOARD OF EDUCATION CONFIRMATION
HOUSE BILL 1150, ENDURE FAIRNESS IN SCHOOL TESTING PROGRAM

Rep. Lucas was called on to explain **HOUSE BILL 979, SPECIAL DIPLOMA FOR WORLD WAR II VETERANS.** Rep. Lucas made a motion for a technical amendment for the bill and it passed. Rep. Womble moved for the amendment to be rolled into a committee substitute, favorable to committee substitute, unfavorable to original bill. Motion passed.

Rep. Rogers was called on to explain **HOUSE BILL 405, AMEND STUDENT ACCOUNTABILITY PROGRAM.** Rep. Michaux offered an amendment and it passed. Rep. Warwick moved that the amendment be rolled into a new committee substitute, be given a favorable report, unfavorable to original bill. Motion passed.

Rep. Capps was called on to explain **HOUSE BILL 645, SCHOOL DRESS CODES AND APPEARANCE POLICIES.** A technical amendment was offered and passed. After much discussion, an adhoc committee was appointed and chaired by Rep. Dockham.

Meeting adjourned.

Rep. Alex Warner, Co-chair

Rep. Donald Bonner, Co-chair

Ann Stancil, Committee Clerk

Ann Stancil (Rep. Warner)

From: Regina Irwin (Rep. Dockham)
Sent: Monday, April 23, 2001 7:54 AM
To: Ann Stancil (Rep. Warner)
Subject: ADHOC Committee to study HB 645

The ADHOC Committee to study **HB 645, SCHOOL DRESS CODES AND APPEARANCE POLICIES**, met in Room 415 of the Legislative Office Building on April 18, 2001, at 4:30 p.m. Representative Dockham presided. The following Committee members were present: Representatives Carpenter, Goodwin, Insko, Sherrill, Underhill, and Womble. Sara Kamprath, Staff Counsel, was in attendance. Also attending the meeting was Representative Russell Capps, the Bill's sponsor. Ms. Leanne Winner, NC School Boards Association, was present to express the opinion of the School Board Assn.

After much discussion it was agreed upon, for Representatives Sherrill, Carpenter, Capps; Ms. Winner, and Ms. Kamprath to meet and draft a bill substitute recommendation based on suggestions put forth by the committee members present at the meeting.

Ann Stancil (Rep. Warner)

From: Ann Stancil (Rep. Warner)

Sent: Tuesday, April 17, 2001 3:20 PM

To: Regina Irwin (Rep. Dockham); Betty Smith (Rep. Carpenter); Kristen Corbett (Rep. Goodwin); Linda McCrodden (Rep. Insko); Brenda Olls (Rep. Rayfield); Rosa Kelley (Rep. Sherrill); Edna Sykes (Rep. Thompson); Surena Henderson (Rep. Tucker); Marian Phillips (Rep. Underhill); Susan Doty (Rep. Weiss); Dorothy McLean (Rep. Womble)

THE HOUSE EDUCATION COMMITTEE MET TODAY, TUESDAY, APRIL 17, 2001. THIS IS A NOTIFICATION OF YOU BEING APPOINTED TO AN ADHOC COMMITTEE TO STUDY ***HB 645, SCHOOL DRESS CODES AND APPEARANCE POLICIES.*** REP, DOCKHAM WILL CHAIR THIS COMMITTEE.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

H 1

HOUSE BILL 645

Short Title:	School Dress Codes and Appearance Policies. (Public)
Sponsors:	Representatives Capps; Arnold, Blust, Daughtry, Davis, Decker, Eddins, Justus, Morris, Setzer, Sexton, Shubert, and C. Wilson.
Referred to:	Education.

March 15, 2001

A BILL TO BE ENTITLED

AN ACT TO ENACT DRESS CODES AND APPEARANCE POLICIES FOR PUBLIC SCHOOL STUDENTS AND EMPLOYEES.

The General Assembly of North Carolina enacts:

SECTION 1. Chapter 115C of the General Statutes is amended by adding a new section to read:

"**§ 115C-391.1. Student Dress Code and Appearance Policy.**

(a) The State of North Carolina respects a student's right to choose his or her style of dress or appearance; however, students are expected to adhere to standards of cleanliness and dress that are compatible with the requirement of a good school environment. If a student's dress or lack of cleanliness is such that it constitutes a threat to health or safety, the principal or the principal's designee may require the student and student's parent or guardian to take appropriate action to remedy the situation. In addition, if a student's dress or appearance is so unusual, inappropriate, or lacking in cleanliness that it clearly disrupts class or learning activities, the student may be required to change his or her dress or appearance.

(b) Student violations of this policy shall be handled by the principal or the principal's designee. The first violation of this policy may result in a short-term suspension from the local school administrative unit for up to 10 days. A second violation of this policy during the school year shall result in a short-term suspension from the school unit for up to 10 days. A third or subsequent violation of this policy during the school year may result in long-term suspension from the school unit for the remainder of the school year. If a third, or subsequent violation results in long-term suspension for the remainder of the school year, the superintendent may assign the student to an alternative program approved by the local board of education.

(c) Principals shall maintain guidelines to assist students in determining appropriate dress and appearance for school, copies of which shall be made available to

parents and students. Items listed below shall be included in all school guidelines and shall apply to all students. Reasonable accommodation shall be made by the school principal or the principal's designee for those students who, because of a sincerely held religious belief, cultural heritage, or medical reason request a waiver of a particular guideline for dress or appearance. Reasonable accommodations shall be made by the principal or the principal's designee to accommodate students involved in special duties, activities, or projects approved by the school. This shall include, but not be limited to, athletics, vocational classes and projects, special events, or other activities that would allow for nonconforming dress on a school campus.

(1) Clothing shall be age appropriate, not disruptive to the teaching-learning process, and cannot be provocative, revealing, indecent, vulgar, or obscene.

(2) Hats, sweatbands, bandannas, or sunglasses shall not be worn inside the school buildings.

(3) Shorts shall be no higher than mid-thigh.

(4) Skirts and dresses shall be no higher than three inches above the top of the knee.

(5) Shirts and blouses shall not be tank top or spaghetti straps.

(6) Clothing shall not be allowed that promotes alcoholic beverages, tobacco, or the use of controlled substances, depicts violence, is of a sexual nature, or is of a disruptive nature.

(7) Shirts and blouses shall cover the waist, cover the midriff, and go past the waistline.

(8) No sagging pants shall be allowed.

(9) Proper footwear shall be required. Shoes must fit. Shoes that have laces must be laced and tied.

(10) Abnormal hair color shall not be allowed such as hair sprayed blue, green, orange, or other colors.

(11) Clothing shall not be sheer or mesh and shall not have excessive holes.

(12) Undergarments shall not be visible.

(13) Clothing shall be worn appropriately. (Clothing shall not be inside out or backwards; pant legs shall not be rolled up, etc.)

(14) Clothing shall not be allowed that is intentionally shredded or torn.

(15) Tight clothing such as knit or spandex bicycle/biker pants or overly tight pants shall not be allowed.

(16) Clothing articles including, but not limited to, gloves, bandannas, cutoff pants with knee-high socks, unstrapped bib overalls, multicolored shoestrings, wristbands, hats, hairnets, excessively long belts, belt buckles stamped with a letter, "in memory of" shirts, professional teams' clothing, or jewelry commonly recognized as being related to a group or gang which provokes others to act violently or be intimidated by fear of violence shall not be worn on the campus or at any school activity.

(17) No jewelry shall be affixed to a student's nose, tongue, lips, cheek, or eyebrow.

(d) The principal or the principal's designee may, as a reasonable accommodation under the Student Dress Code and Appearance Policy, exempt a student from the requirements of the Student Dress Code and Appearance Policy when compliance with those requirements would impose a substantial burden on the exercise of a sincerely held religious belief.

In making determinations regarding exemptions to the Student Dress Code and Appearance Policy, the principal or the principal's designee shall not attempt to determine whether the religious beliefs are valid but only whether they are central to religious doctrine and sincerely held. To assist in deciding whether an exemption is warranted, the principal or the principal's designee may request the parent to provide information in writing, demonstrating (i) that the objection to the requirements of the Student Dress Code and Appearance Policy is grounded in religious tenets rather than mere personal preference; (ii) that the religious beliefs are sincerely held and practiced; and (iii) that compliance with the requirements of the Student Dress Code and Appearance Policy truly will interfere with the exercise of those beliefs.

Generally, the following kinds of information may be required by the principal or the principal's designee in making the determination:

(1) A written statement by an authority on the religion explaining the religious belief and how it is affected by the Student Dress Code and Appearance Policy;

(2) A copy of, or citation to, a recognized religious text that is the basis of that belief;

(3) Identification of the religious group holding the belief, if there is such a group;

(4) Written descriptions or summaries that might be available, from texts or encyclopedias or religious publications, explaining the religious belief and how its exercise would be affected by compliance with a Student Dress Code and Appearance Policy; and

(5) Examples of other circumstances in which the sincerity of the religious belief has been demonstrated.

The principal or the principal's designee may request any or all of this information to assist in any exemption assessment.

If needed to make a fair determination under this section, the principal or the principal's designee or the superintendent and board may consult with experts on religion outside the school system. If that is done, the principal or the principal's designee shall notify the parent of the identity of the person consulted and what that person said.

(e) The principal or the principal's designee may, as a reasonable accommodation under the Student Dress Code and Appearance Policy, exempt a student from the requirements of the Student Dress Code and Appearance Policy when compliance with those requirements would render impossible the student's ability to express his or her cultural heritage.

To assist in deciding whether an exemption is warranted, the principal or the principal's designee may request the parent to provide information in writing demonstrating (i) that the objection to the requirements of the Student Dress Code and Appearance Policy is grounded in well-established dictates of the student's regularly practiced cultural tradition rather than mere personal preference; (ii) that the cultural heritage dress is regularly and consistently practiced by the student outside school; and (iii) that compliance with the requirements of the Student Dress Code and Appearance Policy truly will interfere with the student's ability to express his or her cultural heritage.

Generally, the following kinds of information may be required by the principal or the principal's designee in making the determination:

(1) A written statement explaining the history, origin, and meaning of the cultural heritage dress and how it is affected by compliance with the Student Dress Code and Appearance Policy;

(2) A copy of, or citation to, a recognized text documenting the meaning and origin of the cultural heritage dress;

(3) Documentation that the student is part of the culture that wears the dress he or she wishes to wear; and

(4) Examples of other circumstances in which the student's consistent practice of wearing the cultural heritage dress at issue has been demonstrated.

The principal or the principal's designee may request any or all of this information to assist in any exemption assessment.

If needed to make a fair determination under this section, the principal or the principal's designee or the superintendent and board may consult with experts outside the school system on the particular cultural heritage. If that is done, the principal or the principal's designee shall notify the parent of the identity of the person consulted and what that person said.

(f) The principal or the principal's designee may, as a reasonable accommodation under the Student Dress Code and Appearance Policy, exempt a student from the requirements of the Student Dress Code and Appearance Policy when compliance with those requirements would expose the effects of a student's medical treatments or when medical necessity prevents a student's compliance with the Student Dress Code and Appearance Policy.

In making determinations regarding medical exemptions to the Student Dress Code and Appearance Policy, the principal or the principal's designee may request the parent to provide information in writing demonstrating that the medical basis for the requested exemption is true and accurate.

Generally, the following kinds of information may be required by the principal or the principal's designee in making the determination: (i) a written statement from the student's medical doctor explaining the student's medical need and why it requires an exemption from the Student Dress Code and Appearance Policy; or (ii) a written statement from the student's medical doctor explaining the effects of medical treatment

on the student and how such effects will be exposed or made more prominent by compliance with the Student Dress Code and Appearance Policy.

If needed to make a fair determination under this section, the principal or the principal's designee or the superintendent and board may consult with medical experts outside the school system. If that is done, the principal or the principal's designee will notify the parent of the identity of the person consulted and what that person said.

(g) Even in cases where exemptions are granted, if the application of this exemption results in substantial disruption in the school or if the application of this exemption adversely affects the health and safety of the students in the school and the school cannot eliminate the disruption or cure the health or safety issues in another manner, the principal or the principal's designee reserves the right to deny exemption and enforce the requirements of the Student Dress Code and Appearance Policy.

(h) The code of student conduct adopted by a local board of education shall include a student dress code and appearance policy that includes, at a minimum, the limitations set out in this section. The code of student conduct may include limitations that are more stringent than those set out in this section."

SECTION 2. Article 22 of Chapter 115C of the General Statutes is amended by adding a new section to read:

"**§ 115C-326.2. Employee Dress Code and Appearance Policy.**

(a) The State of North Carolina expects public school employees to respect and adhere to the guidelines for employee dress and appearance established in this section. The overriding principle is that all employees, while on duty, are representatives of the North Carolina Public Schools; therefore, every local board of education shall adopt a staff dress code and appearance policy that includes, at a minimum, the limitations set out in this section.

(b) Supervisors and school level administrators are authorized to interpret and enforce this policy. Any employee in violation of this policy may be asked by his or her supervisor to go home and change clothes and/or refrain from wearing such clothing in the future. Repeated problems with an employee's inappropriate dress or appearance may result in disciplinary action, up to and including dismissal.

(c) Reasonable accommodations shall be made by their appropriate supervisor for those employees who, because of a sincerely held religious belief, cultural heritage, or medical reason request a waiver of a particular part of this policy for dress or appearance.

(d) Reasonable modifications to this policy may be made by the appropriate supervisor to accommodate staff members who are engaged in specialized duties such as physical education, vocational education, field trips, or workdays, etc., that require a relaxed mode of dress.

(e) The wearing of uniforms is required as a condition for employment in particular positions. Uniforms shall be required and shall be provided for employees in the following areas: School Food Service, Plant Operations, Custodial Services, and Transportation Support.

(f) Instructional personnel are considered professional employees and shall dress in a manner appropriate to the standards of their profession.

(g) The dress and appearance of clerical personnel, especially those positions that involve contact with the public, shall emphasize neatness and professionalism appropriate to the office environment.

(h) An employee's dress or appearance shall not be so unusual, inappropriate, or lacking in cleanliness that it clearly disrupts class or learning activities. The following attire is considered inappropriate for school employees:

(1) Jewelry affixed to an employee's nose, tongue, cheek, lip, or eyebrow;

(2) Clothing which is disruptive, provocative, revealing, indecent, vulgar, or obscene, including, but not limited to:

a. Shorts higher than mid-thigh;

b. Skirts and dresses higher than three inches above the top of the knee; and

c. Low necklines, bare midriffs, and overly tight clothing;

(3) Clothing that promotes alcoholic beverages, tobacco, or the use of controlled substances by words or symbols, or is of a disruptive nature;

(4) Clothing that contains profanity, nudity, depicts violence, or is sexual in nature by words or symbols;

(5) Flip flops;

(6) Undergarments worn as an outer garment or any see-through clothing; and

(7) Hats, sweatbands, bandannas, or sunglasses inside school buildings."

SECTION 3. This act is effective when it becomes law and applies beginning with the 2001-2002 school year.

ROLL CALL VOTE

____ ____ = _____(TOTAL) HB# ____
YES NO SB# ____

HB 645

HOUSE STANDING COMMITTEE ON EDUCATION

House Subcommittee on _____

YES	NO	MEMBER (last name)	YES	NO	MEMBER (last name)
___	___	BONNER, CHAIR	___	___	HIATT
___	___	WARNER, CHAIR	___	___	HILTON
___	___	JEFFUS, VICE-CHAIR	___	___	HOLMES
___	___	ALEXANDER	___	___	INSKO D
___	___	ALLEN	___	___	JOHNSON
___	___	ARNOLD	___	___	LUCAS
___	___	BAREFOOT	___	___	McCOMBS
___	___	BARNHART	___	___	McLAWHORN
___	___	BELL	___	___	McMAHAN
___	___	BLUST	___	___	MICHAUX
___	___	BOWIE	___	___	MILLER
___	___	BOYD-McINTYRE	___	___	MORGAN
___	___	CARPENTER R	___	___	NYE
___	___	COATES	___	___	OLDHAM
___	___	COX	___	___	OWENS
___	___	CRAWFORD, J. Crawford, M.	___	___	POPE
___	___	CREECH	___	___	RAYFIELD R
___	___	DOCKHAM R	___	___	RUSSELL
___	___	EDWARDS	___	___	SEXTON
___	___	ESPOSITO	___	___	SHERRILL R
___	___	FOX	___	___	SMITH
___	___	GOODWIN D	___	___	THOMPSON R
___	___	GULLEY	___	___	TOLSON
___	___	HAIRE	___	___	TUCKER D
___	___	HENSLEY	___	___	UNDERHILL

Total 57

ROLL CALL VOTE

____ ____ = _____(TOTAL) HB# _____
YES NO SB# _____

HOUSE STANDING COMMITTEE ON EDUCATION

House Subcommittee on _____

YES	NO	MEMBER (last name)	YES	NO	MEMBER (last name)
___	___	**WALEND**	___	___	
___	___	**WALKER**	___	___	
___	___	**WARREN**	___	___	
___	___	**WARWICK**	___	___	
___	___	**WEISS** D	___	___	
___	___	**WEST**	___	___	
___	___	**WOMBLE** D	___	___	
___	___		___	___	
___	___		___	___	
		***EX-OFFICIO MEMBERS*:**			
___	___	**BADDOUR**	___	___	
___	___	**CUNNINGHAM**	___	___	
___	___	**DEDMON**	___	___	
___	___	**EARLE**	___	___	
___	___	**HACKNEY**	___	___	
___	___		___	___	
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HOUSE BILL 645:
School Dress Codes and Appearance Policies.

BILL ANALYSIS

Committee:	House Education	**Introduced by:**	Representative Capps
Date:	April 16, 2001	**Summary by:**	Sara Kamprath
Version:	First Edition		Education Policy Analyst

SUMMARY: House Bill 645 adds a student dress code and appearance policy to the discipline statutes of Chapter 115C. The bill sets out the consequences for a student violating the policy. Exemptions from the policy may be granted because of a sincerely held religious belief, cultural heritage or for medical reasons.

The bill also adds an employee dress code and appearance policy to Chapter 115C. Public school employees can request a waiver and be granted an exemption from the employee policy for the same three reasons as a student. Uniforms shall be required and provided for certain employees. The bill also sets out the consequences when an employee violates the policy.

The act is effective when it becomes law and applies beginning with the 2001-02 school year.

BACKGROUND: Generally, the courts have upheld the constitutionality of dress codes when school officials can justify the need for the code. Courts have upheld dress codes that prohibit clothing or appearance that: (a) endangers the health or safety of the student or others, (b) disrupts the educational process and (c) is vulgar or offensive.

BILL ANALYSIS:

Student Dress Code and Appearance Policy

The code of conduct adopted by the local board of education shall include a student dress code that includes, at a minimum, the requirements of Section 1 of the bill. Students shall follow standards of cleanliness and dress that are compatible with a good school environment. The specific guidelines on what determines appropriate dress and appearance are found in G.S. 115C-391.1(c). Copies of the guidelines shall be available to parents and students.

Consequences and Exemptions

The bill sets out the consequences for violating the code in G.S. 115C-391.1(b). The principal or his designee may make reasonable accommodations when a student requests a waiver because of a sincerely held religious belief, cultural heritage or for a medical reason. The principal may make reasonable accommodations for students who are involved in special duties, activities or projects. The bill also outlines the information that the principal or designee may request when making a determination regarding an exemption in G.S. 115C-391.1(d) through (f).

Employee Dress Code & Appearance Policy
Local boards shall adopt a staff dress code and appearance policy that includes, at a minimum, the requirements of Section 2 of the bill. The list of inappropriate attire for public school employees is found in G.S. 115C-362.2(h). Uniforms shall be provided for School Food Service employees, Plant Operations employees, Custodial Services employees, and Transportation Support employees.

Consequences and Exemptions
A supervisor may ask any of his employees in violation of the policy to go home and change clothes and/or not to wear such clothing in the future. Repeated violations may result in a disciplinary action including dismissal.

Reasonable modifications shall be made because of an employee's sincerely held religious belief, cultural heritage or medical reason when the person requests a waiver from the policy.

H645-SMRJ-001

REFERRAL FORM

NORTH CAROLINA HOUSE OF REPRESENTATIVES
ASSIGNMENT OF BILLS TO SUBCOMMITTEE

COMMITTEE: **EDUCATION**

CHAIRMAN: **Representative BONNER/WARNER**

DATE: **WEDNESDAY, APRIL 18, 2001**

Bill Number (Indicate **H** or **S**): H 1138

Short Title: UNC TUITION & FEES/SET BY LEGISLATURE

Assigned to Subcommittee on :UNIVERSITIES

Re-Assigned to Subcommittee on:

Bill Number (Indicate **H** or **S**): H 1211

Short Title: UNC SYSTEM-NO REMEDIAL EDUCATION PROGRAMS

Assigned to Subcommittee on: UNIVERSITIES

Re-Assigned to Subcommittee on:

Bill Number (Indicate **H** or **S**): H 1279

Short Title: UNC SYSTEM/IN-STATE RESIDENCY REQUIREMENT

Assigned to Subcommittee on: UNIVERSITIES

Re-Assigned to Subcommittee on:

Bill Number (Indicate **H** or **S**):

Short Title:

Assigned to Subcommittee on:

Re-Assigned to Subcommittee on:

Bill Number (Indicate **H** or **S**):

Short Title:

Assigned to Subcommittee on:

Re-Assigned to Subcommittee on:

Bill Number (Indicate **H** or **S**):

Short Title:

Assigned to Subcommittee on:

Re-Assigned to Subcommittee on:

Bill Number (Indicate **H** or **S**):

Short Title:

Assigned to Subcommittee on:

Re-Assigned to Subcommittee on:

REFERRAL FORM

NORTH CAROLINA HOUSE OF REPRESENTATIVES
ASSIGNMENT OF BILLS TO SUBCOMMITTEE

COMMITTEE: **EDUCATION**

CHAIRMAN: **Representative BONNER/WARNER**

DATE: **WEDNESDAY, APRIL 18, 2001**

Bill Number (Indicate **H** or **S**): H 1207

Short Title: LEA'S AUTHORIZED TO CREATE CHARTER SCHOOLS

Assigned to Subcommittee on: **Preschool, Elementary, and Secondary Education**

Re-Assigned to Subcommittee on:

Bill Number (Indicate **H** or **S**):

Short Title:

Assigned to Subcommittee on:

Re-Assigned to Subcommittee on:

Bill Number (Indicate **H** or **S**):

Short Title:

Assigned to Subcommittee on:

Re-Assigned to Subcommittee on:

Bill Number (Indicate **H** or **S**):

Short Title:

Assigned to Subcommittee on:

Re-Assigned to Subcommittee on:

Bill Number (Indicate **H** or **S**):

Short Title:

Assigned to Subcommittee on:

Re-Assigned to Subcommittee on:

Bill Number (Indicate **H** or **S**):

Short Title:

Assigned to Subcommittee on:

Re-Assigned to Subcommittee on:

Bill Number (Indicate **H** or **S**):

Short Title:

Assigned to Subcommittee on:

Re-Assigned to Subcommittee on:

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2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

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

☐ Committee Substitute for
H.B. 979 A BILL TO BE ENTITLED AN ACT DIRECTING THE STATE BOARD OF EDUCATION TO ISSUE SPECIAL HIGH SCHOOL DIPLOMAS TO VETERANS OF WORLD WAR II WHO HAVE NOT PREVIOUSLY RECEIVED DIPLOMAS.

☐ With a favorable report.

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

☐ With a favorable report, as amended.

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

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

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

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

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

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

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

☐ Without prejudice.

☐ With an indefinite postponement report.

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

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

2/15/01

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

H D

HOUSE BILL 979
PROPOSED COMMITTEE SUBSTITUTE H979-PCS4148-RJ-8

Short Title: Special Diploma for World War II Veterans. (Public)

Sponsors:

Referred to:

April 5, 2001

A BILL TO BE ENTITLED

AN ACT DIRECTING THE STATE BOARD OF EDUCATION TO ISSUE SPECIAL HIGH SCHOOL DIPLOMAS TO VETERANS OF WORLD WAR II WHO HAVE NOT PREVIOUSLY RECEIVED DIPLOMAS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-12 is amended by adding a new subdivision to read:

"**§ 115C-12. Powers and duties of the Board generally.**

The general supervision and administration of the free public school system shall be vested in the State Board of Education. The State Board of Education shall establish policy for the system of free public schools, subject to laws enacted by the General Assembly. The powers and duties of the State Board of Education are defined as follows:

...

(29) To issue special high school diplomas to veterans of World War II. – The State Board of Education shall issue special high school diplomas to all honorably discharged veterans of World War II who request special diplomas and have not previously received high school diplomas."

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

H 1

HOUSE BILL 979

Short Title:	Special Diploma for World War II Veterans.	(Public)
Sponsors:	Representatives Lucas; Adams, Alexander, Baddour, Barefoot, Bell, Bonner, Boyd-McIntyre, Buchanan, Church, Coates, Culpepper, Cunningham, Dedmon, Earle, Easterling, Edwards, Fox, Goodwin, Haire, Holliman, Hurley, Jeffus, McAllister, McLawhorn, Michaux, Nesbitt, Oldham, Owens, Rogers, Shubert, Smith, Sutton, Teague, Tolson, Underhill, Wainwright, Walker, Warner, Warwick, West, Womble, and Yongue.	
Referred to:	Education.	

April 5, 2001

A BILL TO BE ENTITLED

AN ACT DIRECTING THE STATE BOARD OF EDUCATION TO ISSUE SPECIAL HIGH SCHOOL DIPLOMAS TO VETERANS OF WORLD WAR II WHO HAVE NOT PREVIOUSLY RECEIVED DIPLOMAS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-12 is amended by adding a new subdivision to read:

"**§ 115C-12. Powers and duties of the Board generally.**

The general supervision and administration of the free public school system shall be vested in the State Board of Education. The State Board of Education shall establish policy for the system of free public schools, subject to laws enacted by the General Assembly. The powers and duties of the State Board of Education are defined as follows:

...

(28) To issue special high school diplomas to veterans of World War II. – The State Board of Education shall issue special high school diplomas to all honorably discharged veterans of World War II who request special diplomas and have not previously received high school diplomas."

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

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2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

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

☐ Committee Substitute for
H.B. 405 A BILL TO BE ENTITLED AN ACT TO AMEND THE STATUTE REGARDING THE STATE TESTING AND ACCOUNTABILITY PROGRAM.

STUDENT

☐ With a favorable report.

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

☐ With a favorable report, as amended.

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

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

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

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

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

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

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

☐ Without prejudice.

☐ With an indefinite postponement report.

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

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

2/15/01

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

H D

HOUSE BILL 405
PROPOSED COMMITTEE SUBSTITUTE H405-PCS1178-RH-6

Short Title: Amend Student Accountability Prog.-AB. (Public)

Sponsors:

Referred to:

March 1, 2001

A BILL TO BE ENTITLED

AN ACT TO AMEND THE STATUTE REGARDING THE STATE TESTING AND STUDENT ACCOUNTABILITY PROGRAM.

The General Assembly of North Carolina enacts:

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

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

(a) The State Board of Education shall design and implement a procedure to identify low-performing schools on an annual basis. ~~Low-performing schools are those in which there is a failure to meet the minimum growth standards, as defined by the State Board, and a majority of students are performing below grade level.~~A low-performing school is one that has failed to meet the minimum growth standards, as defined by the State Board, and has failed to meet the minimum achievement standard. The State Board shall set annually the minimum achievement standard, which is the minimum percent of students who must perform at or above grade level at a school. The minimum achievement standard shall be no less than fifty-one percent (51%) of students. The State Board shall not set the minimum achievement standard at any level that is lower than a previous level. The State Board shall notify schools before the beginning of the school year in which the minimum achievement standard will be raised.

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

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

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

SECTION 2. G.S. 115C-12(9a) and (9b) read as rewritten:

"**§ 115C-12. Powers and duties of the Board generally.**

The general supervision and administration of the free public school system shall be vested in the State Board of Education. The State Board of Education shall establish policy for the system of free public schools, subject to laws enacted by the General Assembly. The powers and duties of the State Board of Education are defined as follows:

...

(9a) Power to Develop Content Standards. – The Board shall develop a comprehensive plan to revise content standards and the standard course of study in the core academic areas of reading, writing, mathematics, science, history, geography, and civics. The Board shall involve and survey a representative sample of parents, teachers, and the public to help determine academic content standard priorities and usefulness of the content standards. A full review of available and relevant academic content standards that are rigorous, specific, sequenced, clear, focused, and measurable, whenever possible, shall be a part of the process of the development of content standards. The revised content standards developed in the core academic areas shall (i) reflect high expectations for students and an in-depth mastery of the content; (ii) be clearly grounded in the content of each academic area; (iii) be defined grade-by-grade and course-by-course; (iv) be understandable to parents and teachers; (v) be developed in full recognition of the time available to teach the core academic areas at each grade level; and (vi) be measurable, whenever possible, in a reliable, valid, and efficient manner for accountability purposes.

High school course content standards shall include the knowledge and skills necessary to enter the workforce and also shall be aligned with the coursework required for admission to the constituent institutions of The University of North Carolina. The Board shall

develop and implement a plan for end-of-course tests for ~~the minimum courses required for admission to the constituent institutions.~~ those courses identified by the State Board. All end-of-course tests shall be aligned with the content standards.

The Board also shall develop and implement an ongoing process to align State programs and support materials with the revised academic content standards for each core academic area every five years. Alignment shall include revising textbook criteria, support materials, State tests, teacher and school administrator preparation, and ongoing professional development programs to be compatible with content standards. The Board shall develop and make available to teachers and parents support materials, including teacher and parent guides, for academic content standards. The State Board of Education shall work in collaboration with the Board of Governors of The University of North Carolina to ensure that teacher and school administrator degree programs, ongoing professional development and other university activity in the State's public schools align with the State Board's priorities.

(9b) Power to Develop Exit Exams. – The Board shall develop a plan to implement high school exit exams, grade-level student proficiency benchmarks, student proficiency benchmarks for ~~academic courses required for admission to constituent institutions of The University of North Carolina,~~ courses identified by the State Board, and student proficiency benchmarks for the knowledge and skills necessary to enter the workforce. The State Board may develop student proficiency benchmarks for other courses offered to secondary school students. The high school exit exams and student proficiency benchmarks shall be aligned with G.S. 115C-12(9a) and may contain pertinent components of the school-based accountability annual performance goals.

...."

SECTION 3. G.S. 143B-146.5 reads as rewritten:

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

(a) The State Board shall design and implement a procedure to identify low-performing schools on an annual basis. ~~Low-performing schools are those participating schools in which there is a failure to meet the minimum growth standards, as defined by the State Board, and a majority of students are performing below grade level.~~ A low-performing school is one that has failed to meet the minimum growth standards, as defined by the State Board, and has failed to meet the minimum achievement standard. The State Board shall set annually the minimum achievement standard, which is the minimum percent of students who must perform at or above grade level at a school. The minimum achievement standard shall be no less than fifty-one percent (51%) of students. The State Board shall not set the minimum achievement

standard at any level that is lower than a previous level. The State Board shall notify the schools before the beginning of the school year in which the minimum achievement standard will be raised.

(b) By July 10 of each year, the Secretary shall do a preliminary analysis of test results to determine which participating schools the State Board may identify as low-performing under this section. The Secretary then shall proceed under G.S. 143B-146.7. In addition, within 30 days of the initial identification of a school as low-performing by the Secretary or the State Board, whichever occurs first, the Secretary shall develop a preliminary plan for addressing the needs of that school. Before the Secretary adopts this plan, the Secretary shall make the plan available to the residential school personnel and the parents and guardians of the students of the school, and shall allow for written comments. Within five days of adopting the plan, the Secretary shall submit the plan to the State Board. The State Board shall review the plan expeditiously and, if appropriate, may offer recommendations to modify the plan. The Secretary shall consider any recommendations made by the State Board.

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

SECTION 4. This act becomes effective July 1, 2001, and applies beginning with the 2001-2002 school year.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

H D

HOUSE BILL 405
PROPOSED COMMITTEE SUBSTITUTE H405-CSRH-6 [v.4]

3/21/2001 7:14:39 PM

Short Title: Amend Student Accountability Prog.-AB. (Public)

Sponsors:

Referred to:

March 1, 2001

A BILL TO BE ENTITLED

AN ACT TO AMEND THE STATUTE REGARDING THE STATE TESTING AND STUDENT ACCOUNTABILITY PROGRAM.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-105.35 reads as rewritten:

"**§ 115C-105.35. Annual performance goals.**

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

SECTION 2. G.S. 115C-105.36(a) reads as rewritten:

"(a) The personnel in schools that achieve a level of expected growth or gain greater than one hundred percent (100%) at a level to be determined by the State Board of Education are eligible for financial awards in amounts set by the State Board. Schools and personnel shall not be required to apply for these awards. For the purpose of this section, "personnel" includes the principal, assistant principal, instructional personnel, instructional support personnel, and teacher assistants (i) serving students in one or more of the grades kindergarten through 12 or (ii) assigned to a public school prekindergarten program that is located within a public elementary school and is designed to prepare students for kindergarten at that school."

SECTION 3. G.S. 115C-105.37 reads as rewritten:

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

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

~~State Board, and a majority of students are performing below grade level.~~A low-performing school is one that has failed to meet the minimum growth or gain standards, as defined by the State Board, and has failed to meet the minimum achievement standard. The State Board shall set annually the minimum achievement standard, which is the minimum percent of students who must perform at or above grade level at a school. The minimum achievement standard shall be no less than forty-nine percent (49%) of students.

(a1) By July 10 of each year, each local school administrative unit shall do a preliminary analysis of test results to determine which of its schools the State Board may identify as low-performing under this section. The superintendent then shall proceed under G.S. 115C-105.39. In addition, within 30 days of the initial identification of a school as low-performing by the local school administrative unit or the State Board, whichever occurs first, the superintendent shall submit to the local board a preliminary plan for addressing the needs of that school. Within 30 days of its receipt of this plan, the local board shall vote to approve, modify, or reject this plan. Before the board makes this vote, it shall make the plan available to the public, including the personnel assigned to that school and the parents and guardians of the students who are assigned to the school, and shall allow for written comments. The board shall submit the plan to the State Board within five days of the board's vote. The State Board shall review the plan expeditiously and, if appropriate, may offer recommendations to modify the plan. The local board shall consider any recommendations made by the State Board.

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

SECTION 4. G.S. 115C-12(9), (9a), (9b), and (24) read as rewritten:

"**§ 115C-12. Powers and duties of the Board generally.**

The general supervision and administration of the free public school system shall be vested in the State Board of Education. The State Board of Education shall establish policy for the system of free public schools, subject to laws enacted by the General Assembly. The powers and duties of the State Board of Education are defined as follows:

...

(9) Miscellaneous Powers and Duties. - All the powers and duties exercised by the State Board of Education shall be in conformity with the Constitution and subject to such laws as may be enacted from time to time by the General Assembly. Among such duties are:

a. To certify and regulate the grade and salary of teachers and other school employees.

b. To adopt and supply textbooks.

c. To adopt rules requiring all local boards of education to implement the Basic Education Program on an incremental basis within funds appropriated for that purpose by the General Assembly and by units of local government. Beginning with the 1991-92 school year, the rules shall require each local school administrative unit to implement fully the standard course of study in every school in the State in accordance with the Basic Education Program so that every student in the State shall have equal access to the curriculum as provided in the Basic Education Program and the standard course of study.

The Board shall establish benchmarks by which to measure the progress that each local board of education has made in implementing the Basic Education Program.

The Board shall develop a State accreditation program that meets or exceeds the standards and requirements of the Basic Education Program. The Board shall require each local school administrative unit to comply with the State accreditation program to the extent that funds have been made available to the local school administrative unit for implementation of the Basic Education Program.

The Board shall use the State accreditation program to monitor the implementation of the Basic Education Program.

c1. To issue an annual "report card" for the State and for each local school administrative unit, assessing each unit's efforts to improve student performance based on the growth or gain in performance of the students in each school and taking into account progress over the previous years' level of performance and the State's performance in comparison with other states. This assessment shall take into account factors that have been shown to affect student performance and that the State Board considers relevant to assess the State's efforts to improve student performance.

c2. Repealed by Session Laws 1995 (Regular Session, 1996), c. 716, s. 1.

c3. To develop a system of school building improvement reports for each school building. The purpose of school building improvement reports is to measure improvement in the growth or gain in student performance at each school building from year to year, not to compare school buildings. The Board shall include in the building reports any factors shown to affect student performance that the Board considers relevant to assess a school's efforts to improve student performance. Local school administrative units shall produce and make public their school building improvement reports by March 15, 1997, for the 1995-96 school year, by October 15, 1997, for the 1996-97 school year, and

annually thereafter. Each report shall be based on building-level data for the prior school year.

c4. To develop guidelines, procedures, and rules to establish, implement, and enforce the School-Based Management and Accountability Program under Article 8B of this Chapter in order to improve student performance, increase local flexibility and control, and promote economy and efficiency.

d. To formulate rules and regulations for the enforcement of the compulsory attendance law.

e. To manage and operate a system of insurance for public school property, as provided in Article 38 of this Chapter.

In making substantial policy changes in administration, curriculum, or programs the Board should conduct hearings throughout the regions of the State, whenever feasible, in order that the public may be heard regarding these matters.

....

(9a) Power to Develop Content Standards. – The Board shall develop a comprehensive plan to revise content standards and the standard course of study in the core academic areas of reading, writing, mathematics, science, history, geography, and civics. The Board shall involve and survey a representative sample of parents, teachers, and the public to help determine academic content standard priorities and usefulness of the content standards. A full review of available and relevant academic content standards that are rigorous, specific, sequenced, clear, focused, and measurable, whenever possible, shall be a part of the process of the development of content standards. The revised content standards developed in the core academic areas shall (i) reflect high expectations for students and an in-depth mastery of the content; (ii) be clearly grounded in the content of each academic area; (iii) be defined grade-by-grade and course-by-course; (iv) be understandable to parents and teachers; (v) be developed in full recognition of the time available to teach the core academic areas at each grade level; and (vi) be measurable, whenever possible, in a reliable, valid, and efficient manner for accountability purposes.

High school course content standards shall include the knowledge and skills necessary to enter the workforce and also shall be aligned with the coursework required for admission to the constituent institutions of The University of North Carolina. The Board shall develop and implement a plan for end-of-course tests for ~~the minimum courses required for admission to the constituent institutions.~~ those courses identified by the State Board. All end-of-course tests shall be aligned with the content standards.

The Board also shall develop and implement an ongoing process to align State programs and support materials with the revised academic content standards for each core academic area every five years. Alignment shall include revising textbook criteria, support materials, State tests, teacher and school administrator preparation, and ongoing professional development programs to be compatible with content standards. The Board shall develop and make available to teachers and parents support materials, including teacher and parent guides, for academic content standards. The State Board of Education shall work in collaboration with the Board of Governors of The University of North Carolina to ensure that teacher and school administrator degree programs, ongoing professional development and other university activity in the State's public schools align with the State Board's priorities.

(9b) Power to Develop Exit Exams. – The Board shall develop a plan to implement high school exit exams, grade-level student proficiency benchmarks, student proficiency benchmarks for ~~academic courses required for admission to constituent institutions of The University of North Carolina,~~ courses identified by the State Board, and student proficiency benchmarks for the knowledge and skills necessary to enter the workforce. The State Board may develop student proficiency benchmarks for other courses offered to secondary school students. The high school exit exams and student proficiency benchmarks shall be aligned with G.S. 115C-12(9a) and may contain pertinent components of the school-based accountability annual performance goals.

....

(24) Duty to Develop Policies and Guidelines for Alternative Learning Programs, Provide Technical Assistance on Implementation of Programs, and Evaluate Programs. – The State Board of Education shall adopt guidelines for assigning students to alternative learning programs. These guidelines shall include (i) a description of the programs and services that are recommended to be provided in alternative learning programs and (ii) a process for ensuring that an assignment is appropriate for the student and that the student's parents are involved in the decision. The State Board also shall adopt policies that define what constitutes an alternative school and an alternative learning program.

The State Board of Education shall also adopt guidelines to require that local school administrative units shall use (i) the teachers allocated for students assigned to alternative learning programs pursuant to the regular teacher allotment and (ii) the teachers allocated for students

assigned to alternative learning programs only to serve the needs of these students.

The State Board of Education shall provide technical support to local school administrative units to assist them in developing and implementing plans for alternative learning programs.

The State Board shall evaluate the effectiveness of alternative learning programs and, in its discretion, of any other programs funded from the Alternative Schools/At-Risk Student allotment. Local school administrative units shall report to the State Board of Education on how funds in the Alternative Schools/At-Risk Student allotment are spent and shall otherwise cooperate with the State Board of Education in evaluating the alternative learning programs. As part of its evaluation of the effectiveness of these programs, the State Board shall, through the application of the accountability system developed under G.S. 115C-105.35, measure the educational performance and growth or gain of students placed in alternative schools and alternative programs. If appropriate, the Board may modify this system to adapt to the specific characteristics of these schools.

...."

SECTION 5. G.S. 143B-146.3 reads as rewritten:

"§ 143B-146.3. Annual performance goals.

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

SECTION 6. G.S. 143B-146.4(a) reads as rewritten:

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

SECTION 7. G.S. 143B-146.5 reads as rewritten:

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

(a) The State Board shall design and implement a procedure to identify low-performing schools on an annual basis. ~~Low-performing schools are those participating schools in which there is a failure to meet the minimum growth standards, as defined by the State Board, and a majority of students are performing below grade level.~~ A low-performing school is one that has failed to meet the minimum growth or gain standards, as defined by the State Board, and has failed to meet the minimum achievement standard. The State Board shall set annually the minimum achievement standard, which

is the minimum percent of students who must perform at or above grade level at a school. The minimum achievement standard shall be no less than forty-nine percent (49%) of students.

(b) By July 10 of each year, the Secretary shall do a preliminary analysis of test results to determine which participating schools the State Board may identify as low-performing under this section. The Secretary then shall proceed under G.S. 143B-146.7. In addition, within 30 days of the initial identification of a school as low-performing by the Secretary or the State Board, whichever occurs first, the Secretary shall develop a preliminary plan for addressing the needs of that school. Before the Secretary adopts this plan, the Secretary shall make the plan available to the residential school personnel and the parents and guardians of the students of the school, and shall allow for written comments. Within five days of adopting the plan, the Secretary shall submit the plan to the State Board. The State Board shall review the plan expeditiously and, if appropriate, may offer recommendations to modify the plan. The Secretary shall consider any recommendations made by the State Board.

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

SECTION 8. This act becomes effective July 1, 2001, and applies beginning with the 2001-2002 school year.

AMEND STUDENT ACCT'BILITY PROG.-AB: House Bill 405

BILL ANALYSIS

Committee:	House Education	**Introduced by:**	Rep. Rogers
Date:	March 22, 2001	**Summary by:**	Robin S. Johnson
Version:	PCS: H405-CSRH-6[v.4]		Committee Counsel

SUMMARY: ***The PCS makes conforming changes to statutes that were omitted from the original bill, and adds a provision that would allow the State Board to set the minimum achievement standard, which is used to identify a school as low-performing.***

House Bill 405, recommended by the State Board of Education (Board), would clarify the way the Board uses State tests to measure student performance in order to identify and reward schools under the ABC's Accountability Program.

The bill also would eliminate the requirement that the Board must administer end-of-course tests for the high school courses that constitute the minimum course requirements for admission to UNC's constituent institutions.

MODIFICATIONS TO ABC'S ACCOUNTABILITY PROGRAM

Growth and Gain: The bill would allow the Board to hold schools accountable for EITHER the educational growth of their students OR the educational gain of their students.

Both educational growth and gain in student performance are ways to measure the improvement in student performance on standardized tests. Currently, the law requires the Board to hold schools accountable for the educational growth of their students.

In elementary and middle schools, the end-of-grade tests are analyzed in a way that allows the Board to determine how the same group of students grows in academic performance from year to year. The high school end-of-course tests measure gain, rather than growth. Consequently, the Board adopted a new test, the 10th Grade Comprehensive Test, which was designed to measure the academic growth of groups of students from eighth grade to tenth grade. The State Board would like to eliminate this particular test in the future.

Some high school measures, such as the English II end-of-course test, measure the performance gain of this year's class in a particular school based on an expectation for how that class should perform, on the average, as compared to the performance of English II classes at that particular school in the two preceding school years. Other end-of-course tests, such as Algebra I, measure gain in student performance of a class based on its students' performance in previous years on other State-administered tests.

Minimum Achievement Standard: Currently, the law defines a school as low-performing when it has failed to meet the minimum growth standards and a majority of its students are performing below grade level. The Board would like to "raise the bar" for student achievement in the future (not for the current school year). The PCS would allow the Board to set annually the minimum achievement standard, which would be the minimum percent of students in a school who must perform at or above grade level. The minimum achievement standard must not be less than 49%. A school will be identified as low-performing if it fails to meets the minimum growth or gain standards and fails to meet this minimum achievement standard.

HIGH SCHOOL STUDENT PROFICIENCY BENCHMARKS, END-OF-COURSE TESTS, AND EXIT EXAMS AND THEIR CONNECTION TO UNC MINIMUM ADMISSION REQUIREMENTS

House Bill 405 would delete the requirements for aligning high school end-of-course tests with the courses required for admission to UNC's constituent institutions and for implementing student proficiency benchmarks for those courses. Instead, the bill would allow the Board to identify the high school courses for which it would implement student proficiency benchmarks and that would have end-of-course tests.

In 1997, the General Assembly enacted legislation that directed the Board to revise high school course content standards and the standard course of study so that they would be aligned with the coursework required for admission to UNC's constituent institutions. The Board also was directed to align the end-of-course tests to those revised standards. The first cycle of alignment is to be completed by December 31, 2002. At the same time, the Board was directed to develop a plan to implement high school exit exams, grade-level student proficiency benchmarks, student proficiency benchmarks for academic courses that UNC requires as its minimum admission requirements, and student proficiency benchmarks for the knowledge and skills needed to enter the workforce.

For the class of 1990 and beyond, the following courses have been required for admission to UNC's constituent institutions (individual institutions may require additional courses):

English - four course units

Mathematics - three course units including algebra I, algebra II, and geometry, or a higher level math course for which algebra II is a prerequisite

Science - three course units including at least one unit in a life or biological science, one unit in physical science, and at least one lab course

Social studies – two course units including one unit in US History

Recommended – at least two units of one foreign language or one foreign language and one math unit in 12th grade.

In April 2000, the Board of Governors adopted a proposal to increase the minimum admission requirements as follows:

Two units of one foreign language, effective in the fall semester of 2004.

One more unit of math beyond algebra II, effective in the fall semester of 2006 for all institutions except the NC School of the Arts.

Currently, the high school end-of-course tests administered as part of the State Testing Program include: Algebra I, Algebra II, Biology, Chemistry, English I, English II (writing), ELP, Geometry, Physics, Physical Science, U.S. History.

EFFECTIVE DATE

House Bill 405 would become effective July 1, 2001, and would apply beginning with the 2001-2002 school year.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

H

HOUSE BILL 401

Give C. C. same budget flex as Univ.

1

Short Title:	Comm. Coll. System Office Flexibility-AB. (Public)
Sponsors:	Representatives Rogers; Dockham, Esposito, Gillespie, Gulley, Kiser, McLawhorn, Morris, Preston, Sherrill, and Wainwright.
Referred to:	Education.

March 1, 2001

A BILL TO BE ENTITLED

AN ACT TO PROVIDE BUDGET FLEXIBILITY TO THE COMMUNITY COLLEGES SYSTEM OFFICE.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115D-3 reads as rewritten:

"**§ 115D-3. Community Colleges System Office; staff.**

(a) The 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 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 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~~ Colleges 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 Community Colleges System Office not otherwise stated in this Chapter. The President may, with the approval by the State Board, establish and abolish employment positions within the staff of the System Office in accordance with:

(1) State Personnel policies and procedures if these positions are subject to the State Personnel Act and if the System Office is operating under the terms of a Performance Agreement or a Decentralization Agreement authorized under Chapter 126 of the General Statutes; or

(2) Policies and procedures of the State Board of Community Colleges if these positions are exempt from the State Personnel Act.

The results achieved by establishing and abolishing positions pursuant to the conditions set forth in subdivision (1) of this subsection shall be subject to postauditing by the Office of State Personnel. Implementation of personnel actions shall be subject to the availability of funds within the System Office's current budget to fund the full-annualized costs of these actions.

(b) The State Board shall receive General Fund appropriations made by the General Assembly for the continuing operations of the North Carolina Community Colleges System Office that are administered by the President and the President's staff complement established pursuant to this section. The President, notwithstanding G.S. 143-23, and with respect to the foregoing appropriations, may move funds between budget purposes, and may use up to ten percent (10%) from salary and fringe accounts for nonsalary purposes. Notwithstanding G.S. 143-64.20, 143-64.21, and 143-64.22, the State Board may authorize the President to employ such consultants as may be necessary to respond to legislative directives for studies and to revise, from time to time, the multiple operating formulae within the 'State Aid' fund 1600. The Community Colleges System Office (Budget Code 16800) may retain one hundred percent (100%) of its overhead receipts for non recurring expenditures that do not impose a continuing obligation upon the State. These retained overhead receipts shall not revert to the State's General Fund.

(c) The President, in consultation with the State Auditor and the Director of the Office of State Personnel, shall ascertain that the management staff and internal financial controls are in place and continue in place to successfully administer the additional authority authorized herein. All actions taken by the President are subject to audit by the State Auditor."

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

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

passed

EDITION No. _____

H. B. No. 405 DATE _____

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

COMMITTEE SUBSTITUTE ✓

Rep.) Pope
)
Sen.)

moves to amend the bill on page 2 and on page 7, lines 2-3, , line S 6-7

( ) WHICH CHANGES THE TITLE

by ~~amending the bill on page 2, lines 6-7,~~ by deleting "forty-nine percent (49%)" and by substituting "~~fifty percent (50%)~~ fifty-one (51%)."

SIGNED Pope

ADOPTED _____ FAILED _____ TABLED _____

GA-33-A

PRINCIPAL CLERK'S OFFICE (FOR ENGROSSMENT)

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

passed

EDITION No. _____

H. B. No. _____ DATE _____

S. B. No. 405 Amendment No. _____
(to be filled in by Principal Clerk)

COMMITTEE SUBSTITUTE ✓

Rep.) Russell
Sen.)

moves to amend the bill on page 2 line 7
( ) WHICH CHANGES THE TITLE and on page 7 line 3;
by adding at the end of ~~the~~ each line the following:

"The State Board shall not set a the minimum achievement standard at any level ~~than~~ that is lower than ~~a~~ a previous level."

SIGNED Russell

ADOPTED _____ FAILED _____ TABLED _____

GA-33-A

PRINCIPAL CLERK'S OFFICE (FOR ENGROSSMENT)

file

REFERRAL FORM

NORTH CAROLINA HOUSE OF REPRESENTATIVES
ASSIGNMENT OF BILLS TO SUBCOMMITTEE

COMMITTEE: **EDUCATION**

CHAIRMAN: **Representative BONNER/WARNER**

DATE: **TUESDAY, APRIL 17, 2001**

Bill Number (Indicate **H** or **S**): H 988

Short Title: PROVIDE FUNDING BEFORE NEW SCHOOL STANDARDS

Assigned to Subcommittee on: APPROPRIATIONS

Re-Assigned to Subcommittee on:

Bill Number (Indicate **H** or **S**): H 990

Short Title: PROVIDE FUNDING BEFORE NEW SCHOOL STANDARDS

Assigned to Subcommittee on: APPROPRIATIONS

Re-Assigned to Subcommittee on:

Bill Number (Indicate **H** or **S**): H 1150

Short Title: ENSURE FAIRNESS IN SCHOOL TESTING PROGRAM

Assigned to Subcommittee on: APPROPRIATIONS

Re-Assigned to Subcommittee on:

Bill Number (Indicate **H** or **S**):

Short Title:

Assigned to Subcommittee on:

Re-Assigned to Subcommittee on:

Bill Number (Indicate **H** or **S**):

Short Title:

Assigned to Subcommittee on:

Re-Assigned to Subcommittee on:

Bill Number (Indicate **H** or **S**):

Short Title:

Assigned to Subcommittee on:

Re-Assigned to Subcommittee on:

Bill Number (Indicate **H** or **S**):

Short Title:

Assigned to Subcommittee on:

Re-Assigned to Subcommittee on:

19

ROLL CALL VOTE

~~13~~ YES ~~23~~ NO = _____(TOTAL)

HB# 645
SB# _____

HOUSE STANDING COMMITTEE ON EDUCATION

House Subcommittee on _____

YES	NO	MEMBER (last name)	YES	NO	MEMBER (last name)
✓		BONNER, CHAIR		✓	HIATT
	✓	WARNER, CHAIR		✓	HILTON
✓		JEFFUS, VICE-CHAIR		✓	HOLMES
		ALEXANDER			INSKO
✓		ALLEN		✓	JOHNSON
		ARNOLD			LUCAS
✓		BAREFOOT		✓	McCOMBS
	✓	BARNHART	✓		McLAWHORN
	✓	BELL			McMAHAN
	✓	BLUST	✓		MICHAUX
		BOWIE			MILLER
		BOYD-McINTYRE			MORGAN
	✓	CARPENTER		✓	NYE
✓		COATES	✓		OLDHAM
✓		COX			OWENS
	✓	CRAWFORD, J.		✓	POPE
	✓	CRAWFORD, M.		✓	RAYFIELD
	✓	CREECH		✓	RUSSELL
	✓	DOCKHAM			SEXTON
✓		EDWARDS		✓	SHERRILL
	✓	ESPOSITO	✓		SMITH
✓		FOX			THOMPSON
✓		GOODWIN	✓		TOLSON
		GULLEY	✓		TUCKER
✓		HAIRE		✓	UNDERHILL
		HENSLEY		✓	WALEND

ROLL CALL VOTE
EDUCATION COMMITTEE

YES	NO	
___	___	**WALKER**
✓	___	**WARREN**
___	___	**WARWICK**
✓	___	**WEISS**
___	✓	**WEST**
✓	___	**WOMBLE**

EX-OFFICIO MEMBERS:

___	___	**BADDOUR**
___	___	**CUNNINGHAM**
___	___	**DEDMON**
___	___	**EARLE**
___	___	**HACKNEY**

VISITOR REGISTRATION SHEET

Education — 4-17-01

Name of Committee — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Gene Causby	NCSFSA
[illegible]	NCPAPA
[illegible]	NCICU
[illegible]	
Ann Bellamy	Bellamy Assoc.
Susan Harrison	NCPSS
[illegible]	NCASFA
[illegible]	SBE
Henry Johnson	DPI
Roz Sewell	NC Child Care Coalition
[illegible]	NCAE

VISITOR REGISTRATION SHEET

Name of Committee | Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Audrey R. Galloway	NCAE
Steve Hoffman	NCSBA
Hal Miller	NCACCT
[signature]	NCPMA
Paula A Wolf.	Covenant w/ NC's Children
Yvonne Perry	NCJCDC
Angela Burston	NCSCDC
Kelly Poss	Rep. Warner
Molly Warner	Rep. Warner

HOUSE EDUCATION COMMITTEE MEETING

APRIL 19, 2001

The Education Committee met on Thursday, April 19, 2001, at 7:30 am and 11:00 am, in Room 643 of the Legislative Office Building. The attendance sheet indicates members present.

Rep. Bonner presided.

Rep. Gibson was called on to explain **HOUSE BILL 1304, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE STATE TREASURER AND THE NORTH CAROLINA HOUSING FINANCE AGENCY TO DEVELOP PILOT PROGRAMS TO PROVIDE NEW TEACHERS WITH MORTGAGE ASSISTANCE TO ENCOURAGE THEM TO STAY IN THE CLASSROOOM FOR A PERIOD OF AT LEAST THREE YEARS.** After much discussion, Rep. Tucker moved for a favorable report. The motion passed.

Rep. Buchanan was called on to explain **HOUSE BILL 144, SCHOOL CLOSED/INCLEMENT WEATHER/FLEX.** Rep. Tolson moved for adoption of proposed committee substitute and it passed. Rep. Coates moved for a favorable report to committee substitute, unfavorable to original bill. The motion passed.

Rep. Rogers was called on to explain **HOUSE BILL 243, TEACHER RETIREMENT ELIGIBILITY.** A proposed committee substitute was offered and passed. Rep. Haire moved for a favorable report to committee substitute, unfavorable to original bill and be re-referred to Committee on Pensions and Retirement. Motion passed.

Rep. McLawhorn was called on to explain **HOUSE BILL 1285, A BILL TO BE ENTITLED AN ACT TO PERMIT AN APPLICANT FOR INITIAL TEACHER CERTIFICATION TO TAKE THE APPROPRIATE SPECIALTY AREA TEST OR SUBJECT ASSESSMENT DURING THE APPLICANT'S SECOND YEAR OF TEACHING.** After discussion, Rep. Smith moved for a favorable report. Motion passed.

Rep. Insko was called on to explain **HOUSE BILL 1149, A BILL TO BE ENTITLED AN ACT REQUIRING LOCAL BOARDS OF EDUCATION TO ADOPT POLICIES ADDRESSING THE SEXUAL HARASSMENT OF SCHOOL EMPLOYEES.** A proposed committee substitute was offered and passed. Rep. Cox offered an amendment and it passed. Rep. Insko moved to roll the amendment into the proposed committee substitute and a favorable report to committee substitute, unfavorable to original bill. The motion passed.

Rep. Davis was called on to explain **HOUSE BILL 1134, MUST REPORT THREATS OF SCHOOL VIOLENCE.** Rep. Jeffus offered a technical amendment and it passed. Rep. Jeffus made a motion to roll the amendment into a committee substitute bill, unfavorable as to original bill without prejudice and re-referred to Committee on Judiciary III. The motion passed.

Rep. Arnold was called on to explain **HOUSE BILL 1246, BOARD OF GOVERNORS ADMISSIONS/YOUTHS IN IHNS.** Rep. Pope offered an amendment. Rep. Warner moved for a favorable report of the amendment and that it be rolled into a committee substitute, unfavorable to original bill. Motion passed.

Rep. Blust was called on to explain **HOUSE BILL 1128, REDUCE SCHOOL PAPERWORK.** Rep. Insko offered amendment. This bill will continue at the next meeting.

Meeting adjourned.

Donald Bonner

Rep. Donald Bonner, Co-chair

Alex Warner

Rep. Alex Warner, Co-chair

Ann Stancil

Ann Stancil, Committee Clerk

4-19-01
fill

2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

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

☐ Committee Substitute for
H.B. 1304 A BILL TO BE ENTITLED AN ACT TO REQUIRE THE STATE TREASURER AND THE NORTH CAROLINA HOUSING FINANCE AGENCY TO DEVELOP PILOT PROGRAMS TO PROVIDE NEW TEACHERS WITH MORTGAGE ASSISTANCE TO ENCOURAGE THEM TO STAY IN THE CLASSROOM FOR A PERIOD OF AT LEAST THREE YEARS.

☒ With a favorable report.

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

☐ With a favorable report, as amended.

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

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

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

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

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

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

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

☐ Without prejudice.

☐ With an indefinite postponement report.

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

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

2/15/01

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

H 1

HOUSE BILL 1304

Short Title:	Teacher Loan Program.	(Public)
Sponsors:	Representatives Gibson, Morris, McLawhorn, Coates (Primary Sponsors); Underhill and Wainwright.	
Referred to:	Education.	

April 12, 2001

A BILL TO BE ENTITLED

AN ACT TO REQUIRE THE STATE TREASURER AND THE NORTH CAROLINA HOUSING FINANCE AGENCY TO DEVELOP PILOT PROGRAMS TO PROVIDE NEW TEACHERS WITH MORTGAGE ASSISTANCE TO ENCOURAGE THEM TO STAY IN THE CLASSROOM FOR A PERIOD OF AT LEAST THREE YEARS.

The General Assembly of North Carolina enacts:

SECTION 1. The State Treasurer, in conjunction with the North Carolina Housing Finance Agency, shall develop a mortgage assistance pilot program for persons who are teaching in the public schools and have been for less than one year or who have been hired to teach in the public schools and are scheduled to begin teaching. The purpose of the program is to encourage new teachers in the public schools to continue to teach for a period of at least three years by providing them with assistance in acquiring home mortgages in return for that commitment.

The pilot program shall be administered by the North Carolina Housing Finance Agency in at least one low-wealth school district, one urban district, and one rural district. In developing the program, the State Treasurer shall review similar programs in other states such as Connecticut, Mississippi, Oregon, and New Mexico. The State Treasurer shall consider providing new teachers with low-interest loans for down payments and closing costs and arranging a method by which the loans will be forgiven or converted into interest-free grants if the teachers commit to teach for three years and fulfill that commitment.

SECTION 2. The State Treasurer shall report on the operations and effectiveness of the mortgage assistance pilot program to the Joint Legislative Education Oversight Committee of the General Assembly on or before October 1, 2005. If the pilot program is successful in keeping teachers in the classroom for a period of at least three years, the State Treasurer shall consider whether the program should be

implemented statewide and make recommendations to the General Assembly accordingly.

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

~~2001~~ COMMITTEE REPORT
~~HOUSE OF REPRESENTATIVES~~

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

☐ Committee Substitute for
H.B. 144 A BILL TO BE ENTITLED AN ACT TO PROVIDE ADMINISTRATIVE FLEXIBILITY TO SCHOOLS THAT ARE CLOSED DUE TO INCLEMENT WEATHER.

☐ With a favorable report.

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

☐ With a favorable report, as amended.

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

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

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

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

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

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

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

☐ Without prejudice.

☐ With an indefinite postponement report.

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

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

2/15/01

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

H 2

HOUSE BILL 144
Committee Substitute Favorable 4/23/01

Short Title: School Closed Due to Inclement Weather/Flex. (Public)

Sponsors:

Referred to:

February 19, 2001

A BILL TO BE ENTITLED

AN ACT TO PROVIDE ADMINISTRATIVE FLEXIBILITY TO SCHOOLS THAT ARE CLOSED DUE TO INCLEMENT WEATHER.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-84.2(a) is amended by adding a new subdivision to read:

"**§ 115C-84.2. School calendar.**

(a) **(Applicable to all school years beginning with the 2000-2001 school year)** 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:

. . .

(1a) Notwithstanding the provisions of subdivision (1) of this subsection, if more than 15 days are lost in a unit due to inclement weather, the school calendar for that unit is not required to include both a minimum of 180 days and a minimum of 1,000 hours of instruction. The local board of education for that unit may elect to operate for that year with a calendar that includes (i) a minimum of 180 days, (ii) a minimum of 1,000 hours of instructional time, or (iii) both. The local board shall report to the Department of Public Instruction on any calendar adopted pursuant to this subdivision.

. . . ."

SECTION 2. G.S. 115C-84.2(b) reads as rewritten:

"(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~~ 35 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~~ 35 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."

SECTION 3. This act becomes effective July 1, 2001, and applies to all school years beginning with the 2001-2002 school year.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

H 1

HOUSE BILL 144

Short Title:	School Closed Due to Inclement Weather/Flex.	(Public)
Sponsors:	Representatives Buchanan; Cansler, Gillespie, and West.	
Referred to:	Education.	

February 19, 2001

A BILL TO BE ENTITLED

AN ACT TO PROVIDE ADMINISTRATIVE FLEXIBILITY TO SCHOOLS THAT ARE CLOSED DUE TO INCLEMENT WEATHER.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-84.2(a) is amended by adding a new subdivision to read:

"**§ 115C-84.2. School calendar.**

(a) **(Applicable to all school years beginning with the 2000-2001 school year)** 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:

...

(1b) Notwithstanding the provisions of subdivision (1) of this subsection, if more than 12 days are lost in a unit due to inclement weather, the school calendar for that unit is not required to include both a minimum of 180 days and a minimum of 1000 hours of instruction. The local board of education for that unit may elect to operate for that year with a calendar that includes (i) a minimum of 180 days, (ii) a minimum of 1,000 hours of instructional time, or (iii) both. The local board shall report to the Department of Public Instruction on any calendar adopted pursuant to this subdivision.

...."

SECTION 2. G.S. 115C-174.129(b) reads as rewritten:

"(b) The Superintendent of Public Instruction shall be responsible, under policies adopted by the State Board of Education, for the statewide administration of the testing program provided by this Article. These policies shall permit local school administrative units in which a significant amount of instructional time has been lost due to inclement weather to administer the tests at a later date than other units."

SECTION 3. This act becomes effective July 1, 2001, and applies to all school years beginning with the 2001-2002 school year.

2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

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

☐ Committee Substitute for
H.B. 243 A BILL TO BE ENTITLED AN ACT TO AMEND THE DEFINITION OF THE TERM "TEACHER" FOR PURPOSES OF MEMBERSHIP IN THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM.

☐ With a favorable report.

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

☐ With a favorable report, as amended.

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

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

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

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

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

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

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

☐ Without prejudice.

☐ With an indefinite postponement report.

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

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

2/15/01

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

H 2

HOUSE BILL 243

Committee Substitute Favorable 4/23/01

Short Title: Teacher Retirement Eligibility. (Public)

Sponsors:

Referred to:

February 26, 2001

A BILL TO BE ENTITLED

AN ACT TO AMEND THE DEFINITION OF THE TERM "TEACHER" FOR PURPOSES OF MEMBERSHIP IN THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 135-1(25) reads as rewritten:

"(25) "Teacher" shall mean any teacher, helping teacher, librarian, principal, supervisor, superintendent of public schools or any full-time employee, city or county, superintendent of public instruction, or any full-time employee of Department of Public Instruction, president, dean or teacher, or any full-time employee in any educational institution supported by and under the control of the State: Provided, ~~that~~ that, except as otherwise provided in this subdivision, the term "teacher" shall not include any part-time, temporary, or substitute teacher or employee, and shall not include those participating in an optional retirement program provided for in G.S. 135-5.1. In all cases of doubt, the Board of ~~Trustees, hereinafter defined,~~ Trustees shall determine whether any person is a teacher as defined in this Chapter. The term "teacher" includes teachers as defined in G.S. 115C-325(a)(6) who are employed to teach in permanent positions, who work not less than 20 hours or more than 30 hours per week, and who are employed in low-performing schools or are employed to teach in the teacher's area of certification provided the State Board of Education has determined there is a shortage of certified teachers in that subject area."

SECTION 2. This act becomes effective July 1, 2001.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

HOUSE BILL 243

Short Title:	Teacher Retirement Eligibility.	(Public)
Sponsors:	Representatives Rogers; Bell, Bonner, Boyd-McIntyre, Carpenter, Cox, Culpepper, Earle, Hurley, Insko, Jarrell, Lucas, McLawhorn, Preston, Russell, Shubert, Smith, Teague, Wainwright, Warner, Warwick, Weiss, and Yongue.	
Referred to:	Education, if favorable, Pensions and Retirement.	

February 26, 2001

A BILL TO BE ENTITLED

AN ACT TO AMEND THE DEFINITION OF THE TERM "TEACHER" FOR PURPOSES OF MEMBERSHIP IN THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 135-1(25) reads as rewritten:

"(25) "Teacher" shall mean any teacher, helping teacher, librarian, principal, supervisor, superintendent of public schools or any full-time employee, city or county, superintendent of public instruction, or any full-time employee of Department of Public Instruction, president, dean or teacher, or any full-time employee in any educational institution supported by and under the control of the State: Provided, ~~that~~ that, except as otherwise provided in this subdivision, the term "teacher" shall not include any part-time, temporary, or substitute teacher or employee, and shall not include those participating in an optional retirement program provided for in G.S. 135-5.1. In all cases of doubt, the Board of ~~Trustees, hereinafter defined,~~ Trustees shall determine whether any person is a teacher as defined in this Chapter. The term "teacher" includes teachers who are employed to teach in permanent positions and who work not less than fifty percent (50%) of the time that is required of a person who is employed as a teacher, as that term is defined under the provisions of G.S. 115C-325(6)."

SECTION 2. This act becomes effective July 1, 2001.

HOUSE BILL 243:
Teacher Retirement Eligibility

BILL ANALYSIS

Committee:	House Education	**Introduced by:**	Rep. Rogers
Date:	April 18, 2001	**Summary by:**	Kory Goldsmith
Version:	H243-CSRC-26[v.2]		Committee Counsel

SUMMARY: ***The Proposed Committee Substitute for HB 243 would allow persons employed in permanent positions as teachers to participate in the State Retirement System provided they work between 20 and 30 hours per week and teach in either a low-performing school or in a subject area the State Board has determined is a certification shortage area. The act would become effective July 1, 2001***

CURRENT LAW: Only teachers who are employed full-time may participate in the State Retirement System. G.S. 135-1(25) defines "teacher" to include teachers, librarians, principals, supervisors, superintendents and full-time employees of a local school administrative unit. The State Board of Education defines a:"full-time employee" as someone whose regular workweek is not less than 30 hours. SBE Benefits and Policy Manual, Policy #01.1.3. Persons employed less than 30 hours per week by a Local School Administrative unit are not eligible to participate in the retirement system. If they work between 20 and 30 hours, they may opt to purchase health insurance under the State plan.

BILL ANALYSIS: House Bill 243 amends G.S. 135-1(25) to include in the Retirement System teachers who are employed to teach between 20 and 30 hours per week. It also requires the teacher must either teach at a low-performing school or in a certification area the State Board has determined has a shortage of teachers. G.S. 115C-325(a)(6) defines a "teacher" as a person who has a current teaching certificate, whose major responsibility is to teach or directly supervise teaching, who is classified or paid as a classroom teacher, and who is employed to fill a full-time, permanent position. A permanent employee is defined as a person hired to fill a position with the expectation of permanent employment if funding remains constant, or a person who will be paid for at least 6 consecutive pay periods to replace a person on a leave of absence. A full time employee is a person whose workweek is not less than 30 hours per week.

H243-SMRC-002(H243-CSRC-26[v2])

file

4-19-01

2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

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

☐ Committee Substitute for
H.B. 1285 A BILL TO BE ENTITLED AN ACT TO PERMIT AN APPLICANT FOR INITIAL TEACHER CERTIFICATION TO TAKE THE APPROPRIATE SPECIALTY AREA TEST OR SUBJECT ASSESSMENT DURING THE APPLICANT'S SECOND YEAR OF TEACHING.

☒ With a favorable report.

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

☐ With a favorable report, as amended.

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

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

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

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

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

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

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

☐ Without prejudice.

☐ With an indefinite postponement report.

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

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

2/15/01

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

HOUSE BILL 1285

Short Title:	Delay Praxis II Test for New Teachers.	(Public)
Sponsors:	Representatives McLawhorn, Underhill (Primary Sponsors); and Adams.	
Referred to:	Education.	

April 12, 2001

A BILL TO BE ENTITLED

AN ACT TO PERMIT AN APPLICANT FOR INITIAL TEACHER CERTIFICATION TO TAKE THE APPROPRIATE SPECIALTY AREA TEST OR SUBJECT ASSESSMENT DURING THE APPLICANT'S SECOND YEAR OF TEACHING.

The General Assembly of North Carolina enacts:

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

"**§ 115C-296. Board sets certification requirements.**

(a) The State Board of Education shall have entire control of certifying all applicants for teaching 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: Provided, that the State Board of Education shall require each applicant for an initial bachelors degree certificate or graduate degree certificate to demonstrate the applicant's academic and professional preparation by achieving a prescribed minimum score on a standard examination appropriate and adequate for that purpose. The State Board of Education shall make the standard initial certification exam sufficiently rigorous and raise the prescribed minimum score as necessary to ensure that each applicant has adequate academic and professional preparation to teach.

The State Board of Education shall not require an applicant to achieve a minimum score on a specialty area test or subject assessment prior to initial certification. The State Board of Education shall permit an applicant to fulfill this requirement before or during the applicant's second year of teaching."

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

file

2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

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

☐ Committee Substitute for
H.B. 1149 A BILL TO BE ENTITLED AN ACT REQUIRING LOCAL BOARDS OF EDUCATION TO ADOPT POLICIES ADDRESSING THE SEXUAL HARASSMENT OF SCHOOL EMPLOYEES.

☐ With a favorable report.

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

☐ With a favorable report, as amended.

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

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

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

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

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

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

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

☐ Without prejudice.

☐ With an indefinite postponement report.

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

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

2/15/01

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

H D

HOUSE BILL 1149
PROPOSED COMMITTEE SUBSTITUTE H1149-PCS6253-RH-27

Short Title: School Policies on Harassment of Emp's. (Public)

Sponsors:

Referred to:

April 12, 2001

A BILL TO BE ENTITLED

AN ACT AUTHORIZING LOCAL BOARDS OF EDUCATION TO ADOPT POLICIES ADDRESSING THE SEXUAL HARASSMENT OF SCHOOL EMPLOYEES.

The General Assembly of North Carolina enacts:

SECTION 1. Part 8 of Article 22 of Chapter 115C of the General Statutes reads as rewritten:

"Part 8. ~~Protection for Reporting Harassment.~~ Sexual Harassment Policies.

"**§ 115C-335.5. ~~Protection~~ Policies addressing harassment of school employees; protection against retaliation for reporting harassment.**

(a) Each local board of education may adopt a policy addressing the sexual harassment of school employees by students, other local board employees, or school board members. The policy may, at a minimum, set out (i) the consequences of sexually harassing school employees and (ii) a procedure for reporting incidents of sexual harassment."

(b) 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 becomes effective July 1, 2001.

HOUSE BILL 1149:
School Policies on Harassment of Emp's.

BILL ANALYSIS

Committee:	House Education	**Introduced by:**	Rep. Insko
Date:	April 17, 2001	**Summary by:**	Robin Johnson
Version:	H1149-CSRH-27[v.0]		Committee Counsel

The PCS corrects the caption being amended in Section 1.

SUMMARY: The bill would require each local board of education to adopt a policy addressing sexual harassment of school employees by students, other employees, or board members. The policy must set out the consequences and a reporting procedure.

The bill would become effective July 1, 2001.

CURRENT LAW: Generally, federal law governs sexual harassment and discrimination in schools. Under federal law, school systems are required to have a policy that addresses certain kinds of complaints – particularly dealing with discrimination of female students. These policies should list the individual who is the contact person. In addition, the laws and caselaw governing sexual harassment generally deal with harassment of employees by employers or other employees. There is no specific law that addresses student harassment of school personnel.

Current State law (G.S. 115C-335.5) protects employees from retaliation for reporting sexual harassment. Also, G.S. 115C-391(d2) allows the student to be suspended (or removed to an alternative setting) for up to 365 days if the student is at least 13 and the teacher was physically assaulted. (The assault must have occurred on school property or at a school-sponsored or school-related event.) If the student is suspended or removed to an alternative setting, then the teacher must consent to returning the student to his or her classroom.

2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

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

☐ Committee Substitute for
H.B. 1134 A BILL TO BE ENTITLED AN ACT TO PUNISH STUDENTS WHO CONSPIRE OR THREATEN TO CAUSE VIOLENCE AT SCHOOL, TO CREATE A LEGAL DUTY TO REPORT THREATS OF SCHOOL VIOLENCE, TO INCREASE THE CRIMINAL PENALTY FOR CERTAIN CRIMINAL OFFENSES COMMITTED WITH THE INTENT OF INTIMIDATING OR RETALIATING AGAINST A PERSON WHO DOES REPORT A THREAT OF SCHOOLVIOLENCE, AND TO GRANT IMMUNITY FROM CRIMINAL PROSECUTION TO ANYONE WHO REPORTS A THREAT OF SCHOOL VIOLENCE.

☐ With a favorable report.

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

☐ With a favorable report, as amended.

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

☒ Without prejudice as to committee substitute bill, unfavorable as to original bill and recommendation that the committee substitute bill be re-referred to the Committee on JUDICIARY III.

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

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

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

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

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

☐ Without prejudice.

☐ With an indefinite postponement report.

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

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

2/15/01

2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

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

☐ Committee Substitute for
H.B. 1134 A BILL TO BE ENTITLED AN ACT TO PUNISH STUDENTS WHO CONSPIRE OR THREATEN TO CAUSE VIOLENCE AT SCHOOL, TO CREATE A LEGAL DUTY TO REPORT THREATS OF SCHOOL VIOLENCE, TO INCREASE THE CRIMINAL PENALTY FOR CERTAIN CRIMINAL OFFENSES COMMITTED WITH THE INTENT OF INTIMIDATING OR RETALIATING AGAINST A PERSON WHO DOES REPORT A THREAT OF SCHOOL VIOLENCE, AND TO GRANT IMMUNITY FROM CRIMINAL PROSECUTION TO ANYONE WHO REPORTS A THREAT OF SCHOOL VIOLENCE.

☐ With a favorable report.

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

☐ With a favorable report, as amended.

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

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

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

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

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

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

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

☒ Without prejudice, and ~~to~~ Committee Substitute be re-referred to the Committee on Judiciary III.

☐ With an indefinite postponement report.

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

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

2/15/01

veto proj to com sub.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

H D

HOUSE BILL 1134
PROPOSED COMMITTEE SUBSTITUTE H1134-PCS5208-RH-29

Short Title: Disciplinary Action/Threats of School Violence. (Public)

Sponsors:

Referred to:

April 12, 2001

A BILL TO BE ENTITLED

AN ACT TO PUNISH STUDENTS WHO CONSPIRE OR THREATEN TO CAUSE VIOLENCE AT SCHOOL, TO CREATE A LEGAL DUTY TO REPORT THREATS OF SCHOOL VIOLENCE, TO INCREASE THE CRIMINAL PENALTY FOR CERTAIN CRIMINAL OFFENSES COMMITTED WITH THE INTENT OF INTIMIDATING OR RETALIATING AGAINST A PERSON WHO DOES REPORT A THREAT OF SCHOOL VIOLENCE, AND TO GRANT IMMUNITY FROM CRIMINAL PROSECUTION TO ANYONE WHO REPORTS A THREAT OF SCHOOL VIOLENCE.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-391(d3) reads as rewritten:

(d3) (1) 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-sponsored curricular or extracurricular activity 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.

(2) A local board of education shall suspend for a minimum of 30 calendar days or expel pursuant to subsection (d) of this section, any student:

a. Who threatens or conspires to cause injury to persons or property, on educational property or at a school-sponsored curricular or extracurricular activity off educational property, regardless of the seriousness of the threat or plan, or

b. Who knows about, but intentionally does not report to a school authority or other employee, any threat or plan to cause injury to persons or property, on educational property or at a school-sponsored curricular or extracurricular activity off educational property, regardless of the seriousness of the threat or plan.

(3) 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.

(4) 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).

(5) Each local board of education shall include the provisions of this subsection in its code of student conduct, post that portion of the code of conduct in a prominent place in each school, and make that portion of the code of conduct available to the parents of students in the local school administrative unit."

SECTION 2. Article 36 of Chapter 14 of the General Statutes is amended by adding a new section to read:

"**§ 14-285.1. Duty to report threat of school violence.**

(a) The following definitions apply in this section:

(1) Educational property. – Defined in G.S. 14-269.2.

(2) Employee. – Defined in G.S. 14-269.2.

(3) School. – Defined in G.S. 14-269.2.

(4) School authority. – The principal, head of the school, or other adult employee designated by the principal or head of the school.

(5) School violence. – A criminal offense that is a Class A through E felony or any other criminal offense for which assault is an essential element of proof that occurs at a school or on educational property.

(b) Any person who has good cause to suspect that another person may commit an act of school violence shall report his or her suspicion to the appropriate school authority at his or her school or at the school where the potential act of school violence may occur.

(c) The report may be made orally, by telephone, by electronic mail, or in writing. The report shall include information as is known to the person making the report, including the following:

(1) The name and address, if known, of the suspected perpetrator.

(2) If the perpetrator is a juvenile, the name and address, if known, of the juvenile's parent, guardian, or caretaker.

(3) The nature, time, date, and location of the potential act of school violence.

(4) The name, address, if known, and telephone number, if known, of the person who is making the report.

(5) Any other information that the person making the report believes might be helpful in establishing the need for intervention or precautionary measures to be taken by a school authority.

(d) If the person making the report refuses to give a name, the school authorities shall still investigate the potential act of school violence.

(e) Intentional failure to report a potential act of school violence as required by this section is a Class 3 misdemeanor."

SECTION 3. Article 1 of Chapter 14 of the General Statutes is amended by adding a new section to read:

"**§ 14-3.2. Punishment of misdemeanor committed with intent to intimidate or retaliate against a person for reporting a potential act of school violence.**

If any Class 2 or Class 3 misdemeanor is committed against a victim because the victim reported a potential act of school violence in compliance with G.S. 14-285.1, the offender is guilty of a Class 1 misdemeanor. If any Class A1 or Class 1 misdemeanor offense is committed against a victim because the victim reported a potential act of school violence in compliance with G.S. 14-285.1, the offender is guilty of a Class I felony."

SECTION 4. Article 61 of Chapter 15A of the General Statutes is amended by adding a new section to read:

"**§ 15A-1056. Grant of immunity to person who reports potential act of school violence.**

(a) No prosecutor shall try any suspect who reported a potential act of school violence in compliance with G.S. 14-285.1 for the offense of school violence reported, or for any related offense believed to have been committed within the prosecutorial district as defined in G.S. 7A-60.

(b) When a prosecutor enters into any arrangement authorized by this section, written notice fully disclosing the terms of the arrangement must be provided to the trial court, the defense counsel, or to the defendant if not represented by counsel, against whom the testimony is to be offered, within a reasonable time prior to any proceeding in which the person with whom the arrangement is made is expected to testify. Upon motion of the defendant or the defendant's counsel on grounds of surprise or for other good cause or when the interests of justice require, the court must grant a recess or continuance."

SECTION 5. Sections 2, 3, and 4 of this act become effective December 1, 2001, and apply to offenses committed on or after that date. The remainder of this act is effective when it becomes law and applies beginning with the 2001-2002 school year.

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 1134

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

H1134-ARH-18 [v.1]

Date _____,2001

Comm. Sub. [NO]
Amends Title [NO]
First Edition

Representative

moves to amend the bill on page 3, line 24, by deleting "14" and by substituting "15A".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 1134

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

H1134-ARH-18 [v.1]

Date _____,2001

Comm. Sub. [NO]
Amends Title [NO]
First Edition

Representative

moves to amend the bill on page 3, line 24, by deleting "14" and by substituting "15A".

SIGNED Maggie Jeffus
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

HOUSE BILL 1134:
Disciplinary Action/Threats of School Violence.

BILL ANALYSIS

Committee:	House Education	**Introduced by:**	Rep. Davis
Date:	April 19, 2001	**Summary by:**	Robin Johnson
Version:	First		Committee Counsel

DISCIPLINE FOR STUDENT WHO CONSPIRES OR THREATENS TO CAUSE SCHOOL VIOLENCE

Current Law: Currently, G.S. 115C-391(d3) requires local boards to suspend for 365 calendar days any student who, at school or a school-sponsored activity:

- Brings to school or possesses at school a weapon (firearm or explosive device).
- Make a false bomb threat against a school.
- Perpetrates a bomb hoax against a school.

For other conduct, local boards may suspend students for a maximum of the remainder of the school year, in accordance with their discipline policies. Boards may expel (i.e., permanently remove) a student who is at least 14 whose behavior indicates the student's continued presence in school constitutes a clear threat to the safety of others.

Bill Summary: The bill would amend G.S. 115C-391(d3) by requiring local boards to suspend for at least 30 calendar days or expel any student who:

- Threatens or conspires to injure persons or property at school or at a school-sponsored activity, or
- Knows, but intentionally does not report to school authority, a threat or plan to injure persons or property at school or at a school-sponsored activity.

The bill also would require local boards to post the provisions of G.S. 115C-391(d3) in a prominent place at each school and make these provisions available to parents.

Effective when it becomes law and applies beginning with 2001-2002 school year.

DUTY TO REPORT THREATS OF SCHOOL VIOLENCE

House Bill 1134 would amend Article 36 of Chapter 14 of the General Statutes (Offenses Against Safety) by creating a new G.S. 14-285.1. This new section would require any person to report to the appropriate school authority when that person has good cause to suspect that another person may commit an act of school violence. Schools must investigate this report even if the person refuses to give a name. School violence is defined as a criminal offense that is a Class A through E felony or other criminal offense that includes assault as an essential element of proof.

It would be a Class 3 misdemeanor to intentionally fail to report a potential act of school violence. Conviction of a Class 3 misdemeanor is a minimum 1-10 days of community punishment, assuming no prior convictions, a maximum fine of $200, or both the community punishment and the fine.

Effective December 1, 2001, and applies to offenses committed on or after that date.

INCREASED CRIMINAL PENALTY FOR RETALIATION AGAINST PERSON WHO REPORTS THREATS OF SCHOOL VIOLENCE

The bill also would amend Article 1 of Chapter 14 of the General Statutes (Felonies and Misdemeanors) by adding a new G.S. 14-3.2 that would increase the level of offense when a person retaliates against a person who made a report of school violence.

It would be a Class 1 misdemeanor if a person commits a class 2 or 3 misdemeanor against any person in retaliation for making a report of school violence. Conviction of a Class 1 misdemeanor is a minimum 1-45 days of community punishment, a fine in the court's discretion, or both. 1

It would be a Class I felony if a person commits a Class A1 or Class 1 misdemeanor against any person in retaliation for making a report of school violence. Conviction of a Class I felony has a presumptive minimum sentence of four to six months community punishment, assuming no prior convictions.

Effective December 1, 2001, and applies to offenses committed on or after that date.

IMMUNITY FROM CRIMINAL PROSECUTION FOR PERSON WHO REPORTS THREAT OF SCHOOL VIOLENCE

The bill would amend Article 61 of Chapter 15A of the General Statutes (Witness Immunity) by adding a new G.S. 15A-1056. This new statute would grant immunity from criminal prosecution to any person who reports a potential act of school violence or any related offense. The prosecutor must provide full written disclosure to the trial court, the defense counsel, and the defendant, if not represented, of this grant of immunity within a reasonable time before any proceeding in which the individual granted the immunity is expected to testify.

Effective December 1, 2001, and applies to offenses committed on or after that date.

H1134-SMRH-001

2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

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

☐ Committee Substitute for
H.B. 1246 A BILL TO BE ENTITLED AN ACT TO DIRECT THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA, IN COOPERATION WITH THE STATE BOARD OF EDUCATION AND THE STATE BOARD OF COMMUNITY COLLEGES, TO STUDY THE MEASURES USED FOR ADMISSIONS, PLACEMENT, AND ADVANCED PLACEMENT DECISIONS BY THE CONSTITUENT INSTITUTIONS OF THE STATE'S UNIVERSITY SYSTEM.

☐ With a favorable report.

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

☐ With a favorable report, as amended.

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

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

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

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

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

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

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

☐ Without prejudice.

☐ With an indefinite postponement report.

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

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

2/15/01

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

H 3

HOUSE BILL 1246

Committee Substitute Favorable 4/23/01

Senate Education/Higher Education Committee Substitute Adopted 6/6/01

Short Title: BOG Study Admissions/Youths in IHEs. (Public)

Sponsors:

Referred to:

April 12, 2001

A BILL TO BE ENTITLED

AN ACT TO DIRECT THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA, IN COOPERATION WITH THE STATE BOARD OF EDUCATION AND THE STATE BOARD OF COMMUNITY COLLEGES, TO STUDY THE MEASURES USED FOR ADMISSIONS, PLACEMENT, AND ADVANCED PLACEMENT DECISIONS BY THE CONSTITUENT INSTITUTIONS OF THE STATE'S UNIVERSITY SYSTEM, TO ALLOW INTELLECTUALLY GIFTED YOUTHS TO ATTEND COMMUNITY COLLEGES, AND TO ALLOW CERTAIN YOUTHS TO BE EMPLOYED BY INSTITUTIONS OF HIGHER EDUCATION.

The General Assembly of North Carolina enacts:

SECTION 1.(a) The Board of Governors of The University of North Carolina, in cooperation with the State Board of Education and the State Board of Community Colleges, shall study the measures used by the constituent institutions to make admissions, placement, and advanced placement decisions regarding incoming freshmen and shall assess the various uses made of those measures and the validity of those measures with regard to a student's academic performance and as predictors of a student's future academic performance. They shall also assess whether other alternative measures may be equally valid or more accurate as indicators of a student's academic performance. In the study, particular consideration should be given to whether or not to eliminate, continue, or change the emphasis placed on the Scholastic Aptitude Test (SAT) and ACT Assessment for North Carolina students as a mandatory university admissions measure. The study should review incorporating the State's testing program into admissions, placement, and advanced placement decisions. Based on its findings, the Board of Governors of The University of North Carolina, in cooperation with the State Board of Education and the State Board of Community Colleges, may develop recommendations to improve the measures used to assess a student's academic

performance, to adopt alternative measures, or to use various combinations of both to determine more accurately a student's academic knowledge and performance.

SECTION 1.(b) The study required by subsection 1(a) of this act may address all of the following:

(1) Admissions. – The Board of Governors may examine the key elements used for making admissions decisions in the State's University System. Included in the factors to be studied are grade point average, class rank, and the SAT and ACT Assessment. Each element may be studied for reliability and validity independently and as used together. The Board of Governors may also compare the State's end-of-course testing with the SAT and ACT Assessment, assess how each reflects a student's academic performance, and consider shifting the emphasis currently placed on the SAT and ACT Assessment as an admissions measure to the State's end-of-course tests or other available tests as an admissions measure. In its study, the Board of Governors may consider eliminating, continuing, or changing the emphasis placed on the SAT and ACT Assessment as an admissions measure for North Carolina students applying to the State's constituent institutions. The Board of Governors may also consider methods for accurately comparing the academic performance of applicants who do not have the benefit of the State's end-of-course testing program with applicants who do have the State's testing program.

Recommendations should be made to improve the consistency and fairness of each measure independently and as used together for admissions decisions. These recommendations may include the use of North Carolina end-of-course tests as an element in admissions decisions alone or in combination with a change of the weight of emphasis on the SAT and ACT Assessment. The recommendations may also include maintaining the current process.

The Board of Governors may review with the State Board of Education recommendations that incorporate end-of-course testing as part of the admissions process. The State Board of Education may develop recommendations to improve the alignment of end-of-course tests and secondary coursework with the expectations of the constituent institutions and the State Board of Community Colleges.

(2) Placement. – The Board of Governors may consider reviewing the assessment methods currently used by constituent institutions for remediation placement decisions. Recommendations may be developed to provide greater consistency, reliability, and validity for remediation decisions. North Carolina end-of-course tests may be considered for use in these decisions.

(3) Advanced placement testing. – The Board of Governors may review the use of test scores in granting college-level course credit by constituent institutions.

(4) Other relevant issues. – The Board of Governors may study any other issues relevant to college and university admissions, placement, and advanced placement measures.

SECTION 1.(c) The Board of Governors may make an interim report regarding its studies and plans to the Joint Legislative Education Oversight Committee no later than March 1, 2002, and shall submit a final report to that Committee by December 1, 2003. It is recommended that the study continue beyond the final report date. Interim and final reports of the Committee may include recommended legislation.

SECTION 2. Article 1 of Chapter 115D of the General Statutes is amended by adding a new section to read:

"**§ 115D-1.1. Discretion in admissions.**

Notwithstanding G.S. 115D-1, a student under the age of 16 may enroll in a community college if the president of the community college or the president's designee finds, based on criteria established by the State Board of Community Colleges, that the student is intellectually gifted and that the student has the maturity to justify admission to the community college. The State Board of Community Colleges shall adopt rules to implement this section."

SECTION 3. G.S. 95-25.5 is amended by adding a new subsection to read:

"(m) Notwithstanding any other provision of this section, youths who are enrolled at an institution of higher education may be employed by the institution provided the employment is not hazardous. As used in this subsection, "institution of higher education" means any constituent institution of The University of North Carolina, any North Carolina community college, or any college or university that awards postsecondary degrees."

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

H 2

HOUSE BILL 1246

Committee Substitute Favorable 4/23/01

Short Title: Bd. of Govs. Study College Admissions Measures. (Public)

Sponsors:

Referred to:

April 12, 2001

A BILL TO BE ENTITLED

AN ACT TO DIRECT THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA, IN COOPERATION WITH THE STATE BOARD OF EDUCATION AND THE STATE BOARD OF COMMUNITY COLLEGES, TO STUDY THE MEASURES USED FOR ADMISSIONS, PLACEMENT, AND ADVANCED PLACEMENT DECISIONS BY THE CONSTITUENT INSTITUTIONS OF THE STATE'S UNIVERSITY SYSTEM.

The General Assembly of North Carolina enacts:

SECTION 1.(a) The Board of Governors of The University of North Carolina, in cooperation with the State Board of Education and the State Board of Community Colleges, shall study the measures used by the constituent institutions to make admissions, placement, and advanced placement decisions regarding incoming freshmen, and shall assess the various uses made of those measures and the validity of those measures with regard to a student's academic performance and as predictors of a student's future academic performance. They shall also assess whether other alternative measures may be equally valid or more accurate as indicators of a student's academic performance. In the study, particular emphasis shall be focused on whether or not to eliminate or reduce the emphasis placed on the Scholastic Aptitude Test (SAT) and ACT Assessment for North Carolina students as a mandatory university admissions measure and instead incorporating the State's end-of-course testing into admissions, placement, and advanced placement decisions. Based on its findings, the Board of Governors of The University of North Carolina, in cooperation with the State Board of Education and the State Board of Community Colleges, shall develop a plan to improve the measures used to assess a student's academic performance, to adopt alternative measures, or to use various combinations of both to determine more accurately a student's academic knowledge and performance.

SECTION 1.(b) The study and plan required by subsection 1(a) of this act shall address all of the following:

(1) Admissions. – The Board of Governors shall examine the key elements used for making admissions decisions in the State's University System. Included in the factors to be studied are grade point average, class rank, and the SAT and ACT Assessment. Each element shall be studied for reliability and validity independently and as used together. The Board of Governors shall also compare the State's end-of-course testing with the SAT and ACT Assessment, assess how each reflects a student's academic performance, and consider shifting the emphasis currently placed on the SAT and ACT Assessment as an admissions measure to the State's end-of-course testing as an admissions measure. In its study, the Board of Governors shall consider eliminating or reducing the emphasis placed on the SAT and ACT Assessment as an admissions measure for North Carolina students applying to the State's constituent institutions, but continuing to offer the SAT and ACT Assessment in high school for those students who plan to apply to universities or colleges where those tests are required as part of the application process. The Board of Governors shall also consider methods for accurately comparing the academic performance of nonresident applicants who do not have the benefit of the State's end-of-course testing scores with resident applicants who do have those scores.

A plan shall be developed to improve the consistency and fairness of each measure independently and as used together for admissions decisions. The use of North Carolina end-of-course tests as an element in admissions decisions and the reduction of the weight of emphasis on the SAT and ACT Assessment shall be part of the plan.

The Board of Governors shall work with the State Board of Education to design a plan that incorporates end-of-course testing as part of the admissions process. A plan shall be developed by the State Board of Education to improve the alignment of end-of-course tests and secondary coursework with the expectations of the constituent institutions and the State Board of Community Colleges.

(2) Placement. – The Board of Governors shall review the assessment methods currently used by constituent institutions for remediation placement decisions. A plan shall be developed to provide greater consistency, reliability, and validity for remediation decisions. North Carolina end-of-course tests shall be considered for use in these decisions.

(3) Advanced placement testing. – The Board of Governors shall develop and implement a plan for the consistent use of Advanced Placement Test scores in granting college-level course credit by constituent institutions.

(4) Other relevant issues. – The Board of Governors may study any other issues relevant to college and university admissions, placement, and advanced placement measures.

SECTION 1.(c) The Board of Governors shall make an interim report regarding its studies and plans to the Joint Legislative Education Oversight Committee no later than March 1, 2002, and shall submit a final report to the Joint Legislative Commission on Education by December 1, 2003. Interim and final reports of the Commission may include recommended legislation.

SECTION 2. This act becomes effective July 1, 2001.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

HOUSE BILL 1246

Short Title:	Bd. of Govs. Study College Admissions Measures.	(Public)
Sponsors:	Representative Arnold.	
Referred to:	Education.	

April 12, 2001

A BILL TO BE ENTITLED

AN ACT TO DIRECT THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA, IN COOPERATION WITH THE STATE BOARD OF EDUCATION AND THE STATE BOARD OF COMMUNITY COLLEGES, TO STUDY THE MEASURES USED FOR ADMISSIONS, PLACEMENT, AND ADVANCED PLACEMENT DECISIONS BY THE CONSTITUENT INSTITUTIONS OF THE STATE'S UNIVERSITY SYSTEM.

The General Assembly of North Carolina enacts:

SECTION 1.(a) The Board of Governors of The University of North Carolina, in cooperation with the State Board of Education and the State Board of Community Colleges, shall study the measures used by the constituent institutions to make admissions, placement, and advanced placement decisions regarding incoming freshman, and shall assess the various uses made of those measures and the validity of those measures with regard to a student's academic performance and as predictors of a student's future academic performance. They shall also assess whether other alternative measures may be equally valid or more accurate as indicators of a student's academic performance. In the study, particular emphasis shall be focused on eliminating or reducing the emphasis placed on the Scholastic Aptitude Test (SAT) and ACT Assessment for North Carolina students as a mandatory university admissions measure and instead incorporating the State's end-of-course testing into admissions, placement, and advanced placement decisions. Based on its findings, the Board of Governors of The University of North Carolina, in cooperation with the State Board of Education and the State Board of Community Colleges, shall develop a plan to improve the measures used to assess a student's academic performance, to adopt alternative measures, or to use various combinations of both to determine more accurately a student's academic knowledge and performance.

SECTION 1.(b) The study and plan required by subsection 1(a) of this act shall address all of the following:

(1) Admissions. – The Board of Governors shall examine the key elements used for making admissions decisions in the State's University System. Included in the factors to be studied are grade point average, class rank and the SAT and ACT Assessment. Each element shall be studied for reliability and validity independently and as used together. The Board of Governors shall also compare the State's end-of-course testing with the SAT and ACT Assessment, assess how each reflects a student's academic performance, and consider shifting the emphasis currently placed on the SAT and ACT Assessment as an admissions measure to the State's end-of-course testing as an admissions measure. In its study, the Board of Governors shall consider eliminating or reducing the emphasis placed on the SAT and ACT Assessment as an admissions measure for North Carolina students applying to the State's constituent institutions, but continuing to offer the SAT and ACT Assessment in high school for those students who plan to apply to universities or colleges where those tests are required as part of the application process. The Board of Governors shall also consider methods for accurately comparing the academic performance of nonresident applicants who do not have the benefit of the State's end-of-course testing scores with resident applicants who do have those scores.

A plan shall be developed to improve the consistency and fairness of each measure independently and as used together for admissions decisions. The use of North Carolina end-of-course tests as an element in admissions decisions and the reduction of the weight of emphasis on the SAT and ACT Assessment shall be part of the plan.

The Board of Governors shall work with the State Board of Education to design a plan that incorporates end-of-course testing as part of the admissions process. A plan shall be developed by the State Board of Education to improve the alignment of end-of-course tests and secondary coursework with the expectations of the constituent institutions and the State Board of Community Colleges.

(2) Placement. – The Board of Governors shall review the assessment methods currently used by constituent institutions for remediation placement decisions. A plan shall be developed to provide greater consistency, reliability, and validity for remediation decisions. North Carolina end-of-course tests shall be considered for use in these decisions.

(3) Advanced placement testing. – The Board of Governors shall develop and implement a plan for the consistent use of Advanced Placement Test scores in granting college-level course credit by constituent institutions.

(4) Other relevant issues. – The Board of Governors may study any other issues relevant to college and university admissions, placement, and advanced placement measures.

SECTION 1.(c) The Board of Governors shall make an interim report regarding its studies and plans to the Joint Legislative Education Oversight Committee no later than March 1, 2002, and shall submit a final report to the Joint Legislative Commission on Education by December 1, 2003. Interim and final reports of the Commission may include recommended legislation.

SECTION 2. This act becomes effective July 1, 2001.

VISITOR REGISTRATION SHEET

Education 11:00 — 4-19-01

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Roz Savitt	NCCA
JB Buxton	SBE
Bruce Mealy	DPI
Kathy Dudley	DPI
Glenn Norris	Public School Forum of NC
Jeanne Winner	NCSBE
JPR	NCCA
Angela Fortney	NCAE
Richard Whisnant	FOG
David Light	NC State NC Wildlife
Nancy Thompson	NCDC

Education

7:30 AM

4-19-01

VISITOR REGISTRATION SHEET

~~HOUSE COMMITTEE ON TRANSPORTATION~~ ~~April 18, 2001~~

Name of Committee **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Glenn Ivey	Public School Forum of NC
Anne Berlan	Berlan Assoc
Susan Harris	WCPSS
Linda Diggs	NCASA
JE Byrd	SBE
K Dellinger	DPI
Brooke Murray	DPI
Leanne Winner	NCSBA
Audrey L. Galloway	NCAE
Alethea B. Bluethenthal	UNC GA
Frank Lewis	OSBPM

HOUSE EDUCATION COMMITTEE MEETING

APRIL 23, 2001

The House Education Committee met on Monday, April 23, 2001, at 3:00 PM, in Room 544 of the Legislative Office Building. The attendance sheet indicates the members present.

Rep. Warner presided.

It was moved and approved for: **HOUSE BILL 1198, TEACHERS' DUTY TO PREPARE PORTFOLIOS LIMITED** and **HOUSE BILL 1256, CHANGE THE TEACHER PORTFOLIO REQUIREMENTS** to be referred to Subcommittee on PRE-SCHOOL, ELEMENTARY AND SECONDARY EDUCATION. Rep. Warren is chairman.

Rep. Blust was called on to continue his explanation of **HOUSE BILL 1128, REDUCE SCHOOL PAPERWORK.** Rep. Insko was not present at this time to discuss her amendment. Rep. Carpenter moved for a favorable report. Motion passed.

Rep. Saunders was called on to explain **HOUSE BILL 1087, A BILL TO BE ENTITLED AN ACT TO ELIMINATE UNNECESSARY AND DUPLICATE PAPERWORK IN THE PUBLIC SCHOOLS.** Rep. Bonner sent forth a technical amendment for adoption and it passed. Rep. Sherrill and Rep. Blust both sent for amendments and moved for adoption. Both amendments passed. Rep. Bonner moved for a favorable report, unfavorable to original bill. The motion passed.

Rep. Daughtry was called on to explain **HOUSE BILL 1125, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE PROCEDURE FOR ENROLLING CHILDREN IN THE PUBLIC SCHOOLS.** Rep. Arnold sent forth an amendment for adoption and it passed. Rep. Edwards made a motion for a favorable report as amended, unfavorable to original bill. The motion passed.

Rep. Shubert was called on to explain **HOUSE BILL 1205, LOCAL FLEXIBILITY REGARDING CLASS SIZE.** Rep. Carpenter moved to bring a proposed committee substitute before the committee for adoption. Motion passed. Rep. Arnold made a motion for a favorable report. No action was taken. Rep. Warner appointed an Adhoc committee consisting of Reps. Arnold (Chair), Edwards, Fox, Jeffus, Cox, Sexton, Sherrill, and Gulley to consider this bill.

Meeting adjourned.

Rep. Alex Warner, Co-chair

Rep. Donald Bonner, Co-chair

Ann Stancil, Committee Clerk

REFERRAL FORM

NORTH CAROLINA HOUSE OF REPRESENTATIVES
ASSIGNMENT OF BILLS TO SUBCOMMITTEE

COMMITTEE: **EDUCATION**

CHAIRMAN: **Representative BONNER/WARNER**

DATE: **MONDAY. APRIL 23, 2001**

Bill Number (Indicate **H** or **S**): H 1198

Short Title: TEACHERS' DUTY TO PREPARE PORTFOLIOS LIMITED

Assigned to Subcommittee on: **PRES-CHOOL, ELEMENTARY AND SECONDARY EDUCATION**

Re-Assigned to Subcommittee on:

Bill Number (Indicate **H** or **S**): H 1256

Short Title: CHANGE THE TEACHER PORTFOLIO REQUIREMENTS

Assigned to Subcommittee on: **PRE-SCHOOL, ELEMENTARY AND SECONDARY EDUCATION**

Re-Assigned to Subcommittee on:

Bill Number (Indicate **H** or **S**):

Short Title:

Assigned to Subcommittee on:

Re-Assigned to Subcommittee on:

Bill Number (Indicate **H** or **S**):

Short Title:

Assigned to Subcommittee on:

Re-Assigned to Subcommittee on:

Bill Number (Indicate **H** or **S**):

Short Title:

Assigned to Subcommittee on:

Re-Assigned to Subcommittee on:

Bill Number (Indicate **H** or **S**):

Short Title:

Assigned to Subcommittee on:

Re-Assigned to Subcommittee on:

Bill Number (Indicate **H** or **S**):

Short Title:

Assigned to Subcommittee on:

Re-Assigned to Subcommittee on:

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

HOUSE BILL 1256

Short Title:	Change the Teacher Portfolio Requirement.	(Public)
Sponsors:	Representatives Underhill, McLawhorn (Primary Sponsors); Wainwright, Coates, Holliman, and Harrington.	
Referred to:	Education.	

April 12, 2001

A BILL TO BE ENTITLED

AN ACT TO MODIFY THE PERFORMANCE-BASED LICENSURE PROGRAM TO PERMIT BEGINNING TEACHERS TO SUBMIT PORTFOLIOS DURING THE THIRD YEAR OF TEACHING.

Whereas, the General Assembly directed the North Carolina State Board of Education, in consultation with the Board of Governors of The University of North Carolina, to evaluate and develop enhanced requirements for continuing teacher certification that reflect more rigorous standards for continuing certification; and

Whereas, the State Board of Education carried out this responsibility by adopting the Performance-Based Licensure Program; and

Whereas, the Policy Manual of the State Board of Education states that this process is designed to offer the beginning teacher the autonomy and responsibility for developing a product that reflects his or her teaching; and

Whereas, the Program requires each initially licensed teacher to prepare a performance-based product, which is a collection of evidence produced in the normal course of teaching, representing the teacher's best work; and

Whereas, this evidence is gathered over time through a systematic process of reflection and is ultimately compiled in a finished product to be submitted for licensure review; and

Whereas, according to the Policy Manual, the product is typically submitted during the second year of teaching; and

Whereas, the expectation that most teachers will submit this product during the second year of teaching undermines a teacher's ability to focus on his or her primary responsibilities, which are the teacher's responsibilities to the students and to improving professional skills; Now, therefore,

The General Assembly of North Carolina enacts:

SECTION 1. The State Board of Education shall modify the timetable for the Performance-Based Licensure Program so that initially licensed teachers typically submit a performance-based product during the third year of teaching.

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

HOUSE BILL 1256:
Change the Teacher Portfolio Requirement

BILL ANALYSIS

Committee:	House Education	**Introduced by:**	Representative Underhill Representative McLawhorn
Date:	April 19, 2001		
Version:	First	**Summary by:**	Shirley Iorio, Ph D Committee Staff

SUMMARY: This bill would require the State Board of Education to modify the Performance-Based Licensure Program to allow initially licensed teachers to submit their performance-based product during the third year of teaching.

This act would be effective when it becomes law.

BACKGROUND: The following information is taken from the **Performance-Based Licensure Handbook**, August, 2000, distributed by the NC Department of Public Instruction:

North Carolina implemented the Initial Licensure Program (ILP) in the mid 1980's to provide support for beginning teachers and to ease the transition from preservice to inservice teacher. Local school systems were responsible for developing Initial Licensure Programs to support beginning teachers. Initial Licensure Program plans, which required collaboration with colleges and universities with approved teacher education programs, were submitted annually to the Department of Public Instruction.

With the implementation of the program (ILP), beginning teachers were issued initial licenses which allowed them to teach for two years. During their first two years of teaching, these teachers were assigned mentors (unpaid), formally observed at least three times each year, and evaluated annually by their principals. At the end of the second year, beginning teachers who received ratings of "at standard" or "above standard" on the first five functions (management of instructional time; management of student behavior; instructional presentation; instructional monitoring; and instructional feedback) of the NC Teacher Performance Appraisal Instrument (TPAI) were recommended by their school systems for a continuing license. With very few exceptions (at most 5-10 per year), all beginning teachers were recommended for a continuing license, resulting in a conversion rate from initial to continuing licenses of 99.8%. Teacher Education Program approval criteria included the requirement that colleges and universities maintain 95% conversion rates of initial to continuing licenses by their graduates. Because so few teachers were not recommended for continuing licenses, colleges and universities easily met this criterion.

The Excellent Schools Act, now codified in part in GS 115C-296, directed that

> *The State Board of Education, in consultation with the Board of Governors of The University of North Carolina, shall evaluate and develop enhanced requirements for continuing certification. The new requirements shall reflect more rigorous standards for continuing certification and to the extent possible shall be aligned with quality professional development programs that reflect State priorities for improving student achievement.*

To this end, an advisory committee was convened by the Department of Public Instruction during the 1997-98 school year. This committee recommended that the submission of a performance-based product which addresses the national standards for what beginning teachers should know and be able to do should be required. This is the basis of the Performance-Based Licensure Program.

The Performance-Based Licensure (PBL) Program is designed to provide beginning teachers direction, support, and feedback during their first years in the classroom so that their experiences are positive and focused on the knowledge, skills, and dispositions associated with effective teaching. In this process, the beginning teacher demonstrates what he/she knows and is able to do by assembling a Performance-Based Product that contains evidence from the second year in his/her classroom.

Just as in other professions, it is the responsibility of the person seeking a license to demonstrate that he or she has the requisite knowledge, skills, and attitudes. The Performance-Based Licensure Process is designed to offer the beginning teacher the autonomy and responsibility for developing a product that reflects his or her teaching. The model recognizes the very different contexts in which teachers work and provides them the opportunity to present that which best reflects their knowledge and skills in that context. The PBL product is a collection of evidence gathered over time in the normal course of teaching, using a systematic process of reflection. It contains three components: Component A focuses on Instructional Practice; Component B focuses on Unique Learner Needs; Component C focuses on Classroom Climate. In addition, it contains documentation related to professional growth.
Each product is evaluated by assessors who have qualified after completing a rigorous training program. Candidates who do not earn the required minimum score must rework and resubmit the portion(s) of the product with identified deficiencies. The product is typically submitted during the second year of teaching. Lateral entry and provisionally licensed teachers must be within six semester hours of completing their prescribed programs of study to submit the product. The product must reflect the initial teaching license area.

The Performance-Based Licensure Program allows up to three licensure reviews. Each time the performance-based product is submitted for the licensure review, it is evaluated by two trained assessors who do not know the candidate and who work independently of each other. The candidate is guaranteed that his or her product will be reviewed by a practicing classroom teacher and by an assessor who holds a license in the same field.

Initial Licensure Program Timetable

Year 1	The initially licensed teacher: ■ is assigned a mentor ■ is provided an orientation ■ is introduced to the Performance-Based Licensure (PBL) model, including the INTASC Standards and reflective practice ■ has access to training on Performance-Based Product (PBP) design ■ develops an Individual Growth Plan (IGP) ■ is observed at least four times culminating with a summative evaluation ■ retains a copy of the summative evaluation, IGP, and documentation of professional growth and contribution activities
Year 2	The initially licensed teacher: ■ continues to have a mentor teacher ■ updates the Individual Growth Plan ■ has access to training on Performance-Based Product (PBG) design ■ develops a product ■ is observed at least four times culminating with a summative evaluation ■ submits a product for licensure review by June 15

Products are assessed in June and July and returned to the initially licensed teacher (ILT). Results of the evaluation are sent to the candidate and the school system. If the ILT obtains the required minimum total score, a continuing license will be issued when the ILT completes the third year of teaching provided that the designated official at the local level has no knowledge of any reason related to conduct or character to deny the individual teacher a continuing license. If the ILT does not obtain the required minimum total score, he/she resubmits those components scored below the individual minimum scores as described below.

Year 3	The initially licensed teacher: ■ continues to have a mentor teacher ■ updates the Individual Growth Plan ■ is observed at least four times culminating with a summative evaluation ■ reworks and resubmits (if necessary) any portion(s) of the performance-based product with identified deficiencies (on or before December 15 and/or on or before June 15 as detailed below)

Any ILT who did not obtain the required total minimum score on the performance-based product submitted during the second year reworks and resubmits the component(s) scored below the minimum individual score by December 15. The component(s) is(are) assessed and the results are returned by the end of January. If the candidate obtains the required minimum score on the component(s), he or she receives notification indicating that a continuing license will be issued upon completion of the third year of teaching provided that the designated official at the local level has no knowledge of any reason related to conduct or character to deny the individual teacher a continuing license.

If the candidate still has not obtained the required minimum score on the component(s), he or she continues to work in the area(s) of deficiency and resubmits the component(s) by June 15 for final assessment. The component(s) is(are) assessed for a final time, and the results are returned to the candidate and the school system.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

HOUSE BILL 1198

Short Title:	Teachers' Duty to Prepare Portfolios Limited.	(Public)
Sponsors:	Representatives Shubert; Brubaker and Harrington.	
Referred to:	Education.	

April 12, 2001

A BILL TO BE ENTITLED

AN ACT TO LIMIT THE NUMBER OF PORTFOLIOS THAT TEACHERS ARE REQUIRED TO PREPARE.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-296(b) reads as rewritten:

"(b) **(See Note)** It is the policy of the State of North Carolina to maintain the highest quality teacher education programs and school administrator programs in order to enhance the competence of professional personnel certified in North Carolina. To the end that teacher preparation programs are upgraded to reflect a more rigorous course of study, the State Board of Education, as lead agency in coordination and cooperation with the University Board of Governors, the Board of Community Colleges and such other public and private agencies as are necessary, shall continue to refine the several certification requirements, standards for approval of institutions of teacher education, standards for institution-based innovative and experimental programs, standards for implementing consortium-based teacher education, and standards for improved efficiencies in the administration of the approved programs. The certification program shall provide for initial certification after completion of preservice training, continuing certification after three years of teaching experience, and certificate renewal every five years thereafter.

The State Board of Education, as lead agency in coordination with the Board of Governors of The University of North Carolina and any other public and private agencies as necessary, shall continue to raise standards for entry into teacher education programs.

The State Board of Education, in consultation with the Board of Governors of The University of North Carolina, shall evaluate and develop enhanced requirements for continuing certification. The new requirements shall reflect more rigorous standards for continuing certification and to the extent possible shall be aligned with quality

professional development programs that reflect State priorities for improving student achievement.

The State Board of Education, in consultation with local boards of education and the Board of Governors of The University of North Carolina, shall reevaluate and enhance the requirements for renewal of teacher certificates. The State Board shall consider modifications in the certificate renewal achievement and to make it a mechanism for teachers to renew continually their knowledge and professional skills. The State Board shall adopt new standards for the renewal of teacher certificates by May 15, 1998.

Effective July 1, 2001, teachers shall not be required to prepare or submit portfolios for continuing certification at the State level or for renewal of teacher certificates at the State level. Also, portfolios shall not be used in the State certification process.

The standards for approval of institutions of teacher education shall require that teacher education programs for students who do not major in special education include demonstrated competencies in the identification and education of children with learning disabilities. The State Board of Education shall incorporate the criteria developed in accordance with G.S. 116-74.21 for assessing proposals under the School Administrator Training Program into its school administrator program approval standards.

All North Carolina institutions of higher education that offer teacher education programs, masters degree programs in education, or masters degree programs in school administration shall provide performance reports to the State Board of Education. The performance reports shall follow a common format, shall be submitted according to a plan developed by the State Board, and shall include the information required under the plan developed by the State Board."

SECTION 2. G.S. 115C-307 is amended by adding a new subsection to read:

"**§ 115C-307. Duties of teachers.**

...

(i) To Produce Portfolios for Some Students. — A teacher may prepare a portfolio of a student's work if the teacher determines that it will benefit the student to do so. A teacher shall not be required to prepare portfolios for any students except for students with special needs. Any portfolio of a student's work that is prepared by a teacher shall be shared with the student's parent or guardian."

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

full

2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

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

☐ Committee Substitute for
H.B. 1128 A BILL TO BE ENTITLED AN ACT TO ELIMINATE UNNECESSARY AND DUPLICATIVE PAPERWORK IN THE PUBLIC SCHOOLS.

☒ With a favorable report.

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

☐ With a favorable report, as amended.

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

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

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

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

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

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

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

☐ Without prejudice.

☐ With an indefinite postponement report.

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

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

2/15/01

HOUSE BILL 1128:
Reduce School Paperwork

BILL ANALYSIS

Committee:	House Education	**Introduced by:**	Rep. Blust
Date:	April 19, 2001	**Summary by:**	Shirley Iorio, Ph D
Version:	First		Committee Staff

SUMMARY: ***This bill would reduce paperwork for local school systems. It would require the State Board of Education (Board) to adopt rules to ensure that local school administrative units are not required by the Board, the State Superintendent, or Department of Public Instruction (DPI) staff to:***

i. provide information that is already available on the student information management system or housed within DPI,

ii. provide the same written information more than once during a school year unless the information has changed, or

iii. complete forms for children with disabilities that are not necessary for compliance with the federal law.

The State Board may require the above information if there is a compelling need or there is not a faster or more efficient way of getting the information.

The act would become effective July 1, 2001.

BACKGROUND: In 2000, a very similar bill was passed to reduce paperwork for teachers.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

H 1

HOUSE BILL 1128*

Short Title:	Reduce School Paperwork.	(Public)
Sponsors:	Representatives Blust; Carpenter, Clary, Creech, Culp, Davis, Decker, Gulley, Harrington, Hilton, Johnson, Justus, McCombs, Miner, Morris, Starnes, Teague, Walend, Walker, Weatherly, and West.	
Referred to:	Education.	

April 12, 2001

A BILL TO BE ENTITLED

AN ACT TO ELIMINATE UNNECESSARY AND DUPLICATIVE PAPERWORK IN THE PUBLIC SCHOOLS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-12(19) reads as rewritten:

"**§ 115C-12. Powers and duties of the Board generally.**

The general supervision and administration of the free public school system shall be vested in the State Board of Education. The State Board of Education shall establish policy for the system of free public schools, subject to laws enacted by the General Assembly. The powers and duties of the State Board of Education are defined as follows:

...

(19) Duty to Identify Required ~~Reports.~~Reports and to Eliminate Unnecessary Reports and Paperwork. – Prior to the beginning of each school year, the State Board of Education shall identify all reports that are required at the State level for the school year.

The State Board of Education shall adopt rules to ensure that local school administrative units are not required by the State Board of Education, the State Superintendent, or Department of Public Instruction staff to (i) provide information that is already available on the student information management system or housed within the Department of Public Instruction; (ii) provide the same written information more than once during a school year unless the information has changed during the ensuing period; or (iii) complete forms, for children with disabilities, that are not necessary to ensure compliance with the federal Individuals with Disabilities Education

Act (IDEA). Notwithstanding the foregoing, the State Board may require information available on its student information management system or require the same information twice if the State Board can demonstrate a compelling need and can demonstrate there is not a more expeditious manner of getting the information."

SECTION 2. This act becomes effective July 1, 2001.

HOUSE BILL 1198:
Teachers' Duty to Prepare Portfolios limited

BILL ANALYSIS

Committee:	House Education	**Introduced by:**	Rep. Shubert
Date:	April 19, 2001	**Summary by:**	Shirley Iorio, Ph D
Version:	First		Committee Staff

SUMMARY: ***This bill would provide that portfolios shall not be used in the State certification process. It further specifies that teachers shall not be required to prepare or submit portfolios for continuing certification or for renewal of teacher certificates.***

House Bill 1198 also provides that teachers shall not be required to prepare portfolios for any students except for students with disabilities, and that any portfolio of a student's work prepared by a teacher must be shared with the student's parent or guardian.

This act would be effective when it becomes law.

BACKGROUND: The following information is taken from the **Performance-Based Licensure Handbook**, August, 2000, distributed by the NC Department of Public Instruction:

North Carolina implemented the Initial Licensure Program (ILP) in the mid 1980's to provide support for beginning teachers and to ease the transition from preservice to inservice teacher. Local school systems were responsible for developing Initial Licensure Programs to support beginning teachers. Initial Licensure Program plans, which required collaboration with colleges and universities with approved teacher education programs, were submitted annually to the Department of Public Instruction.

With the implementation of the program (ILP), beginning teachers were issued initial licenses which allowed them to teach for two years. During their first two years of teaching, these teachers were assigned mentors (unpaid), formally observed at least three times each year, and evaluated annually by their principals. At the end of the second year, beginning teachers who received ratings of "at standard" or "above standard" on the first five functions (management of instructional time; management of student behavior; instructional presentation; instructional monitoring; and instructional feedback) of the NC Teacher Performance Appraisal Instrument (TPAI) were recommended by their school systems for a continuing license. With very few exceptions (at most 5-10 per year), all beginning teachers were recommended for a continuing license, resulting in a conversion rate from initial to continuing licenses of 99.8%. Teacher Education Program approval criteria included the requirement that colleges and universities maintain 95% conversion rates of initial to continuing licenses by their graduates. Because so few teachers were not recommended for continuing licenses, colleges and universities easily met this criterion.

The Excellent Schools Act, now codified in part in GS 115C-296, directed that

> *The State Board of Education, in consultation with the Board of Governors of The University of North Carolina, shall evaluate and develop enhanced requirements for continuing certification. The new requirements shall reflect more rigorous standards for continuing certification and to the extent possible shall be aligned with quality*

professional development programs that reflect State priorities for improving student achievement.

To this end, an advisory committee was convened by the Department of Public Instruction during the 1997-98 school year. This committee recommended that the submission of a performance-based product which addresses the national standards for what beginning teachers should know and be able to do should be required. This is the basis of the Performance-Based Licensure Program.

The Performance-Based Licensure (PBL) Program is designed to provide beginning teachers direction, support, and feedback during their first years in the classroom so that their experiences are positive and focused on the knowledge, skills, and dispositions associated with effective teaching. In this process, the beginning teacher demonstrates what he/she knows and is able to do by assembling a Performance-Based Product that contains evidence from the second year in his/her classroom.

Just as in other professions, it is the responsibility of the person seeking a license to demonstrate that he or she has the requisite knowledge, skills, and attitudes. The Performance-Based Licensure Process is designed to offer the beginning teacher the autonomy and responsibility for developing a product that reflects his or her teaching. The model recognizes the very different contexts in which teachers work and provides them the opportunity to present that which best reflects their knowledge and skills in that context. The PBL product is a collection of evidence gathered over time in the normal course of teaching, using a systematic process of reflection. It contains three components: Component A focuses on Instructional Practice; Component B focuses on Unique Learner Needs; Component C focuses on Classroom Climate. In addition, it contains documentation related to professional growth.
Each product is evaluated by assessors who have qualified after completing a rigorous training program. Candidates who do not earn the required minimum score must rework and resubmit the portion(s) of the product with identified deficiencies. The product is typically submitted during the second year of teaching. Lateral entry and provisionally licensed teachers must be within six semester hours of completing their prescribed programs of study to submit the product. The product must reflect the initial teaching license area.

The Performance-Based Licensure Program allows up to three licensure reviews. Each time the performance-based product is submitted for the licensure review, it is evaluated by two trained assessors who do not know the candidate and who work independently of each other. The candidate is guaranteed that his or her product will be reviewed by a practicing classroom teacher and by an assessor who holds a license in the same field.

2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

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

☐ Committee Substitute for
H.B. 1087 A BILL TO BE ENTITLED AN ACT TO MAKE VOLUNTEER FILES MAINTAINED BY LOCAL BOARDS OF EDUCATION PRIVATE.

☐ With a favorable report.

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

☐ With a favorable report, as amended.

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

☒ With a favorable report as to committee substitute bill, ☐ ~~which changes the title,~~ unfavorable as to original bill

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

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

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

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

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

☐ Without prejudice.

☐ With an indefinite postponement report.

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

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

2/15/01

HOUSE BILL 1087:
School Volunteer Records Are Confidential

BILL ANALYSIS

Committee:	House Education	**Introduced by:**	Rep. Saunders
Date:	April 23, 2001	**Summary by:**	Robin Johnson
Version:	First		Committee Counsel

SUMMARY: This bill would make confidential school records regarding volunteers, former volunteers, and persons applying to be volunteers (volunteers).

The bill would take effect when it becomes law.

CURRENT LAW: There is a general legal duty of school boards to use reasonable care in selecting, training, and supervising volunteers. Consequently, it is recommended that boards have policies for selecting and using volunteers. For certain volunteer positions, particularly where there will be student contact and limited supervision, it also is recommended that a background check, which may include a criminal records check, be done.

Currently, all school board records are public, unless statutorily made confidential. Thus, student and certain personnel records are not public. A volunteer may expect privacy; however, except for a volunteer's criminal history report received from the SBI, a volunteer's record is considered a public record.

It is possible that releasing or making public negative information concerning a volunteer would have the potential of becoming the basis of a defamation lawsuit. However, the information would need to be false. Even if the information was false, the board would not be found liable if the person who released the information did so in good faith and while upholding a valid interest (e.g., maintaining a safe school) or pursuing a legal right or duty, and the person who heard the information had a corresponding interest, right, or duty.

BILL ANALYSIS: The bill would amend Article 13 of Chapter 115C of the General Statutes (Community Schools Act) by adding a new G.S. 115C-209.1, "Confidentiality of certain volunteer records" This new section would provide that all school records regarding volunteers are confidential records and are not open to public inspection under the Public Records Act. Volunteers are defined as persons who provide services to the board without expectation of compensation and with the understanding that the board is not obligated to accept the services of pay for them.

The volunteers, superintendent, school supervisory personnel, members of the local board, the school board's attorney, and a party by authorization of a subpoena or court record, would be permitted to inspect the records. The new section also would authorize the release or inspection of these records when the board determines the release or inspection is essential to maintaining the integrity of the board OR to maintaining the level or quality of services provided by the board AND the board prepares a written memorandum with its reasons for release or inspection. The superintendent must keep the memorandum, which is a public record.

The bill would not require school systems to maintain records related to volunteers.

H1087-SMRH-001 Information related to current law provided by *"Legal Issues in School Volunteer Programs"* by Ingrid M. Johansen, School Law Bulletin, Spring 1998.

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 1087

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

H1087-ARH-21 [v.1]

Date _____,2001

Comm. Sub. [NO]
Amends Title [NO]
First Edition

Representative

moves to amend the bill on page 1, line 16, by inserting at the end of the line the following word:
"and".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

H D

HOUSE BILL 1087
PROPOSED COMMITTEE SUBSTITUTE H1087-PCS2243-RH-31

Short Title: School Volunteer Records Are Confidential. (Public)

Sponsors:

Referred to:

April 11, 2001

A BILL TO BE ENTITLED

AN ACT TO MAKE VOLUNTEER FILES MAINTAINED BY LOCAL BOARDS OF EDUCATION PRIVATE.

The General Assembly of North Carolina enacts:

SECTION 1. Article 13 of Chapter 115C of the General Statutes is amended by adding a new section to read:

"**§ 115C-209.1. Confidentiality of certain volunteer records.**

(a) All records of a local school administrative unit regarding volunteers, former volunteers, and persons applying to be volunteers are confidential and are not public records as provided in Chapter 132 of the General Statutes. These records shall be open for inspection only to the following persons:

(1) The volunteer, former volunteer, person who applied to be a volunteer, or that person's properly authorized agent who may examine the person's file in its entirety at any reasonable time;

(2) The superintendent and other supervisory personnel;

(3) The parent or guardian of any student with whom the volunteer has or had contact;

(4) Members of the local board of education and the board's attorney; and

(5) A party, by authority of a subpoena or proper court order, only to the extent authorized by and in accordance with that subpoena or court order.

(b) A local board of education may also release or permit the inspection of a volunteer file if, prior to the release of the information or inspection of the file, the local board of education:

(1) Determines that the release of the information or inspection of the file is essential (i) to maintaining the integrity of the local board of education or (ii) to maintaining the level or quality of services provided by the local board of education; and

(2) Prepares a memorandum setting forth the local board's reasons for releasing the records or permitting the inspection of the files. This memorandum shall be retained in the files of the superintendent and shall be a public record.

(c) As used in this section, a volunteer is a person who provides services to a local board of education without expectation of compensation and with the understanding that the local board of education is under no obligation to continue accepting those services or to compensate the volunteer for them.

(d) This section shall not be construed to require a local school administrative unit to maintain records on volunteers, former volunteers, or persons applying to be volunteers, except where there is evidence of volunteer misconduct."

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

HOUSE BILL 1087

Short Title:	School Volunteer Records Are Confidential.	(Public)
Sponsors:	Representative Saunders.	
Referred to:	Education.	

April 11, 2001

A BILL TO BE ENTITLED

AN ACT TO MAKE VOLUNTEER FILES MAINTAINED BY LOCAL BOARDS OF EDUCATION PRIVATE.

The General Assembly of North Carolina enacts:

SECTION 1. Article 13 of Chapter 115C of the General Statutes is amended by adding a new section to read:

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(a) All records of a local school administrative unit regarding volunteers, former volunteers, and persons applying to be volunteers are confidential and are not public records as provided in Chapter 132 of the General Statutes. These records shall be open for inspection only to the following persons:

(1) The volunteer, former volunteer, person who applied to be a volunteer, or that person's properly authorized agent, who may examine the person's file in its entirety at any reasonable time;

(2) The superintendent and other supervisory personnel;

(3) Members of the local board of education and the board's attorney;

(4) A party, by authority of a subpoena or proper court order, only to the extent authorized by and in accordance with that subpoena or court order.

(b) A local board of education may also release or permit the inspection of a volunteer file if, prior to the release of the information or inspection of the file, the local board of education:

(1) Determines that the release of the information or inspection of the file is essential (i) to maintaining the integrity of the local board of education or (ii) to maintaining the level or quality of services provided by the local board of education; and

(2) Prepares a memorandum setting forth the local board's reasons for releasing the records or permitting the inspection of the files. This

memorandum shall be retained in the files of the superintendent and shall be a public record.

(c) As used in this section, a volunteer is a person who provides services to a local board of education without expectation of compensation and with the understanding that the local board of education is under no obligation to continue accepting those services or to compensate the volunteer for them.

(d) This section shall not be construed to require a local school administrative unit to maintain records on volunteers, former volunteers, or persons applying to be volunteers."

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

2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

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

☐ Committee Substitute for
H.B. 1125 A BILL TO BE ENTITLED AN ACT TO CLARIFY THE PROCEDURE FOR ENROLLING CHILDREN IN THE PUBLIC SCHOOLS.

☐ With a favorable report.

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

☐ With a favorable report, as amended.

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

☒ With a favorable report as to committee substitute bill, ☐ ~~which changes the title,~~ unfavorable as to original bill.

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

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

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

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

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

☐ Without prejudice.

☐ With an indefinite postponement report.

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

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

2/15/01

HOUSE BILL 1125:
Clarify School Admissions Procedures.

BILL ANALYSIS

Committee:	House Education	**Introduced by:**	Representative Daughtry
Date:	April 19, 2001	**Summary by:**	Sara Kamprath
Version:	First		Education Policy Analyst

SUMMARY: ***House Bill 1125 clarifies the procedure for enrolling a child who is not a domiciliary of a local school administrative unit but is living with a parent, legal custodian, or custodial adult who is domiciled in the local school administrative unit. The bill becomes effective July 1, 2001 and applies beginning with the 2001-02 school year.***

BILL ANALYSIS: House Bill 1125 amends the law concerning the assignment of a student to a particular school. A parent, legal custodian, or custodial adult who is domiciled in a local school administrative would be the person to enroll a student, who is not a domiciliary, in a school. The bill would give the adult, who the student is residing with, the same legal authority, responsibility, and civil and criminal liability as the parent or legal custodian would have.

H1125-SMRJ-001

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

H D

HOUSE BILL 1125
PROPOSED COMMITTEE SUBSTITUTE H1125-PCS5215-RC-32

Short Title: Clarify School Admissions Procedures. (Public)

Sponsors:

Referred to:

April 12, 2001

A BILL TO BE ENTITLED

AN ACT TO CLARIFY THE PROCEDURE FOR ENROLLING CHILDREN IN THE PUBLIC SCHOOLS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-366 reads as rewritten:

"**§ 115C-366. Assignment of student to a particular school.**

(a) All students under the age of 21 years who are domiciled in a school administrative unit who have not been removed from school for cause, or who have not obtained a high school diploma, are entitled to all the privileges and advantages of the public schools to which they are assigned by the local boards of education. A parent, legal custodian, or custodial adult, as provided in subsection (a3) of this section, who is domiciled in the local school administrative unit, shall be the person to enroll the minor child or children in that school. This section shall not apply to preadoptive placement. The assignment of students living in one local school administrative unit or district to a school located in another local school administrative unit or district, shall have no effect upon the right of the local school administrative unit or district to which the students are assigned to levy and collect any supplemental tax heretofore or hereafter voted in that local school administrative unit or district.

...

(a3) A student who is not a domiciliary of a local school administrative unit may attend, without the payment of tuition, the public schools of that unit if:

(1) The student resides with an adult, who is a domiciliary of that unit, as a result of:

a. The death, serious illness, or incarceration of a parent or legal guardian,

b. The abandonment by a parent or legal guardian of the complete control of the student as evidenced by the failure to provide substantial financial support and parental guidance,

c. Abuse or neglect by the parent or legal guardian,

d. The physical or mental condition of the parent or legal guardian is such that he or she cannot provide adequate care and supervision of the student, or

e. The loss or uninhabitability of the student's home as the result of a natural disaster;

(2) The student is not currently under a term of suspension or expulsion from a school for conduct that could have led to a suspension or an expulsion from the local school administrative unit; and

(3) The adult with whom the student resides and the student's parent, guardian, or legal custodian have each completed and signed separate affidavits that:

a. Confirm the qualifications set out in this subsection establishing the student's residency,

b. Attest that the student's claim of residency in the unit is not primarily related to attendance at a particular school within the unit, and

c. Attest that the adult with whom the student is residing has been given and accepts responsibility for educational decisions for the child, including receiving notices of discipline under G.S. 115C-391, attending conferences with school personnel, granting permission for school-related activities, and taking appropriate action in connection with student records. The adult under this subsection shall have the same legal authority, responsibility, and liability regarding the student as a parent or legal custodian would have.

For purposes of subdivision (1)c. of this subsection, a student shall be deemed to be abused or neglected if there has been an adjudication of that issue. The State Board may adopt an additional definition of abuse and neglect and that definition shall also apply to this subsection.

If the student's parent, guardian, or legal custodian is unable, refuses, or is otherwise unavailable to sign the affidavit, then the adult with whom the student is living shall attest to that fact in the affidavit. The adult with whom the student is residing shall have the same legal authority, responsibility, and liability as the parent or legal guardian, even if the parent or legal custodian does not sign the above-mentioned affidavit.

Upon receipt of both affidavits or an affidavit from the adult with whom the student is living that includes an attestation that the student's parent, guardian, or legal custodian is unable, refuses, or is otherwise unavailable to sign an affidavit, the local board shall admit and assign as soon as practicable the student to an appropriate school, as determined under the local board's school assignment policy, pending the results of any further procedures for verifying eligibility for attendance and assignment within the local school administrative unit.

If it is found that the information contained in either or both affidavits is false, then the local board may, unless the student is otherwise eligible for school attendance under other laws or local board policy, remove the student from school. If a student is removed from school, the board shall provide an opportunity to appeal the removal under the appropriate policy of the local board and shall notify any person who signed the affidavit of this opportunity. If it is found that a person willfully and knowingly provided false information in the affidavit, the maker of the affidavit shall be guilty of a Class 1 misdemeanor and shall pay to the local board an amount equal to the cost of educating the student during the period of enrollment. Repayment shall not include State funds.

Affidavits shall include, in large print, the penalty, including repayment of the cost of educating the student, for providing false information in an affidavit.

...."

SECTION 2. G.S. 115C-111 reads as rewritten:

"**§ 115C-111. Free appropriate education for all children with special needs.**

No child with special needs between the ages specified by G.S. 115C-109 shall be denied a free appropriate public education or be prevented from attending the public schools of the local educational agency in which he or his parents or legal guardian ~~resides~~ is domiciled or from which he receives services or from attending any other public program of free appropriate public education because he is a child with special needs. If it appears that a child should receive a program of free appropriate public education in a program operated by or under the supervision of the Department of Health and Human Services or the Department of Juvenile Justice and Delinquency Prevention, the local educational agency shall confer with the appropriate Department of Health and Human Services or Department of Juvenile Justice and Delinquency Prevention staff for their participation and determination of the appropriateness of placement in said program and development of the child's individualized education program. The individualized education program may then be challenged under the due process provisions of G.S. 115C-116. Every child with special needs shall be entitled to attend these nonresidential schools or programs and receive from them free appropriate public education."

SECTION 3. This act becomes effective July 1, 2001, and applies beginning with the 2001-2002 school year.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

H 1

HOUSE BILL 1125

Short Title:	Clarify School Admissions Procedures.	(Public)
Sponsors:	Representatives Daughtry; and Harrington.	
Referred to:	Education.	

April 12, 2001

A BILL TO BE ENTITLED

AN ACT TO CLARIFY THE PROCEDURE FOR ENROLLING CHILDREN IN THE PUBLIC SCHOOLS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-366 reads as rewritten:

"**§ 115C-366. Assignment of student to a particular school.**

(a) All students under the age of 21 years who are domiciled in a school administrative unit who have not been removed from school for cause, or who have not obtained a high school diploma, are entitled to all the privileges and advantages of the public schools to which they are assigned by the local boards of education. A parent, legal custodian, or custodial adult, as provided in subsection (a3) of this section, who is domiciled in the local school administrative unit, shall be the person to enroll the minor child or children in that school. The assignment of students living in one local school administrative unit or district to a school located in another local school administrative unit or district, shall have no effect upon the right of the local school administrative unit or district to which the students are assigned to levy and collect any supplemental tax heretofore or hereafter voted in that local school administrative unit or district.

...

(a3) A student who is not a domiciliary of a local school administrative unit may attend, without the payment of tuition, the public schools of that unit if:

(1) The student resides with an adult, who is a domiciliary of that unit, as a result of:

a. The death, serious illness, or incarceration of a parent or legal guardian,

b. The abandonment by a parent or legal guardian of the complete control of the student as evidenced by the failure to provide substantial financial support and parental guidance,

c. Abuse or neglect by the parent or legal guardian,

d. The physical or mental condition of the parent or legal guardian is such that he or she cannot provide adequate care and supervision of the student, or

e. The loss or uninhabitability of the student's home as the result of a natural disaster;

(2) The student is not currently under a term of suspension or expulsion from a school for conduct that could have led to a suspension or an expulsion from the local school administrative unit; and

(3) The adult with whom the student resides and the student's parent, guardian, or legal custodian have each completed and signed separate affidavits that:

a. Confirm the qualifications set out in this subsection establishing the student's residency,

b. Attest that the student's claim of residency in the unit is not primarily related to attendance at a particular school within the unit, and

c. Attest that the adult with whom the student is residing has been given and accepts responsibility for educational decisions for the child, including receiving notices of discipline under G.S. 115C-391, attending conferences with school personnel, granting permission for school-related activities, and taking appropriate action in connection with student records. The adult under this subsection shall have the same legal authority, responsibility, and criminal and civil liability regarding the student as a parent or legal custodian would have.

For purposes of subdivision (1)c. of this subsection, a student shall be deemed to be abused or neglected if there has been an adjudication of that issue. The State Board may adopt an additional definition of abuse and neglect and that definition shall also apply to this subsection.

If the student's parent, guardian, or legal custodian is unable, refuses, or is otherwise unavailable to sign the affidavit, then the adult with whom the student is living shall attest to that fact in the affidavit. The adult with whom the student is residing shall have the same legal authority, responsibility, and criminal and civil liability as the parent or legal guardian, even if the parent or legal custodian does not sign the above-mentioned affidavit.

Upon receipt of both affidavits or an affidavit from the adult with whom the student is living that includes an attestation that the student's parent, guardian, or legal custodian is unable, refuses, or is otherwise unavailable to sign an affidavit, the local board shall admit and assign as soon as practicable the student to an appropriate school, as determined under the local board's school assignment policy, pending the results of any further procedures for verifying eligibility for attendance and assignment within the local school administrative unit.

If it is found that the information contained in either or both affidavits is false, then the local board may, unless the student is otherwise eligible for school attendance under

other laws or local board policy, remove the student from school. If a student is removed from school, the board shall provide an opportunity to appeal the removal under the appropriate policy of the local board and shall notify any person who signed the affidavit of this opportunity. If it is found that a person willfully and knowingly provided false information in the affidavit, the maker of the affidavit shall be guilty of a Class 1 misdemeanor and shall pay to the local board an amount equal to the cost of educating the student during the period of enrollment. Repayment shall not include State funds.

Affidavits shall include, in large print, the penalty, including repayment of the cost of educating the student, for providing false information in an affidavit.

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"**§ 115C-111. Free appropriate education for all children with special needs.**

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SECTION 3. This act becomes effective July 1, 2001, and applies beginning with the 2001-2002 school year.

VISITOR REGISTRATION SHEET

Education — April 23, 2001

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Susan Harrison	WCBS
Anne Berlan	Berlan Associates
Kathy Pierson	DPI
Brad Mynny	DPI
Jinda Dupre	NCASA
[illegible]	SBE
Mary Watson	DPI
Vicki Collins	PBL Team - Southeast Region
Brent Anderson	PBL TEAM - SOUTHEAST REGION
Sian LAWRENCE	Atty
Pam Deardorff	4A10 / DOA

VISITOR REGISTRATION SHEET

Education — April 23, 2001

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Esther High	NC DSS
Sharnessa Ransome	NC DSS
Angela Farthing	NCAE
Carolyn McKinney	NCAE
Audrey S. Galloway	NCAE
Jack Pollin	NCAG
Tim Stem	NCAG
John Bardo	WCU
Thomas McClure	"
Robin [illegible]	NCASA
Marsha Gans	DOA

VISITOR REGISTRATION SHEET

Education — April 23, 2001

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Jared Gaul	Nat'l Board for Professional Teaching Standards
Bill Brooks	NCFPC

2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

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

☐ Committee Substitute for
H.B. 1289 A BILL TO BE ENTITLED AN ACT TO ENACT THE STUDENT CITIZEN ACT OF 2001.

☒ With a favorable report.

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

☐ With a favorable report, as amended.

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

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

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

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

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

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

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

☐ Without prejudice.

☐ With an indefinite postponement report.

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

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

2/15/01

HOUSE BILL 1289:
The Student Citizen Act of 2001.

BILL ANALYSIS

Committee:	House Education	**Introduced by:**	Rep. Rogers, Warner, Boyd-McIntyre, Bonner
Date:	April 23, 2001		
Version:	First	**Summary by:**	Sara Kamprath Education Policy Analyst

SUMMARY: ***House Bill 1289 creates the "Student Citizenship Act of 2001". The bill directs the State Board of Education to modify the high school and middle school social studies curriculum to give students hands-on participation in the democratic process. The bill also requires local boards of education to develop and implement a character education curriculum and to include a reasonable dress code policy in the student conduct policies.***

BACKGROUND: Based on a recommendation from the Joint Legislative Education Oversight Committee, 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. This change was part of the legislation that implemented the ABC's Plan.

The Social Studies curriculum is currently in the process of being revised. Next month, the Board will review a revised scope and sequence of topics. The final draft of the complete social studies curriculum revision will probably go before the State Board at the end of this year.

BILL ANALYSIS:

Changes in the social studies curriculum

The State Board shall modify the high school and middle school social studies curriculum to include instruction in civics and citizenship.

The State Board is encouraged to include the following components in the revised high school curriculum:

1. require students to write an elected official about an important issue
2. instruct students on the importance of voting and participating in a democracy
3. provide information about current events and government structure
4. provide information about the democratic process and how laws are made

Instruction may be offered in a one-week unit or by inserting material during the school year.

The State Board is encouraged to include the following components in the revised middle school curriculum:

1. tour representative local government facilities including, local jail, courthouse or town hall
2. require students to analyze a community problem and make policy recommendations to local officials
3. provide information about involvement in community groups

The modifications to the social studies curriculum shall be completed before October 1, 2001 and the new curriculum shall be implemented in the 2002-03 school year.

Implement character education curriculum
The bill requires local boards of education to implement a character education curriculum. The bill also increases the number of character traits and responsibilities that may be taught from 8 to 11. The 3 new character traits and responsibilities are: responsibility for school safety; service to others; and good citizenship. The bill also revises the trait of respect to include treating teachers, school administrators and other school personnel with courtesy.

The local boards shall develop the character education curriculums before October 1, 2001 and implement them starting with the 2002-03 school year.

Dress code
Local boards shall include a reasonable dress code for students in the policies that govern student conduct.

The new dress code policies shall apply beginning with the 2001-02 school year.

H1289-SMRJ-001

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

H 1

HOUSE BILL 1289*

Short Title:	The Student Citizen Act of 2001.	(Public)
Sponsors:	Representatives Rogers, Warner, Boyd-McIntyre, Bonner (Primary Sponsors), Yongue; Allen, Barefoot, Bell, Church, Cole, J. Crawford, Dedmon, Earle, Fox, Hall, Hill, Hurley, Jarrell, McLawhorn, Morris, Saunders, Tolson, and Wainwright.	
Referred to:	Education.	

April 12, 2001

A BILL TO BE ENTITLED

AN ACT TO ENACT THE STUDENT CITIZEN ACT OF 2001.

The General Assembly of North Carolina enacts:

SECTION 1. This act shall be known as the "Student Citizenship Act of 2001".

SECTION 2. G.S. 115C-81 reads as rewritten:

"**§ 115C-81. Basic Education Program.**

...

(g1) Modifications to the social studies curriculum to instruct students on participation in the democratic process and to give them hands-on experience in participating in the democratic process:

(1) The State Board of Education shall modify the high school social studies curriculum to include instruction in civic and citizenship education. Local boards of education may offer this instruction in a one-week unit covering the subject or by inserting key points on the subject throughout the school year. The State Board of Education is strongly encouraged to include, at a minimum, the following components in the high school civic and citizenship education curriculum:

a. A requirement that students write to a local, State, or federal elected official about an issue that is important to them;

b. Instruction on the importance of voting and otherwise participating in the democratic process;

c. Information about current events and governmental structure; and

d. Information about the democratic process and how laws are made.

(2) The State Board of Education shall modify the middle school social studies curriculum to include instruction in civic and citizenship education. The State Board of Education is strongly encouraged to include, at a minimum, the following components in the middle school civic and citizenship education curriculum:

a. A tour of representative local government facilities such as the local jail, the courthouse, or a town hall, to help students understand the way their community is governed;

b. A requirement that students choose and analyze a community problem and offer public policy recommendations on the problem to local officials; and

c. Information about getting involved in community groups.

(h) Character Education. ~~Local boards of education may require the teaching of the following character traits in the public schools:~~ Each local board of education shall develop and implement a character education curriculum. The curriculum should address the following traits and responsibilities:

(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. In the school environment, respect includes holding teachers, school administrators, and all school personnel in high esteem and demonstrating in words and deeds that all school personnel deserve to be treated with courtesy and proper deference.

(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) Responsibility for school safety. – Helping to create a harmonious school atmosphere that is free from threats, weapons, and violent or disruptive behavior; cultivate an orderly learning environment in which students and school personnel feel safe and secure; and encourage the resolution of conflicts and disagreements through peaceful means including peer mediation.

(10) Service to others. – Engaging in meaningful service to their schools and their communities. Schools may teach service-learning by (i) incorporating it into their standard curriculum, (ii) making community service a graduation requirement, or (iii) involving a classroom of students or some other group of students in one or more hands-on community-service projects.

(11) Good citizenship. – Obeying the laws of the nation and this State; abiding by school rules; and understanding the rights and responsibilities of the member of a democracy."

SECTION 3. G.S. 115C-391(a) reads as rewritten:

"(a) Local boards of education shall adopt policies not inconsistent with the provisions of the Constitutions of the United States and North Carolina, governing the conduct of students and establishing procedures to be followed by school officials in suspending or expelling any student, or in disciplining any student if the offensive behavior could result in suspension, expulsion, or the administration of corporal punishment. Local boards of education shall include a reasonable dress code in these policies.

The policies that shall be adopted for the administration of corporal punishment shall include at a minimum the following conditions:

(1) Corporal punishment shall not be administered in a classroom with other children present;

(2) The student body shall be informed beforehand what general types of misconduct could result in corporal punishment;

(3) Only a teacher, substitute teacher, principal, or assistant principal may administer corporal punishment and may do so only in the presence of a principal, assistant principal, teacher, substitute teacher, teacher assistant, or student teacher, who shall be informed beforehand and in the student's presence of the reason for the punishment; and

(4) An appropriate school official shall provide the child's parent or guardian with notification that corporal punishment has been administered, and upon request, the official who administered the corporal punishment shall provide the child's parent or guardian a

written explanation of the reasons and the name of the second school official who was present.

Each local board shall publish all the policies mandated by this subsection and make them available to each student and his parent or guardian at the beginning of each school year.

Notwithstanding any policy adopted pursuant to this section, school personnel may use reasonable force, including corporal punishment, to control behavior or to remove a person from the scene in those situations when necessary:

(1) To quell a disturbance threatening injury to others;

(2) To obtain possession of weapons or other dangerous objects on the person, or within the control, of a student;

(3) For self-defense;

(4) For the protection of persons or property; or

(5) To maintain order on school property, in the classroom, or at a school-related activity on or off school property."

SECTION 4. This act becomes effective July 1, 2001, except that:

(1) The State Board of Education shall complete the modifications to the social studies curriculum required by G.S. 115C-81(g1), as enacted in Section 2 of this act, prior to October 1, 2001. The modified curriculum shall be implemented beginning with the 2002-2003 school year.

(2) Local boards of education shall develop character education curriculums in accordance with G.S. 115C-81(h), as rewritten by Section 2 of this act, prior to October 1, 2001. Local boards shall implement these plans beginning with the 2002-2003 school year.

(3) Section 3 of this act applies beginning with the 2001-2002 school year.

2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

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

☐ Committee Substitute for
H.B. 957 A BILL TO BE ENTITLED AN ACT TO CHANGE THE MINIMUM AGE FOR ENTRY IN THE PUBLIC SCHOOLS.

☐ With a favorable report.

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

☐ With a favorable report, as amended.

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

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

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

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

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

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

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

☐ Without prejudice.

☐ With an indefinite postponement report.

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

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

2/15/01

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

H D

HOUSE BILL 957
PROPOSED COMMITTEE SUBSTITUTE H957-PCS3432-RC-38

Short Title: Study Age for Entry Into Public Schools. (Public)

Sponsors:

Referred to:

April 3, 2001

A BILL TO BE ENTITLED

AN ACT TO STUDY THE MINIMUM AGE FOR ENTRY INTO THE PUBLIC SCHOOLS.

The General Assembly of North Carolina enacts:

SECTION 1. The Joint Legislative Education Oversight Committee shall study G.S. 115C-364 in order to determine whether the age of initial entry into the public schools should be changed. As part of this study, the Committee shall consider the initial age of entry used in other states, what is developmentally appropriate for young children, and whether a change would positively impact student achievement. The Committee shall report any recommendations to the 2002 Regular Session of the 2001 General Assembly. If the Committee recommends modifying G.S. 115C-364, the effective date shall be at least one year in advance of the next school year in order to give adequate notice to parents and the schools.

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

HOUSE BILL 957:
Change Age for Entry into Public Schools

BILL ANALYSIS

Committee:	House Education	**Introduced by:**	Rep. Arnold
Date:	April 16, 2001	**Summary by:**	Kory Goldsmith
Version:	1st Edition		Committee Counsel

SUMMARY: ***HB 957 would push back the cut-off age for entry into kindergarten. The act becomes effective July 1, 2001.***

CURRENT LAW: G.S. 115C-364 provides that if a child is presented for enrollment for initial entry into school during the first 120 days of a school year, the child shall be enrolled if he or she will be 5 years old by October 16 of that school year. If a child has already been attending school during that school year in another school, the child will be enrolled regardless of his or her age. A local board may, but is not required to enroll a student who meets the age requirement, but is presented for enrollment after the first 120 days of the school year.

BILL ANALYSIS: HB 957 would require that children be slightly older before they would be eligible for initial enrollment in school. It changes the cut-off date from October 16 to July 1. This means all children would have to be 5 years old as of July 1 of the school year in order for the school to be required to enroll them. If adopted, all children starting kindergarten would be at least 5 years old as of the first day of school. Currently, a certain percentage of students in kindergarten are under 5 years of age as of the start of school.

H957-SMRC-001

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

HOUSE BILL 957

Short Title:	Change Age for Entry into Public Schools.	(Public)
Sponsors:	Representatives Arnold; and Shubert.	
Referred to:	Education.	

April 3, 2001

A BILL TO BE ENTITLED

AN ACT TO CHANGE THE MINIMUM AGE FOR ENTRY IN THE PUBLIC SCHOOLS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-364 reads as rewritten:

"**§ 115C-364. Admission requirements.**

(a) A child who is presented for enrollment at any time during the first 120 days of a school year is entitled to initial entry into the public schools if:

(1) The child ~~reaches or~~ reached the age of 5 on or before ~~October 16~~July 1 of that ~~school~~ year; or

(2) The child did not reach the age of 5 on or before ~~October 16~~July 1 of that ~~school~~ year, but has been attending school during that school year in another state in accordance with the laws or rules of that state before the child moved to and became a resident of North Carolina.

(b) A local board may allow a child who is presented for enrollment at any time after the first 120 days of a school year to be eligible for initial entry into the public schools if:

(1) The child reached the age of 5 on or before ~~October 16~~July 1 of that ~~school~~ year; or

(2) The child did not reach the age of 5 on or before ~~October 16~~July 1 of that ~~school~~ year, but has been attending school during that school year in another state in accordance with the laws or rules of that state before the child moved to and became a resident of North Carolina.

(c) The initial point of entry into the public school system shall be at the kindergarten level. If the principal of a school finds as fact subsequent to initial entry that a child, by reason of maturity can be more appropriately served in the first grade rather than in kindergarten, the principal may act under G.S. 115C-288 to implement this educational decision without regard to chronological age. The principal of any

public school may require the parent or guardian of any child presented for admission for the first time to that school to furnish a certified copy of the child's birth certificate, which shall be furnished by the register of deeds of the county having on file the record of the birth of the child, or other satisfactory evidence of date of birth.

(d) A child who has passed the fourth anniversary of the child's birth on or before April 16 may enter kindergarten if the child is presented for enrollment no later than the end of the first month of the school year and if the principal of the school finds, based on information submitted by the child's parent or guardian, that the child is gifted and that the child has the maturity to justify admission to the school. The State Board of Education shall establish guidelines for the principal to use in making this finding."

SECTION 2. This act becomes effective July 1, 2001.

2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

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

☐ Committee Substitute for
H.B. 645 A BILL TO BE ENTITLED AN ACT TO ENACT DRESS CODES AND APPEARANCE POLICIES FOR PUBLIC SCHOOL STUDENTS AND EMPLOYEES.

☐ With a favorable report.

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

☐ With a favorable report, as amended.

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

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

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

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

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

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

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

☐ Without prejudice.

☐ With an indefinite postponement report.

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

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

2/15/01

HOUSE BILL 645:
School Dress Codes and Appearance Policies.

BILL ANALYSIS

Committee:	House Education	**Introduced by:**	Representative Capps
Date:	April 24, 2001	**Summary by:**	Sara Kamprath
Version:	PCS for First Edition H645-CSRJ-11[v.3]		Education Policy Analyst

SUMMARY: ***The proposed committee substitute for House Bill 645 requires local boards of education to adopt dress code and appearance policies for students and employees. Students and employees shall meet standards of dress that are compatible with maintaining a good school environment. The bill is effective when it becomes law and applies beginning with the 2001-02 school year.***

BACKGROUND: Generally, the courts have upheld the constitutionality of dress codes when school officials can justify the need for the code. Courts have upheld dress codes that prohibit clothing or appearance that: (a) endangers the health or safety of the student or others, (b) disrupts the educational process and (c) is vulgar or offensive.

BILL ANALYSIS: Each local board of education shall adopt a student dress code and appearance policy. If a student's dress is disruptive to the learning environment or is a threat to health or safety, then the student and student's parent or guardian may be required to act to remedy the problem. Copies of the guidelines to implement the student dress code and appearance policy shall be available to all students and parents.

Local boards of education shall also adopt dress code and appearance policies for public school employees. If the employee's dress is disruptive to the learning environment or is a threat to health or safety, then the principal may require the employee to take appropriate action to remedy the problem. Copies of the guidelines to implement the employee dress code and appearance policy shall be available to all public school employees.

H645-SMRJ-001

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

H D

HOUSE BILL 645
PROPOSED COMMITTEE SUBSTITUTE H645-CSRJ-11 [v.3]

4/23/2001 1:30:45 PM

Short Title: School Dress Codes and Appearance Policies. (Public)

Sponsors:

Referred to:

March 15, 2001

A BILL TO BE ENTITLED

AN ACT TO REQUIRE LOCAL BOARDS OF EDUCATION TO ADOPT DRESS CODES AND APPEARANCE POLICIES FOR PUBLIC SCHOOL STUDENTS AND EMPLOYEES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-47 is amended by adding a new subdivision to read:

"(39) To Adopt Dress Code and Appearance Policies for Students and Public School Employees. - The State of North Carolina respects a student's right to choose his or her style of dress or appearance. Local boards of education shall adopt dress code and appearance policies that require students to adhere to standards of dress that are compatible with the requirement of a good school environment. Such a policy shall provide that if a student's dress is such that it disrupts the learning environment or constitutes a threat to health or safety, the principal or the principal's designee may require the student and student's parent or guardian to take appropriate action to remedy the situation. Principals shall maintain guidelines to implement the student dress code and appearance policy, copies of which shall be made available to parents and students.

Local boards of education shall adopt dress code and appearance policies that require public school employees to adhere to standards of dress that are compatible with the requirement of a good school environment. Such a policy shall provide that if a public school employee's dress is such that it disrupts the learning environment or constitutes a threat to health or safety, the principal or the principal's designee may require the employee to take appropriate action to remedy the situation. Principals shall maintain guidelines to implement the employee dress code and appearance policy, copies of which shall be made available to all public school employees."

SECTION 2. This act is effective when it becomes law and applies beginning with the 2001-2002 school year.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

H D

HOUSE BILL 645
PROPOSED COMMITTEE SUBSTITUTE H645-PCS4163-RJ-11

Short Title: School Dress Code and Appearance Policies. (Public)

Sponsors:

Referred to:

March 15, 2001

A BILL TO BE ENTITLED

AN ACT TO REQUIRE LOCAL BOARDS OF EDUCATION TO ADOPT DRESS CODE AND APPEARANCE POLICIES FOR PUBLIC SCHOOL STUDENTS AND EMPLOYEES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-47 is amended by adding a new subdivision to read:

"(39) To Adopt Dress Code and Appearance Policies for Students and Public School Employees. – The State of North Carolina respects a student's right to choose his or her style of dress or appearance. Local boards of education shall adopt dress code and appearance policies that require students to adhere to standards of dress that are compatible with the requirement of a good school environment. Such a policy shall provide that if a student's dress is such that it disrupts the learning environment or constitutes a threat to health or safety, the principal or the principal's designee may require the student and student's parent or guardian to take appropriate action to remedy the situation. Principals shall maintain guidelines to implement the student dress code and appearance policy, copies of which shall be made available to parents and students.

Local boards of education shall adopt dress code and appearance policies that require public school employees to adhere to standards of dress that are compatible with the requirement of a good school environment. Such a policy shall provide that if a public school employee's dress is such that it disrupts the learning environment or constitutes a threat to health or safety, the principal or the principal's designee may require the employee to take appropriate action to remedy the situation. Principals shall maintain guidelines to implement the employee dress code and appearance policy, copies of which shall be made available to all public school employees."

SECTION 2. This act is effective when it becomes law and applies beginning with the 2001-2002 school year.

Ann Stancil (Rep. Warner)

From: Sara Kamprath (Research)
Sent: Monday, April 23, 2001 9:22 PM
To: Ann Stancil (Rep. Warner)
Subject: Ad hoc committee proposed committee substitute for HB 645 (School Dress Codes and Appearance Policies).

Importance: High

Rep. Dockham's clerk will be sending you a proposed committee substitute for HB 645. I just wanted to give you a heads up. The cochairs will have to decide what to do with this. Please remind Rep. Warner that the Student Citizen Act of 2001 (that we will take up tomorrow) has a provision in the discipline statutes for a student dress code.

Ann Stancil (Rep. Warner)

From: Regina Irwin (Rep. Dockham)
Sent: Monday, April 23, 2001 7:54 AM
To: Ann Stancil (Rep. Warner)
Subject: ADHOC Committee to study HB 645

The ADHOC Committee to study **HB 645, SCHOOL DRESS CODES AND APPEARANCE POLICIES**, met in Room 415 of the Legislative Office Building on April 18, 2001, at 4:30 p.m. Representative Dockham presided. The following Committee members were present: Representatives Carpenter, Goodwin, Insko, Sherrill, Underhill, and Womble. Sara Kamprath, Staff Counsel, was in attendance. Also attending the meeting was Representative Russell Capps, the Bill's sponsor. Ms. Leanne Winner, NC School Boards Association, was present to express the opinion of the School Board Assn.

After much discussion it was agreed upon, for Representatives Sherrill, Carpenter, Capps; Ms. Winner, and Ms. Kamprath to meet and draft a bill substitute recommendation based on suggestions put forth by the committee members present at the meeting.

2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

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

☐ Committee Substitute for
H.B. 1211 A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT CONSTITUENT INSTITUTIONS OF THE UNIVERSITY OF NORTH CAROLINA SHALL NOT OFFER REMEDIAL EDUCATION PROGRAMS.

☐ With a favorable report.

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

☐ With a favorable report, as amended.

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

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

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

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

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

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

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

☒ Without prejudice, and be re-referred to Committee on Appropriations.

☐ With an indefinite postponement report.

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

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

2/15/01

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

H 1

HOUSE BILL 1211

Short Title:	UNC System-No Remedial Education Programs.	(Public)
Sponsors:	Representatives Shubert; and Carpenter.	
Referred to:	Education.	

April 12, 2001

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT CONSTITUENT INSTITUTIONS OF THE UNIVERSITY OF NORTH CAROLINA SHALL NOT OFFER REMEDIAL EDUCATION PROGRAMS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 116-11(3) reads as rewritten:

"(3) The Board shall determine the functions, educational activities and academic programs of the constituent institutions. The Board shall also determine the types of degrees to be awarded. The Board shall not authorize programs of remedial education to be provided at constituent institutions. The powers herein given to the Board shall not be restricted by any provision of law assigning specific functions or responsibilities to designated institutions, the powers herein given superseding any such provisions of law. The Board, after adequate notice and after affording the institutional board of trustees an opportunity to be heard, shall have authority to withdraw approval of any existing program if it appears that the program is unproductive, excessively costly or unnecessarily duplicative. The Board shall review the productivity of academic degree programs every two years, using criteria specifically developed to determine program productivity."

SECTION 2. Article 1 of Chapter 116 of the General Statutes is amended by adding a new section to read:

"**§116.3. No remedial programs provided by constituent institutions.**

(a) No constituent institution shall provide a remedial education program or course of remedial study for a student enrolled at the institution.

(b) The Board of Governors, in cooperation with the State Board of Education, shall develop and implement a plan to ensure that each high school student who plans to

seek a college degree upon high school graduation is adequately prepared in his or her course of academic study so that no remediation should be needed by a student who enrolls at a constituent institution.

(c) The Board of Governors shall direct each constituent institution to develop a program that will provide, upon request, a referral for any student enrolled or seeking enrollment at the institution to an appropriate remedial program of studies offered elsewhere."

SECTION 3. This act becomes effective July 1, 2003, and applies to academic periods beginning on or after that date.

VISITOR REGISTRATION SHEET

Name of Committee

Date 4/24

VISITORS:. PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Ann Bellamy	Bellamy Associates
Cliff Dodson	Buncombe Co. Schs.
Jimmy Hayes	NCASA
Bill Brooks	NCFPC
Elizabeth Grossmeier	OSBPM
Ron Berscak	Coca Cola Bottling Co Elizabeth City
Jake Heisey	Coca-Cola Enterprises
Hal Miller	NCAECT
Helen Lyssons	Meck Co. Social Svcs.
Carolyn McKinney	ACME
Angela Farthing	NCACE
Vince Fay	NCJCDC
Jeff Fitzgerald	NCSDA
[illegible]	NHA/NC

HOUSE EDUCATION COMMITTEE MEETING

APRIL 24, 2001

The House Education Committee met on Tuesday, April 24, 2001 at 11:00 AM in Room 643 of the Legislative Office Building. The attendance sheet indicates members present.

Rep. Bonner presided.

Rep. Michaux was called upon to discuss **HOUSE BILL 990, A JOINT RESOLUTION PROVIDING FOR CONFIRMATION OF THREE APPOINTMENTS BY THE GOVERNOR OF NEW MEMBERS TO THE STATE BOARD OF EDUCATION.** Rep. Michaux made a motion for a favorable report as to House Joint Resolution committee substitute #2, which changes the title, unfavorable as to House Joint Resolution committee substitute bill #1. The motion passed.

Rep. Michaux was called upon once again to discuss **HOUSE BILL 1161, A BILL TO BE ENTITLED AN ACT TO APPOINT SCHOOL ADMINISTRATORS TO SERVE AS ADVISORS TO THE STATE BOARD OF EDUCATION.** Rep. Michaux made a motion for a favorable report as to committee substitute Joint Resolution, which changes the title, unfavorable to original bill. The motion passed.

Rep. Yongue was called upon to discuss **HOUSE BILL 1144, A BILL TO BE ENTITLED AN ACT TO APPOINT SCHOOL ADMINISTRATORS TO SERVE AS ADVISORS TO THE STATE BOARD OF EDUCATION.** Rep. Warner made a motion to adopt the proposed committee substitute. It passed. Rep. Womble made a motion for a favorable report to committee substitute, which changes the title, unfavorable to original bill. The motion passed.

Rep. Boyd McIntyre was called upon to discuss **HOUSE BILL 1289, A BILL TO BE ENTITLED AN ACT TO ENACT THE STUDENT CITIZENS ACT OF 2001.** It was displaced until the afternoon meeting, at which time Rep. Weiss made a motion for a favorable report. The motion passed.

Rep. Boyd McIntyre was called upon once again to discuss **HOUSE BILL 1337, A BILL TO BE ENTITLED AN ACT TO PROVIDE ADDITIONAL SUPPORT FOR INITIALLY LICENSED TEACHERS.** Rep. Boyd McIntyre asked that this bill be re-referred to Appropriations. Rep. Bonner said that it could be done on the House Floor. No action was taken on this bill.

Rep. Arnold was recognized to explain **HOUSE BILL 957, A BILL TO BE ENTITLED AN ACT TO CHANGE THE MINIMUM AGE FOR ENTRY IN THE PUBLIC SCHOOLS.** Rep. Arnold made a motion to adopt the proposed committee substitute. The motion passed. The motion was made for a favorable report

as to committee substitute, which changes the title, unfavorable as to original, and be re-referred to the committee on Rules. The motion passed.

Rep. Capps, bill sponsor for **HOUSE BILL 645, SCHOOL DRESS CODES AND APPEARANCE POLICIES** was called upon to discuss the committee substitute, which was drafted in the Adhoc Committee chaired by Rep. Dockham on April 18, 2001. Rep. Womble made a motion to adopt the committee substitute and it passed. Rep. Pope made a motion for a favorable report as to committee substitute, which changes the titles, unfavorable to original bill. The motion passed.

Rep. Shubert was called upon to discuss **HOUSE BILL 1211, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT CONSTITUENT INSTITUTIONS OF THE UNIVERSITY OF NORTH CAROLINA SHALL NOT OFFER REMEDIAL EDUCATION PROGRAMS.** Rep. Shubert asked that the bill be without prejudice, and be re-referred to Committee on Appropriations. Motion passed.

Meeting adjourned.

Donald Bonner
Rep. Donald Bonner, Co-chair

Alex Warner
Rep. Alex Warner, Co-chair

Ann Stancil
Ann Stancil, Committee Clerk

2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

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

☒ Committee Substitute for
HJR 990 A JOINT RESOLUTION PROVIDING FOR CONFIRMATION OF THREE APPOINTMENTS BY THE GOVERNOR OF NEW MEMBERS TO THE STATE BOARD OF EDUCATION.

☐ With a favorable report.

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

☐ With a favorable report, as amended.

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

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

☐ With a favorable report as to House committee substitute bill (# Joint Resolution 2), ☒ which changes the title, unfavorable as to ~~Senate~~ House Joint Resolution committee substitute bill # 1

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

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

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

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

☐ Without prejudice.

☐ With an indefinite postponement report.

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

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

2/15/01

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

H D

HOUSE BILL 990*

Committee Substitute Joint Resolution Favorable 4/24/01
Corrected Copy 4/25/01
PROPOSED COMMITTEE SUBSTITUTE H990-CSSF-16 [v.1]

5/31/2001 4:25:51 PM

Short Title: (Public)

Sponsors:

Referred to:

April 5, 2001

A JOINT RESOLUTION PROVIDING FOR CONFIRMATION OF THE APPOINTMENTS OF MICHELLE HOWARD-VITAL, WAYNE MCDEVITT, AND PATRICIA WILLOUGHBY 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 House of Representatives and the Senate, the names of his appointees to fill the terms of membership on the State Board of Education which expire March 31, 2009; Now, therefore,

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

SECTION 1. The appointments of Michelle Howard-Vital, Wayne McDevitt, and Patricia Willoughby to membership on the State Board of Education for terms to expire March 31, 2009, are confirmed.

SECTION 2. This resolution is effective upon ratification.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

H 2

HOUSE JOINT RESOLUTION 990*
Committee Substitute Favorable 4/24/01

Sponsors:

Referred to:

April 5, 2001

A JOINT RESOLUTION PROVIDING FOR CONFIRMATION OF THREE 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 House of Representatives and the Senate, the names of his appointees to fill the terms of membership on the State Board of Education which expire March 31, 2009; Now, therefore,

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

SECTION 1. The appointments of three persons to membership on the State Board of Education for terms to expire March 31, 2009, are confirmed.

SECTION 2. This resolution is effective upon ratification.

STATE OF NORTH CAROLINA
OFFICE OF THE GOVERNOR
20301 MAIL SERVICE CENTER • RALEIGH, NC 27699-0301

MICHAEL F. EASLEY
GOVERNOR

May 8, 2001

The Honorable Beverly Perdue
Lieutenant Governor
310 N. Blount Street
Raleigh, NC 27603

Dear Lt. Governor Perdue:

Pursuant to North Carolina General Statute § 115C-10, I hereby appoint Ms. Patricia Willoughby, Mr. Wayne McDevitt and Dr. Michelle Howard-Vital to the North Carolina State Board of Education and submit their names for confirmation by the North Carolina General Assembly. Their terms will begin immediately pending confirmation and expire on March 31, 2009.

Patricia Willoughby will fill the seat currently held by Eddie Davis, Wayne McDevitt will fill the seat currently held by Robert Douglas, and Michelle Howard-Vital will fill the seat currently held by Margaret Harvey.

Enclosed is biographical information on these appointees. Please feel free to call on them or members of my staff if you need additional information.

With kindest regards, I remain.

Very truly yours,

Michael F. Easley

MFE:ks

Enclosures

c: The Honorable James Black
The Honorable Marc Basnight
Ms. Denise Weeks
Ms. Janet Pruitt

Wayne McDevitt is Vice Chancellor for Administration and Financial Affairs at the University of North Carolina at Asheville. McDevitt has served on the boards of numerous educational, business, conservation, civic, non-profit, foundation and governmental organizations over the past 25 years. He recently served as Chief of Staff for the North Carolina Governor's Office, and earlier as Secretary of the Department of Environment and Natural Resources.

His advocacy, service and policy-making roles in education include a coordinating role in North Carolina's "First in America" initiative to create the nation's best public school system by 2010. In addition, McDevitt served on the North Carolina Partnership for Children Board (Smart Start), the North Carolina State Parent Teacher Association Board and was a screener for the North Carolina Teaching Fellows. He has served as president of the Marshall Elementary School Parent Teacher Association and as a volunteer/mentor.

McDevitt has always maintained strong ties to Western North Carolina. He was a charter member of WNC Tomorrow, and served on the board of the Western North Carolina Development Association, on the Pack Place Education, Arts & Science Advisory Council, and on the Economic Development Association of Western North Carolina. A graduate of UNC Asheville, McDevitt has served as a member of UNC Asheville's Board of Trustees and Alumni Association Board. In addition, he served on the Baptist Children's Homes of North Carolina Board of Trustees and the Gardner-Webb University Board of Trustees.

McDevitt's awards and recognitions include selection as one of Western North Carolina's 50 most influential people of the 20th century by the Asheville Citizen-Times for his work in public service, and a Special Service Award by the North Carolina Congress of Parents and Teachers. McDevitt was the charter recipient of the UNCA Chancellor's Achievement Award in 1985, was presented UNCA's Distinguished Alumnus Award in 1998, and the UNCA Chancellor's Medallion in 2000.

McDevitt and his wife, Walda, are the parents of a son and a daughter. Their son, Nicholas, a 2001 graduate of UNCA, is a Teaching Fellow and a former student advisor to the State Board of Education.

FILE COPY

Patricia Nickens Willoughby
2700 Peachtree Street
Raleigh, North Carolina 27608
(919)782-0454 home
(919)760-2266 office

Education:

Meredith College	1988-1990 M.Ed. Reading
University of North Carolina at Chapel Hill	1971-1973 A.B. Early Childhood Education
North Carolina Wesleyan College	1969-1971

Experience:

Meredith College 3800 Hillsborough Street Raleigh, North Carolina	1999-present Assistant Professor, Department of Education Responsibilities include: teaching professional methods courses; supervising student teachers; advising students; assisting Director of Elementary Education program; serving on Teacher Education Committee; attending and facilitating workshops and seminars.
	1989-1999 Adjunct Faculty, Department of Education Responsibilities included: teaching professional methods courses; supervision of student teachers; working with other adjunct faculty; working on Department of Education projects.
State Department of Public Instruction Wilmington Street Raleigh, North Carolina	1993-1995 Consultant, Textbook Adoptions (Presented research related to inclusion of technology in textbook adoption process to North Carolina Textbook Commission)
	1988-1992 Member, North Carolina Textbook Commission
This End Up Furniture Company Westgate Road Raleigh, North Carolina	1980-1987 Accounting Department 1977-1980 General Manager

Public Schools
Windsor County
South Royalton, Vermont

1976-1977 Substitute Teacher Grades 1-12

Fred A. Smith Elementary School
Wake County Schools
Raleigh, North Carolina

1975-1976 Teacher, Second Grade

Eastern Elementary School
Washington City Schools
Washington, North Carolina

1973-1975 Teacher, Second Grade

Activities/Organizations (selected):
Professional Development:

- Mentornet Project (collaborative project with North Carolina State University, Shaw University, public school systems, and Meredith College to investigate/integrate technology as a part of instruction), ongoing
- Triangle Alliance (partnership of local colleges and public school systems), ongoing
- Wake Education Summit, April 2000
- Emerging Issues Forum, February 2001
- Eleanor Duckworth Workshop, Exploris Museum, February 2001
- Broyhill Leadership Institute (Challenge of Leadership participant 1993)
- International Reading Association, ongoing
- Technology Competencies Workshop for Educators, May 2000
- Broughton High School Parent Teacher Student Association, board member in various positions 1995-present
- White Memorial Presbyterian Church, various positions including coordinator for senior high Sunday School, Colony Care leader, Sunday School teacher, college fair
- Race for the Cure, June 2000

Personal:
Married, two daughters age 17 and 20.

FILE COPY

Division for Public Service and Extended Education

Dr. Michelle Howard-Vital

Vice Chancellor--Division for Public Service and Extended Education

Michelle Rachel Howard-Vital, vice chancellor for the Division for Public Service and Extended Education & Associate Provost at the University of North Carolina at Wilmington, loves to learn. She states that "learning how to learn is a continous process."

In May 2000, Dr. Howard-Vital received two awards: The 2000 Distinguished Alum Award from the University of Illinois at Chicago for teaching, scholarship, and administrative experience. She also received the 2000 Cape Fear Woman of Achievement Award for contributions to business and industry in the region.

Michelle Howard-Vital was born in Chicago, Illinois. Her parents were born and raised in New Orleans. Louisana. She earned her undergraduate degree in English Literature and Language from the University of Chicago and earned her masters in teaching English also from the University of Chicago. She has had numerous teaching and administrative positions.

She earned a doctorate in 1983 in public policy analysis specializing in education policy from the University of Illinois at Chicago.

Michelle Howard-Vital is married to Geri Roberto Vital, and they have a daughter. Geri R. Vital also works at UNCW as admissions and academic publications coordinator for the Office of Enrollment Affairs.

Of all her challenges and other positions (i.e. Coordinator of Biomedical Sciences Program at University of Illinois, Dean of Continuing Education and Nontraditional Programs at Chicago State University), Dr. Howard-Vital states that she enjoys working at a interactive regional university. Every day brings an opportunity to forge new partnerships and help others pursue lifelong learning opportunities. Dr. Howard-Vital is very active in the community, and she serves on several boards including The Cape Fear United Way, The American Red Cross, The Bank of America Regional Advisory Board, Spinnc (a community network), The YMCA, and St. John's Museum.

On a personal note, she enjoys gardening, skating with her daughter and learning how to utilize new technologies.

Resume

Public Service & Extended Education

Dr. Michelle R. Howard-Vital

Resumé

MICHELLE R. HOWARD-VITAL, Ph.D.
233 Satara Drive
Wilmington, NC 28412
(910) 392-7858
vitalm@uncwil.edu

Education
Professional Experience
Publications
Presentations
Media Appearances
Professional Activities
Grants
Awards
Professional Affiliations
Boards

EDUCATION

Ph.D., Public Policy Analysis: Educational Policy, University of Illinois at Chicago, 1983
M.A.T., English Literature and Language, University of Chicago, 1975
B. A., English Literature and Language, University of Chicago, 1974

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PROFESSIONAL EXPERIENCES

Vice Chancellor for Public Service and Extended Education

University of North Carolina at Wilmington

601 S. College Road
Wilmington, NC 28403-3297

Vice Chancellor for Public Service and Extended Education and Associate Provost, Academic Affairs

- Responsible for providing leadership, administration, evaluation, and generation of revenue for the Division for Public Service and Extended Education: one of six divisions at UNCW. Leadership furnished for the delivery of academic and professional development programs employing flexible learning modes (e. g. North Carolina Information Highway and online courses) for regional and international audiences, for economic development through the regional center for Small Business and Technology Development, for university community relations through conference services, technology outreach services (graphic design, print and design of interactive Web sites), UNCW television and Cape Fear Learning Network, Southeastern Public Interest Network, early outreach programs for children and youth (such as marine science enrichment programs), lifelong learning programs, civic leadership programs and other initiatives.

  Activities include resolving university-wide issues on Chancellor's cabinet, chairing university-wide Distance Learning and Technology Advisory Council, co-chairing Chancellor Steering Committee on Information Technology, providing leadership for virtual university experiment with four Japanese Universities, participating on university-wide Planning Council, serving on student affairs taskforce for hearing extraordinary student cases, co-chairing Technology College project (new undergraduate initiative), co-chairing Celebrate Wilmington! Festival, presenting at Board of Trustees meetings, speaking at academic and community events, and functioning as principal investigator on several divisional grants.

Associate Professor of Specialty Studies, October 1993 - present

- Teaching education courses such as EDN 301 Instructional Design and Evaluation and supervising English student teachers in their student teaching experiences in New Hanover County high schools and serving on departmental committees.

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Associate Vice President for Academic Programs and Dean of University College

Acting Vice President for Academic Affairs, Summer 1993

Edinboro University of Pennsylvania
Edinboro, PA 16444

July 1991 - October 1993

Associate Vice President for Academic Programs

- Reviewed, recommended, implemented, and assessed the development of academic programs and curricula.

- Participated, with faculty, in the development of the General Education curriculum on the University Wide Curriculum Committee.
- Co-chaired the Middle States Steering Committee and facilitated the production of the Self-Study for the 1993 accreditation site visit (EUP received successful ten-year accreditation).
- Worked with academic deans to formulate, review and recommend academic policies.
- Consulted academic deans and Office of Institutional Research and Planning to develop outcomes assessment processes in academic departments in relation to the new general education curriculum.
- Chaired various task forces such as student orientation, and hiring and recruiting new faculty.
- Served on Management's team for Meet and Discuss (collective bargaining).
- Participated in the president's Executive Management Team and President's Cabinet.
- Consulted with academic deans and directors in the development and monitoring of operational budgets for academic affairs (85 departmental budgets).
- Represented the provost at Senate Committees, system-wide meetings, and other activities.

Dean of University College

- Provided leadership for the Department of Academic Support Services (with eight tenure-track faculty members), the Center for Advising and Career Services, University Wide Internships, ACT 101, and Trial Admissions Program.
- Reorganized, reviewed and provided leadership for a new academic unit comprised of the Bachelors of Specialized Studies.
- Academic dean for over 800 General Studies Students (undecided majors).
- Participated in the design of Freshman Outreach activities.
- Provided leadership for the development of the Learning Center, the coordination and collaboration of academic support activities (tutoring and the development of a Supplemental Instruction Program) with academic departments.
- Responsible for program reviews, grant applications, budget development, development of a master plan, freshman orientation, and the review of university wide internships.

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Dean, Continuing Education and Non-Traditional Programs

Assistant Professor of Curriculum and Instruction. School of Education

Chicago State University
95th Street at King Drive
Chicago, IL 60628

November 1986-June 1991

- Academic dean for 500 majors in three non-traditional degree programs: Board of Governors degree program for non-traditional students, the Bachelors of Specialized Studies and the University Without Walls degree program.
- Developed new employee training and development program, Contractual Services and provided an additional avenue to generate credit and non credit course hours and revenue.
- Developed educational television program, *Learning Options*, a talk show designed to expose cable viewers to learning opportunities in the Chicago area.
- Managed and constructed five budgets for appropriated funds and revenue generated (chief fiscal officer).
- Developed, marketed, and provided academic and managerial leadership for four academic programs: Non-Traditional Degree Programs, Community Education, Contractual Services, and Extension Services as well as special projects as providing programming for the Chicago Access Corporation, Channel 21.
- Provided leadership and direction for the development of the Office of Continuing Education.
- Advised and mentored graduate students.
- Initiated the development of a distance learning program (worked with faculty to develop initial credit courses).
- Contributed to a variety of University-wide endeavors which included the Enrollment Services Council, functioned as institutional representative of the American Council on Education's Early Identification Program for Women seeking to become administrators, served as chairperson of two dean level search committees and CAEL representative.

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Dean, Adult/Continuing Education

Loop College (now Harold Washington College)
30 East Lake Street
Chicago, IL 60601

December 1984-November 1986

- Developed and managed department which offered over 250 non-credit classes annually--serving

over 3,000 students.

- Hired and evaluated 50-70 part-time faculty.
- Established articulation for employee education with representatives from businesses and other organizations (e.g. hospitals, labor unions, public libraries, senior citizen residences, apartment complexes, and private clubs).
- Designed and monitored off-campus employee education programs constructed for specific clientele (medical workers, blue collar workers, and business professionals).
- Recommended college policy for interactions with other college departments (registrar, admissions, and business office).
- Implemented policy from the Illinois Community College Board.
- Planned and developed non credit course content with chairpersons to complement credit offerings.
- Served on North Central Accreditation Steering Committee for 1986 accreditation visit of Chicago City-Wide College and contributed to the writing and editing of Loop College's Self Study.

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Project Coordinator, Early Outreach

University of Illinois at Chicago
715 S. Wood
Chicago, IL

September 1981-December 1984

- Coordinated two pre-college programs: Biomedical Sciences and Saturday College.
- Designed and implemented activities constructed to educate and socialize underrepresented, African American and Hispanic, secondary students into careers in the health sciences.
- Established liaisons with biomedical sciences professionals, community representatives, high school counselors and university faculty.
- Wrote final reports for the Department of Education and other constituencies.
- Constructed support services for students (e.g. tutoring, mentorships, computer assisted instruction, and counseling).

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Director, College Without Walls

Central YMCA Community College

211 West Wacker Drive
Chicago, IL 60606

May 1981-September 1981 (College closed in 1982)

- Implemented, marketed, and evaluated the College Without Walls Program.
- Advocated flexible options for adults to earn college credit (e.g. assessment of prior learning, CLEP, and proficiency examinations).
- Publicized program to faculty, business representatives and students.

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Coordinator, Assessment of Prior Learning

Central YMCA Community College

September 1979-May 1981

- Developed a handbook for students.
- Constructed and instructed a portfolio development class for the assessment of prior learning.
- Implemented the Prior Learning component of the College Without Walls.

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English Instructor

Central YMCA Community College

1975-1981 (tenured)

- Instructed English composition, rhetoric, and literature courses.
- Recommended and examined curriculum changes in the Curriculum Council, 1977-78.
- Contributed to "Project 100" published by the YMCA in *Curriculum Broadsides* (1976).
- Published poem, "Two Huge Wheels and Speedometer Things," *Broken Glass,* YMCA, 1977.

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PUBLICATIONS

Book and Encyclopedia Article

- Howard-Vital, M., Martinez, M. *Entering School Leadership.* Kendall-Hunt, expected in August

1997.

- Howard-Vital, M. Graduate Education and African-American, *Encyclopedia of African-American Education,* edited by Faustine C. Jones-Wilson et al. Greenwood Press, 1996, pp. 191-195.

Journal Articles

- Rosenkoetter, M., Fry, R., Howard-Vital, M., & Rosenkoetter, J. "Continuous Quality Improvement: Implications for Technology Mediated Education," In Complex Demands on Teaching Require Innovation, ", H. Klein (Ed.), Vol. XIII, World Association for Case Method Research and Application, Boston: WACRA, 2000. Accepted and Pending.

- Howard-Vital, M. "Your Partner, Your Resource: Establishing Community Partnerships." *The Catalyst*, Volume XXVII, Number 2, Fall 1998.

- Howard-Vital, M. "Information Technology: Teaching and Learning in the Twenty-first Century." *Educational Horizons.* Summer 1995.

- Howard-Vital, M. African-American Women in Higher Education: Struggling to Gain Identity. *Journal of Black Studies.* December 1989, pp. 180-191.

Book Reviews

- *The Habit of Surviving,* reviewed for *SAGE:* A Scholarly Journal on Black Women, Open I. Volume 8.1, Spring, 1991.

- Black Students and School Failure: Policies, and Prescriptions, Jacqueline Jordan Irvine, (New York: Greenwood Press, 1990), reviewed for the *Journal of Negro Education.* Vol. 60, No 2, 1991.

- The World We Created at Hamilton High, Gerald Grant, (Cambridge, Massachusetts: Harvard University Press),1988, reviewed for *Journal of Negro Education,* Spring 1989, pp. 243-245.

- Shakespeare in Sable, Errol Hill, (Amherst: University of Massachusetts Press), 1984, reviewed for *City,* Winter 1986, pp. 71-73.

- Getting What We Ask For: The Ambiguity of Success and Failure in Urban Education, Charles Payne, (Westport, Connecticut: Greenwood Press), reviewed for *The Journal of Negro Education,* Fall 1985, pp. 577-578.

- Family Life and School Achievement, Reginald Clark, (Chicago: University of Chicago Press), 1983, reviewed for *The Journal of Negro Education.* Winter, 1985, pp. 111-112.

Proceedings and National Newsletter

- Howard-Vital, M. Constructing a Virtual Instruction Paradigm, Distance Education Report, October 15, 1999, Volume 3, Number 20, pp. 4-5 and November 1, 1999, volume 3, Number 21, 1999, pp. 3-5.

- Rosenkoetter, M., Howard-Vital, M. Distance Education: Pragmatics and Realities, Interactive Teaching and the Multimedia Revolution, Case Method and Other Techniques, edited by Hans E.

Klein, World Association for Case Method Research and Application, 1999, pp. 365-373.

- Rosenkoetter, M. & Howard-Vital, M. "Creative Teaching Through Interactive Distance Education," In Creative Teaching Act 2, H. Klein (Ed), Academy of Creative Teaching, Boston: WACRA, 1999.

- Howard-Vital, M. Contract Courses: Expanding Constituencies For Credit and Non-Credit Instruction Eleventh Annual Conference Quality in Off-Campus Credit Programs: Challenges for Innovation, National Issues in Higher Education, Kansas State University, 1989, pp. 226-231.

- Howard-Vital, M. Deaning: Continuing Education Style, Dean and Director, Learning Resources Network, February 1989, pg. 5 and March 1989, pg. 5.

ERIC Documents

- Howard-Vital, M. International Distance Education: The Digital Communities Project, June 1999. ED429504.

- Howard-Vital, M. Constructing a Virtual University Paradigm: The University of North Carolina at Wilmington. ED429503.

- Howard-Vital, M. Who Should Lead? *Resources in Education*, *ERIC*, November 1993, ED35878.

- Howard-Vital, M., Morgan, R. African American Women and Mentoring, *ERIC*, June 1993. ED360425.

- Howard-Vital, M. Scholarship and the Community College Administrator. *ERIC*, Clearinghouse for Junior Colleges, Los Angeles, Ca. 90024,1988.

Dissertation

- Howard-Vital, M. College Governance and Decision Making: An Empirical Analysis of College Presidents in Northern Illinois, dissertation, University of Illinois at Chicago, May 1983.

Paper Circulating for Publication

- "International Distance Education: The Digital Communities Project," (second author, Dr. Marlene Rosenkoetter).

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PRESENTATIONS

- Howard-Vital, M, "Teaching and Learning in the 21st Century," University of Illinois at Chicago, Commencement, School of Education, Chicago, Illinois, May 7, 2000.

- Rosenkoetter, M, Fry, R., Howard-Vital, & Rosenkoetter, J. "TQM, CQI, TME, WEB, Closing Keynote Plenary Address, 17th International Conference, World Association for Case Method Research and Application, Budapest, Hungary, July 2-5, 2000. Accepted.

- Rosenkoetter, M. & Howard-Vital, M. "Integrating Research, Learning and Distance Education for Outreach Students," 3rd Annual Conference on Diversity in Teaching and Learning in American Higher Education. Center for the Study of Diversity in Teaching and Learning in Higher Education, San Francisco, CA. April 19-22, 2000.

- Howard-Vital, M. & Rosenkoetter, M. (Presenter)."International Distance Education: The Digital Communities Project 11th Conference on College Teaching and Learning, April 12-15, 2000, Jacksonville, Florida.

- Howard-Vital, M., "The Digital Communities Project: Transitioning into the 21st Century," the Second International Conference, The Digital Communities Project, Tokyo, Japan, March 13, 2000.

- Howard-Vital, Rosenkoetter, M."The Digital Communities Virtual University Experiment," presented with Dr. Ronald Vetter at *Best Practices in Outreach and Public Service: The Scholarship of Engagement*, Penn State, October 10-12, 1999.

- Rosenkoetter, M. Howard-Vital, M. "Distance Education: Pragmatics and Realities," (peer reviewed), *Fifteenth International Conference on Case Method Research* and Application at Groupe ESC (Business School), Marseille, France, July 9-12, 1998 presented by Dr. Rosenkoetter.

- Howard-Vital, M., Carter, D. "Academic Leadership: Opportunities," *Southeastern African American Student Leadership Conference*, February 5-February 7, 1999.

- Howard-Vital, M. "Technology Linkage to the Future," *LINKS, Annual Banquet*, Wilmington, North Carolina, March 11, 1995.

- Howard-Vital, M. "Passing the Baton," *African American Alumni Association, UNCW*, Wilmington, North Carolina, April, 1996.

- Howard-Vital, M. "Economic Development, UNCW, and information technology," *The Urban Affairs Group, Annual Awards Banquet*, Wilmington, North Carolina, December 1, 1994.

- Howard-Vital, M. "The Importance of Planning for the Future," *Community Boys and Girls Club, Annual Banquet*, Wilmington, North Carolina, June 27, 1994.

- Howard-Vital, M. Moderator and panelist, *Rural Tele-Forum, North Carolina Information Hightway*, Wilmington, North Carolina, January 5, 1994.

- Howard-Vital, M. "Trekking into the Information Age," *Commencement Address*, Edinboro University of Pennsylvania, December 12, 1993.

- Howard-Vital, M. "Black Family/Black Elderly," *United Way of Erie County*, November 5, 1991. Erie, PA.

- Howard-Vital, M., Morgan, R. "African American Women and Mentoring," *Association of Black*

Women in Higher Education, Annual Conference, Greensboro, North Carolina, June 7, 1991.

- Howard-Vital, M. "Professional Development: Association of Black Women in Higher Education," *Annual College Attendance Conference*, Illinois Institute of Technology, Chicago, IL. March 16, 1991.
- Howard-Vital, M. "African American Women and Men in Higher Education." Gustavus Adolphus College, St. Peter, Minnesota, February 15, 1990.
- Howard-Vital, M. "Expanding Constituencies for Credit and Non-Credit Instruction," presented at *Eleventh Annual Conference, Quality in Off-Campus Credit Programs: Challenges for Innovation*, National Issues in Higher Education, Clearwater Beach, Florida, October 26, 1988.
- Howard-Vital, M., White, M. "Reaching Audiences Through Cable Television," co-presenter, Mary Frances White, graduate assistant, *Region V, National University Continuing Education Association*, Rapid City, South Dakota, October 6,1988.
- Howard-Vital, M. "The Role of Education in Our Society," keynote speaker, *Ezzard Charles Fundraising Banquet*, Chicago, IL, April 22, 1988.
- Howard-Vital, M. "Establishing Linkages Between Education and Business," presented at the *Minorities in Higher Education Excellence and Access Focus on Retention, National Converence*, sponsored by Washington Commission on Minority Affairs and Minority Affairs Directors' Council and Washington State University, Tacoma, Washington, March 10, 1988.
- Howard-Vital, M. "Coping Strategies for Black Women: Review of the Literature," presented at Faculty Club, University of Cincinnati, Cincinnati, Ohio, September 12, 1987.
- Howard-Vital, M. "Black Women in Higher Education: What the Research Reveals," presented at Borough of Manhattan Community College, *Association of Black Women in Higher Education*, New York, New York, May 1, 1987.
- Howard-Vital, M. "Why Should We Continue to Learn?" presented at the *United States Postal Workers Career Awareness Conference*, Chicago, Illinois, April 11, 1987.
- Howard-Vital, M. "A Profile of Hispanic Students in the Biomedical Sciences Program," presented as panel alternate, Development of Hispanic Manpower in the Health Professions, *American Education Research Association*, New Orleans, LA, April 1984.

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MEDIA APPEARANCES

- Various television and radio appearances as Vice Chancellor for Public Service and Extended Education, The University of North Carolina at Wilmington, October 1993-present.
- Host and producer, *Learning Options,* an educational talk show sponsored by Chicago State

University, cable cast, channel 21, 1989-1991.

- Guest, Public Transit Symposium, NAACP Show, Gloria Wells, host, WGCI-AM/FM Radio, aired Sunday, November 8, Chicago, IL, 1987.

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PROFESSIONAL ACTIVITIES

- Accreditation team visit, Southern Association of Colleges and Universities: Grambling State University, Grambling, Louisiana, February 7 -11, 2000.
- Reviewer, *The International Journal of Leadership in Education*, 1998.
- Accreditation Team site visit, Southern Association of Colleges and Universities, Nicholls State University, Thibodaux, Louisiana, April 24 - 27, 1995.
- Co-chair of program committee to review proposals and recommend sessions for 1991 annual conference for Association of Black Women in Higher Education held in Greensboro North Carolina at Bennett College, August 1990-May 1991.
- Assisted local Chicago school council to conduct assessments for school plan by conducting and interpreting surveys of faculty/staff, students and community members.

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GRANTS

- "Web on Wheels" searching for funding sources.
- Principal Investigator: Digital Communities Project, Japan Electronic Association, $400,000, 1998-2000.
- Principal Investigator, Rural Utilities Services Grant, U.S. Department of Agriculture, $261,295.00, October 21, 1997.
- Co-principal investigator, Project US- University Schools, United States Environmental Protection Agency, $22,680, October 1, 1996- September 30, 1997.
- Co-principal investigator, The Expansion of Cape Fear Educational Partnership into Rural Southeastern North Carolina, Rural Electrification Grant, Dept. of Agriculture, $484, 452.00, October 1993- May 1996.

- Principal investigator, Community Relations Project, funded by Z. Smith Reynolds Foundation, $50,000, September 1994 - December 1995.
- Principal investigator, Future Arts III (statewide conference on film and video), North Carolina Arts Council, $6,000, 1995.
- Principal investigator, United States Department of Transportation's Office of Civil Rights to conduct symposium, "Access, Benefits, Concern: Mass Transit's Commitment to Minorities," $80,000, 1986.

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AWARDS

- 2000 Cape Fear Women of Achievement Award in Business and Industry, May 11, 2000.
- Distinguished Alum Award, UNIVERSITY OF ILLINOIS AT CHICAGO, School of Education for scholarship, teaching, and practice in field of education, MAY 7, 2000.
- President's Leadership Award presented to Division for Public Service and Extended Education by James Sprunt Community College for collaborations in business and industry, 1998.
- Received recognition award for Great Expectations, an early outreach program, 1998.
- Nominated by President Diebold to participate in AASCU's Academic Leadership Institute, New Orleans, LA, 1993.
- Service Award presented by Office of Alumni Affairs for exemplary performance in 1990 phon-a-thon for Annual Giving campaign, Chicago State University, December 1990.
- Selected as a "Leader" national competition for Leadership Development, a professional development project sponsored by The American Association of Women in Community and Junior Colleges, The League for Innovation in the Community College, and Rio Salado Community College, Phoenix Arizona, 1986.
- Awarded first year scholarship University of Chicago, 1970.
- Awarded undergraduate and graduate scholarships, Catholic Scholarships for Negroes, 1970-1975.

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PROFESSIONAL AFFILIATIONS

- Past Chair, Southeastern Public Interest Nework (SPINNC.ORG) 1997-1998.
- Member, Cape Fear Regional Partnership Network, October 1993 - present.
- Wilmington Community Coalition, Building Bridges, North Carolina, September 1994 - present.
- Facilitator, Minority Participation Committee, United Way of Erie County, 1991-1993.
- President and Co-founder, Chicago Chapter, Association of Black Women in Higher Education, 1989-1991.
- Past president, Lambda Chapter (based at the University of Chicago), of Pi Lambda Theta, national honor and professional education association, 1985-1987.
- Secretary, Professional Women's Organization, La Rabida Children's Hospital and Research Center, 1987-1991.
- Institutional representative, CAEL, The Council for Adult and Experiential Learning, 1987-1991.
- Member, National Association for Female Executives, 1988 - 1990.
- Member, National University and Continuing Education Association, 1987-1991.
- Member, American Educational Research Association, 1984 - present.
- Chairperson, Retention Committee and Member, Community Advisory Council, University of Illinois at Chicago, 1986 -1991.

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BOARDS

- Member, Regional Advisory Board, Bank of America, Wilmington, NC. 1998 - present.
- Vice President, Board, American Red Cross, Wilmington, N.C., 1999 - present.
- Secretary, Board, American Red Cross, Wilmington, N. C., 1995 - 1999.
- Board Member, Cape Fear United Way, Wilmington, N.C., 1998 - present.
- Business Incubator, Advisory Board, Community Development Corporation, Wilmington, NC. 1994 - present.
- Advisory Board, Film Commission, Wilmington, N. C., January 1994-1995.

- Board Member, Wilmington Transit Authority, Wilmington, N. C., September 1994 - 1998.
- Board Member, Coast Line Convention Center, Wilmington, N. C., 1995 - 1998.

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Go to the University of North Carolina at Wilmington
Go to the Division for Public Service and Extended Education at UNCW

Site Webmaster: Cathi Phillips

2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

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

☐ Committee Substitute for
H.B. 1161 A BILL TO BE ENTITLED AN ACT TO APPOINT SCHOOL ADMINISTRATORS TO SERVE AS ADVISORS TO THE STATE BOARD OF EDUCATION.

☐ With a favorable report.

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

☐ With a favorable report, as amended.

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

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

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

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

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

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

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

☐ Without prejudice.

☐ With an indefinite postponement report.

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

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

2/15/01

April 24 Education

Favorable CSJR 1161 4-24-01

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

H D

HOUSE JOINT RESOLUTION 1161
PROPOSED COMMITTEE SUBSTITUTE H1161-CSSF-11 [v.5]

4/23/2001 9:35:45 PM

Sponsors:

Referred to:

April 12, 2001

A JOINT RESOLUTION PROVIDING FOR A JOINT SESSION OF THE GENERAL ASSEMBLY TO ACT ON A JOINT RESOLUTION PROVIDING FOR CONFIRMATION OF THE 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 House of Representatives and the Senate the names of his appointees to fill the terms of membership on the State Board of Education which expire March 31, 2009;

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

SECTION 1. Upon the call of the Speaker of the House of Representatives and the President Pro Tempore of the Senate, the General Assembly shall meet in joint session to act on a joint resolution providing for confirmation of the appointments by the Governor of new members to the State Board of Education.

SECTION 2. This resolution is effective upon ratification.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

H D

HOUSE JOINT RESOLUTION 1161
PROPOSED COMMITTEE SUBSTITUTE HJR1161-PCS9156-SF-11

Sponsors:

Referred to:

April 12, 2001

A JOINT RESOLUTION PROVIDING FOR A JOINT SESSION OF THE GENERAL ASSEMBLY TO ACT ON A JOINT RESOLUTION PROVIDING FOR CONFIRMATION OF THE APPOINTMENTS BY THE GOVERNOR OF NEW MEMBERS TO THE STATE BOARD OF EDUCATION.

Whereas, under the provisions of the North Carolina Constitution 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 House of Representatives and the Senate the names of his appointees to fill the terms of membership on the State Board of Education which expire March 31, 2009; Now, therefore,

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

SECTION 1. Upon the call of the Speaker of the House of Representatives and the President Pro Tempore of the Senate, the General Assembly shall meet in joint session to act on a joint resolution providing for confirmation of the appointments by the Governor of new members to the State Board of Education.

SECTION 2. This resolution is effective upon ratification.

2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

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

☐ Committee Substitute for
H.B. 1144 A BILL TO BE ENTITLED AN ACT TO APPOINT SCHOOL ADMINISTRATORS TO SERVE AS ADVISORS TO THE STATE BOARD OF EDUCATION.

☐ With a favorable report.

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

☐ With a favorable report, as amended.

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

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

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

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

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

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

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

☐ Without prejudice.

☐ With an indefinite postponement report.

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

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

2/15/01

HOUSE BILL 1144:
Amend St. Bd. of Educ. Advisory Members.

BILL ANALYSIS

Committee:	House Education	**Introduced by:**	Rep. Yongue
Date:	April 24, 2001	**Summary by:**	Sara Kamprath
Version:	PCS for HB 1144 H1144-CSRJ-12[v.4]		Education Policy Analyst

SUMMARY: ***The proposed House committee substitute for House Bill 1144 would keep the same total number of four advisory members that currently serve on the State Board of Education but would amend the make up of those members. The proposed committee substitute would add the State Principal of the Year and a superintendent as advisory members to the State Board. The proposed committee substitute would also reduce the number of student advisory members from two to one and the number of State Teacher of the Year advisory members from two to one. The bill becomes effective when it becomes law.***

CURRENT LAW: There are currently four advisory members on the State Board of Education. The Governor appoints two high school juniors to staggered two-year terms as student advisory members to the State Board of Education. Also, the current State Teacher of the Year and the previous year's State Teacher of the Year serve as advisory members for any given year.

BILL ANALYSIS: The table below shows the number and make up of the advisory members to the State Board of Education under the current law, the first edition of House Bill 1144, and the proposed committee substitute.

Make up of Advisory Members (Current law)	**Make up of Advisory Members** (First Ed. of HB 1144)	**Make up of Advisory Members** (PCS for HB 1144)
2 students	2 students	1 students
2 State Teachers of the Year (current & previous year)	2 State Teachers of the Year (current & previous year)	1 State Teacher of the Year
	1 State Principal of the Year	1 State Principal of the Year
	1 Superintendent	1 Superintendent
4 advisory members	6 advisory members	4 advisory members

H1144-SMRJ-001

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

H D

HOUSE BILL 1144
PROPOSED COMMITTEE SUBSTITUTE H1144-CSRJ-12 [v.4]

4/24/2001 9:03:05 AM

Short Title: Amend St. Bd. of Educ. Advisory Members. (Public)

Sponsors:

Referred to:

April 12, 2001

A BILL TO BE ENTITLED

AN ACT TO APPOINT SCHOOL ADMINISTRATORS TO SERVE AS ADVISORS TO THE STATE BOARD OF EDUCATION AND TO REDUCE THE NUMBER OF STUDENT AND STATE TEACHER OF THE YEAR ADVISORS TO THE STATE BOARD OF EDUCATION.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-11(a1) reads as rewritten:

"(a1) Student advisors – The Governor is hereby authorized to appoint ~~two~~ one high school ~~students~~ student who ~~are~~ is enrolled in the public schools of North Carolina as ~~advisors~~ an advisor to the State Board of Education. The student ~~advisors~~ advisor shall participate in State Board deliberations in an advisory capacity only. The State Board may, in its discretion, exclude the student ~~advisors~~ advisor from executive sessions.

The Governor shall ~~make initial appointments of student advisors to the State Board as follows:~~

~~(1) One high school junior shall be appointed for a two-year term beginning September 1, 1986, and expiring June 14, 1988; and~~

~~(2) One high school senior shall be appointed for a one-year term beginning September 1, 1986, and expiring June 14, 1987. When an initial or subsequent term expires, the Governor shall appoint a high school junior for a two-year term beginning June 15 of that year. If a student advisor is no longer enrolled in the public schools of North Carolina or if a vacancy otherwise occurs, the Governor shall appoint a student advisor for the remainder of the unexpired term.~~ appoint a high school junior for a one-year term beginning June 15 of each year. If a student advisor is no longer enrolled in the public schools of North Carolina or if a vacancy otherwise occurs, the Governor shall appoint a student advisor for the remainder of the unexpired term.

Student advisors shall receive per diem and necessary travel and subsistence expenses in accordance with the provisions of G.S. 138-5."

SECTION 2. G.S. 115C-11(a2) reads as rewritten:

"(a2) State Teacher of the Year Advisor. – Each State Teacher of the Year, as designated by the Department of Public Instruction, shall serve ex officio as advisor to the State Board of Education. Each State Teacher of the Year shall begin service as advisory member to the State Board at the commencement of the teacher's term as State Teacher of the Year and shall serve for ~~two years.~~one year. The State ~~Teachers~~ Teacher of the Year shall participate in State Board deliberations and committee meetings in an advisory capacity only. The State Board may, in its discretion, exclude the State ~~Teachers~~ Teacher of the Year from executive sessions.

In the event a vacancy occurs in the State Teacher of the Year's advisory position, the teacher who was next runner-up ~~to that State Teacher of the Year~~ shall serve as the advisory member to the Board for the remainder of the unexpired term. The State Teacher of the Year ~~advisors~~ advisor to the State Board shall receive per diem and necessary travel and subsistence expenses in accordance with the provisions of G.S. 138-5."

SECTION 3. G.S. 115C-11 is amended by adding two new subsections to read:

"(a3) Superintendent Advisor. – The Governor shall appoint a superintendent of a local school administrative unit as an advisor to the State Board of Education. The superintendent advisor shall serve for a term of one year. The superintendent advisor shall participate in State Board deliberations and committee meetings in an advisory capacity only. The State Board may, in its discretion, exclude the superintendent advisor from executive sessions.

In the event that a superintendent advisor ceases to be a superintendent in a local school administrative unit, the position of superintendent advisor shall be deemed vacant. In the event that a vacancy occurs in the position for whatever reason, the Governor shall appoint a superintendent advisor for the remainder of the unexpired term. The superintendent advisor to the State Board shall receive per diem and necessary travel and subsistence expenses in accordance with the provisions of G.S. 138-5.

(a4) State Principal of the Year Advisor. – Each State Principal of the Year, as designated by the Department of Public Instruction, shall serve ex officio as an advisor to the State Board of Education. Each State Principal of the Year shall begin service as an advisory member to the State Board at the commencement of the principal's term as State Principal of the Year and shall serve for one year. The State Principal of the Year shall participate in State Board deliberations and committee meetings in an advisory capacity only. The State Board may, in its discretion, exclude the State Principal of the Year from executive sessions.

In the event a vacancy occurs in the State Principal of the Year's advisory position, the principal who was next runner-up to that State Principal of the Year shall serve as

the advisory member to the Board for the remainder of the unexpired term. The State Principal of the Year advisor to the State Board shall receive per diem and necessary travel and subsistence expenses in accordance with the provisions of G.S. 138-5."

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

H D

HOUSE BILL 1144
PROPOSED COMMITTEE SUBSTITUTE H1144-PCS3421-RJ-12

Short Title: Amend St. Bd. of Educ. Advisory Members. (Public)

Sponsors:

Referred to:

April 12, 2001

A BILL TO BE ENTITLED

AN ACT TO APPOINT SCHOOL ADMINISTRATORS TO SERVE AS ADVISORS TO THE STATE BOARD OF EDUCATION AND TO REDUCE THE NUMBER OF STUDENT AND STATE TEACHER OF THE YEAR ADVISORS TO THE STATE BOARD OF EDUCATION.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-11(a1) reads as rewritten:

"(a1) Student advisors. – The Governor is hereby authorized to appoint ~~two~~ one high school ~~students~~ student who ~~are~~ is enrolled in the public schools of North Carolina as ~~advisors~~ an advisor to the State Board of Education. The student ~~advisors~~ advisor shall participate in State Board deliberations in an advisory capacity only. The State Board may, in its discretion, exclude the student ~~advisors~~ advisor from executive sessions.

The Governor shall ~~make initial appointments of student advisors to the State Board as follows:~~

~~(1) One high school junior shall be appointed for a two-year term beginning September 1, 1986, and expiring June 14, 1988; and~~

~~(2) One high school senior shall be appointed for a one-year term beginning September 1, 1986, and expiring June 14, 1987. When an initial or subsequent term expires, the Governor shall appoint a high school junior for a two-year term beginning June 15 of that year. If a student advisor is no longer enrolled in the public schools of North Carolina or if a vacancy otherwise occurs, the Governor shall appoint a student advisor for the remainder of the unexpired term.~~ appoint a high school junior for a one-year term beginning June 15 of each year. If a student advisor is no longer enrolled in the public schools of North Carolina or if a vacancy otherwise occurs, the Governor shall appoint a student advisor for the remainder of the unexpired term.

Student advisors shall receive per diem and necessary travel and subsistence expenses in accordance with the provisions of G.S. 138-5."

SECTION 2. G.S. 115C-11(a2) reads as rewritten:

"(a2) State Teacher of the Year Advisor. – Each State Teacher of the Year, as designated by the Department of Public Instruction, shall serve ex officio as advisor to the State Board of Education. Each State Teacher of the Year shall begin service as advisory member to the State Board at the commencement of the teacher's term as State Teacher of the Year and shall serve for ~~two years.~~one year. The State ~~Teachers~~ Teacher of the Year shall participate in State Board deliberations and committee meetings in an advisory capacity only. The State Board may, in its discretion, exclude the State ~~Teachers~~ Teacher of the Year from executive sessions.

In the event a vacancy occurs in the State Teacher of the Year's advisory position, the teacher who was next runner-up ~~to that State Teacher of the Year~~ shall serve as the advisory member to the Board for the remainder of the unexpired term. The State Teacher of the Year ~~advisors~~ advisor to the State Board shall receive per diem and necessary travel and subsistence expenses in accordance with the provisions of G.S. 138-5."

SECTION 3. G.S. 115C-11 is amended by adding two new subsections to read:

"(a3) Superintendent Advisor. – The Governor shall appoint a superintendent of a local school administrative unit as an advisor to the State Board of Education. The superintendent advisor shall serve for a term of one year. The superintendent advisor shall participate in State Board deliberations and committee meetings in an advisory capacity only. The State Board may, in its discretion, exclude the superintendent advisor from executive sessions.

In the event that a superintendent advisor ceases to be a superintendent in a local school administrative unit, the position of superintendent advisor shall be deemed vacant. In the event that a vacancy occurs in the position for whatever reason, the Governor shall appoint a superintendent advisor for the remainder of the unexpired term. The superintendent advisor to the State Board shall receive per diem and necessary travel and subsistence expenses in accordance with the provisions of G.S. 138-5.

(a4) State Principal of the Year Advisor. – Each State Principal of the Year, as designated by the Department of Public Instruction, shall serve ex officio as an advisor to the State Board of Education. Each State Principal of the Year shall begin service as an advisory member to the State Board at the commencement of the principal's term as State Principal of the Year and shall serve for one year. The State Principal of the Year shall participate in State Board deliberations and committee meetings in an advisory capacity only. The State Board may, in its discretion, exclude the State Principal of the Year from executive sessions.

In the event a vacancy occurs in the State Principal of the Year's advisory position, the principal who was next runner-up to that State Principal of the Year shall serve as

the advisory member to the Board for the remainder of the unexpired term. The State Principal of the Year advisor to the State Board shall receive per diem and necessary travel and subsistence expenses in accordance with the provisions of G.S. 138-5."

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

HOUSE BILL 1144

Short Title:	Administrators Advise St. Bd. of Education.	(Public)
Sponsors:	Representatives Yongue, Bonner, Rogers (Primary Sponsors); and Barefoot.	
Referred to:	Education.	

April 12, 2001

A BILL TO BE ENTITLED

AN ACT TO APPOINT SCHOOL ADMINISTRATORS TO SERVE AS ADVISORS TO THE STATE BOARD OF EDUCATION.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-11 is amended by adding two new subsections to read:

"(a3) Superintendent Advisor. – The Governor shall appoint a superintendent of a local school administrative unit as an advisor to the State Board of Education. The superintendent advisor shall serve for a term of one year. The superintendent advisor shall participate in State Board deliberations and committee meetings in an advisory capacity only. The State Board may, in its discretion, exclude the superintendent advisor from executive sessions.

In the event that a superintendent advisor ceases to be a superintendent in a local school administrative unit, the position of superintendent advisor shall be deemed vacant. In the event that a vacancy occurs in the position for whatever reason, the Governor shall appoint a superintendent advisor for the remainder of the unexpired term. The superintendent advisor to the State Board shall receive per diem and necessary travel and subsistence expenses in accordance with the provisions of G.S. 138-5.

(a4) State Principal of the Year Advisor. – Each State Principal of the Year, as designated by the Department of Public Instruction, shall serve ex officio as an advisor to the State Board of Education. Each State Principal of the Year shall begin service as an advisory member to the State Board at the commencement of the principal's term as State Principal of the Year and shall serve for one year. The State Principal of the Year shall participate in State Board deliberations and committee meetings in an advisory capacity only. The State Board may, in its discretion, exclude the State Principal of the Year from executive sessions.

In the event a vacancy occurs in the State Principal of the Year's advisory position, the principal who was next runner-up to that State Principal of the Year shall serve as the advisory member to the Board for the remainder of the unexpired term. The State Principal of the Year advisor to the State Board shall receive per diem and necessary travel and subsistence expenses in accordance with the provisions of G.S. 138-5."

SECTION 2. This act becomes effective July 1, 2001.

MINUTES
HOUSE EDUCATION SUBCOMMITTEE ON PRESCHOOL, ELEMENTARY AND SECONDARY EDUCATION

April 25, 2001

The House Education Subcommittee on Preschool, Elementary and Second Education met on Wednesday, April 25, 2001, in Room 415 of the Legislative Office Building at 8:30 a.m.. The following members were present: Chair Rep. Edith Warren, Vice Chairs Representatives Coates and Tucker, Representatives Bell, M. Crawford, Edwards, Gulley, Miller, Nye, Russell, Underhill, Walker, and Weiss. Staff Counselors Robin Johnson and Sara Kamprath were also in attendance. The House Pages in attendance were Larry Taylor of Cumberland County, Catherine Koontz of Davidson County and Kevin Randell of Wake County. A Visitor Registration list is attached and made part of these minutes.

The Chair called the meeting to order to consider the following bills:

Two bills concerning teacher portfolios were introduced and jointly discussed. Representatives Underhill and McLawhorn were recognized to explain HB 1256, A BILL TO BE ENTITLED AN ACT TO MODIFY THE PERFORMANCE-BASED LICENSURE PROGRAM TO PERMIT BEGINNING TEACHERS TO SUBMIT PORTFOLIOS DURING THE THIRD YEAR OF TEACHING. Representative Shubert was then recognized to explain HB 1198, A BILL TO BE ENTITLED AN ACT TO LIMIT THE NUMBER OF PORTFOLIOS THAT TEACHERS ARE REQUIRED TO PREPARE. Rep. Shubert presented a handout attached hereto as Attachment No. 1 and made a part of these minutes. J.B. Buxton with the State Board of Education was recognized and gave the position of the Board of Education as being firmly opposed to removal of the performance-based licensure system of teacher development and further explained the opposition. He introduced Kathy Sullivan, Resource Manager, and Vicky Collins with Department of Public Instruction and a teacher in residence. After a good discussion of the portfolios, including questions and responses from Mr. Buxton, Ms. Sullivan and Ms. Collins, Representative Tucker made a motion to amend HB 1256 into a Proposed Committee Substitute and give a favorable report to the Committee Substitute and an unfavorable report to the original bill with a request that the bill be re-referred to Rules. Representative Weiss seconded the motion. The motion carried. This bill is to be reported directly to the floor.

Representative Decker was introduced to explain HB 823, A BILL TO BE ENTITLED AN ACT TO PERMIT PRIVATE SCHOOL AND HOME SCHOOL STUDENTS TO ENGAGE IN EXTRACURRICULAR ACTIVITIES IN PUBLIC SCHOOLS. Representative Decker then submitted his handout, attached hereto as

Attachment No. 2 and made a part of these minutes. Following discussion, Rep. Tucker made a motion to amend the bill into a Proposed Committee Substitute and give a favorable report to the Committee Substitute and an unfavorable report to the original bill with a request that the bill be re-referred to Rules. Representative Decker seconded the motion. The motion carried. This bill is to be reported back to Education.

There being no further business, the meeting was adjourned at 9:30 a.m.

Respectfully submitted,

Edith D. Warren
Representative Edith D. Warren
Chair

Nancy S. Willis
Nancy S. Willis
Committee Assistant

2001 PERMANENT SUBCOMMITTEE REPORT
HOUSE OF REPRESENTATIVES

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

By Representative(s) EDITH D. WARREN (Chair/Chairs) for the Permanent Subcommittee on PRESCHOOL, ELEMENTARY AND SECONDARY EDUCATION of the Standing Committee on EDUCATION.

☐ Committee Substitute for
H.B. 0823 A BILL TO BE ENTITLED AN ACT TO PERMIT PRIVATE SCHOOL AND HOME SCHOOL STUDENTS TO ENGAGE IN EXTRACURRICULAR ACTIVITIES AT PUBLIC SCHOOLS.

REPORTED TO THE STANDING COMMITTEE ON EDUCATION

RECOMMENDED ACTION:

☐ With a favorable recommendation.

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

☐ With a favorable recommendation, as amended.

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

☐ With an unfavorable recommendation.

☒ With a favorable recommendation as to proposed committee substitute bill, ☒ which changes the title, unfavorable as to original bill, and recommend that the bill be re-referred to the Committee on Rules.

☐ With a favorable recommendation as to proposed House committee substitute bill, ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ Without prejudice.

☐ Other recommended action: _____.

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

~~Representative BONNER AND WARNER for the Standing Committee on EDUCATION~~

s/_____

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

02/15/01

HOUSE BILL 1256:
Change the Teacher Portfolio Requirement

BILL ANALYSIS

Committee:	House Education	**Introduced by:**	Representative Underhill Representative McLawhorn
Date:	April 19, 2001		
Version:	First	**Summary by:**	Shirley Iorio, Ph D Committee Staff

SUMMARY: This bill would require the State Board of Education to modify the Performance-Based Licensure Program to allow initially licensed teachers to submit their performance-based product during the third year of teaching.

This act would be effective when it becomes law.

BACKGROUND: The following information is taken from the **Performance-Based Licensure Handbook**, August, 2000, distributed by the NC Department of Public Instruction:

North Carolina implemented the Initial Licensure Program (ILP) in the mid 1980's to provide support for beginning teachers and to ease the transition from preservice to inservice teacher. Local school systems were responsible for developing Initial Licensure Programs to support beginning teachers. Initial Licensure Program plans, which required collaboration with colleges and universities with approved teacher education programs, were submitted annually to the Department of Public Instruction.

With the implementation of the program (ILP), beginning teachers were issued initial licenses which allowed them to teach for two years. During their first two years of teaching, these teachers were assigned mentors (unpaid), formally observed at least three times each year, and evaluated annually by their principals. At the end of the second year, beginning teachers who received ratings of "at standard" or "above standard" on the first five functions (management of instructional time; management of student behavior; instructional presentation; instructional monitoring; and instructional feedback) of the NC Teacher Performance Appraisal Instrument (TPAI) were recommended by their school systems for a continuing license. With very few exceptions (at most 5-10 per year), all beginning teachers were recommended for a continuing license, resulting in a conversion rate from initial to continuing licenses of 99.8%. Teacher Education Program approval criteria included the requirement that colleges and universities maintain 95% conversion rates of initial to continuing licenses by their graduates. Because so few teachers were not recommended for continuing licenses, colleges and universities easily met this criterion.

The Excellent Schools Act, now codified in part in GS 115C-296, directed that

> *The State Board of Education, in consultation with the Board of Governors of The University of North Carolina, shall evaluate and develop enhanced requirements for continuing certification. The new requirements shall reflect more rigorous standards for continuing certification and to the extent possible shall be aligned with quality professional development programs that reflect State priorities for improving student achievement.*

To this end, an advisory committee was convened by the Department of Public Instruction during the 1997-98 school year. This committee recommended that the submission of a performance-based product which addresses the national standards for what beginning teachers should know and be able to do should be required. This is the basis of the Performance-Based Licensure Program.

The Performance-Based Licensure (PBL) Program is designed to provide beginning teachers direction, support, and feedback during their first years in the classroom so that their experiences are positive and focused on the knowledge, skills, and dispositions associated with effective teaching. In this process, the beginning teacher demonstrates what he/she knows and is able to do by assembling a Performance-Based Product that contains evidence from the second year in his/her classroom.

Just as in other professions, it is the responsibility of the person seeking a license to demonstrate that he or she has the requisite knowledge, skills, and attitudes. The Performance-Based Licensure Process is designed to offer the beginning teacher the autonomy and responsibility for developing a product that reflects his or her teaching. The model recognizes the very different contexts in which teachers work and provides them the opportunity to present that which best reflects their knowledge and skills in that context. The PBL product is a collection of evidence gathered over time in the normal course of teaching, using a systematic process of reflection. It contains three components: Component A focuses on Instructional Practice; Component B focuses on Unique Learner Needs; Component C focuses on Classroom Climate. In addition, it contains documentation related to professional growth.
Each product is evaluated by assessors who have qualified after completing a rigorous training program. Candidates who do not earn the required minimum score must rework and resubmit the portion(s) of the product with identified deficiencies. The product is typically submitted during the second year of teaching. Lateral entry and provisionally licensed teachers must be within six semester hours of completing their prescribed programs of study to submit the product. The product must reflect the initial teaching license area.

The Performance-Based Licensure Program allows up to three licensure reviews. Each time the performance-based product is submitted for the licensure review, it is evaluated by two trained assessors who do not know the candidate and who work independently of each other. The candidate is guaranteed that his or her product will be reviewed by a practicing classroom teacher and by an assessor who holds a license in the same field.

Initial Licensure Program Timetable

Year 1	The initially licensed teacher: ■ is assigned a mentor ■ is provided an orientation ■ is introduced to the Performance-Based Licensure (PBL) model, including the INTASC Standards and reflective practice ■ has access to training on Performance-Based Product (PBP) design ■ develops an Individual Growth Plan (IGP) ■ is observed at least four times culminating with a summative evaluation ■ retains a copy of the summative evaluation, IGP, and documentation of professional growth and contribution activities
Year 2	The initially licensed teacher: ■ continues to have a mentor teacher ■ updates the Individual Growth Plan ■ has access to training on Performance-Based Product (PBG) design ■ develops a product ■ is observed at least four times culminating with a summative evaluation ■ submits a product for licensure review by June 15

Products are assessed in June and July and returned to the initially licensed teacher (ILT). Results of the evaluation are sent to the candidate and the school system. If the ILT obtains the required minimum total score, a continuing license will be issued when the ILT completes the third year of teaching provided that the designated official at the local level has no knowledge of any reason related to conduct or character to deny the individual teacher a continuing license. If the ILT does not obtain the required minimum total score, he/she resubmits those components scored below the individual minimum scores as described below.

Year 3	The initially licensed teacher: ■ continues to have a mentor teacher ■ updates the Individual Growth Plan ■ is observed at least four times culminating with a summative evaluation ■ reworks and resubmits (if necessary) any portion(s) of the performance-based product with identified deficiencies (on or before December 15 and/or on or before June 15 as detailed below)

Any ILT who did not obtain the required total minimum score on the performance-based product submitted during the second year reworks and resubmits the component(s) scored below the minimum individual score by December 15. The component(s) is(are) assessed and the results are returned by the end of January. If the candidate obtains the required minimum score on the component(s), he or she receives notification indicating that a continuing license will be issued upon completion of the third year of teaching provided that the designated official at the local level has no knowledge of any reason related to conduct or character to deny the individual teacher a continuing license.

If the candidate still has not obtained the required minimum score on the component(s), he or she continues to work in the area(s) of deficiency and resubmits the component(s) by June 15 for final assessment. The component(s) is(are) assessed for a final time, and the results are returned to the candidate and the school system.

HOUSE EDUCATION COMMITTEE MEETING

MAY 8, 2001

The House Education Committee met on May 8, 2001 at 11:00 a.m. in Room 643 in the Legislative Office Building. The attendance sheet indicates the members present.

Rep.Warner presided over the meeting.

The following bills were discussed:
SENATE BILL 708, REDUCE SCHOOL PAPERWORK
SENATE BILL 650, COMM. COLLEGE SATELLITE CAMPUS IN STOKES CO
SENATE BILL 378, EDUC. DEGREE NOT REQ'D./LOCAL SUPERINTENDENT

Rep. Horton offered an Amendment for the following bill.
SENATE BILL 708, REDUCE SCHOOL PAPERWORK

Rep. Womble moved for the amendment to be rolled into a committee substitute, favorable to committee substitute, unfavorable to original bill. Motion passed.

Senator Fox was called on to explain **SENATE BILL 650, COMM. COLLEGE SATELLITE CAMPUS IN STOKES CO**
Rep. Warwick moved, that the bill be given a favorable report. Motion passed.

Senator Lee was called on to explain **SENATE BILL 378, EDUC. DEGREE NOT REQ'D./LOCAL SUPERINTENDENT**
Rep. Crawford moved that the bill be given a favorable report. This was postponed.
Meeting Adjourned.

Rep. Alex Warner, Co-chair

Rep. Donald Bonner, Co-chair

Phyllis Cameron, Committee Clerk

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

SESSION LAW 2001-151
SENATE BILL 708

AN ACT TO ELIMINATE UNNECESSARY AND DUPLICATIVE PAPERWORK IN THE PUBLIC SCHOOLS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-12(19) reads as rewritten:

"**§ 115C-12. Powers and duties of the Board generally.**

The general supervision and administration of the free public school system shall be vested in the State Board of Education. The State Board of Education shall establish policy for the system of free public schools, subject to laws enacted by the General Assembly. The powers and duties of the State Board of Education are defined as follows:

...

(19) Duty to Identify Required ~~Reports.~~Reports and to Eliminate Unnecessary Reports and Paperwork. – Prior to the beginning of each school year, the State Board of Education shall identify all reports that are required at the State level for the school year.

The State Board of Education shall adopt policies to ensure that local school administrative units are not required by the State Board of Education, the State Superintendent, or the Department of Public Instruction staff to (i) provide information that is already available on the student information management system or housed within the Department of Public Instruction; (ii) provide the same written information more than once during a school year unless the information has changed during the ensuing period; or (iii) complete forms, for children with disabilities, that are not necessary to ensure compliance with the federal Individuals with Disabilities Education Act (IDEA). Notwithstanding the foregoing, the State Board may require information available on its student information management system or require the same information twice if the State Board can demonstrate a compelling need and can demonstrate there is not a more expeditious manner of getting the information."

SECTION 2. This act becomes effective July 1, 2001.

In the General Assembly read three times and ratified this the 21st day of May, 2001.

s/ Marc Basnight
President Pro Tempore of the Senate

s/ James B. Black
Speaker of the House of Representatives

s/ Michael F. Easley
Governor

Approved 11:26 a.m. this 31st day of May, 2001

2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

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

☐ Committee Substitute for
SB 708 A BILL TO BE ENTITLED AN ACT TO ELIMINATE UNNECESSARY AND DUPLICATIVE PAPERWORK IN THE PUBLIC SCHOOLS.

☐ With a favorable report.

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

☐ With a favorable report, as amended.

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

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

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

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

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

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

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

☐ Without prejudice.

☐ With an indefinite postponement report.

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

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

2/15/01

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

S D

SENATE BILL 708
PROPOSED HOUSE COMMITTEE SUBSTITUTE S708-PCS5224-RJ-16

Short Title: Reduce School Paperwork. (Public)

Sponsors:

Referred to:

March 28, 2001

A BILL TO BE ENTITLED

AN ACT TO ELIMINATE UNNECESSARY AND DUPLICATIVE PAPERWORK IN THE PUBLIC SCHOOLS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-12(19) reads as rewritten:

"**§ 115C-12. Powers and duties of the Board generally.**

The general supervision and administration of the free public school system shall be vested in the State Board of Education. The State Board of Education shall establish policy for the system of free public schools, subject to laws enacted by the General Assembly. The powers and duties of the State Board of Education are defined as follows:

...

(19) Duty to Identify Required ~~Reports.~~Reports and to Eliminate Unnecessary Reports and Paperwork. – Prior to the beginning of each school year, the State Board of Education shall identify all reports that are required at the State level for the school year.

The State Board of Education shall adopt policies to ensure that local school administrative units are not required by the State Board of Education, the State Superintendent, or the Department of Public Instruction staff to (i) provide information that is already available on the student information management system or housed within the Department of Public Instruction; (ii) provide the same written information more than once during a school year unless the information has changed during the ensuing period; or (iii) complete forms, for children with disabilities, that are not necessary to ensure compliance with the federal Individuals with Disabilities Education Act (IDEA). Notwithstanding the foregoing, the State Board may require information available on its student information management system or require the same information twice if the State Board can

demonstrate a compelling need and can demonstrate there is not a more expeditious manner of getting the information."

SECTION 2. This act becomes effective July 1, 2001.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

S 1

SENATE BILL 708

Short Title:	Reduce School Paperwork.	(Public)
Sponsors:	Senators Horton; Albertson, Ballantine, Berger, Bingham, Carpenter, Carrington, Carter, Cunningham, Dalton, Dannelly, Forrester, Foxx, Garrou, Garwood, Harris, Hoyle, Lee, Lucas, Miller, Moore, Plyler, Purcell, Rand, Robinson, Rucho, Shaw of Guilford, Soles, Swindell, and Thomas.	
Referred to:	Education/Higher Education.	

March 28, 2001

A BILL TO BE ENTITLED

AN ACT TO ELIMINATE UNNECESSARY AND DUPLICATIVE PAPERWORK IN THE PUBLIC SCHOOLS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-12(19) reads as rewritten:

"**§ 115C-12. Powers and duties of the Board generally.**

The general supervision and administration of the free public school system shall be vested in the State Board of Education. The State Board of Education shall establish policy for the system of free public schools, subject to laws enacted by the General Assembly. The powers and duties of the State Board of Education are defined as follows:

...

(19) Duty to Identify Required ~~Reports.~~Reports and to Eliminate Unnecessary Reports and Paperwork. – Prior to the beginning of each school year, the State Board of Education shall identify all reports that are required at the State level for the school year.

The State Board of Education shall adopt rules to ensure that local school administrative units are not required by the State Board of Education, the State Superintendent, or Department of Public Instruction staff to (i) provide information that is already available on the student information management system or housed within the Department of Public Instruction; (ii) provide the same written information more than once during a school year unless the information has changed during the ensuing period; or (iii) complete

forms, for children with disabilities, that are not necessary to ensure compliance with the federal Individuals with Disabilities Education Act (IDEA). Notwithstanding the foregoing, the State Board may require information available on its student information management system or require the same information twice if the State Board can demonstrate a compelling need and can demonstrate there is not a more expeditious manner of getting the information."

SECTION 2. This act becomes effective July 1, 2001.

SENATE BILL 708:
Reduce School Paperwork

BILL ANALYSIS

Committee:	House Education	**Introduced by:**	Senator Horton
Date:	May 7, 2001	**Summary by:**	Sara Kamprath
Version:	First		Committee Staff

SUMMARY: ***This bill would reduce paperwork for local school systems. It would require the State Board of Education (Board) to adopt rules to ensure that local school administrative units are not required by the Board, the State Superintendent, or Department of Public Instruction (DPI) staff to:***

i. provide information that is already available on the student information management system or housed within DPI,

ii. provide the same written information more than once during a school year unless the information has changed, or

iii. complete forms for children with disabilities that are not necessary for compliance with the federal law.

The State Board may require the above information if there is a compelling need or there is not a faster or more efficient way of getting the information.

The act would become effective July 1, 2001.

ANALYSIS: At the beginning of every school year the State Board of Education identifies all reports that are required at the State level for the school year. This information is sent to each LEA.

This bill applies to the paperwork that local school systems are required to submit to the State Board of Education, the State Superintendent, or the Department of Public Instruction. It would reduce paperwork by eliminating duplication and forms that are unnecessary for IDEA compliance. This bill reduces paperwork required between the State and the system levels.

BACKGROUND: There was a special provision in the 2000 budget bill that reduced paperwork for teachers. That provision applied to paperwork that teachers were required to prepare and submit to local boards of education, superintendents, and principals. The 2000 provision reduced paperwork required between the local system and teachers.

Shirley Iorio contributed significantly to this summary.

S708-SMRJ-001

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

SESSION LAW 2001-59
SENATE BILL 650

AN ACT DIRECTING FORSYTH TECHNICAL COMMUNITY COLLEGE TO STUDY THE FEASIBILITY OF ESTABLISHING A SATELLITE CAMPUS IN STOKES COUNTY.

The General Assembly of North Carolina enacts:

SECTION 1. Forsyth Technical Community College shall study the feasibility of establishing a satellite campus in Stokes County. The study shall address each of the 10 criteria set out in the policies of the State Board of Community Colleges regarding the establishment and maintenance of satellite campuses.

Forsyth Technical Community College shall complete this study prior to October 15, 2001.

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

In the General Assembly read three times and ratified this the 10th day of May, 2001.

s/ Beverly E. Perdue
President of the Senate

s/ James B. Black
Speaker of the House of Representatives

2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

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

☐ Committee Substitute for
SB 650 A BILL TO BE ENTITLED AN ACT DIRECTING FORSYTH TECHNICAL COMMUNITY COLLEGE TO STUDY THE FEASIBILITY OF ESTABLISHING A SATELLITE CAMPUS IN STOKES COUNTY.

☒ With a favorable report.

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

☐ With a favorable report, as amended.

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

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

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

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

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

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

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

☐ Without prejudice.

☐ With an indefinite postponement report.

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

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

2/15/01

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

S 1

SENATE BILL 650

Short Title:	Comm. College Satellite Campus in Stokes Co.	(Local)
Sponsors:	Senators Foxx and Berger.	
Referred to:	Education/Higher Education.	

March 22, 2001

A BILL TO BE ENTITLED

AN ACT DIRECTING FORSYTH TECHNICAL COMMUNITY COLLEGE TO STUDY THE FEASIBILITY OF ESTABLISHING A SATELLITE CAMPUS IN STOKES COUNTY.

The General Assembly of North Carolina enacts:

SECTION 1. Forsyth Technical Community College shall study the feasibility of establishing a satellite campus in Stokes County. The study shall address each of the 10 criteria set out in the policies of the State Board of Community Colleges regarding the establishment and maintenance of satellite campuses.

Forsyth Technical Community College shall complete this study prior to October 15, 2001.

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

HOUSE EDUCATION COMMITTEE MEETING

May 15, 2001

The House Education Committee met on May 15, 2001 at 11:00 am in Room 643 in the Legislative Office Building. The attendance sheet indicates the members present.

Rep,Bonner presided over the meeting.

The following Bills were discussed:
SENATE BILL 378, EDUC. DEGREE NOT REQ'D./LOCAL SUPERINTENDENT
SENATE BILL 735, CHANGE EDUCATION CABINET MEMBERSHIP
SENATE BILL 803, ENCOURAGE TEACHER ED./ACTIVE MILITARY

Sen. Lee was called on to explain **SENATE BILL 378, EDUC. DEGREE NOT REQ'D./LOCAL SUPERINTENDENT.** Rep. Michaux made a motion for an amendment for the bill and it failed. Rep. Michaux made a motion for a second amendment for the bill and it failed. Rep. Russell made a motion for a favorable report. Motion passed.

Sen. Dalton was called on to explain **SENATE BILL 735 , CHANGE EDUCATION CABINET MEMBERSHIP.** Rep. Arnold made a motion for a favorable report. Motion passed.

Sen. Forrester was called on to explain **SENATE BILL 803, ENCOURAGE TEACHER ED./ACTIVE MILITARY.** This bill was carried over.
Meeting adjourned.

Rep. Alex Warner, Co-chair

Rep. Donald Bonner, Co-chair

Phyllis Cameron, Committee Clerk

2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

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

☐ Committee Substitute for
S.B. 378 A BILL TO BE ENTITLED AN ACT TO PERMIT AN INDIVIDUAL WHO HAS LEADERSHIP, MANAGEMENT, AND ADMINISTRATIVE ABILITY IN A FIELD OTHER THAN EDUCATION TO SERVE AS A LOCAL SUPERINTENDENT OF SCHOOLS.

☒ With a favorable report.

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

☐ With a favorable report, as amended.

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

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

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

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

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

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

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

☐ Without prejudice.

☐ With an indefinite postponement report.

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

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

2/15/01

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

SESSION LAW 2001-174
SENATE BILL 378

AN ACT TO PERMIT AN INDIVIDUAL WHO HAS LEADERSHIP, MANAGEMENT, AND ADMINISTRATIVE ABILITY IN A FIELD OTHER THAN EDUCATION TO SERVE AS A LOCAL SUPERINTENDENT OF SCHOOLS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-271(a) reads as rewritten:

"(a) It is the policy of the State that each local board of education has the sole discretion to elect a superintendent of schools. However, the State Board shall adopt rules that establish the qualifications for election. At a minimum, each superintendent shall have been a principal in a North Carolina public school or shall have ~~equivalent experience.~~ other leadership, management, and administrative experience. In addition, the State Board ~~may establish other~~ shall adopt rules that include minimum credentials, educational prerequisites, and relevant experience ~~requirements.~~ requirements that would qualify a person to serve as a superintendent without having direct experience or certification as an educator. It is the duty of each local board to elect a superintendent who is qualified. If a local board elects a superintendent who is not qualified or who cannot qualify under this section, then the election and contract are null and void, and the board shall elect a person who is qualified."

SECTION 2. This act becomes effective July 1, 2001, and applies to superintendents elected after that date.

In the General Assembly read three times and ratified this the 29th day of May, 2001.

s/ Beverly E. Perdue
President of the Senate

s/ James B. Black
Speaker of the House of Representatives

s/ Michael F. Easley
Governor

Approved 9:02 a.m. this 7th day of June, 2001

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

S 1

SENATE BILL 378

Short Title:	Educ. Degree Not Req'd./Local Superintendent.	(Public)
Sponsors:	Senators Lee, Dannelly, Hartsell, Moore, Garwood, Garrou, and Carpenter.	
Referred to:	Education/Higher Education.	

March 8, 2001

A BILL TO BE ENTITLED

AN ACT TO PERMIT AN INDIVIDUAL WHO HAS LEADERSHIP, MANAGEMENT, AND ADMINISTRATIVE ABILITY IN A FIELD OTHER THAN EDUCATION TO SERVE AS A LOCAL SUPERINTENDENT OF SCHOOLS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-271(a) reads as rewritten:

"(a) It is the policy of the State that each local board of education has the sole discretion to elect a superintendent of schools. However, the State Board shall adopt rules that establish the qualifications for election. At a minimum, each superintendent shall have been a principal in a North Carolina public school or shall have ~~equivalent experience.~~ other leadership, management, and administrative experience. In addition, the State Board may establish other minimum credentials, educational prerequisites, and experience requirements. These educational prerequisites and experience requirements shall not require that a superintendent have experience as an educator, an education degree, or certification as an educator. It is the duty of each local board to elect a superintendent who is qualified. If a local board elects a superintendent who is not qualified or who cannot qualify under this section, then the election and contract are null and void, and the board shall elect a person who is qualified."

SECTION 2. This act becomes effective July 1, 2001, and applies to superintendents elected after that date.

SENATE BILL 378:
Educ. Degree Not Req'd./Local Superintendent

BILL ANALYSIS

Committee:	House Education	**Introduced by:**	Senator Lee
Date:	May 7, 2001	**Summary by:**	Sara Kamprath
Version:	First		Committee Staff

SUMMARY: ***This bill would allow an individual who has leadership, management, and administrative experience in a field other than education to serve as a local superintendent of schools. It would prohibit the State Board of Education from requiring that a superintendent have experience as an educator, an education degree, or certification as an educator.***

CURRENT LAW: G.S. 115C-271 (a) provides that local boards of education have the sole discretion to elect a superintendent of schools. However, the State Board of Education is required to adopt rules that establish the qualifications for election. At a minimum, each superintendent must have been a principal in a North Carolina public school or have equivalent experience. The State Board also may establish other minimum credentials, educational prerequisites, and experience requirements.

BACKGROUND: The 1984 General Assembly directed the State Board of Education "to develop and promulgate prerequisites for superintendents" before January 1, 1985. The prerequisites were to include services such as principal or equivalent experience and other minimum credentials and experience requirements. The State Board of Education policy (QP-A-005) has the following requirements for a superintendent of a local school administrative unit. The individual must:

- ✓ hold a NC principal's certificate and superintendent's certificate;
- ✓ have an experience rating of P-01 or higher. This rating means that the candidate has served as a principal or has had an equivalent administrative experience to enable the individual to receive one year of experience on a principal's certificate. Equivalent administrative experience includes various examples of employment in the field of education.
- ✓ have verification of the appropriate credentials by the Department of Public Instruction.

There are at least eight states that have passed legislation that removes the requirement that a superintendent be a licensed educator.

BILL ANALYSIS: This bill would prohibit the State Board from requiring a superintendent to have experience as an educator, and education degree, or certification as an educator. Therefore, the State Board rules and policies would no longer apply, and the State Board would have to adopt new rules and policies.

This act would become effective July 1, 2001, and would apply to superintendents elected after that date.

Shirley Iorio contributed to this summary.

S378-SMRJ-001

2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

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

☐ Committee Substitute for
S.B. 735 A BILL TO BE ENTITLED AN ACT TO MODIFY THE MEMBERSHIP OF THE EDUCATION CABINET.

☒ With a favorable report.

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

☐ With a favorable report, as amended.

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

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

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

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

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

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

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

☐ Without prejudice.

☐ With an indefinite postponement report.

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

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

2/15/01

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

SESSION LAW 2001-123
SENATE BILL 735

AN ACT TO MODIFY THE MEMBERSHIP OF THE EDUCATION CABINET.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 116C-1(b) reads as rewritten:

"(b) The Education Cabinet shall consist of the Governor, who shall serve as chair, the President of The University of North Carolina, the State Superintendent of Public Instruction, the Chairman of the State Board of Education, ~~and~~ the President of the North Carolina Community ~~College System.~~Colleges System, and the President of the North Carolina Independent Colleges and Universities. The Education Cabinet ~~shall~~ may invite other representatives of ~~private~~ education to participate in its deliberations as adjunct members."

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

In the General Assembly read three times and ratified this the 17th day of May, 2001.

s/ Beverly E. Perdue
President of the Senate

s/ James B. Black
Speaker of the House of Representatives

s/ Michael F. Easley
Governor

Approved 4:25 p.m. this 25th day of May, 2001

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

S 1

SENATE BILL 735

Short Title:	Change Education Cabinet Membership.	(Public)
Sponsors:	Senator Dalton.	
Referred to:	Education/Higher Education.	

April 2, 2001

A BILL TO BE ENTITLED

AN ACT TO MODIFY THE MEMBERSHIP OF THE EDUCATION CABINET.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 116C-1(b) reads as rewritten:

"(b) The Education Cabinet shall consist of the Governor, who shall serve as chair, the President of The University of North Carolina, the State Superintendent of Public Instruction, the Chairman of the State Board of Education, ~~and~~ the President of the North Carolina Community ~~College System.~~Colleges System, and the President of the North Carolina Independent Colleges and Universities. The Education Cabinet ~~shall~~ may invite other representatives of ~~private~~ education to participate in its deliberations as adjunct members."

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

SENATE BILL 735:
Change Education Cabinet Membership

BILL ANALYSIS

Committee:	House Education	**Introduced by:**	Senator Dalton
Date:	May 8, 2001	**Summary by:**	Shirley Iorio, Ph D
Version:	First Edition		Education Policy Analyst

SUMMARY: ***Senate Bill 735 would add the President of the North Carolina Independent Colleges and Universities to the membership of the Education Cabinet. The bill would take effect when it becomes law.***

CURRENT LAW: The current membership on the Education Cabinet includes the Governor, the President of the University of North Carolina, the State Superintendent of Public Instruction, the Chairman of the State Board of Education, and the President of the North Carolina Community College System. The Education Cabinet shall ask representatives of private education to serve as adjunct members.

BILL ANALYSIS: The bill would increase the membership of the Education Cabinet by adding the President of the North Carolina Independent Colleges and Universities. The Education Cabinet may ask other education representatives to serve as adjunct members.

Sara Kamprath contributed to this summary.

Chapter 116C.

Continuum of Education Programs.

§ 116C-1. Education Cabinet created.

(a) The Education Cabinet is created. The Education Cabinet shall be located administratively within, and shall exercise its powers within existing resources of, the Office of the Governor. However, the Education Cabinet shall exercise its statutory powers independently of the Office of the Governor.

(b) The Education Cabinet shall consist of the Governor, who shall serve as chair, the President of The University of North Carolina, the State Superintendent of Public Instruction, the Chairman of the State Board of Education, and the President of the North Carolina Community College System. The Education Cabinet shall invite representatives of private education to participate in its deliberations as adjunct members.

(c) The Education Cabinet shall be a nonvoting body that:

(1) Works to resolve issues between existing providers of education.

(2) Sets the agenda for the State Education Commission.

(3) Develops a strategic design for a continuum of education programs, in accordance with G.S. 116C-3.

(4) Studies other issues referred to it by the Governor or the General Assembly.

(d) The Office of the Governor, in coordination with the staffs of The University of North Carolina, the North Carolina Community College System, and the Department of Public Instruction, shall provide staff to the Education Cabinet. (1993, c. 393, s. 1; 1995, c. 324, s. 15.12(b).)

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

5/15

failed

EDITION No. _____

H. B. No. _____ DATE _____

S. B. No. 378 Amendment No. _____
(to be filled in by Principal Clerk)

COMMITTEE SUBSTITUTE _____

Rep. / Sen.) Micheaux

moves to amend the bill on page 1, line s 11-16

( ) WHICH CHANGES THE TITLE

by rewriting the lines to read:

"shall have been a principal in a North Carolina public school or shall have equivalent experience. In addition, the State Board may establish other minimum credentials, educational prerequisites, and experience requirements. A local board may request that the State Board waive these statutory and regulatory requirements. It is the duty of each local board to elect a ".

SIGNED _____

ADOPTED _____ FAILED _____ TABLED _____

GA-33-A

PRINCIPAL CLERK'S OFFICE (FOR ENGROSSMENT)

VISITOR REGISTRATION SHEET

EDUCATION — 5-15-01

Name of Committee — Date

VISITORS:. PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Melissa Audrey	Carolina Dominoe/Bake
Carolyn McKinney	NCAE
Gwynn Jones	OSBPM
David Brown	OSBPM
Tom Stern	NCAE
Lynne Woodruff	SBE
Mark Ezzell	-GCC-
Elizabeth Grossenbacher	OSBPM
Sam Lee	OSBPM
Doris Edwards	YADO
Bonnie Ballard	Person County Schools
Jan Allen	Granville Co Schools
Lawrence Walker	Central Carolina RESA
Leann Wimmer	NCSBE
David Hiss	ACLU
Deb Ken	ACLU
Audrey A. Galloway	NCAE
[illegible]	SBE
[illegible]	Public School Forum
[illegible]	NCDPI
[illegible]	NCCCS
Hal Miller	NCACCT
Scott Bradley	NCAE
Joyce H. Elliott	NCAE
Skeet Poindexter	NCAE
Thom M. Mills	
Julie Campbell	NCCBI
[illegible]	Building Standards

HOUSE EDUCATION COMMITTEE MEETING

MAY 17, 2001

The House Education Committee met on May 17, 2001 at 11:00 am in Room 643 in the Legislative Office Building. The attendance sheet indicates the members present.

Rep.Warner presided over the meeting.

The following Bills were discussed:
SENATE BILL 803, ENCOURAGE TEACHER ED./ACTIVE MILITARY
SENATE BILL 71, SUSPENDED STUDENTS TO ALTERNATIVE PROGS

Senator Forrester was called on to explain **SENATE BILL 803, SUSPENDED STUDENTS TO ALTERNATIVE PROGS**
Rep. Bonner made a motion for a favorable report . Motion passed.

Senator Rogers was called on to explain **SENATE BILL 71, SUSPENDED STUDENTS TO ALTERNATIVE PROGS .**
An amendment was offered. Rep. Arnold moved that the amendment be rolled into a new committee substitute, be given a favorable report, unfavorable to original bill. Motion passed.

Meeting adjourned.

Rep. Alex Warner, Co-chair

Rep. Donald Bonner, Co-chair

Phyllis Cameron, Committee Clerk

2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

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

☐ Committee Substitute for
S.B. 803 A BILL TO BE ENTITLED AN ACT TO DIRECT THE STATE UNIVERSITY SYSTEM, THE COMMUNITY COLLEGES SYSTEM, AND THE DEPARTMENT OF PUBLIC INSTRUCTION TO WORK COOPERATIVELY TO EXPAND OPPORTUNITIES FOR MILITARY PERSONNEL TO TAKE TEACHER EDUCATION CLASSES PRIOR TO DISCHARGE FROM THE MILITARY.

☒ With a favorable report.

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

☐ With a favorable report, as amended.

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

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

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

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

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

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

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

☐ Without prejudice.

☐ With an indefinite postponement report.

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

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

2/15/01

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

SESSION LAW 2001-146
SENATE BILL 803

AN ACT TO DIRECT THE STATE UNIVERSITY SYSTEM, THE COMMUNITY COLLEGES SYSTEM, AND THE DEPARTMENT OF PUBLIC INSTRUCTION TO WORK COOPERATIVELY TO EXPAND OPPORTUNITIES FOR MILITARY PERSONNEL TO TAKE TEACHER EDUCATION CLASSES PRIOR TO DISCHARGE FROM THE MILITARY.

The General Assembly of North Carolina enacts:

SECTION 1. The Board of Governors of The University of North Carolina, the State Board of Community Colleges, and the Department of Public Instruction shall work cooperatively to expand the opportunities for military personnel to enroll in and complete teacher education programs prior to discharge from the military. The cooperative effort shall include the expansion, as feasible, of teacher education classes and programs on military bases and at alternate nearby sites, through Internet-based course offerings, and through cooperative education programs. The cooperative effort shall also focus on the educational needs unique to active military personnel who are potential teachers or teacher assistants and ways to make the necessary classes and programs more accessible to them. A special effort shall also be made to communicate with and inform military personnel of the educational opportunities available on military bases, at alternate sites near military bases, through long-distance education, and through cooperative education.

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

In the General Assembly read three times and ratified this the 23rd day of May, 2001.

s/ Beverly E. Perdue
President of the Senate

s/ James B. Black
Speaker of the House of Representatives

s/ Michael F. Easley
Governor

Approved 11:25 a.m. this 31st day of May, 2001

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

S 1

SENATE BILL 803

Short Title:	Encourage Teacher Ed./Active Military.	(Public)
Sponsors:	Senators Forrester; Carpenter, Cunningham, Garwood, Hoyle, and Martin of Guilford.	
Referred to:	Education/Higher Education.	

April 3, 2001

A BILL TO BE ENTITLED

AN ACT TO DIRECT THE STATE UNIVERSITY SYSTEM, THE COMMUNITY COLLEGES SYSTEM, AND THE DEPARTMENT OF PUBLIC INSTRUCTION TO WORK COOPERATIVELY TO EXPAND OPPORTUNITIES FOR MILITARY PERSONNEL TO TAKE TEACHER EDUCATION CLASSES PRIOR TO DISCHARGE FROM THE MILITARY.

The General Assembly of North Carolina enacts:

SECTION 1. The Board of Governors of The University of North Carolina, the State Board of Community Colleges, and the Department of Public Instruction shall work cooperatively to expand the opportunities for military personnel to enroll in and complete teacher education programs prior to discharge from the military. The cooperative effort shall include the expansion, as feasible, of teacher education classes and programs on military bases and at alternate nearby sites, through Internet-based course offerings, and through cooperative education programs. The cooperative effort shall also focus on the educational needs unique to active military personnel who are potential teachers or teacher assistants and ways to make the necessary classes and programs more accessible to them. A special effort shall also be made to communicate with and inform military personnel of the educational opportunities available on military bases, at alternate sites near military bases, through long-distance education, and through cooperative education.

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

SENATE BILL 803:
Encourage Teacher Ed./Active Military

BILL ANALYSIS

Committee:	House Education	**Introduced by:**	Senator Forrester
Date:	May 8, 2001	**Summary by:**	Shirley Iorio, Ph D
Version:	First		Education Policy Analyst

SUMMARY: Senate Bill 803 would direct the UNC Board of Governors, the State Board of Community Colleges, and the Department of Public Instruction to work together to expand the opportunities for military personnel to enroll in and complete teacher education programs prior to discharge from the military.

This cooperative effort shall focus on the educational needs unique to active military personnel who are potential teachers or teacher assistants, and, as feasible, shall expand teacher education classes and programs on military bases and at nearby sites through Internet-based course offerings, and through cooperative education programs.

A special effort must be made to communicate with and inform military personnel of these educational opportunities.

NORTH CAROLINA GENERAL ASSEMBLY

LEGISLATIVE FISCAL NOTE

BILL NUMBER: Senate Bill 803 (1st Edition)

SHORT TITLE: **Encourage Teacher Ed./Active Military**

SPONSOR(S): **Senator Forrester**

FISCAL IMPACT

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

	FY 2001-02	FY 2002-03	FY 2003-04	FY 2004-05	FY 2005-06
REVENUES					
EXPENDITURES					
General Fund	$0	$0	$0	$0	$0
Other					
POSITIONS:					

PRINCIPAL DEPARTMENT(S) & PROGRAM(S) AFFECTED: Community College System, Universities, and Department of Public Instruction

EFFECTIVE DATE: When Bill Becomes Law

BILL SUMMARY:
ENCOURAGE TEACHER ED./ACTIVE MILITARY. *TO DIRECT THE STATE UNIVERSITY SYSTEM, THE COMMUNITY COLLEGES SYSTEM, AND THE DEPARTMENT OF PUBLIC INSTRUCTION TO WORK COOPERATIVELY TO EXPAND OPPORTUNITIES FOR MILITARY PERSONNEL TO TAKE TEACHER EDUCATION CLASSES PRIOR TO DISCHARGE FROM THE MILITARY.* As title indicates.
Source: Bill Digest (4/03/01)

ASSUMPTIONS AND METHODOLOGY:

The UNC system and Community Colleges recognize the advantages of offering teacher education programs (bachelor and Master's) to military personnel prior to their discharge. Although Internet based courses are expanding, a targeted campaign to increase participation does not appear to exist at this time. This bill that would encourage the Universities and Community Colleges to continue to expand opportunities for internet based education programs and to work cooperatively with the State Department of Public Instruction to communicate these opportunities on military bases in North Carolina.

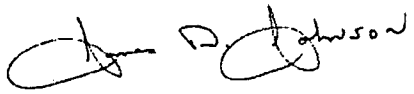
The formalization of the coordination and expansion of courses to military personnel is not expected to require additional funding. The expansion could lead to increased enrollment in the community colleges and university system, however, this increase is very difficult to project and will be a part of the Systems' future Expansion Budget request.

TECHNICAL CONSIDERATIONS:

FISCAL RESEARCH DIVISION 733-4910

PREPARED BY: Philip Price

APPROVED BY: James D. Johnson



DATE: April 12, 2001

2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

~~The following report(s) from standing committee(s) is/are presented:~~

By Representative(s) Bonner ~~& Warner~~, Chairs, for the Committee on **EDUCATION**.

☒ Committee Substitute for

S.B.71 A BILL TO BE ENTITLED AN ACT TO ESTABLISH A PILOT PROGRAM UNDER WHICH PARTICIPATING LOCAL SCHOOL ADMINISTRATIVE UNITS PLACE ALL STUDENTS WHO ARE ON SHORT-TERM OUT-OF-SCHOOL SUSPENSION IN ALTERNATIVE LEARNING PROGRAMS.

☐ With a favorable report.

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

☐ With a favorable report, as amended.

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

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

☒ With a favorable report as to House committee substitute bill (# 2), ~~☐ which changes the title~~, unfavorable as to ~~Senate~~ House committee substitute bill ~~#~~ 1.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

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

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

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

☐ Without prejudice.

☐ With an indefinite postponement report.

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

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

2/15/01

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

SESSION LAW 2001-178
SENATE BILL 71

AN ACT TO ESTABLISH A PILOT PROGRAM UNDER WHICH PARTICIPATING LOCAL SCHOOL ADMINISTRATIVE UNITS PLACE ALL STUDENTS WHO ARE ON SHORT-TERM OUT-OF-SCHOOL SUSPENSION IN ALTERNATIVE LEARNING PROGRAMS.

The General Assembly of North Carolina enacts:

SECTION 1.(a) The State Board of Education, in cooperation with the Department of Juvenile Justice and Delinquency Prevention, shall establish a pilot program under which participating local school administrative units place all students who are on short-term out-of-school suspension in alternative learning programs. These alternative placements may be in alternative learning programs, day reporting centers, and other similar supervised programs for students. The Superintendent of Public Instruction and the Secretary of the Department of Juvenile Justice and Delinquency Prevention shall select no more than five local school administrative units to participate in the program.

SECTION 1.(b) The State Board of Education and the Department of Juvenile Justice and Delinquency Prevention shall develop an application process that encourages local boards of education to apply for inclusion in the pilot program. As a part of the application process, a local board shall indicate how it proposes to address the issues set out in subsection (e) of this section. A local board of education that applies and is selected by the Superintendent and the Secretary to participate in the program shall develop and adopt a plan for placing in alternative learning programs, with the goal of successful reentry into the students' regular school setting, all students who are on short-term out-of-school suspension except that:

(1) A pilot unit may elect not to include in its plan the placement of some or all of the students who are on short-term out-of-school suspension and for whom a recommendation to the local superintendent for long-term suspension is pending; and

(2) The plan shall not require the placement of a student with disabilities in an alternative learning program if it is determined that the placement is inappropriate under the student's individual education plan.

The assignment of a student in an alternative learning program shall be for the duration of the period of short-term suspension.

SECTION 1.(c) The chief court counselor in the judicial district or a designee must work closely with the pilot unit in developing the plan. The pilot unit shall consult with other interested parties such as local designees of the Department of Public Instruction, the Department of Health and Human Services, and the Department of Juvenile Justice and Delinquency Prevention, the local Juvenile Crime Prevention Council, educators, parents, local public and private agencies serving juveniles and their families, local business leaders, citizens with an interest in youth problems, and youth representatives on the development of the plan.

SECTION 1.(d) Any selected pilot unit may delay implementation of its plan until the local board determines that adequate funds are available from federal, State, and local allocations and other sources. If the local board of a selected pilot unit determines that funds will not be adequate to implement the pilot program, the

superintendent shall notify the State Board of Education that the pilot program will not be implemented so that another pilot unit may be selected.

SECTION 1.(e) The plan should:

(1) Include a detailed plan for:
   a. Making the alternative placements;
   b. Transporting each student to the student's alternative placement;
   c. Ensuring that the student is participating in the alternative placement;
   d. Facilitating communication between the school from which the student is suspended and the alternative placement;
   e. Providing the student an opportunity to complete and receive credit for work missed during the period of suspension and to participate in the State accountability program; and
   f. Notifying and providing parents the opportunity to be involved;

(2) Identify resources that will be used to implement the plan, the sources of funds, and the process for procuring funds;

(3) State the plan's goals and anticipated outcomes of the pilot program;

(4) Include a process for assessing on an annual basis the success of the local school administrative unit in implementing the plan and the effectiveness of the plan; and

(5) Identify the extent to which the plan includes collaboration with other agencies and the Juvenile Crime Prevention Councils.

SECTION 1.(f) Notwithstanding any other provision of law, the Department of Juvenile Justice and Delinquency Prevention and Juvenile Crime Prevention Councils may use their programs, employees, funds, and other resources to meet the needs of all students on short-term out-of-school suspension in the pilot units who are placed in alternative learning programs. The pilot unit shall, to the extent reasonable and practicable, ensure that suspended students are in programs or classrooms that are separate from those in which violent adjudicated offenders are placed. The pilot unit shall not send suspended students to programs or classrooms in training schools, detention centers, or other similar facilities.

Notwithstanding any other provision of law, the pilot unit may contract with nonprofit corporations and other governmental entities to meet the needs of these students and may assign students to programs administered and staffed in whole or in part by these entities. The nonprofit shall maintain adequate liability insurance to cover claims arising from the provision of services by the nonprofit.

SECTION 1.(g) Any absences from the alternative learning program shall be subject to local board policies regarding promotion and course credits. Also, if a pilot unit determines that attendance in the alternative learning program is mandatory for eligible short-term suspended students, the students shall attend in accordance with the compulsory attendance requirements of G.S. 115C-378.

SECTION 1.(h) Except as provided in subsection (e) of this section, the pilots shall be implemented in accordance with G.S. 115C-391. The policies and procedures for the discipline of students with disabilities shall be consistent with federal and State laws and regulations.

SECTION 1.(i) The Department of Public Instruction and the Department of Juvenile Justice and Delinquency Prevention shall report to the Joint Legislative Education Oversight Committee by April 15, 2003, on:

(1) The implementation of the program in the pilot units;

(2) The full cost of implementing the pilot program;

(3) The sources of funds and other resources used to implement the pilot programs;

(4) Each unit's assessment of its plan;

(5) Instances of effective local collaboration and coordination of services;

(6) Innovative or experimental aspects of the plans that would be useful models for replication in other local school administrative units; and

(7) A recommendation as to whether the program should be instituted statewide, including any legislative recommendations.

SECTION 1.(j) The State Board of Education, the Department of Juvenile Justice and Delinquency Prevention, and the pilot units shall implement this act, within existing State resources, by redirecting existing State resources and by using non-State funds.

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

In the General Assembly read three times and ratified this the 28th day of May, 2001.

s/ Beverly E. Perdue
President of the Senate

s/ Joe Hackney
Speaker Pro Tempore of the House of Representatives

s/ Michael F. Easley
Governor

Approved 11:21 a.m. this 7th day of June, 2001

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

S 1

SENATE BILL 71

Short Title:	Suspended Students Ass'd to Alternative Progs.	(Public)
Sponsors:	Senators Carter; Albertson, Cunningham, Dalton, Garrou, Gulley, Harris, Kinnaird, Lee, Lucas, Martin of Guilford, Metcalf, Miller, Rand, and Robinson.	
Referred to:	Education/Higher Education.	

February 6, 2001

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH A PILOT PROGRAM UNDER WHICH PARTICIPATING LOCAL SCHOOL ADMINISTRATIVE UNITS PLACE ALL STUDENTS WHO ARE ON SHORT-TERM OUT-OF-SCHOOL SUSPENSION IN ALTERNATIVE LEARNING PROGRAMS.

The General Assembly of North Carolina enacts:

SECTION 1.(a) The State Board of Education, in cooperation with the Department of Juvenile Justice and Delinquency Prevention, shall establish a pilot program under which participating local school administrative units place all students who are on short-term out-of-school suspension in alternative learning programs. These alternative placements may be in alternative learning programs, day reporting centers, and other similar supervised programs for juveniles. No more than five local school administrative units may participate in the program.

SECTION 1.(b) A local board of education that is selected to participate in the program shall develop and adopt a plan for the placement in alternative learning programs of (i) all students who are on short-term out-of-school suspension and (ii) all students who are on short-term out-of-school suspension and for whom a recommendation to the local superintendent for long-term suspension is pending. The assignment shall be for the duration of the period of short-term suspension. In developing the plan, the pilot unit must work closely with the chief court counselor in the judicial district, or a designee. The pilot unit is encouraged to consult with other interested parties such as representatives of the Department of Public Instruction and the Department of Juvenile Justice and Delinquency Prevention, the local Juvenile Crime Prevention Council, educators, parents, local public and private agencies serving juveniles and their families, local business leaders, citizens with an interest in youth problems, and youth representatives, on the development of the plan.

SECTION 1.(c) The plan should:

(1) Include a detailed plan for:
  a. Making the alternative placements;
  b. Transporting each student to the student's alternative placement;
  c. Ensuring that the student is participating in the alternative placement;
  d. Facilitating communication between the school from which the student is suspended and the alternative placement;
  e. Providing the student an opportunity to complete and receive credit for work missed during the period of suspension;

(2) Identify resources that will be used to implement the plan;

(3) State the plan's goals and anticipated outcomes of the pilot program; and

(4) Include a process for assessing on an annual basis the success of the local school administrative unit in implementing the plan and the effectiveness of the plan.

SECTION 1.(d) Notwithstanding any other provision of law, the Department of Juvenile Justice and Delinquency Prevention and Juvenile Crime Prevention Councils may use their programs, employees, funds, and other resources to meet the needs of all students on short-term out-of-school suspension in the pilot units who are placed in alternative learning programs.

Notwithstanding any other provision of law, the pilot unit may contract with nonprofit corporations and other governmental entities to meet the needs of these students and may assign students to programs administered and staffed in whole or in part by these entities. Both the participating unit and the nonprofit shall maintain adequate liability insurance to cover claims arising from the provision of services by the nonprofit. Neither the participating unit nor any nonprofit shall be liable for a transferred student's action, except where such actions are deemed wanton and willful.

SECTION 1.(e) The Department of Public Instruction and the Department of Juvenile Justice and Delinquency Prevention shall report to the Joint Legislative Education Oversight Committee by April 15, 2003, on:

(1) The implementation of the program in the pilot units;

(2) The sources of funds and other resources used to implement the pilots;

(3) Each unit's assessment of its plan;

(4) Instances of effective local collaboration and coordination of services;

(5) Innovative or experimental aspects of the plans that would be useful models for replication in other local school administrative units; and

(6) 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.

VISITOR REGISTRATION SHEET

Education — Name of Committee

5-17-01 — Date

VISITORS:. PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Sam Lee	OSBPM
Gwenda Jones	OSBPM
Elizabeth Rosenstein	OSBPM
Marilyn Eakley	VA10
Neil Cohoon	NCAE
Audrey A. Galloway	NCAE
Jack Poledore	NCAE
[illegible]	ACLU
[illegible]	DJTJP
[illegible]	AGO
[illegible]	NCASA
[illegible]	SBE
Susan Harrison	WCPSS
Glenn Berlam	Berlam Assoc
Carol Lauer	EGHS
William Polk	Gov Office
Leann Winner	NCSBA
[illegible]	[illegible]
Michelle Frazier	NCBar Assoc.
[illegible]	[illegible]
[illegible] Causby	NCSFSA
[illegible]	NCKU
[illegible]	NCEPC
[illegible] Mayo	UNC-CA
[illegible]	Public School Forum
[illegible]	N.C.A.C.C.
[illegible]	NCAITE

HOUSE EDUCATION COMMITTEE MEETING

May 31, 2001

The House Education Committee met on May 31, 2001 at 11:00 am in Room 643 in the Legislative Office Building. The attendance sheet indicates the members present.

Rep Bonner presided over the meeting.

The following bills were discussed:
SENATE BILL 898, STUDENT CITIZEN ACT OF 2001
HOUSE BILL 938, CERTAIN COMM. COLLEGES MAY RECEIVE EDA GRANTS
SENATE BILL 532, SMALL BUSINESS CONTRACTOR INITIATIVE/FUNDS
SENATE BILL 139, LOCAL FLEX. REGARDING CHARTER SCH. TEACHERS

Sen. Dalton was called on to explain **SENATE BILL 898, STUDENT CITIZEN ACT OF 2001.** A committee substitute was offered and Rep. Crawford moved for its adoption for committee discussion. Rep. Arnold moved to give the committee substitute a favorable report, unfavorable to original bill. Motion passed.

Rep. Smith was called on to explain **HOUSE BILL 938, CERTAIN COMMITTEE. COLLEGES MAY RECEIVE EDA GRANTS PROGRAM.** Rep. Tolson moved that the House concur with Senate Amendment.

Sen. Dalton was called on to explain **SENATE BILL 532 CLARIFY APPEALS TO LOCAL SCHOOL BOARDS.**
Rep Michaux made a motion that a committee substitute be adopted. Motion passed. Rep. Alexander moved for a favorable report to committee substitute, unfavorable to original bill. Motion passed.

Sen. Rand was called on to explain **SENATE BILL 139, LOCAL FLEX. REGARDING CHARTER SCH. TEACHERS.**
Rep. Tolson moved for a favorable report . Motion passed.

Meeting adjourned.

Rep. Alex Warner, Co-chair

Rep. Donald Bonner, Co-chair

Phyllis Cameron

Phyllis Cameron, Committee Clerk

2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) Bonner & Warner, Chairs for the Committee on EDUCATION

☐ Committee Substitute for
S.B. 898 A BILL TO BE ENTITLED AN ACT TO ENACT THE STUDENT CITIZEN ACT OF 2001.

☐ With a favorable report.

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

☐ With a favorable report, as amended.

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

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

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

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

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

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

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

☐ Without prejudice.

☐ With an indefinite postponement report.

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

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

2/15/01

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

S 5

SENATE BILL 898

Second Edition Engrossed 4/12/01
House Committee Substitute Favorable 6/4/01
Fourth Edition Engrossed 6/7/01
Fifth Edition Engrossed 6/12/01

Short Title: The Student Citizen Act of 2001. (Public)

Sponsors:

Referred to:

April 5, 2001

A BILL TO BE ENTITLED

AN ACT TO ENACT THE STUDENT CITIZEN ACT OF 2001.

The General Assembly of North Carolina enacts:

SECTION 1. This act shall be known as the "Student Citizenship Act of 2001".

SECTION 2. G.S. 115C-81 reads as rewritten:

"**§ 115C-81. Basic Education Program.**

...

(g1) Modifications to the social studies curriculum to instruct students on participation in the democratic process and to give them hands-on experience in participating in the democratic process:

(1) The State Board of Education shall modify the high school social studies curriculum to include instruction in civic and citizenship education. The State Board of Education is strongly encouraged to include, at a minimum, the following components in the high school civic and citizenship education curriculum:

a. A requirement that students write to a local, State, or federal elected official about an issue that is important to them;

b. Instruction on the importance of voting and otherwise participating in the democratic process;

c. Information about current events and governmental structure; and

d. Information about the democratic process and how laws are made.

(2) The State Board of Education shall modify the middle school social studies curriculum to include instruction in civic and citizenship

education. The State Board of Education is strongly encouraged to include, at a minimum, the following components in the middle school civic and citizenship education curriculum:

a. A tour of representative local government facilities such as the local jail, the courthouse, or a town hall, to help students understand the way their community is governed;

b. A requirement that students choose and analyze a community problem and offer public policy recommendations on the problem to local officials; and

c. Information about getting involved in community groups.

(h) Character Education. – ~~Local boards of education may require the teaching of the following character traits in the public schools:~~Each local board of education shall develop and implement character education instruction with input from the local community. The instruction shall be incorporated into the standard curriculum and should address the following traits:

(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.

(h1) In addition to the instruction under subsection (h) of this section, local boards of education are encouraged to include instruction on the following responsibilities:

(1) Respect for school personnel. – In the school environment, respect includes holding teachers, school administrators, and all school personnel in high esteem and demonstrating in words and deeds that all school personnel deserve to be treated with courtesy and proper deference.

(2) Responsibility for school safety. – Helping to create a harmonious school atmosphere that is free from threats, weapons, and violent or disruptive behavior; cultivate an orderly learning environment in which students and school personnel feel safe and secure; and encourage the resolution of conflicts and disagreements through peaceful means including peer mediation.

(3) Service to others. – Engaging in meaningful service to their schools and their communities. Schools may teach service-learning by (i) incorporating it into their standard curriculum, or (ii) involving a classroom of students or some other group of students, on a voluntary basis, in one or more hands-on community-service projects.

(4) Good citizenship. – Obeying the laws of the nation and this State; abiding by school rules; and understanding the rights and responsibilities of a member of a republic."

SECTION 3. G.S. 115C-81(g) is amended by adding a new subdivision to read:

"(3b) An object containing the words of the Ten Commandments may be displayed on real property owned by a local school administrative unit along with other documents of historical significance that have formed and influenced the United States legal or governmental system. The display of an object containing the words of the Ten Commandments shall be in the same manner and appearance generally as other documents and objects displayed and shall not be presented or displayed in any fashion that results in calling attention to it apart from the other displayed documents and objects."

SECTION 4. G.S. 115C-47 is amended by adding a new subdivision to read:

"(39) To Adopt Dress Code and Appearance Policies for Students and Public School Employees. – The State of North Carolina respects a student's right to choose his or her style of dress or appearance. Local boards of education shall adopt dress code and appearance policies that require students to adhere to standards of dress that are compatible with the requirement of a good school environment. Such a policy shall provide that if a student's dress is such that it disrupts the learning environment

or constitutes a threat to health or safety, the principal or the principal's designee may require the student and student's parent or guardian to take appropriate action to remedy the situation. Principals shall maintain guidelines to implement the student dress code and appearance policy, copies of which shall be made available to parents and students.

Local boards of education shall adopt dress code and appearance policies that require public school employees to adhere to standards of dress that are compatible with the requirement of a good school environment. Such a policy shall provide that if a public school employee's dress is such that it disrupts the learning environment or constitutes a threat to health or safety, the principal or the principal's designee may require the employee to take appropriate action to remedy the situation. Principals shall maintain guidelines to implement the employee dress code and appearance policy, copies of which shall be made available to all public school employees."

SECTION 5. If any provision of this act is declared unconstitutional or invalid by the courts, it does not affect the validity of this act as a whole or any part other than the part so declared to be unconstitutional or invalid.

SECTION 6. This act becomes effective July 1, 2001, except that:

(1) The State Board of Education shall complete the modifications to the social studies curriculum required by G.S. 115C-81(g1), as enacted in Section 2 of this act, prior to October 1, 2001. The modified curriculum shall be implemented beginning with the 2002-2003 school year.

(2) Local boards of education shall develop character education instruction in accordance with G.S. 115C-81(h), as rewritten by Section 2 of this act, prior to January 1, 2002, and shall implement this instruction beginning with the 2002-2003 school year. If a local board determines that it would be an economic hardship to begin to implement character education instruction by the beginning of the 2002-2003 school year, the board may request an extension of time from the State Board of Education. The local board shall submit the request for an extension to the State Board on or before April 1, 2002. Local boards are encouraged to include in their character education instruction the responsibilities listed in G.S. 115C-81(h1) of Section 2 of this act.

(3) Section 4 of this act applies beginning on January 1, 2002.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

S D

SENATE BILL 898

Second Edition Engrossed 4/12/01

PROPOSED HOUSE COMMITTEE SUBSTITUTE S898-PCS2268-SF-18

Short Title: The Student Citizen Act of 2001. (Public)

Sponsors:

Referred to:

April 5, 2001

A BILL TO BE ENTITLED

AN ACT TO ENACT THE STUDENT CITIZEN ACT OF 2001.

The General Assembly of North Carolina enacts:

SECTION 1. This act shall be known as the "Student Citizenship Act of 2001".

SECTION 2. G.S. 115C-81 reads as rewritten:

"**§ 115C-81. Basic Education Program.**

...

(g1) Modifications to the social studies curriculum to instruct students on participation in the democratic process and to give them hands-on experience in participating in the democratic process:

(1) The State Board of Education shall modify the high school social studies curriculum to include instruction in civic and citizenship education. The State Board of Education is strongly encouraged to include, at a minimum, the following components in the high school civic and citizenship education curriculum:

a. A requirement that students write to a local, State, or federal elected official about an issue that is important to them;

b. Instruction on the importance of voting and otherwise participating in the democratic process;

c. Information about current events and governmental structure; and

d. Information about the democratic process and how laws are made.

(2) The State Board of Education shall modify the middle school social studies curriculum to include instruction in civic and citizenship education. The State Board of Education is strongly encouraged to

include, at a minimum, the following components in the middle school civic and citizenship education curriculum:

a. A tour of representative local government facilities such as the local jail, the courthouse, or a town hall, to help students understand the way their community is governed;

b. A requirement that students choose and analyze a community problem and offer public policy recommendations on the problem to local officials; and

c. Information about getting involved in community groups.

(h) Character Education. – ~~Local boards of education may require the teaching of the following character traits in the public schools:~~Each local board of education shall develop and implement character education instruction with input from the local community. The instruction shall be incorporated into the standard curriculum and should address the following traits:

(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.

(h1) In addition to the instruction under subsection (h) of this section, local boards of education are encouraged to include instruction on the following responsibilities:

(1) Respect for school personnel. – In the school environment, respect includes holding teachers, school administrators, and all school personnel in high esteem and demonstrating in words and deeds that all school personnel deserve to be treated with courtesy and proper deference.

(2) Responsibility for school safety. – Helping to create a harmonious school atmosphere that is free from threats, weapons, and violent or disruptive behavior; cultivate an orderly learning environment in which students and school personnel feel safe and secure; and encourage the resolution of conflicts and disagreements through peaceful means including peer mediation.

(3) Service to others. – Engaging in meaningful service to their schools and their communities. Schools may teach service-learning by (i) incorporating it into their standard curriculum, or (ii) involving a classroom of students or some other group of students in one or more hands-on community-service projects.

(4) Good citizenship. – Obeying the laws of the nation and this State; abiding by school rules; and understanding the rights and responsibilities of a member of a republic."

SECTION 3. G.S. 115C-391(a) reads as rewritten:

"(a) Local boards of education shall adopt policies not inconsistent with the provisions of the Constitutions of the United States and North Carolina, governing the conduct of students and establishing procedures to be followed by school officials in suspending or expelling any student, or in disciplining any student if the offensive behavior could result in suspension, expulsion, or the administration of corporal punishment. Local boards of education shall include a reasonable dress code in these policies.

The policies that shall be adopted for the administration of corporal punishment shall include at a minimum the following conditions:

(1) Corporal punishment shall not be administered in a classroom with other children present;

(2) The student body shall be informed beforehand what general types of misconduct could result in corporal punishment;

(3) Only a teacher, substitute teacher, principal, or assistant principal may administer corporal punishment and may do so only in the presence of a principal, assistant principal, teacher, substitute teacher, teacher assistant, or student teacher, who shall be informed beforehand and in the student's presence of the reason for the punishment; and

(4) An appropriate school official shall provide the child's parent or guardian with notification that corporal punishment has been

administered, and upon request, the official who administered the corporal punishment shall provide the child's parent or guardian a written explanation of the reasons and the name of the second school official who was present.

Each local board shall publish all the policies mandated by this subsection and make them available to each student and his parent or guardian at the beginning of each school year.

Notwithstanding any policy adopted pursuant to this section, school personnel may use reasonable force, including corporal punishment, to control behavior or to remove a person from the scene in those situations when necessary:

(1) To quell a disturbance threatening injury to others;
(2) To obtain possession of weapons or other dangerous objects on the person, or within the control, of a student;
(3) For self-defense;
(4) For the protection of persons or property; or
(5) To maintain order on school property, in the classroom, or at a school-related activity on or off school property."

SECTION 4. This act becomes effective July 1, 2001, except that:

(1) The State Board of Education shall complete the modifications to the social studies curriculum required by G.S. 115C-81(g1), as enacted in Section 2 of this act, prior to October 1, 2001. The modified curriculum shall be implemented beginning with the 2002-2003 school year.
(2) Local boards of education shall develop character education instruction in accordance with G.S. 115C-81(h), as rewritten by Section 2 of this act, prior to January 1, 2002, and shall implement this instruction beginning with the 2002-2003 school year. If a local board determines that it would be an economic hardship to begin to implement character education instruction by the beginning of the 2002-2003 school year, the board may request an extension of time from the State Board of Education. The local board shall submit the request for an extension to the State Board on or before April 1, 2002. Local boards are encouraged to include in their character education instruction the responsibilities listed in G.S. 115C-81(h1) of Section 2 of this act.
(3) Section 3 of this act applies beginning with the 2001-2002 school year.

SENATE BILL 898:
The Student Citizen Act of 2001.

BILL ANALYSIS

Committee:	House Education	**Introduced by:**	Senator Dalton
Date:	May 8, 2001	**Summary by:**	Shirley Iorio, Ph D
Version:	Second Edition		Education Policy Analyst

SUMMARY: ***Senate Bill 898 would create the "Student Citizenship Act of 2001". The bill would direct the State Board of Education to modify the high school and middle school social studies curriculum to give students instruction in civic and citizenship education. The bill would also require local boards of education to get input from the local community as they develop and implement character education instruction and to include a reasonable dress code policy in the student conduct policies.***

BACKGROUND: Based on a recommendation from the Joint Legislative Education Oversight Committee, 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. This change was part of the legislation that implemented the ABC's Plan.

The Social Studies curriculum is currently in the process of being revised. This month, the State Board of Education will review a revised scope and sequence of topics. The final draft of the complete social studies curriculum revision will probably go before the State Board at the end of this year.

BILL ANALYSIS:

Changes in the social studies curriculum

The State Board shall modify the high school and middle school social studies curriculum to include instruction in civics and citizenship.

The State Board is encouraged to include the following components in the revised high school curriculum:

1. require students to write an elected official about an important issue
2. instruct students on the importance of voting and participating in a democracy
3. provide information about current events and government structure
4. provide information about the democratic process and how laws are made

Instruction may be offered in a one-week unit or by inserting material throughout the school year.

The State Board is encouraged to include the following components in the revised middle school curriculum:

1. tour representative local government facilities including, local jail, courthouse or town hall
2. require students to analyze a community problem and make policy recommendations to local officials
3. provide information about involvement in community groups

The modifications to the social studies curriculum shall be completed before October 1, 2001 and the new curriculum shall be implemented beginning with the 2002-03 school year.

Implement character education curriculum
The bill increases to eleven the number of character traits and responsibilities that may be taught. The 3 new character traits and responsibilities are: responsibility for school safety; service to others; and good citizenship. The bill also revises the trait of respect to include treating teachers, school administrators and other school personnel with courtesy.

The local boards shall develop the character education instruction before October 1, 2001 and implement it starting with the 2002-03 school year.

Dress code
Local boards shall include a reasonable dress code for students in the policies that govern student conduct.

The new dress code policies shall apply beginning with the 2001-02 school year.

Sara Kamprath, Education Policy Analyst, contributed significantly to this summary.

NORTH CAROLINA GENERAL ASSEMBLY

LEGISLATIVE FISCAL NOTE

BILL NUMBER: Senate Bill 898 (Second Edition)

SHORT TITLE: The Student Citizen Act of 2001

SPONSOR(S): Senator Dalton

FISCAL IMPACT

Yes ( ) **No (X-State) No Estimate Available (X-Local)**

	FY 2001-02	FY 2002-03	FY 2003-04	FY 2004-05	FY 2005-06
REVENUES					
EXPENDITURES					
POSITIONS:					

PRINCIPAL DEPARTMENT(S) & PROGRAM(S) AFFECTED: State Board of Education, Department of Public Instruction, Local Boards of Education

EFFECTIVE DATE: July 1, 2001, with curriculum revisions to be implemented for the 2002-03 school year and the dress code provision effective for the 2001-02 school year.

BILL SUMMARY: Modifies GS 115C-81 regarding the Basic Education Program to require the high school and middle school social studies curricula to include instruction in civic and citizenship education (at the high school level to be offered as a one-week unit or throughout the year). Specifies items encouraged to be included within the curricula. Amends character education curriculum requirements to include items on responsibility for school safety, service to others, and good citizenship. Clarifies that local boards of education must develop and implement character education with input from the local community. Amends GS 115C-391(a) to direct local boards of education to adopt reasonable dress codes.

Bill Digest, April 5, 2001 and April 12, 2001

ASSUMPTIONS AND METHODOLOGY:

- The State Board of Education and the Department of Public Instruction are currently going through the revision process for the social studies curriculum. If SB 898 passes, the required revisions could be included in the current process.
- Local boards of education are required to develop and implement character education instruction and dress codes; these are currently at the discretion of the local board. Some time and expense would accrue to the local education agencies in developing these items, but the cost should primarily be a one-time expense and would more than likely be absorbed within existing resources. Currently 47 local school systems have a character education program; approximately 20 more are in some stage of developing a program. This implies that 50 local boards would have to develop a character education program.

TECHNICAL CONSIDERATIONS:

FISCAL RESEARCH DIVISION 733-4910
PREPARED BY: Jim Newlin

APPROVED BY: James D. Johnson

DATE: May 14, 2001

2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

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

☒ Committee Substitute for (Senate)
H.B.938 A BILL TO BE ENTITLED AN ACT TO PERMIT COMMUNITY COLLEGES TO GRANT SECURITY INTERESTS TO FEDERAL AGENCIES.

☐ With a favorable report.

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

☐ With a favorable report, as amended.

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

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

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

☐ With an unfavorable report.

☒ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

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

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

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

☐ Without prejudice.

☐ With an indefinite postponement report.

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

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

2/15/01

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

H 3

HOUSE BILL 938

Committee Substitute Favorable 4/11/01

Senate Education/Higher Education Committee Substitute Adopted 5/3/01

Short Title: Community Colleges May Receive EDA Grants. (Public)

Sponsors:

Referred to:

March 29, 2001

A BILL TO BE ENTITLED

AN ACT TO PERMIT COMMUNITY COLLEGES TO GRANT SECURITY INTERESTS TO FEDERAL AGENCIES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115D-58.1 reads as rewritten:

"**§ 115D-58.1. Federal contracts and grants.**

The board of trustees of any institution may apply for and accept grants from the federal government or any agency thereof, in order to carry out the institution's mission. In exercising this authority, the board of trustees may enter into and carry out contracts with the federal government or any agency thereof, may agree to and comply with any lawful and reasonable condition attached to such a ~~grant,~~ grant including, in the case of a grant from the Economic Development Administration, the granting of a security interest to the Economic Development Administration in any real property or equipment purchased with the grant, limiting the sale or use of the real property or equipment as prescribed by regulations of the Economic Development Administration, and may make expenditures from any funds so granted. The State Board of Community Colleges shall adopt rules and regulations governing the application for and the acceptance of grants under this section."

SECTION 2. S.L. 1988-907 is repealed.

SECTION 3. S.L. 1991-616 is repealed.

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

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

SESSION LAW 2001-211
HOUSE BILL 938

AN ACT TO PERMIT COMMUNITY COLLEGES TO GRANT SECURITY INTERESTS TO FEDERAL AGENCIES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115D-58.1 reads as rewritten:

"**§ 115D-58.1. Federal contracts and grants.**

The board of trustees of any institution may apply for and accept grants from the federal government or any agency thereof, in order to carry out the institution's mission. In exercising this authority, the board of trustees may enter into and carry out contracts with the federal government or any agency thereof, may agree to and comply with any lawful and reasonable condition attached to such a ~~grant,~~ grant including, in the case of a grant from the Economic Development Administration, the granting of a security interest to the Economic Development Administration in any real property or equipment purchased with the grant, limiting the sale or use of the real property or equipment as prescribed by regulations of the Economic Development Administration, and may make expenditures from any funds so granted. The State Board of Community Colleges shall adopt rules and regulations governing the application for and the acceptance of grants under this section."

SECTION 2. S.L. 1988-907 is repealed.

SECTION 3. S.L. 1991-616 is repealed.

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

In the General Assembly read three times and ratified this the 5th day of June, 2001.

s/ Beverly E. Perdue
President of the Senate

s/ James B. Black
Speaker of the House of Representatives

s/ Michael F. Easley
Governor

Approved 1:52 p.m. this 15th day of June, 2001

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

HOUSE BILL 938

Short Title:	Certain Comm. Colleges May Receive EDA Grants.	(Local)
Sponsors:	Representatives Smith; and Preston.	
Referred to:	Education.	

March 29, 2001

A BILL TO BE ENTITLED

AN ACT TO PERMIT CERTAIN COMMUNITY COLLEGES TO GRANT SECURITY INTERESTS TO FEDERAL AGENCIES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115D-58.1 reads as rewritten:

"**§ 115D-58.1. Federal contracts and grants.**

The board of trustees of any institution may apply for and accept grants from the federal government or any agency thereof, in order to carry out the institution's mission. In exercising this authority, the board of trustees may enter into and carry out contracts with the federal government or any agency thereof, may agree to and comply with any lawful and reasonable condition attached to such a ~~grant,~~ grant including, in the case of a grant from the Economic Development Administration, the granting of a security interest to the Economic Development Administration in any real property or equipment purchased with the grant, limiting the sale or use of the real property or equipment as prescribed by regulations of the Economic Development Administration, and may make expenditures from any funds so granted. The State Board of Community Colleges shall adopt rules and regulations governing the application for and the acceptance of grants under this section."

SECTION 2. This act applies only to Carteret Community College and Halifax Community College.

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

2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

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

☐ Committee Substitute for
S.B. 532 A BILL TO BE ENTITLED AN ACT TO CLARIFY THE RIGHT TO APPEAL TO A LOCAL BOARD OF EDUCATION.

☐ With a favorable report.

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

☐ With a favorable report, as amended.

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

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

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

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

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

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

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

☐ Without prejudice.

☐ With an indefinite postponement report.

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

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

2/15/01

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

SESSION LAW 2001-260
SENATE BILL 532

AN ACT TO CLARIFY THE RIGHT TO APPEAL TO A LOCAL BOARD OF EDUCATION, AND TO REQUIRE NOTICE OF THE DISMISSAL, DEMOTION, OR SUSPENSION WITHOUT PAY OF NONCERTIFIED EMPLOYEES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-45(c) reads as rewritten:

"(c) Appeals to Board of Education and to Superior Court. – An appeal shall lie to the local board of education from ~~the~~ any final administrative decision ~~of all school personnel to the appropriate local board of education.~~ in the following matters:

(1) The discipline of a student under G.S. 115C-391(c), (d), (d1), (d2), or (d3);

(2) An alleged violation of a specified federal law, State law, State Board of Education policy, State rule, or local board policy, including policies regarding grade retention of students;

(3) The terms or conditions of employment or employment status of a school employee; and

(4) Any other decision that by statute specifically provides for a right of appeal to the local board of education and for which there is no other statutory appeal procedure.

As used in this subsection, the term "final administrative decision" means a decision of a school employee from which no further appeal to a school administrator is available.

Any person aggrieved by a decision not covered under subdivisions (1) through (4) of this subsection shall have the right to appeal to the superintendent and thereafter shall have the right to petition the local board of education for a hearing, and the local board may grant a hearing regarding any final decision of school personnel within the local school administrative unit. The local board of education shall notify the person making the petition of its decision whether to grant a hearing.

In all ~~such~~ appeals to the board it ~~shall be~~ is the duty of the board of education to see that a proper notice is given to all parties concerned and that a record of the hearing is properly entered in the records of the board conducting the hearing.

The board of education may designate hearing panels composed of not less than two members of the board to hear and act upon such appeals in the name and on behalf of the board of education.

~~An appeal shall lie from the decision of a local board of education to the superior court of the State in any action of a local board of education affecting one's character or right to teach.~~ An appeal of right brought before a local board of education under subdivision (1), (2), (3), or (4) of this subsection may be further appealed to the superior court of the State on the grounds that the local board's decision is in violation of constitutional provisions, is in excess of the statutory authority or jurisdiction of the board, is made upon unlawful procedure, is affected by other error of law, is unsupported by substantial evidence in view of the entire record as submitted, or is arbitrary or capricious. However, the right of a noncertified employee to appeal decisions of a local board under subdivision (3) of this subsection shall only apply to decisions concerning the dismissal, demotion, or suspension without pay of the

noncertified employee. A noncertified employee may request and shall be entitled to receive written notice as to the reasons for the employee's dismissal, demotion, or suspension without pay. The notice shall be provided to the employee prior to any local board of education hearing on the issue. This subsection shall not alter the employment status of a noncertified employee."

SECTION 2. G.S. 115C-305 is repealed.

SECTION 3. This act becomes effective July 1, 2001, and applies to final administrative or school board decisions made on or after that date.

In the General Assembly read three times and ratified this the 26th day of June, 2001.

s/ Marc Basnight
President Pro Tempore of the Senate

s/ James B. Black
Speaker of the House of Representatives

s/ Michael F. Easley
Governor

Approved 6:22 p.m. this 29th day of June, 2001

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

S 2

SENATE BILL 532
Second Edition Engrossed 4/12/01

Short Title:	Clarify Appeals to Local School Boards.	(Public)
Sponsors:	Senators Dalton; Carter, Gulley, Hartsell, Hoyle, and Lucas.	
Referred to:	Education/Higher Education.	

March 19, 2001

A BILL TO BE ENTITLED

AN ACT TO CLARIFY THE RIGHT TO APPEAL TO A LOCAL BOARD OF EDUCATION.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-45(c) reads as rewritten:

"(c) Appeals to Board of Education and to Superior Court. – An appeal shall lie to the local board of education from ~~the~~ any final administrative decision ~~of all school personnel to the appropriate local board of education.~~ in the following matters:

(1) The discipline of a student under G.S. 115C-391(c), (d), (d1), (d2), or (d3);

(2) An alleged violation of a specified federal law, State law, State Board of Education policy, State rule, or local board policy, including policies regarding grade retention of students;

(3) An alleged violation of an employee's contract of employment, unless there is a more specific appeal procedure provided by law;

(4) Any decision affecting a school employee's character or right to teach, unless there is a more specific appeal procedure provided by law; and

(5) Any other decision that by statute specifically provides for a right of appeal to the local board of education and for which there is no other statutory appeal procedure.

Any person aggrieved by a decision not covered under subdivisions (1) through (5) of this subsection shall have the right to petition the local board of education for a hearing, and the local board may grant a hearing regarding any final decision of school personnel within the local school administrative unit.

In all ~~such~~ appeals to the board it ~~shall be~~ is the duty of the board of education to see that a proper notice is given to all parties concerned and that a record of the hearing is properly entered in the records of the board conducting the hearing.

The board of education may designate hearing panels composed of not less than two members of the board to hear and act upon such appeals in the name and on behalf of the board of education.

An appeal shall lie from the decision of a local board of education to the superior court of the State in any action of a local board of education affecting one's character or right to teach."

SECTION 2. G.S. 115C-305 reads as rewritten:

"**§ 115C-305. Appeals ~~to board of education and~~ to superior court.**

~~Appeals to the local board of education or to the superior court shall lie from the decisions of all school personnel, including~~ School employees have a right to appeal final school board decisions affecting their character or ~~the~~ their right to teach, as provided in G.S. 115C-45(c)."

SECTION 3. This act becomes effective January 1, 2002, and applies to final administrative or school board decisions on or after that date.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

S D

SENATE BILL 532
Second Edition Engrossed 4/12/01
PROPOSED HOUSE COMMITTEE SUBSTITUTE S532-CSRC-54 [v.1]

5/31/2001 9:30:55 AM

Short Title: Clarify Sch. Bd. Apps./Noncert. E'ees Notice. (Public)

Sponsors:

Referred to:

March 19, 2001

A BILL TO BE ENTITLED

AN ACT TO CLARIFY THE RIGHT TO APPEAL TO A LOCAL BOARD OF EDUCATION, AND TO REQUIRE NOTICE OF THE DISMISSAL, DEMOTION, OR SUSPENSION WITHOUT PAY OF NONCERTIFIED EMPLOYEES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-45(c) reads as rewritten:

"(c) Appeals to Board of Education and to Superior Court. – An appeal shall lie to the local board of education from ~~the~~ any final administrative decision ~~of all school personnel to the appropriate local board of education.~~ in the following matters:

(1) The discipline of a student under G.S. 115C-391(c), (d), (d1), (d2), or (d3);

(2) An alleged violation of a specified federal law, State law, State Board of Education policy, State rule, or local board policy, including policies regarding grade retention of students;

(3) The terms or conditions of employment or employment status of a school employee; and

(4) Any other decision that by statute specifically provides for a right of appeal to the local board of education and for which there is no other statutory appeal procedure.

Any person aggrieved by a decision not covered under subdivisions (1) through (4) of this subsection shall have the right to petition the local board of education for a hearing, and the local board may grant a hearing regarding any final decision of school personnel within the local school administrative unit.

In all ~~such~~ appeals to the board it ~~shall be~~ is the duty of the board of education to see that a proper notice is given to all parties concerned and that a record of the hearing is properly entered in the records of the board conducting the hearing.

The board of education may designate hearing panels composed of not less than two members of the board to hear and act upon such appeals in the name and on behalf of the board of education.

~~An appeal shall lie from the decision of a local board of education to the superior court of the State in any action of a local board of education affecting one's character or right to teach.~~ An appeal of right brought before a local board of education under subdivision (1), (2), (3), or (4) of this subsection may be further appealed to the superior court of the State on the grounds that the local board's decision is in violation of constitutional provisions, is in excess of the statutory authority or jurisdiction of the board, is made upon unlawful procedure, is affected by other error of law, is unsupported by substantial evidence in view of the entire record as submitted, or is arbitrary or capricious. However, the right of a noncertified employee, as defined in G.S. 115C-315.1, to appeal decisions of a local board under subdivision (3) of this subsection shall only apply to decisions concerning the dismissal, demotion, or suspension without pay of the noncertified employee."

SECTION 2. G.S. 115C-305 is repealed.

SECTION 3. Article 21 of Chapter 115C of the General Statutes is amended by adding a new section to read:

"**§ G.S. 115C-315.1. Noncertified employees; notice of dismissal, demotion, or suspension without pay.**

Before recommending to a local board the dismissal, demotion or suspension without pay of a noncertified employee, the superintendent shall give written notice to the noncertified employee of the specific reasons for that recommendation. As used in this section, the term "noncertified employee" means a full-time employee of a local board of education who is employed in a position that the State Board does not require to be held by a person who holds or is qualified to hold a certificate."

SECTION 4. This act becomes effective July 1, 2001, and applies to final administrative or school board decisions made on or after that date.

SENATE BILL 532:
Clarify Sch. Bd. Apps./Noncert. E'ees Apps.

BILL ANALYSIS

Committee:	House Education	**Introduced by:**	Sen. Dalton
Date:	May 31, 2001	**Summary by:**	Kory Goldsmith* KG
Version:	S532-CSRC-54[v.1]		Committee Counsel

SUMMARY: ***This bill would limit which school personnel decisions may be appealed to local boards of education and which school personnel decisions may be appealed to superior court. It also creates a requirement a full-time noncertified employee be given written notice of the grounds for the superintendent recommending that the employee be dismissed, demoted, or suspended without pay.***

The act is effective July 1, 2001, and applies to final administrative or school board decisions made on or after that date.

DECISIONS THAT MUST BE APPEALABLE TO LOCAL SCHOOL BOARDS

Current Law: Under current law, there is a right of appeal to the local school board from any decision made by school personnel. This means any decision that affects a student, employee, or other individual (for example, someone who wants to use a school building or who attempts to enroll a child.). In addition, there are a number of federal and State laws that require certain decisions to be appealable. Senate Bill 532 would amend G.S. 115C-45(c) to limit appeals to local boards.

Any Final Administrative Decision: The bill would first limit appeals to "any final administrative decision". The bill does not define this phrase, which means local boards would need to define it. School administrators include superintendents, associate superintendents, assistant superintendents, principals, and assistant principals and may include other central office administrators. This change would mean that there is no longer an automatic right to appeal to the school board the decisions made by teachers, school bus drivers, coaches, etc.

Decisions that Must Provide for an Appeal to the Local Board: The bill would provide a right of appeal to the school board from any final administrative decision concerning:

1. A disciplinary decision resulting in:
   - A student suspension of at least 10 days;
   - A student expulsion (permanent removal from school) or permanent placement in an alternative setting;
   - A 365-days suspension or alternative placement of a student who brings a weapon (primarily guns/bombs) to school or to a school-sponsored activity, who makes a false bomb threat, or who physically assaults another person on school or at a school-sponsored activity.
2. An alleged violation of a specified federal law, State law, State Board of Education policy, State rule, or local board policy, including any policy regarding grade retention of students.
3. The terms or conditions of an employee's employment or employment status.
4. Any other decision, which by statute specifically provides for a right of appeal to the local board and for which there is no other statutory appeal procedure.

The bill would continue to allow local boards, in their discretion, to grant hearings regarding any final decision of any other matter. The effect of these changes is that there would no longer be an automatic right of appeal from some decisions. These include (but are not limited to) the following: student placement decisions; attendance policies; athletic eligibility; tuition for nonresidents; student records; building use policies; admission decisions; student fees; the use of corporal punishment; and suspensions of no more than 10 days.

APPEALS OF DECISIONS TO SUPERIOR COURT

Currently, any person has the right to appeal to superior court any decisions made by any school personnel or by the local board of education that affects one's character or right to teach.

Senate Bill 532 would repeal G.S. 115C-305 and would amend G.S. 115C-45(c) by providing for an appeal to superior court from all appeals of right to the local board (i.e., from final administrative decisions concerning items 1-4 above). However, these appeals would be limited to claims that the local board's decision:

- Violates constitutional provisions;
- Exceeds the board's statutory authority or jurisdiction;
- Is based on unlawful procedure;
- Is affected by other error of law;
- Is unsupported by substantial evidence in view of the entire record as submitted; or
- Is arbitrary or capricious.

EMPLOYMENT PROCEDURES FOR NONCERTIFIED EMPLOYEES

Current Law: The statutes do not prescribe the procedure for the dismissal, demotion, or suspension without pay of noncertified employees. Local boards have the discretion to adopt policies regarding these matters.

Proposed Committee Substitute: The PCS would require that a superintendent provide a full-time noncertified employee with written notice of the specific reasons why the superintendent is going to recommend that the employee be dismisses, demoted, or suspended without pay. The term "noncertified employee" is defined as a full-time employee who is employed in a position that the State Board does not require be filled by a person who is certified or qualified to be certified. . Examples of these types of positions include teacher assistants, bus drivers, secretaries, cafeteria workers, maintenance workers, and mechanics. State Board policy defines a full-time employee as an employee whose regular workweek is not less than 30 hours per week.

A noncertified employee would have the right to appeal to superior court the board's employment decisions that are related to a dismissal, demotion, or suspension without pay. A noncertified employee would not have a right to appeal to superior court other employment related decisions made by a local board unless those decisions violated other federal or State laws, or federal, State or State Board rules.

EFFECTIVE DATE

Senate Bill 532 would become effective July 1, 2001, and would apply to final administrative or school board decisions made on or after that date.

*S532-SMRC-001 (S532-CSRC-54[v1]. * Robin Johnson, committee counsel, contributed substantially to this summary.*

2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) Bonner & Warner, Chairs for the Committee on EDUCATION .

☒ Committee Substitute for
S.B. 139 A BILL TO BE ENTITLED AN ACT TO PERMIT LOCAL FLEXIBILITY WITH REGARD TO THE REHIRING OF TEACHERS WHO LEAVE PUBLIC SCHOOLS TO TEACH IN CHARTER SCHOOLS.

☒ With a favorable report.

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

☐ With a favorable report, as amended.

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

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

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

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

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

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

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

☐ Without prejudice.

☐ With an indefinite postponement report.

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

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

2/15/01

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

S 3

SENATE BILL 139

Education/Higher Education Committee Substitute Adopted 3/21/01
Third Edition Engrossed 3/28/01

Short Title: Local Flex. Regarding Charter Sch. Teachers. (Public)

Sponsors:

Referred to:

February 14, 2001

A BILL TO BE ENTITLED

AN ACT TO PERMIT LOCAL FLEXIBILITY WITH REGARD TO THE REHIRING OF TEACHERS WHO LEAVE PUBLIC SCHOOLS TO TEACH IN CHARTER SCHOOLS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-238.29F(e)(3) reads as rewritten:

"(e) Employees. –

...

(3) If a teacher employed by a local school administrative unit makes a written request for ~~an extended~~ a leave of absence to teach at a charter school, the local school administrative unit shall grant the ~~leave. The local school administrative unit shall grant a leave for any number of years requested by the teacher, shall extend the leave for any number of years requested by the teacher, and shall extend the leave at the teacher's request.~~ leave for one year. For the initial year of a charter school's operation, the local school administrative unit may require that the request for a leave of absence ~~or extension of leave~~ be made up to 45 days before the teacher would otherwise have to report for duty. ~~For subsequent years,~~ After the initial year of a charter school's operation, the local school administrative unit may require that the request for a leave of absence ~~or extension of leave~~ be made up to 90 days before the teacher would otherwise have to report for duty. A local board of education is not required to grant a request for a leave of absence or a request to extend or renew a leave of absence for a teacher who previously has received a leave of absence from that school board under this subdivision. A teacher who has career status under G.S. 115C-325 prior to receiving ~~an extended~~ a leave of absence to teach at a charter school may return to a public school in the local

school administrative unit with career status at the end of the leave of absence or upon the end of employment at the charter school if an appropriate position is available. If an appropriate position is unavailable, the teacher's name shall be placed on a list of available teachers and that teacher shall have priority on all positions for which that teacher is qualified in accordance with G.S. 115C-325(e)(2)."

SECTION 2. This act is effective when it becomes law and applies to requests under G.S. 115C-238.29F(e)(3) that are made on and after that date.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

S 1

SENATE BILL 139

Short Title:	Local Flex. Regarding Charter Sch. Teachers.	(Public)
Sponsors:	Senators Rand; Dalton, Dannelly, and Lee.	
Referred to:	Education/Higher Education.	

February 14, 2001

A BILL TO BE ENTITLED

AN ACT TO PERMIT LOCAL FLEXIBILITY WITH REGARD TO THE REHIRING OF TEACHERS WHO LEAVE PUBLIC SCHOOLS TO TEACH IN CHARTER SCHOOLS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-238.29F(e)(3) is repealed.

SECTION 2. Section 1 of this act does not apply to any teacher who is on an extended leave of absence that was requested or granted on or before the effective date of this act pursuant to G.S. 115C-238.29F(e)(3) or who requested and was granted an extended leave of absence pursuant to G.S. 115C-238.29F(e)(3) before the effective date of this act; however, such teachers referred to in this section shall not be granted an additional leave of absence or an extension of a leave of absence pursuant to G.S. 115C-238.29F(e)(3) after the effective date of this act.

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

SENATE BILL 139:
Local Flex. Regarding Charter Sch. Teachers

BILL ANALYSIS

Committee:	House Education	**Introduced by:**	Sen. Rand
Date:	May 15, 2001	**Summary by:**	Robin Johnson
Version:	S139-CSRH-39[V.1]		Committee Counsel

The PCS would substitute the language this Committee and the House approved earlier for a similar House Bill, sponsored by Representative Hurley. It differs from the language in SB 139 by granting the 3-year priority hiring to any teacher that receives a one-year leave to go teach in a charter school. SB 139 would have limited this protection only to teachers who attained career status before receiving the leave.

SUMMARY: This bill would limit to one year the leave of absence that a local school administrative unit (LEA) must grant to a teacher who leaves the LEA to teach in a charter school. The bill also would change somewhat the priority reemployment rights these teachers have with the LEA when their leave ends or employment at the charter school terminates. This change would give returning teachers priority employment rights for three consecutive years at the end of their employment with the charter school. It would continue to protect teachers currently on leave for the duration of their current authorized leave period, but would prohibit further extensions.

CURRENT LAW: Generally, any teacher may, for a variety of reasons, request a leave of absence, which typically is granted for a finite period. The LEA may extend a leave; however, it is highly unlikely that it would grant a permanent leave.

A leave of absence for a teacher who leaves the LEA to teach in a charter school is an exception to the general law. The LEA must grant the leave for any number of years, as requested in writing by the teacher, and must extend the leave at the teacher's request. For the first year of a charter school's operation, the LEA may require that the request for leave or extension of leave be made up to 45 days before the teacher would otherwise have to report for duty. After the first year, the LEA may require that the request be made up to 90 days before the teacher would otherwise have to report for duty.

A teacher who has career status prior to receiving this particular extended leave of absence may return to a school in the LEA with career status at the end of the leave of absence or upon the end of employment at the charter school if an appropriate position is available. If an appropriate position is not available, the teacher's name must be placed on a list of available teachers and that teacher must have priority on all positions for which that teacher is qualified.

When a request for any leave of absence is granted, the LEA typically fills that position with a teacher who is hired on a terminating contract. This means that the person is usually hired on a year-by-year basis. The school may hire, train, and support that person, only to lose that person after a year. Most teachers are seeking a permanent position and therefore are reluctant to take temporary positions, or they leave when a permanent position becomes available.

ANALYSIS: Senate Bill 139 would amend G.S. 115C-238.29F(e)(3), which governs leaves of absence for teachers who leave an LEA to teach in a charter school. LEAs would be required to grant a one-year

(Summary continued on other side)

leave of absence to any teacher (including one who did not attain career status before requesting the leave) who requests one to teach in a charter school. When the LEA grants that leave, that teacher is entitled to priority hiring consideration upon the end of that teacher's employment at the charter school. If no appropriate position is available, then the teacher has this priority for three consecutive years for all positions that become available and for which that teacher is qualified. If the teacher refuses to accept a position that is offered, the priority rights terminate.

The bill provides that the changes apply to requests for leaves made on or after the effective date.

BACKGROUND: Originally, this provision was enacted as part of the legislation creating charter schools. Since these schools were a new concept, it was believed it would encourage qualified teachers to teach in charter schools. A year later, another bill was negotiated and enacted that "fine-tuned" the original law. This act provided a shorter time frame for teachers who wanted to go a charter school during its first year (since many of those schools only started looking for staff in the summer.)

The requirement for the LEA to grant and extend this leave for any amount of time requested by the teacher may contribute to the already difficult problem some LEAs face with filling teaching vacancies particularly in critical need areas such as math, science, and special education.

EFFECTIVE DATE: The bill would take effect when it becomes law, and would apply to leaves requested on or after that date.

S139-SMRH-001: Dr. Shirley Iorio, Committee Staff, contributed to this summary.

HOUSE EDUCATION COMMITTEE MEETING

JUNE 5, 2001

The House Education Committee met on June 5, 2001 at 11:00 am in Room 643 in the Legislative Office Building. The attendance sheet indicates the members present.

Rep. Bonner presided over the meeting.

The following bills were discussed:
HOUSE BILL 990 , PROVIDE FUNDING BEFORE NEW SCH. STANDARDS
SENATE BILL 744, TEACH PERSONAL FINANCIAL LITERACY IN SCHOOLS

Rep. Womble made a motion to pass a committee substitute for House Bill 990. Motion passed.

Franklin Freeman introduced nominees for the Board of Education . Rep. Michaux stated that teachers were needed on the Board.

Rep. M. Crawford moved for a favorable report , unfavorable to original bill. Motion passed.

Sen. Hagan was called on to explain **SENATE BILL 744, TEACH PERSONAL FINANCIAL LITERACY IN SCHOOLS**

The Bill was re-referred to Appropriations.

Meeting adjourned.

Donald C. Bonner

Rep. Alex Warner, Co-chair

Rep. Donald Bonner, Co-chair

Phyllis Cameron

Phyllis Cameron, Committee Clerk

2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

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

☐ Committee Substitute for
H.B. 990 A BILL TO BE ENTITLED AN ACT TO SUSPEND THE APPLICATION OF THE STATEWIDE STUDENT ACCOUNTABILITY STANDARDS UNTIL ADEQUATE RESOURCES ARE AVAILABLE TO ENSURE THAT ALL STUDENTS HAVE A FULL AND FAIR OPPORTUNITY TO PASS THESE STANDARDS..

☐ With a favorable report.

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

☐ With a favorable report, as amended.

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

☒ With a favorable report as to committee substitute Joint Resolution, X which changes title, unfavorable as to original bill.

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

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

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

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

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

☐ Without prejudice.

☐ With an indefinite postponement report.

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

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

2/15/01

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001
RATIFIED BILL

RESOLUTION 2001-17
HOUSE JOINT RESOLUTION 990

A JOINT RESOLUTION PROVIDING FOR CONFIRMATION OF THE APPOINTMENTS OF MICHELLE HOWARD-VITAL, WAYNE MCDEVITT, AND PATRICIA WILLOUGHBY 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 House of Representatives and the Senate, the names of his appointees to fill the terms of membership on the State Board of Education which expire March 31, 2009; Now, therefore,

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

SECTION 1. The appointments of Michelle Howard-Vital, Wayne McDevitt, and Patricia Willoughby to membership on the State Board of Education for terms to expire March 31, 2009, are confirmed.

SECTION 2. This resolution is effective upon ratification.

In the General Assembly read three times and ratified this the 6th day of June, 2001.

BEVERLY E. PERDUE

Beverly E. Perdue
President of the Senate

JAMES B. BLACK

James B. Black
Speaker of the House of Representatives

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

HOUSE BILL 990*

Short Title:	Provide Funding Before New Sch. Standards.	(Public)
Sponsors:	Representatives Michaux and Luebke (Primary Sponsors).	
Referred to:	Education.	

April 5, 2001

A BILL TO BE ENTITLED

AN ACT TO SUSPEND THE APPLICATION OF THE STATEWIDE STUDENT ACCOUNTABILITY STANDARDS UNTIL ADEQUATE RESOURCES ARE AVAILABLE TO ENSURE THAT ALL STUDENTS HAVE A FULL AND FAIR OPPORTUNITY TO PASS THESE STANDARDS.

The General Assembly of North Carolina enacts:

SECTION 1. The General Assembly finds that the schools do not have adequate resources to ensure that all students have a full and fair opportunity to pass the Statewide Student Accountability Standards that were approved by the North Carolina State Board of Education; therefore, the Statewide Student Accountability Standards shall not become effective until:

(1) The State Board of Education provides the Joint Legislative Education Oversight Committee with a detailed analysis of the resources needed by local school administrative units to ensure that adequate resources are available to meet the needs of all students subject to the new standards and

(2) The General Assembly finds that adequate resources are available to the schools for this purpose.

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

April 24 Education Favorable 4-24-01

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

H D

HOUSE JOINT RESOLUTION 990*
PROPOSED COMMITTEE SUBSTITUTE H990-CSSF-10 [v.11]

4/23/2001 10:27:05 PM

Sponsors:

Referred to:

April 5, 2001

A JOINT RESOLUTION PROVIDING FOR CONFIRMATION OF THREE 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 House of Representatives and the Senate, the names of his appointees to fill the terms of membership on the State Board of Education which expire March 31, 2009.

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

SECTION 1. The appointments of three persons to membership on the State Board of Education for terms to expire March 31, 2009, are confirmed.

SECTION 2. This resolution is effective upon ratification.

STATE OF NORTH CAROLINA
OFFICE OF THE GOVERNOR
20301 MAIL SERVICE CENTER • RALEIGH, NC 27699-0301

MICHAEL F. EASLEY
GOVERNOR

May 8, 2001

The Honorable Beverly Perdue
Lieutenant Governor
310 N. Blount Street
Raleigh, NC 27603

Dear Lt. Governor Perdue:

Pursuant to North Carolina General Statute § 115C-10, I hereby appoint Ms. Patricia Willoughby, Mr. Wayne McDevitt and Dr. Michelle Howard-Vital to the North Carolina State Board of Education and submit their names for confirmation by the North Carolina General Assembly. Their terms will begin immediately pending confirmation and expire on March 31, 2009.

Patricia Willoughby will fill the seat currently held by Eddie Davis, Wayne McDevitt will fill the seat currently held by Robert Douglas, and Michelle Howard-Vital will fill the seat currently held by Margaret Harvey.

Enclosed is biographical information on these appointees. Please feel free to call on them or members of my staff if you need additional information.

With kindest regards, I remain.

Very truly yours,

Michael F. Easley

MFE:ks

Enclosures

c: The Honorable James Black
The Honorable Marc Basnight
Ms. Denise Weeks
Ms. Janet Pruitt

Wayne McDevitt is Vice Chancellor for Administration and Financial Affairs at the University of North Carolina at Asheville. McDevitt has served on the boards of numerous educational, business, conservation, civic, non-profit, foundation and governmental organizations over the past 25 years. He recently served as Chief of Staff for the North Carolina Governor's Office, and earlier as Secretary of the Department of Environment and Natural Resources.

His advocacy, service and policy-making roles in education include a coordinating role in North Carolina's "First in America" initiative to create the nation's best public school system by 2010. In addition, McDevitt served on the North Carolina Partnership for Children Board (Smart Start), the North Carolina State Parent Teacher Association Board and was a screener for the North Carolina Teaching Fellows. He has served as president of the Marshall Elementary School Parent Teacher Association and as a volunteer/mentor.

McDevitt has always maintained strong ties to Western North Carolina. He was a charter member of WNC Tomorrow, and served on the board of the Western North Carolina Development Association, on the Pack Place Education, Arts & Science Advisory Council, and on the Economic Development Association of Western North Carolina. A graduate of UNC Asheville, McDevitt has served as a member of UNC Asheville's Board of Trustees and Alumni Association Board. In addition, he served on the Baptist Children's Homes of North Carolina Board of Trustees and the Gardner-Webb University Board of Trustees.

McDevitt's awards and recognitions include selection as one of Western North Carolina's 50 most influential people of the 20th century by the Asheville Citizen-Times for his work in public service, and a Special Service Award by the North Carolina Congress of Parents and Teachers. McDevitt was the charter recipient of the UNCA Chancellor's Achievement Award in 1985, was presented UNCA's Distinguished Alumnus Award in 1998, and the UNCA Chancellor's Medallion in 2000.

McDevitt and his wife, Walda, are the parents of a son and a daughter. Their son, Nicholas, a 2001 graduate of UNCA, is a Teaching Fellow and a former student advisor to the State Board of Education.

FILE COPY

Patricia Nickens Willoughby
2700 Peachtree Street
Raleigh, North Carolina 27608
(919)782-0454 home
(919)760-2266 office

Education:

Meredith College	1988-1990 M.Ed. Reading
University of North Carolina at Chapel Hill	1971-1973 A.B. Early Childhood Education
North Carolina Wesleyan College	1969-1971

Experience:

Meredith College 3800 Hillsborough Street Raleigh, North Carolina	1999-present Assistant Professor, Department of Education Responsibilities include: teaching professional methods courses; supervising student teachers; advising students; assisting Director of Elementary Education program; serving on Teacher Education Committee; attending and facilitating workshops and seminars.
	1989-1999 Adjunct Faculty, Department of Education Responsibilities included: teaching professional methods courses; supervision of student teachers; working with other adjunct faculty; working on Department of Education projects.
State Department of Public Instruction Wilmington Street Raleigh, North Carolina	1993-1995 Consultant, Textbook Adoptions (Presented research related to inclusion of technology in textbook adoption process to North Carolina Textbook Commission)
	1988-1992 Member, North Carolina Textbook Commission
This End Up Furniture Company Westgate Road Raleigh, North Carolina	1980-1987 Accounting Department 1977-1980 General Manager

Public Schools
Windsor County
South Royalton, Vermont

1976-1977 Substitute Teacher Grades 1-12

Fred A. Smith Elementary School
Wake County Schools
Raleigh, North Carolina

1975-1976 Teacher, Second Grade

Eastern Elementary School
Washington City Schools
Washington, North Carolina

1973-1975 Teacher, Second Grade

Activities/Organizations (selected):
Professional Development:

- Mentornet Project (collaborative project with North Carolina State University, Shaw University, public school systems, and Meredith College to investigate/integrate technology as a part of instruction), ongoing
- Triangle Alliance (partnership of local colleges and public school systems), ongoing
- Wake Education Summit, April 2000
- Emerging Issues Forum, February 2001
- Eleanor Duckworth Workshop, Exploris Museum, February 2001
- Broyhill Leadership Institute (Challenge of Leadership participant 1993)
- International Reading Association, ongoing
- Technology Competencies Workshop for Educators, May 2000
- Broughton High School Parent Teacher Student Association, board member in various positions 1995-present
- White Memorial Presbyterian Church, various positions including coordinator for senior high Sunday School, Colony Care leader, Sunday School teacher, college fair
- Race for the Cure, June 2000

Personal:
Married, two daughters age 17 and 20.

FILE COPY

Division for Public Service and Extended Education

Dr. Michelle Howard-Vital

Vice Chancellor--Division for Public Service and Extended Education

Michelle Rachel Howard-Vital, vice chancellor for the Division for Public Service and Extended Education & Associate Provost at the University of North Carolina at Wilmington, loves to learn. She states that "learning how to learn is a continous process."

In May 2000, Dr. Howard-Vital received two awards: The 2000 Distinguished Alum Award from the University of Illinois at Chicago for teaching, scholarship, and administrative experience. She also received the 2000 Cape Fear Woman of Achievement Award for contributions to business and industry in the region.

Michelle Howard-Vital was born in Chicago, Illinois, Her parents were born and raised in New Orleans, Louisana. She earned her undergraduate degree in English Literature and Language from the University of Chicago and earned her masters in teaching English also from the University of Chicago. She has had numerous teaching and administrative positions.

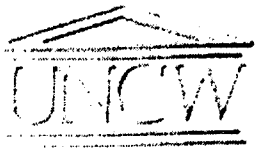
She earned a doctorate in 1983 in public policy analysis specializing in education policy from the University of Illinois at Chicago.

Michelle Howard-Vital is married to Geri Roberto Vital, and they have a daughter. Geri R. Vital also works at UNCW as admissions and academic publications coordinator for the Office of Enrollment Affairs.

Of all her challenges and other positions (i.e. Coordinator of Biomedical Sciences Program at University of Illinois, Dean of Continuing Education and Nontraditional Programs at Chicago State University), Dr. Howard-Vital states that she enjoys working at a interactive regional university. Every day brings an opportunity to forge new partnerships and help others pursue lifelong learning opportunities. Dr. Howard-Vital is very active in the community, and she serves on several boards including The Cape Fear United Way, The American Red Cross, The Bank of America Regional Advisory Board, Spinnc (a community network), The YMCA, and St. John's Museum.

On a personal note, she enjoys gardening, skating with her daughter and learning how to utilize new technologies.

Resume



Public Service & Extended Education

Dr. Michelle R. Howard-Vital

Resumé

MICHELLE R. HOWARD-VITAL, Ph.D.
233 Satara Drive
Wilmington, NC 28412
(910) 392-7858
vitalm@uncwil.edu

Education
Professional Experience
Publications
Presentations
Media Appearances
Professional Activities
Grants
Awards
Professional Affiliations
Boards

EDUCATION

Ph.D., Public Policy Analysis: Educational Policy, University of Illinois at Chicago, 1983
M.A.T., English Literature and Language, University of Chicago, 1975
B. A., English Literature and Language, University of Chicago, 1974

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PROFESSIONAL EXPERIENCES

Vice Chancellor for Public Service and Extended Education

University of North Carolina at Wilmington

601 S. College Road
Wilmington, NC 28403-3297

Vice Chancellor for Public Service and Extended Education and Associate Provost, Academic Affairs

- Responsible for providing leadership, administration, evaluation, and generation of revenue for the Division for Public Service and Extended Education: one of six divisions at UNCW. Leadership furnished for the delivery of academic and professional development programs employing flexible learning modes (e. g. North Carolina Information Highway and online courses) for regional and international audiences, for economic development through the regional center for Small Business and Technology Development, for university community relations through conference services, technology outreach services (graphic design, print and design of interactive Web sites), UNCW television and Cape Fear Learning Network, Southeastern Public Interest Network, early outreach programs for children and youth (such as marine science enrichment programs), lifelong learning programs, civic leadership programs and other initiatives.

Activities include resolving university-wide issues on Chancellor's cabinet, chairing university-wide Distance Learning and Technology Advisory Council, co-chairing Chancellor Steering Committee on Information Technology, providing leadership for virtual university experiment with four Japanese Universities, participating on university-wide Planning Council, serving on student affairs taskforce for hearing extraordinary student cases, co-chairing Technology College project (new undergraduate initiative), co-chairing Celebrate Wilmington! Festival, presenting at Board of Trustees meetings, speaking at academic and community events, and functioning as principal investigator on several divisional grants.

Associate Professor of Specialty Studies, October 1993 - present

- Teaching education courses such as EDN 301 Instructional Design and Evaluation and supervising English student teachers in their student teaching experiences in New Hanover County high schools and serving on departmental committees.

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Associate Vice President for Academic Programs and Dean of University College

Acting Vice President for Academic Affairs, Summer 1993

Edinboro University of Pennsylvania
Edinboro, PA 16444

July 1991 - October 1993

Associate Vice President for Academic Programs

- Reviewed, recommended, implemented, and assessed the development of academic programs and curricula.

- Participated, with faculty, in the development of the General Education curriculum on the University Wide Curriculum Committee.
- Co-chaired the Middle States Steering Committee and facilitated the production of the Self-Study for the 1993 accreditation site visit (EUP received successful ten-year accreditation).
- Worked with academic deans to formulate, review and recommend academic policies.
- Consulted academic deans and Office of Institutional Research and Planning to develop outcomes assessment processes in academic departments in relation to the new general education curriculum.
- Chaired various task forces such as student orientation, and hiring and recruiting new faculty.
- Served on Management's team for Meet and Discuss (collective bargaining).
- Participated in the president's Executive Management Team and President's Cabinet.
- Consulted with academic deans and directors in the development and monitoring of operational budgets for academic affairs (85 departmental budgets).
- Represented the provost at Senate Committees, system-wide meetings, and other activities.

Dean of University College

- Provided leadership for the Department of Academic Support Services (with eight tenure-track faculty members), the Center for Advising and Career Services, University Wide Internships, ACT 101, and Trial Admissions Program.
- Reorganized, reviewed and provided leadership for a new academic unit comprised of the Bachelors of Specialized Studies.
- Academic dean for over 800 General Studies Students (undecided majors).
- Participated in the design of Freshman Outreach activities.
- Provided leadership for the development of the Learning Center, the coordination and collaboration of academic support activities (tutoring and the development of a Supplemental Instruction Program) with academic departments.
- Responsible for program reviews, grant applications, budget development, development of a master plan, freshman orientation, and the review of university wide internships.

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Dean, Continuing Education and Non-Traditional Programs

Assistant Professor of Curriculum and Instruction, School of Education

Chicago State University
95th Street at King Drive
Chicago, IL 60628

November 1986-June 1991

- Academic dean for 500 majors in three non-traditional degree programs: Board of Governors degree program for non-traditional students, the Bachelors of Specialized Studies and the University Without Walls degree program.
- Developed new employee training and development program, Contractual Services and provided an additional avenue to generate credit and non credit course hours and revenue.
- Developed educational television program, *Learning Options*, a talk show designed to expose cable viewers to learning opportunities in the Chicago area.
- Managed and constructed five budgets for appropriated funds and revenue generated (chief fiscal officer).
- Developed, marketed, and provided academic and managerial leadership for four academic programs: Non-Traditional Degree Programs, Community Education, Contractual Services, and Extension Services as well as special projects as providing programming for the Chicago Access Corporation, Channel 21.
- Provided leadership and direction for the development of the Office of Continuing Education.
- Advised and mentored graduate students.
- Initiated the development of a distance learning program (worked with faculty to develop initial credit courses).
- Contributed to a variety of University-wide endeavors which included the Enrollment Services Council, functioned as institutional representative of the American Council on Education's Early Identification Program for Women seeking to become administrators, served as chairperson of two dean level search committees and CAEL representative.

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Dean, Adult/Continuing Education

Loop College (now Harold Washington College)
30 East Lake Street
Chicago, IL 60601

December 1984-November 1986

- Developed and managed department which offered over 250 non-credit classes annually--serving

over 3,000 students.

- Hired and evaluated 50-70 part-time faculty.
- Established articulation for employee education with representatives from businesses and other organizations (e.g. hospitals, labor unions, public libraries, senior citizen residences, apartment complexes, and private clubs).
- Designed and monitored off-campus employee education programs constructed for specific clientele (medical workers, blue collar workers, and business professionals).
- Recommended college policy for interactions with other college departments (registrar, admissions, and business office).
- Implemented policy from the Illinois Community College Board.
- Planned and developed non credit course content with chairpersons to complement credit offerings.
- Served on North Central Accreditation Steering Committee for 1986 accreditation visit of Chicago City-Wide College and contributed to the writing and editing of Loop College's Self Study.

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Project Coordinator, Early Outreach

University of Illinois at Chicago
715 S. Wood
Chicago, IL

September 1981-December 1984

- Coordinated two pre-college programs: Biomedical Sciences and Saturday College.
- Designed and implemented activities constructed to educate and socialize underrepresented, African American and Hispanic, secondary students into careers in the health sciences.
- Established liaisons with biomedical sciences professionals, community representatives, high school counselors and university faculty.
- Wrote final reports for the Department of Education and other constituencies.
- Constructed support services for students (e.g. tutoring, mentorships, computer assisted instruction, and counseling).

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Director, College Without Walls

Central YMCA Community College

211 West Wacker Drive
Chicago, IL 60606

May 1981-September 1981 (College closed in 1982)

- Implemented, marketed, and evaluated the College Without Walls Program.
- Advocated flexible options for adults to earn college credit (e.g. assessment of prior learning, CLEP, and proficiency examinations).
- Publicized program to faculty, business representatives and students.

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Coordinator, Assessment of Prior Learning

Central YMCA Community College

September 1979-May 1981

- Developed a handbook for students.
- Constructed and instructed a portfolio development class for the assessment of prior learning.
- Implemented the Prior Learning component of the College Without Walls.

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English Instructor

Central YMCA Community College

1975-1981 (tenured)

- Instructed English composition, rhetoric, and literature courses.
- Recommended and examined curriculum changes in the Curriculum Council, 1977-78.
- Contributed to "Project 100" published by the YMCA in *Curriculum Broadsides* (1976).
- Published poem, "Two Huge Wheels and Speedometer Things," *Broken Glass,* YMCA, 1977.

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PUBLICATIONS

Book and Encyclopedia Article

- Howard-Vital, M., Martinez, M. *Entering School Leadership.* Kendall-Hunt, expected in August

1997.

- Howard-Vital, M. Graduate Education and African-American, *Encyclopedia of African-American Education,* edited by Faustine C. Jones-Wilson et al, Greenwood Press, 1996, pp. 191-195.

Journal Articles

- Rosenkoetter, M., Fry, R., Howard-Vital, M., & Rosenkoetter, J. "Continuous Quality Improvement: Implications for Technology Mediated Education," In Complex Demands on Teaching Require Innovation, ", H. Klein (Ed.), Vol. XIII, World Association for Case Method Research and Application, Boston: WACRA, 2000. Accepted and Pending.

- Howard-Vital, M. "Your Partner, Your Resource: Establishing Community Partnerships," *The Catalyst*, Volume XXVII, Number 2, Fall 1998.

- Howard-Vital, M. "Information Technology: Teaching and Learning in the Twenty-first Century." *Educational Horizons.* Summer 1995.

- Howard-Vital, M. African-American Women in Higher Education: Struggling to Gain Identity. *Journal of Black Studies.* December 1989, pp. 180-191.

Book Reviews

- *The Habit of Surviving,* reviewed for *SAGE:* A Scholarly Journal on Black Women, Open I. Volume 8.1, Spring, 1991.

- Black Students and School Failure: Policies, and Prescriptions, Jacqueline Jordan Irvine, (New York: Greenwood Press, 1990), reviewed for the *Journal of Negro Education.* Vol. 60, No 2, 1991.

- The World We Created at Hamilton High, Gerald Grant, (Cambridge, Massachusetts: Harvard University Press),1988, reviewed for *Journal of Negro Education,* Spring 1989, pp. 243-245.

- Shakespeare in Sable, Errol Hill, (Amherst: University of Massachusetts Press), 1984, reviewed for *City,* Winter 1986, pp. 71-73.

- Getting What We Ask For: The Ambiguity of Success and Failure in Urban Education, Charles Payne, (Westport, Connecticut: Greenwood Press), reviewed for *The Journal of Negro Education.* Fall 1985, pp. 577-578.

- Family Life and School Achievement, Reginald Clark, (Chicago: University of Chicago Press), 1983, reviewed for *The Journal of Negro Education.* Winter, 1985, pp. 111-112.

Proceedings and National Newsletter

- Howard-Vital, M. Constructing a Virtual Instruction Paradigm, Distance Education Report, October 15, 1999, Volume 3, Number 20, pp. 4-5 and November 1, 1999, volume 3, Number 21, 1999, pp. 3-5.

- Rosenkoetter, M., Howard-Vital, M. Distance Education: Pragmatics and Realities, Interactive Teaching and the Multimedia Revolution, Case Method and Other Techniques, edited by Hans E.

Klein, World Association for Case Method Research and Application, 1999, pp. 365-373.

- Rosenkoetter, M. & Howard-Vital, M. "Creative Teaching Through Interactive Distance Education," In Creative Teaching Act 2, H. Klein (Ed), Academy of Creative Teaching, Boston: WACRA, 1999.

- Howard-Vital, M. Contract Courses: Expanding Constituencies For Credit and Non-Credit Instruction Eleventh Annual Conference Quality in Off-Campus Credit Programs: Challenges for Innovation, National Issues in Higher Education, Kansas State University, 1989, pp. 226-231.

- Howard-Vital, M. Deaning: Continuing Education Style, Dean and Director, Learning Resources Network, February 1989, pg. 5 and March 1989, pg. 5.

ERIC Documents

- Howard-Vital, M. International Distance Education: The Digital Communities Project, June 1999. ED429504.

- Howard-Vital, M. Constructing a Virtual University Paradigm: The University of North Carolina at Wilmington. ED429503.

- Howard-Vital, M. Who Should Lead? *Resources in Education*, *ERIC*, November 1993, ED35878.

- Howard-Vital, M., Morgan, R. African American Women and Mentoring, *ERIC*, June 1993, ED360425.

- Howard-Vital, M. Scholarship and the Community College Administrator. *ERIC*, Clearinghouse for Junior Colleges, Los Angeles, Ca. 90024,1988.

Dissertation

- Howard-Vital, M. College Governance and Decision Making: An Empirical Analysis of College Presidents in Northern Illinois, dissertation, University of Illinois at Chicago, May 1983.

Paper Circulating for Publication

- "International Distance Education: The Digital Communities Project," (second author, Dr. Marlene Rosenkoetter).

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PRESENTATIONS

- Howard-Vital, M, "Teaching and Learning in the 21st Century," University of Illinois at Chicago, Commencement, School of Education, Chicago, Illinois, May 7, 2000.

- Rosenkoetter, M, Fry, R., Howard-Vital, & Rosenkoetter, J. "TQM, CQI, TME, WEB, Closing Keynote Plenary Address, 17th International Conference, World Association for Case Method Research and Application, Budapest, Hungary, July 2-5, 2000. Accepted.

- Rosenkoetter, M. & Howard-Vital, M. "Integrating Research, Learning and Distance Education for Outreach Students," 3rd Annual Conference on Diversity in Teaching and Learning in American Higher Education. Center for the Study of Diversity in Teaching and Learning in Higher Education, San Francisco, CA. April 19-22, 2000.

- Howard-Vital, M. & Rosenkoetter, M. (Presenter)."International Distance Education: The Digital Communities Project 11th Conference on College Teaching and Learning, April 12-15, 2000, Jacksonville, Florida.

- Howard-Vital, M., "The Digital Communities Project: Transitioning into the 21st Century," the Second International Conference, The Digital Communities Project, Tokyo, Japan, March 13, 2000.

- Howard-Vital, Rosenkoetter, M."The Digital Communities Virtual University Experiment," presented with Dr. Ronald Vetter at *Best Practices in Outreach and Public Service: The Scholarship of Engagement*, Penn State, October 10-12, 1999.

- Rosenkoetter, M. Howard-Vital, M. "Distance Education: Pragmatics and Realities," (peer reviewed), *Fifteenth International Conference on Case Method Research* and Application at Groupe ESC (Business School), Marseille, France, July 9-12, 1998 presented by Dr. Rosenkoetter.

- Howard-Vital, M., Carter, D. "Academic Leadership: Opportunities," *Southeastern African American Student Leadership Conference*, February 5-February 7, 1999.

- Howard-Vital, M. "Technology Linkage to the Future," *LINKS, Annual Banquet*, Wilmington, North Carolina, March 11, 1995.

- Howard-Vital, M. "Passing the Baton," *African American Alumni Association, UNCW*, Wilmington, North Carolina, April, 1996.

- Howard-Vital, M. "Economic Development, UNCW, and information technology," *The Urban Affairs Group, Annual Awards Banquet*, Wilmington, North Carolina, December 1, 1994.

- Howard-Vital, M. "The Importance of Planning for the Future," *Community Boys and Girls Club, Annual Banquet*, Wilmington, North Carolina, June 27, 1994.

- Howard-Vital, M. Moderator and panelist, *Rural Tele-Forum, North Carolina Information Hightway*, Wilmington, North Carolina, January 5, 1994.

- Howard-Vital, M. "Trekking into the Information Age," *Commencement Address*, Edinboro University of Pennsylvania, December 12, 1993.

- Howard-Vital, M. "Black Family/Black Elderly," *United Way of Erie County*, November 5, 1991, Erie, PA.

- Howard-Vital, M., Morgan, R. "African American Women and Mentoring," *Association of Black*

Women in Higher Education, Annual Conference, Greensboro, North Carolina, June 7, 1991.

- Howard-Vital, M. "Professional Development: Association of Black Women in Higher Education," *Annual College Attendance Conference*, Illinois Institute of Technology, Chicago, IL, March 16, 1991.
- Howard-Vital, M. "African American Women and Men in Higher Education," Gustavus Adolphus College, St. Peter, Minnesota, February 15, 1990.
- Howard-Vital, M. "Expanding Constituencies for Credit and Non-Credit Instruction," presented at *Eleventh Annual Conference, Quality in Off-Campus Credit Programs: Challenges for Innovation*, National Issues in Higher Education, Clearwater Beach, Florida, October 26, 1988.
- Howard-Vital, M., White, M. "Reaching Audiences Through Cable Television," co-presenter, Mary Frances White, graduate assistant, *Region V, National University Continuing Education Association*, Rapid City, South Dakota, October 6,1988.
- Howard-Vital, M. "The Role of Education in Our Society," keynote speaker, *Ezzard Charles Fundraising Banquet*, Chicago, IL, April 22, 1988.
- Howard-Vital, M. "Establishing Linkages Between Education and Business," presented at the *Minorities in Higher Education Excellence and Access Focus on Retention, National Converence*, sponsored by Washington Commission on Minority Affairs and Minority Affairs Directors' Council and Washington State University, Tacoma, Washington, March 10, 1988.
- Howard-Vital, M. "Coping Strategies for Black Women: Review of the Literature," presented at Faculty Club, University of Cincinnati, Cincinnati, Ohio, September 12, 1987.
- Howard-Vital, M. "Black Women in Higher Education: What the Research Reveals," presented at Borough of Manhattan Community College, *Association of Black Women in Higher Education*, New York, New York, May 1, 1987.
- Howard-Vital, M. "Why Should We Continue to Learn?" presented at the *United States Postal Workers Career Awareness Conference*, Chicago, Illinois, April 11, 1987.
- Howard-Vital, M. "A Profile of Hispanic Students in the Biomedical Sciences Program," presented as panel alternate, Development of Hispanic Manpower in the Health Professions, *American Education Research Association*, New Orleans, LA, April 1984.

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MEDIA APPEARANCES

- Various television and radio appearances as Vice Chancellor for Public Service and Extended Education, The University of North Carolina at Wilmington, October 1993-present.
- Host and producer, *Learning Options*, an educational talk show sponsored by Chicago State

University, cable cast, channel 21, 1989-1991.

- Guest, Public Transit Symposium, NAACP Show, Gloria Wells, host, WGCI-AM/FM Radio. aired Sunday, November 8, Chicago, IL, 1987.

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PROFESSIONAL ACTIVITIES

- Accreditation team visit, Southern Association of Colleges and Universities: Grambling State University, Grambling, Louisiana, February 7 -11, 2000.
- Reviewer, *The International Journal of Leadership in Education*, 1998.
- Accreditation Team site visit, Southern Association of Colleges and Universities, Nicholls State University, Thibodaux, Louisiana, April 24 - 27, 1995.
- Co-chair of program committee to review proposals and recommend sessions for 1991 annual conference for Association of Black Women in Higher Education held in Greensboro North Carolina at Bennett College, August 1990-May 1991.
- Assisted local Chicago school council to conduct assessments for school plan by conducting and interpreting surveys of faculty/staff, students and community members.

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GRANTS

- "Web on Wheels" searching for funding sources.
- Principal Investigator: Digital Communities Project, Japan Electronic Association, $400,000, 1998-2000.
- Principal Investigator, Rural Utilities Services Grant, U.S. Department of Agriculture, $261,295.00, October 21, 1997.
- Co-principal investigator, Project US- University Schools, United States Environmental Protection Agency, $22,680, October 1, 1996- September 30, 1997.
- Co-principal investigator, The Expansion of Cape Fear Educational Partnership into Rural Southeastern North Carolina, Rural Electrification Grant, Dept. of Agriculture, $484, 452.00, October 1993- May 1996.

- Principal investigator, Community Relations Project, funded by Z. Smith Reynolds Foundation, $50,000, September 1994 - December 1995.
- Principal investigator, Future Arts III (statewide conference on film and video), North Carolina Arts Council, $6,000, 1995.
- Principal investigator, United States Department of Transportation's Office of Civil Rights to conduct symposium, "Access, Benefits, Concern: Mass Transit's Commitment to Minorities," $80,000, 1986.

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AWARDS

- 2000 Cape Fear Women of Achievement Award in Business and Industry, May 11, 2000.
- Distinguished Alum Award, UNIVERSITY OF ILLINOIS AT CHICAGO, School of Education for scholarship, teaching, and practice in field of education, MAY 7, 2000.
- President's Leadership Award presented to Division for Public Service and Extended Education by James Sprunt Community College for collaborations in business and industry, 1998.
- Received recognition award for Great Expectations, an early outreach program, 1998.
- Nominated by President Diebold to participate in AASCU's Academic Leadership Institute, New Orleans, LA, 1993.
- Service Award presented by Office of Alumni Affairs for exemplary performance in 1990 phon-a-thon for Annual Giving campaign, Chicago State University, December 1990.
- Selected as a "Leader" national competition for Leadership Development, a professional development project sponsored by The American Association of Women in Community and Junior Colleges, The League for Innovation in the Community College, and Rio Salado Community College, Phoenix Arizona, 1986.
- Awarded first year scholarship University of Chicago, 1970.
- Awarded undergraduate and graduate scholarships, Catholic Scholarships for Negroes, 1970-1975.

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PROFESSIONAL AFFILIATIONS

- Past Chair, Southeastern Public Interest Nework (SPINNC.ORG) 1997-1998.
- Member, Cape Fear Regional Partnership Network, October 1993 - present.
- Wilmington Community Coalition, Building Bridges, North Carolina, September 1994 - present.
- Facilitator, Minority Participation Committee, United Way of Erie County, 1991-1993.
- President and Co-founder, Chicago Chapter, Association of Black Women in Higher Education. 1989-1991.
- Past president, Lambda Chapter (based at the University of Chicago), of Pi Lambda Theta, national honor and professional education association, 1985-1987.
- Secretary, Professional Women's Organization, La Rabida Children's Hospital and Research Center, 1987-1991.
- Institutional representative, CAEL, The Council for Adult and Experiential Learning, 1987-1991.
- Member, National Association for Female Executives, 1988 - 1990.
- Member, National University and Continuing Education Association, 1987-1991.
- Member, American Educational Research Association, 1984 - present.
- Chairperson, Retention Committee and Member, Community Advisory Council, University of Illinois at Chicago, 1986 -1991.

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BOARDS

- Member, Regional Advisory Board, Bank of America, Wilmington, NC. 1998 - present.
- Vice President, Board, American Red Cross, Wilmington, N.C., 1999 - present.
- Secretary, Board, American Red Cross, Wilmington, N. C., 1995 - 1999.
- Board Member, Cape Fear United Way, Wilmington, N.C., 1998 - present.
- Business Incubator, Advisory Board, Community Development Corporation, Wilmington, NC, 1994 - present.
- Advisory Board, Film Commission, Wilmington, N. C., January 1994-1995.

- Board Member, Wilmington Transit Authority, Wilmington, N. C., September 1994 - 1998.
- Board Member, Coast Line Convention Center, Wilmington, N. C., 1995 - 1998.

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Go to the University of North Carolina at Wilmington
Go to the Division for Public Service and Extended Education at UNCW

Site Webmaster: Cathi Phillips

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

S 1

SENATE BILL 744

Short Title:	Teach Personal Financial Literacy in Schools.	(Public)
Sponsors:	Senators Hagan, Bingham; Carter, Clodfelter, Cunningham, Dalton, Dannelly, Garrou, Harris, Hartsell, Horton, Jordan, Kinnaird, Metcalf, Miller, Rand, Reeves, Robinson, Swindell, and Wellons.	
Referred to:	Education/Higher Education.	

April 2, 2001

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE PILOT PROGRAMS ON TEACHING PERSONAL FINANCIAL LITERACY IN THE PUBLIC SCHOOLS.

The General Assembly of North Carolina enacts:

SECTION 1. The State Board of Education shall establish a pilot program authorizing and assisting up to five local school administrative units in the implementation of programs on teaching personal financial literacy. The purpose of the pilot program is to determine the best methods of equipping students with the knowledge and skills they need, before they become self-supporting, to make critical decisions regarding their personal finances. The components of personal financial literacy covered in the pilot program shall include, at a minimum, consumer financial education, personal finance, and personal credit.

Prior to selecting the pilot units, the State Board of Education shall develop a curriculum, materials, and guidelines for local boards of education to use in implementing a program of instruction on personal financial literacy. The State Board shall also provide information to local boards of education on securing public and private grant funds and on using other public and private assets to implement the instructional program.

The State Board of Education shall report to the Joint Legislative Education Oversight Committee prior to January 1, 2002, on the implementation of the program in the pilot units.

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

HOUSE EDUCATION COMMITTEE MEETING

JUNE 7, 2001

The House Education Committee met on June 7, 2001 at 11:00 am in Room 643 in the Legislative Office Building. The attendance sheet indicates the members present.

Rep. Warner presided over the meeting.

The following bills were discussed:

SENATE BILL 811, PARENT OF SUSPENDED STUDENT/ADEQUATE NOTICE
SENATE BILL 879, NC SCHOOL OF SCIENCE & MATH/BUDGET FLEXIBILITY
SENATE BILL 573, PARENTAL TRUST FUND/NONRESIDENT PARTICIPATION

Sen. Dalton was called on to explain **SENATE BILL 811, PARENT OF SUSPENDED STUDENT/ADEQUATE NOTICE**

Rep. Lucas made a motion for a favorable report. Motion passed.
Rep. M. Crawford made a motion for an amendment. Motion failed.

Sen. Lucas was called on to explain **SENATE BILL 879, NC SCHOOL OF SCIENCE & MATH/BUDGET FLEXIBILITY**

Rep. Womble made a motion for a favorable report. Motion passed.

Sen. Rand was called on to explain **SENATE BILL 573, PARENTAL TRUST FUND/NONRESIDENT PARTICIPATION**

Rep. Michaux made a motion for a favorable report. Motion passed.

Meeting adjourned.

Rep. Alex Warner, Co-chair

Rep. Donald Bonner, Co-chair

Phyllis Cameron, Committee Clerk

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

SESSION LAW 2001-244
SENATE BILL 811

AN ACT TO ENSURE THAT THE PARENTS OR GUARDIANS OF STUDENTS WHO ARE SUSPENDED OR EXPELLED FROM SCHOOL RECEIVE NOTICE THAT IS EASY TO UNDERSTAND.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-391 is amended by adding a new subsection to read:

"(d4) When a student is expelled or suspended for more than 10 days, the local board shall give notice to the student's parent or guardian of the student's rights under this section. If English is the second language of the parent or guardian, the notice shall be written in the parent or guardian's first language when the appropriate foreign language resources are readily available and in English, and both versions shall be in plain language and shall be easily understandable."

SECTION 2. This act becomes effective July 1, 2001, and applies to disciplinary actions initiated on or after that date.

In the General Assembly read three times and ratified this the 13th day of June, 2001.

s/ Beverly E. Perdue
President of the Senate

s/ James B. Black
Speaker of the House of Representatives

s/ Michael F. Easley
Governor

Approved 2:08 p.m. this 23rd day of June, 2001

2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) Bonner & Warner,Chairs for the Committee on EDUCATION .

☐ Committee Substitute for
S.B. 811 A BILL TO BE ENTITLED AN ACT TO ENSURE THAT THE PARENTS OR GUARDIANS OF STUDENTS WHO ARE SUSPENDED OR EXPELLED FROM SCHOOL RECEIVE NOTICE THAT IS EASY TO UNDERSTAND.

☒ With a favorable report.

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

☐ With a favorable report, as amended.

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

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

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

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

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

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

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

☐ Without prejudice.

☐ With an indefinite postponement report.

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

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

2/15/01

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

S 2

SENATE BILL 811

Education/Higher Education Committee Substitute Adopted 4/12/01

Short Title: Parent of Suspended Student/Adequate Notice. (Public)

Sponsors:

Referred to:

April 3, 2001

A BILL TO BE ENTITLED

AN ACT TO ENSURE THAT THE PARENTS OR GUARDIANS OF STUDENTS WHO ARE SUSPENDED OR EXPELLED FROM SCHOOL RECEIVE NOTICE THAT IS EASY TO UNDERSTAND.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-391 is amended by adding a new subsection to read:

"(d4) When a student is expelled or suspended for more than 10 days, the local board shall give notice to the student's parent or guardian of the student's rights under this section. If English is the second language of the parent or guardian, the notice shall be written in the parent or guardian's first language when the appropriate foreign language resources are readily available and in English, and both versions shall be in plain language and shall be easily understandable."

SECTION 2. This act becomes effective July 1, 2001, and applies to disciplinary actions initiated on or after that date.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

SESSION LAW 2001-449
SENATE BILL 879

AN ACT TO PROVIDE SOME BUDGET FLEXIBILITY TO THE NORTH CAROLINA SCHOOL OF SCIENCE AND MATHEMATICS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 116-30.2 reads as rewritten:

"**§ 116-30.2. Appropriations to special responsibility constituent ~~institutions.~~institutions and to the North Carolina School of Science and Mathematics.**

(a) All General Fund appropriations made by the General Assembly for continuing operations of a special responsibility constituent institution of The University of North Carolina shall be made in the form of a single sum to each budget code of the institution for each year of the fiscal period for which the appropriations are being made. Notwithstanding G.S. 143-23(a1), G.S. 143-23(a2), ~~and G.S. 143-23(a3)~~ and G.S. 120-76(8), each special responsibility constituent institution may expend monies from the overhead receipts special fund budget code and the General Fund monies so appropriated to it in the manner deemed by the Chancellor to be calculated to maintain and advance the programs and services of the institutions, consistent with the directives and policies of the Board of Governors. The preparation, presentation, and review of General Fund budget requests of special responsibility constituent institutions shall be conducted in the same manner as are requests of other constituent institutions. The quarterly allotment procedure established pursuant to G.S. 143-17 shall apply to the General Fund appropriations made for the current operations of each special responsibility constituent institution. All General Fund monies so appropriated to each special responsibility constituent institution shall be recorded, reported, and audited in the same manner as are General Fund appropriations to other constituent institutions.

(b) The North Carolina School of Science and Mathematics is authorized to be designated as a special responsibility constituent institution for the purposes of G.S. 116-30.1, G.S. 116-30.4, G.S. 116-30.5, G.S. 116-30.6, and G.S. 116-31.10. In addition, all General Fund appropriations made by the General Assembly for continuing operations of the North Carolina School of Science and Mathematics shall be made in the form of a single sum to each budget code of the School for each year of the fiscal period for which the appropriations are being made. Notwithstanding G.S. 143-23(a1), G.S. 143-23(a2), and G.S. 120-76(8), the North Carolina School of Science and Mathematics may expend monies from the overhead receipts special fund budget code and the General Fund monies so appropriated to it in the manner deemed by the Director of the School to be calculated to maintain and advance the programs and services of the School, consistent with the directives and policies of the Board of Trustees of the North Carolina School of Science and Mathematics. The preparation, presentation, and review of General Fund budget requests of the North Carolina School of Science and Mathematics shall be conducted in the same manner as are requests of the constituent institutions. The quarterly allotment procedure established under G.S. 143-17 shall apply to the General Fund appropriations made for the current operations of the North Carolina School of Science and Mathematics. All General Fund monies so appropriated to the North Carolina School of Science and Mathematics shall be

recorded, reported, and audited in the same manner as are General Fund appropriations to constituent institutions of The University of North Carolina."

SECTION 2. This act becomes effective July 1, 2001.

In the General Assembly read three times and ratified this the 11th day of October, 2001.

s/ Beverly E. Perdue
President of the Senate

s/ James B. Black
Speaker of the House of Representatives

s/ Michael F. Easley
Governor

Approved 5:16 p.m. this 20th day of October, 2001

2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) Bonner & Warner, Chairs for the Committee on EDUCATION .

☐ Committee Substitute for
S.B. 879 A BILL TO BE ENTITLED AN ACT TO PROVIDE SOME BUDGET FLEXIBILITY TO THE NORTH CAROLINA SCHOOL OF SCIENCE AND MATHEMATICS.

☒ With a favorable report.

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

☐ With a favorable report, as amended.

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

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

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

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

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

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

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

☐ Without prejudice.

☐ With an indefinite postponement report.

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

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

2/15/01

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

S 3

SENATE BILL 879

Education/Higher Education Committee Substitute Adopted 4/12/01
Third Edition Engrossed 4/17/01

Short Title: NC School of Science & Math/Budget Flexibility. (Public)

Sponsors:

Referred to:

April 4, 2001

A BILL TO BE ENTITLED

AN ACT TO PROVIDE SOME BUDGET FLEXIBILITY TO THE NORTH CAROLINA SCHOOL OF SCIENCE AND MATHEMATICS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 116-30.2 reads as rewritten:

"**§ 116-30.2. Appropriations to special responsibility constituent ~~institutions.~~institutions and to the North Carolina School of Science and Mathematics.**

(a) All General Fund appropriations made by the General Assembly for continuing operations of a special responsibility constituent institution of The University of North Carolina shall be made in the form of a single sum to each budget code of the institution for each year of the fiscal period for which the appropriations are being made. Notwithstanding G.S. 143-23(a1), G.S. 143-23(a2), ~~and G.S. 143-23(a3)~~ and G.S. 120-76(8), each special responsibility constituent institution may expend monies from the overhead receipts special fund budget code and the General Fund monies so appropriated to it in the manner deemed by the Chancellor to be calculated to maintain and advance the programs and services of the institutions, consistent with the directives and policies of the Board of Governors. The preparation, presentation, and review of General Fund budget requests of special responsibility constituent institutions shall be conducted in the same manner as are requests of other constituent institutions. The quarterly allotment procedure established pursuant to G.S. 143-17 shall apply to the General Fund appropriations made for the current operations of each special responsibility constituent institution. All General Fund monies so appropriated to each special responsibility constituent institution shall be recorded, reported, and audited in the same manner as are General Fund appropriations to other constituent institutions.

(b) The North Carolina School of Science and Mathematics is authorized to be designated as a special responsibility constituent institution for the purposes of G.S. 116-30.1, G.S. 116-30.4, G.S. 116-30.5, G.S. 116-30.6, and G.S. 116-31.10. In addition,

all General Fund appropriations made by the General Assembly for continuing operations of the North Carolina School of Science and Mathematics shall be made in the form of a single sum to each budget code of the School for each year of the fiscal period for which the appropriations are being made. Notwithstanding G.S. 143-23(a1), G.S. 143-23(a2), and G.S. 120-76(8), the North Carolina School of Science and Mathematics may expend monies from the overhead receipts special fund budget code and the General Fund monies so appropriated to it in the manner deemed by the Director of the School to be calculated to maintain and advance the programs and services of the School, consistent with the directives and policies of the Board of Trustees of the North Carolina School of Science and Mathematics. The preparation, presentation, and review of General Fund budget requests of the North Carolina School of Science and Mathematics shall be conducted in the same manner as are requests of the constituent institutions. The quarterly allotment procedure established under G.S. 143-17 shall apply to the General Fund appropriations made for the current operations of the North Carolina School of Science and Mathematics. All General Fund monies so appropriated to the North Carolina School of Science and Mathematics shall be recorded, reported, and audited in the same manner as are General Fund appropriations to constituent institutions of The University of North Carolina."

SECTION 2. This act becomes effective July 1, 2001.

SENATE BILL 879:
School of Science/Math Flexibility.

BILL ANALYSIS

Committee:	Senate Education	**Introduced by:**	Senator Lucas
Date:	June 5, 2001	**Summary by:**	Sara Kamprath
Version:	Third Edition		Committee Staff

SUMMARY: ***This bill would provide greater budget flexibility for the North Carolina School of Science and Mathematics (School). It would take effect July 1, 2001.***

BACKGROUND: Beginning in 1991, the General Assembly has authorized the Board of Governors (upon the President's recommendation and after consultation with the State Auditor) to specify certain constituent institutions as Special Responsibility Constituent Institutions (SRCI). Sixteen institutions are now given greater discretionary authority over certain aspects of their budgeting, purchasing, and personnel. These institutions are also permitted to retain a designated percent of their reversions at the end of each fiscal year for one-time expenditures. The Board of Governors is required to direct each SRCI to include in its institutional effectiveness plan assessment measures of student learning and development in general undergraduate education. The Board also must report annually to the Joint Legislative Education Oversight Committee. The reports are to include the impact on undergraduate student learning, fiscal savings, management initiatives, increased efficiency and effectiveness, and other outcomes made possible by the flexibility.

BILL ANALYSIS: This bill would add a new subsection (b) to G.S. 116-30.2, currently applicable to the SRCIs. This new subsection would provide the following:

- The School may be designated as an SRCI after the Board of Governors finds that the School has the management staff and internal fiscal controls to administer the additional management authority and discretion delegated to it.
- The School is subject to the same rules, adopted by the Board of Governors, as the other SRCIs to receive and maintain that designation. These rules include procedures for reviewing the required financial audits and procedures for handling any financial problems.
- The Director would have greater flexibility in creating and abolishing positions when that would maintain and advance the School's programs and services.
- The Board of Governors shall direct the School to assess how this flexibility impacts on student learning. The Board will collect this assessment and include it as a part of the annual report to the Joint Legislative Education Oversight Committee on the impact on student learning, fiscal savings, management initiatives, increased efficiency and effectiveness, and other outcomes made possible by the flexibility given to all the SRCIs.
- The Board of Governors shall set the School's bid value benchmark, with regard to competitive bidding procedures, at an amount no greater than $250,000. The benchmark for the School shall be based on available staff resources, reviews of purchasing compliance, and audit results.
- All General Fund appropriations for continuing operations of the School would be made in a single sum to each budget code for each year of the fiscal period.

- The School would be permitted to expend monies from the General Fund and from the overhead receipts special fund in a manner that the Director calculates would maintain and advance the School's programs and services, consistent with the policies of the board of trustees.
- The School may transfer these funds, including funds for salaries, among line items.
- The quarterly allotment procedure would apply to the General Fund appropriations made for current operations of the School.
- The General Fund monies must be recorded, reported, and audited in the same way as the other SRCIs.
- Unlike the SRCIs, the School would NOT be allowed to retain reversions.

Robin Johnson contributed significantly to this summary.

S879-SMRJ-001

116-30.1. Special responsibility constituent institutions.

The Board of Governors of The University of North Carolina, acting on recommendation made by the President of The University of North Carolina after consultation by him with the State Auditor, may designate one or more constituent institutions of The University as special responsibility constituent institutions. That designation shall be based on an express finding by the Board of Governors that each institution to be so designated has the management staff and internal financial controls that will enable it to administer competently and responsibly all additional management authority and discretion to be delegated to it. The Board of Governors, on recommendation of the President, shall adopt rules prescribing management staffing standards and internal financial controls and safeguards, including the lack of any significant findings in the annual financial audit by the State Auditor's Office, that must be met by a constituent institution before it may be designated a special responsibility constituent institution and must be maintained in order for it to retain that designation. These rules shall not be designed to prohibit participation by a constituent institution because of its size. These rules shall establish procedures for the President and his staff to review the annual financial audit reports, special reports, electronic data processing reports, performance reports, management letters, or any other report issued by the State Auditor's Office for each special responsibility constituent institution. The President shall take immediate action regarding reported weaknesses in the internal control structure, deficiencies in the accounting records, and noncompliance with rules and regulations. In any instance where significant findings are identified, the President shall notify the Chancellor of the particular special responsibility constituent institution that the institution must make satisfactory progress in resolving the findings, as determined by the President of The University, after consultation with the State Auditor, within a three-month period commencing with the date of receipt of the published financial audit report, any other audit report, or management letter. If satisfactory progress is not made within a three-month period, the President of The University shall recommend to the Board of Governors at its next meeting that the designation of the particular institution as a special responsibility constituent institution be terminated until such time as the exceptions are resolved to the satisfaction of the President of The University of North Carolina, after consultation with the State Auditor. However, once the designation as a special responsibility constituent institution has been withdrawn by the Board of Governors, reinstatement may not be effective until the beginning of the following fiscal year at the earliest. Any actions taken by the Board of Governors with respect to withdrawal or reinstatement of an institution's status as a special responsibility constituent institution shall be reported immediately to the Joint Legislative Education Oversight Committee.

The rules established under this section shall include review by the President, after consultation with the State Auditor, the Director of the Office of State Personnel, and the Director of the Division of State Purchasing and Contracts in ascertaining whether or not a constituent institution has the management staff and internal financial controls to administer the additional authorities authorized under G.S. 116-30.2, 116-30.4, and 143-53.1. Such review and consultation must take place no less frequently than once each biennium.

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(1991, c. 689, s. 206.2(a); 1993 (Reg. Sess., 1994), c. 591, s. 10(a); 1996, 2nd Ex. Sess., c. 18, s. 7.4(k); 1997-71, s. 1.)

Editor's Note. - The part number, part heading and sections 116-30.1 through 116-30.5 in this Part were assigned by the Revisor of Statutes, these sections in the enacting act having been §§ 116-44.6 through 116-44.10.

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§ 116-30.4. Position management.

The Chancellor of a special responsibility constituent institution, when he finds that to do so would help to maintain and advance the programs and services of the institution, may establish and abolish positions, acting in accordance with:

(1) State Personnel policies and procedures if these positions are subject to the State Personnel Act and if the institution is operating under the terms of a Performance Agreement or a Decentralization Agreement authorized under Chapter 126 of the General Statutes; or

(2) Policies and procedures of the Board of Governors if these positions are exempt from the State Personnel Act.

The results achieved by establishing and abolishing positions pursuant to the conditions set forth in subdivision (1) of this section shall be subject to postauditing by the Office of State Personnel. Implementation of personnel actions shall be subject to the availability of funds within the institution's current budget to fund the full annualized costs of these actions.

(1991, c. 689, s. 206.2(a); 1993 (Reg. Sess., 1994), c. 591, s. 10(a).)

§ 116-30.5. Impact on education.

The Board of Governors shall require each special responsibility constituent institution to include in its institutional effectiveness plan those assessment measures that are determined by the Board to be measures that will assure some standard measure of student learning and development in general undergraduate education at the special responsibility constituent institutions. The intent of this requirement is to measure the impact of G.S. 116-30.1 through G.S. 116-30.5, establishing and administering special responsibility constituent institutions, and their implementation on undergraduate student learning and development.

(1991, c. 689, s. 206.2(a); 1993 (Reg. Sess., 1994), c. 591, s. 10(a).)

Editor's Note. - A reference to sections 116-30.1 through 116-30.5 was substituted for a reference to sections 116-44.6 through 116-44.11, which appeared in this section in the enacting Act. Sections 116-44.6 through 116-44.10 were recodified as Part 2A of this article, sections 116-30.1 through 116-30.5, at the direction of the Revisor of Statutes. There was no section 116-44.11 in the enacting act.

§ 116-30.6. Reports of results.

The Board of Governors shall report annually by March 31 of each year on its decisions and directives implementing this Part to the Joint Legislative Education Oversight Committee. In particular, the Board shall report on the impact on undergraduate student learning and development as demonstrated by the standard assessment measures established in the

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institutional effectiveness plans, fiscal savings, management initiatives, increased efficiency and effectiveness, and other outcomes made possible by the flexibility provided by this Part to the special responsibility constituent institutions. These reports shall include documentation of any reallocation of resources, the use of nonreverted appropriations, and any additional costs incurred.

(1993 (Reg. Sess., 1994), c. 769, s. 17.6(a).)

116-31.10. Powers of Board regarding certain purchasing contracts.

Notwithstanding G.S. 143-53.1 or G.S. 143-53(a)(2), the expenditure benchmark for a special responsibility constituent institution with regard to competitive bid procedures and the bid value benchmark shall be an amount not greater than two hundred fifty thousand dollars ($250,000). The Board shall set the benchmark for each institution from time to time. In setting an institution's benchmark in accordance with this section, the Board shall consider the institution's overall capabilities including staff resources, purchasing compliance reviews, and audit reports. The Board shall also consult with the Director of the Division of Purchase and Contract and the Director of the Budget prior to setting the benchmark.

(1997-412, s. 1.)

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GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

SESSION LAW 2001-243
SENATE BILL 573

AN ACT TO CLARIFY THAT NONRESIDENTS MAY PARTICIPATE IN THE PARENTAL SAVINGS TRUST FUND.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 116-209.25 reads as rewritten:

"**§ 116-209.25. (V2)(Effective July 1, 2001) Parental Savings Trust Fund.**

(a) Policy. – The General Assembly of North Carolina hereby finds and declares that encouraging parents and other interested parties to save for the postsecondary education expenses of eligible students is fully consistent with and furthers the long-established policy of the State to encourage, promote, and assist education as more fully set forth in G.S. 116-201(a).

(b) Parental Savings Trust Fund. – There is established a parental savings trust fund to be administered by the State Education Assistance Authority to enable qualified parents to save funds to meet the costs of the postsecondary education expenses of eligible students.

(c) Contributions to the Trust Funds. – The Authority is authorized to accept, hold, invest, and disburse contributions, and interest earned on such contributions, from qualified parents and other interested parties as trustee of the Parental Savings Trust Fund. The Authority shall hold all contributions to the Parental Savings Trust Fund, and any earnings thereon, in a separate trust fund and shall invest the contributions in accordance with this section. The assets of the Parental Savings Trust Fund shall at all times be preserved, invested, and expended solely for the purposes of the trust fund and shall be held in trust for the parents and other interested parties and their designated beneficiaries. Nothing in this Article shall be construed to prohibit the Authority from accepting, holding, and investing contributions from persons who reside outside of North Carolina. Neither the contributions to the Parental Savings Trust Fund, nor the earnings thereon, shall be considered State moneys, assets of the State, or State revenue for any purpose.

(c1) Investments. – The Authority shall determine an appropriate investment strategy for the Parental Savings Trust Fund. The strategy may include a combination of fixed income assets and preferred or common stocks issued by any company incorporated, or otherwise located within or without the United States, or other appropriate investment instruments to achieve long-term return through a combination of capital appreciation and current income. The Authority may deposit all or any portion of the Parental Savings Trust Fund for investment either with the State Treasurer, or in the individual, common, or collective trust funds of an investment manager or managers that meet the requirements of this subsection. Contributions to the Parental Savings Trust Fund on deposit with the State Treasurer shall be invested by the State Treasurer as authorized in G.S. 147-69.2(b)(1) through (6) and the applicable provisions of G.S. 147-69.3. Contributions to the Parental Savings Trust Fund may be invested in the individual, common, or collective trust funds of an investment manager provided that the investment manager meets both of the following conditions:

(1) The investment manager has assets under management of at least one hundred million dollars ($100,000,000) at all times.

(2) The investment manager is subject to the jurisdiction and regulation of the United States Security and Exchange Commission.

(d) Administration of the Trust Fund. – The Authority is authorized to develop and perform all functions necessary and desirable to administer the Parental Savings Trust Fund and to provide such other services as the Authority shall deem necessary to facilitate participation in the Parental Savings Trust Fund. The Authority is further authorized to obtain the services of such investment advisors or program managers as may be necessary for the proper administration and marketing and investment strategy for the Parental Savings Trust Fund.

(e) Loan Program. – The Authority is authorized to develop and administer a loan program in conjunction with the Parental Savings Trust Fund to provide loan assistance to qualified parents and interested parties in order to facilitate the postsecondary education of eligible students. All funds appropriated to, or otherwise received by the Authority for loans under this section, all funds received as repayment of such loans, and all interest earned on these funds shall be placed in an institutional trust fund. This institutional trust fund may be used only for loans made to qualified parents and interested parties who contributed to the Parental Savings Trust Fund and administrative costs associated with the recovery of funds advanced under this loan program.

(f) Limitations. – Nothing in this section shall be construed to create any obligation of the Authority, the State Treasurer, the State, or any agency or instrumentality of the State to guarantee for the benefit of any parent, other interested party, or designated beneficiary the rate of return or other return for any contribution to the Parental Savings Trust Fund and the payment of interest or other return on any contribution to the Parental Savings Trust Fund."

SECTION 2. This act becomes effective July 1, 2001.

In the General Assembly read three times and ratified this the 13th day of June, 2001.

s/ Beverly E. Perdue
President of the Senate

s/ James B. Black
Speaker of the House of Representatives

s/ Michael F. Easley
Governor

Approved 2:08 p.m. this 23rd day of June, 2001

2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

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

☐ Committee Substitute for
S.B. 573 A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT NONRESIDENTS MAY PARTICIPATE IN THE PARENTAL SAVINGS TRUST FUND.

☒ With a favorable report.

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

☐ With a favorable report, as amended.

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

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

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

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

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

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

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

☐ Without prejudice.

☐ With an indefinite postponement report.

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

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

2/15/01

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

S 1

SENATE BILL 573

Short Title:	Parental Trust Fund/Nonresident Participation.	(Public)
Sponsors:	Senators Rand; Albertson, Ballance, Carter, Clodfelter, Cunningham, Dalton, Dannelly, Garrou, Gulley, Hagan, Harris, Hartsell, Hoyle, Jordan, Kerr, Kinnaird, Lucas, Martin of Guilford, Metcalf, Miller, Odom, Plyler, Purcell, Reeves, Robinson, Shaw of Cumberland, Soles, Swindell, Thomas, Warren, Weinstein, and Wellons.	
Referred to:	Commerce.	

March 21, 2001

A BILL TO BE ENTITLED

AN ACT TO CLARIFY THAT NONRESIDENTS MAY PARTICIPATE IN THE PARENTAL SAVINGS TRUST FUND.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 116-209.25 reads as rewritten:

"**§ 116-209.25. (V2)(Effective July 1, 2001) Parental Savings Trust Fund.**

(a) Policy. – The General Assembly of North Carolina hereby finds and declares that encouraging parents and other interested parties to save for the postsecondary education expenses of eligible students is fully consistent with and furthers the long-established policy of the State to encourage, promote, and assist education as more fully set forth in G.S. 116-201(a).

(b) Parental Savings Trust Fund. – There is established a parental savings trust fund to be administered by the State Education Assistance Authority to enable qualified parents to save funds to meet the costs of the postsecondary education expenses of eligible students.

(c) Contributions to the Trust Funds. – The Authority is authorized to accept, hold, invest, and disburse contributions, and interest earned on such contributions, from qualified parents and other interested parties as trustee of the Parental Savings Trust Fund. The Authority shall hold all contributions to the Parental Savings Trust Fund, and any earnings thereon, in a separate trust fund and shall invest the contributions in accordance with this section. The assets of the Parental Savings Trust Fund shall at all times be preserved, invested, and expended solely for the purposes of the trust fund and shall be held in trust for the parents and other interested parties and their designated beneficiaries. Nothing in this Article shall be construed to prohibit the Authority from

accepting, holding, and investing contributions from persons who reside outside of North Carolina. Neither the contributions to the Parental Savings Trust Fund, nor the earnings thereon, shall be considered State moneys, assets of the State, or State revenue for any purpose.

(c1) Investments. – The Authority shall determine an appropriate investment strategy for the Parental Savings Trust Fund. The strategy may include a combination of fixed income assets and preferred or common stocks issued by any company incorporated, or otherwise located within or without the United States, or other appropriate investment instruments to achieve long-term return through a combination of capital appreciation and current income. The Authority may deposit all or any portion of the Parental Savings Trust Fund for investment either with the State Treasurer, or in the individual, common, or collective trust funds of an investment manager or managers that meet the requirements of this subsection. Contributions to the Parental Savings Trust Fund on deposit with the State Treasurer shall be invested by the State Treasurer as authorized in G.S. 147-69.2(b)(1) through (6) and the applicable provisions of G.S. 147-69.3. Contributions to the Parental Savings Trust Fund may be invested in the individual, common, or collective trust funds of an investment manager provided that the investment manager meets both of the following conditions:

(1) The investment manager has assets under management of at least one hundred million dollars ($100,000,000) at all times.

(2) The investment manager is subject to the jurisdiction and regulation of the United States Security and Exchange Commission.

(d) Administration of the Trust Fund. – The Authority is authorized to develop and perform all functions necessary and desirable to administer the Parental Savings Trust Fund and to provide such other services as the Authority shall deem necessary to facilitate participation in the Parental Savings Trust Fund. The Authority is further authorized to obtain the services of such investment advisors or program managers as may be necessary for the proper administration and marketing and investment strategy for the Parental Savings Trust Fund.

(e) Loan Program. – The Authority is authorized to develop and administer a loan program in conjunction with the Parental Savings Trust Fund to provide loan assistance to qualified parents and interested parties in order to facilitate the postsecondary education of eligible students. All funds appropriated to, or otherwise received by the Authority for loans under this section, all funds received as repayment of such loans, and all interest earned on these funds shall be placed in an institutional trust fund. This institutional trust fund may be used only for loans made to qualified parents and interested parties who contributed to the Parental Savings Trust Fund and administrative costs associated with the recovery of funds advanced under this loan program.

(f) Limitations. – Nothing in this section shall be construed to create any obligation of the Authority, the State Treasurer, the State, or any agency or instrumentality of the State to guarantee for the benefit of any parent, other interested party, or designated beneficiary the rate of return or other return for any contribution to

the Parental Savings Trust Fund and the payment of interest or other return on any contribution to the Parental Savings Trust Fund."

SECTION 2. This act becomes effective July 1, 2001.

HOUSE EDUCATION COMMITTEE MEETING

June 12, 2001

The House Education Committee met on June 12, 2001 at 11:00 am in Room 643 in the Legislative Office Building. The attendance sheet indicates the members present.

Rep. Bonner presided over the meeting.

Scheduled Speaker: State Superintendent of Public Instruction, Michael E. Ward

Meeting adjourned.

Rep. Alex Warner, Co-chair

Rep. Donald Bonner, Co-chair

Phyllis Cameron, Committee Clerk

HOUSE EDUCATION COMMITTEE MEETING

JULY 3, 2001

The House Education Committee met on July 3, 2001 at 11:00 am in Room 643 in the Legislative Office Building. The attendance sheet indicates the members present.

Rep Warner presided over the meeting.
The following bills were discussed:

HOUSE BILL 823, NONPUBLIC SCHOOL STUDENTS IN SCHOOL ACTIVITIES
SENATE BILL 394, PRINCIPAL OF THE YEAR/ADVISOR TO EDUC. BD
HOUSE BILL 480, PREKINDERGARTEN PROG./AT-RISK CHILDREN
SENATE BILL 914, JUDICIAL PUBLIC FINANCING
SENATE BILL 836, SCHOOL ASSIGNMENT/CHILD IN PRE-ADOPTIVE HOME

HOUSE BILL 823, NONPUBLIC SCHOOL STUDENTS IN SCHOOL ACTIVITIES
Was sent to sub-committee (Pre-School, Elementary)
Favorable Report –Re-Referred to Rules
Unfavorable to original bill. Motion passed.

SENATE BILL 394, PRINCIPAL OF THE YEAR/ADVISOR TO EDUC. BD
Was postponed until July 10, 2001

Rep . Preston was called on to explain **HOUSE BILL 480, PREKINDERGARTEN PROG./AT-RISK CHILDREN,** it was explained that this bill was included in budget. No vote.

Sen. Dalton was called on to explain **SENATE BILL 914, JUDICIAL PUBLIC FINANCING.** no action.

Sen. Wellons was called on to explain **SENATE BILL 836, SCHOOL ASSIGNMENT/CHILD IN PRE-ADOPTIVE HOME**
Bill was given a favorable report. Motion passed

Meeting adjourned.

Donald C. Bonner

Rep. Alex Warner, Co-chair

Rep. Donald Bonner, Co-chair

Phyllis Cameron

Phyllis Cameron, Committee Clerk

2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

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

☐ Committee Substitute for
H.B. 823 A BILL TO BE ENTITLED AN ACT TO PERMIT PRIVATE SCHOOL STUDENTS TO ENGAGE IN EXTRACURRICULAR ACTIVITIES AT PUBLIC SCHOOLS.

☐ With a favorable report.

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

☐ With a favorable report, as amended.

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

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

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

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

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

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

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

☐ Without prejudice.

☐ With an indefinite postponement report.

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

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

2/15/01

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

H D

HOUSE BILL 823
PROPOSED COMMITTEE SUBSTITUTE H823-PCS9305-RJ-24

Short Title: Ed. Ov. Study Nonpublic Students/Pub. Sch. Act. (Public)

Sponsors:

Referred to:

March 27, 2001

A BILL TO BE ENTITLED

AN ACT TO DIRECT THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE TO STUDY THE PARTICIPATION OF PRIVATE SCHOOL AND HOME SCHOOL STUDENTS IN EXTRACURRICULAR ACTIVITIES AT PUBLIC SCHOOLS.

The General Assembly of North Carolina enacts:

SECTION 1. The Joint Legislative Education Oversight Committee shall study the participation of nonpublic school students and home school students in extracurricular activities at public schools. The Committee shall consider the conditions when these students may participate and whether the students' parents should pay the costs for participation. The Committee shall report its recommendations, which may include any recommended statutory changes, to the 2002 Regular Session of the 2001 General Assembly.

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

H 2

HOUSE BILL 823
Committee Substitute Favorable 7/9/01

Short Title: Ed. Ov. Study Nonpublic Students/Pub. Sch. Act. (Public)

Sponsors:

Referred to:

March 27, 2001

A BILL TO BE ENTITLED

AN ACT TO DIRECT THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE TO STUDY THE PARTICIPATION OF PRIVATE SCHOOL AND HOME SCHOOL STUDENTS IN EXTRACURRICULAR ACTIVITIES AT PUBLIC SCHOOLS.

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

S 2

SENATE BILL 394
House Committee Substitute Favorable 7/19/01

Short Title: Revise Advisory Members of SBE. (Public)

Sponsors:

Referred to:

March 12, 2001

A BILL TO BE ENTITLED

AN ACT TO APPOINT SCHOOL ADMINISTRATORS TO THE STATE BOARD OF EDUCATION AS ADVISORY MEMBERS AND TO REDUCE THE NUMBER OF STUDENT ADVISORS TO THE STATE BOARD OF EDUCATION.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-11(a1) reads as rewritten:

"(a1) Student ~~advisors~~ advisor. – The Governor is hereby authorized to appoint ~~two~~ one high school ~~students~~ student who ~~are~~ is enrolled in the public schools of North Carolina as ~~advisors~~ an advisor to the State Board of Education. The student ~~advisors~~ advisor shall participate in State Board deliberations in an advisory capacity only. The State Board may, in its discretion, exclude the student ~~advisors~~ advisor from executive sessions.

The Governor shall ~~make initial appointments of student advisors to the State Board as follows:~~

~~(1) One high school junior shall be appointed for a two-year term beginning September 1, 1986, and expiring June 14, 1988; and~~

~~(2) One high school senior shall be appointed for a one-year term beginning September 1, 1986, and expiring June 14, 1987. When an initial or subsequent term expires, the Governor shall appoint a high school junior for a two-year term beginning June 15 of that year. If a student advisor is no longer enrolled in the public schools of North Carolina or if a vacancy otherwise occurs, the Governor shall appoint a student advisor for the remainder of the unexpired term.~~ appoint a high school senior for a one-year term beginning June 15 of each year. If a student advisor is no longer enrolled in the public schools of North Carolina or if a vacancy otherwise occurs, the Governor shall appoint a student advisor for the remainder of the unexpired term.

The student advisor shall receive per diem and necessary travel and subsistence expenses in accordance with the provisions of G.S. 138-5."

SECTION 2. G.S. 115C-11 is amended by adding two new subsections to read:

"(a3) State Principal of the Year Advisor. – Each State Principal of the Year, as designated by the Department of Public Instruction, shall serve ex officio as an advisor to the State Board of Education. Each State Principal of the Year shall begin service as an advisory member to the State Board at the commencement of the principal's term as State Principal of the Year and shall serve for one year. The State Principal of the Year shall participate in State Board deliberations and committee meetings in an advisory capacity only. The State Board may, in its discretion, exclude the State Principal of the Year from executive sessions.

In the event a vacancy occurs in the State Principal of the Year's advisory position, the principal who was next runner-up to that State Principal of the Year shall serve as the advisory member to the Board for the remainder of the unexpired term. The State Principal of the Year advisor to the State Board shall receive per diem and necessary travel and subsistence expenses in accordance with the provisions of G.S. 138-5.

(a4) Superintendent Advisor. – The Governor shall appoint a superintendent of a local school administrative unit as an advisor to the State Board of Education. The superintendent advisor shall serve for a term of one year. The superintendent advisor shall participate in State Board deliberations and committee meetings in an advisory capacity only. The State Board may, in its discretion, exclude the superintendent advisor from executive sessions.

In the event that a superintendent advisor ceases to be a superintendent in a local school administrative unit, the position of superintendent advisor shall be deemed vacant. In the event that a vacancy occurs in the position for whatever reason, the Governor shall appoint a superintendent advisor for the remainder of the unexpired term. The superintendent advisor to the State Board shall receive per diem and necessary travel and subsistence expenses in accordance with the provisions of G.S. 138-5."

SECTION 3. This act becomes effective June 15, 2001, and Section 1 applies to terms of high school student advisors beginning on or after that date.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

HOUSE BILL 480*

Short Title:	Prekindergarten Prog. for At-Risk Children.	(Public)
Sponsors:	Representatives Preston; Barbee, Bowie, Cansler, Capps, Daughtry, Davis, Dockham, Esposito, Johnson, Kiser, McCombs, Mitchell, Rayfield, Rogers, Sexton, Sherrill, Wainwright, Walend, Weatherly, and Yongue.	
Referred to:	Education, if favorable, Appropriations.	

March 5, 2001

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH A PREKINDERGARTEN PROGRAM TO ENSURE THAT ALL CHILDREN HAVE AN OPPORTUNITY TO SUCCEED IN KINDERGARTEN.

The General Assembly of North Carolina enacts:

SECTION 1. Establishment of the Planning Task Force for the Development of a Prekindergarten Program. - The Department of Public Instruction, under the direction of the State Board of Education, shall establish the Planning Task Force for the Development of a Prekindergarten Program.

SECTION 2. Purpose. - The purpose of the Task Force shall be to develop a prekindergarten program for four-year-old children in North Carolina to ensure that all children have an opportunity to succeed in kindergarten.

SECTION 3. Membership. - The Task Force membership shall include:

(1) Specialists in early childhood development, including staff from the Frank Porter Graham Child Development Center in Chapel Hill;
(2) Classroom teachers who are certified in early childhood education;
(3) Representatives of the private day care providers in North Carolina;
(4) Employees of the Department of Health and Human Services who are knowledgeable in the areas of early childhood development, current State and federally funded efforts in child development, and providing child care;
(5) Representatives of Smart Start Partnerships;
(6) Representatives of local school administrative units;
(7) Representatives of Head Start prekindergarten programs in North Carolina; and

(8) A Chair appointed by the State Board upon the recommendation of the Governor.

SECTION 4. Components of the Program. - The Task Force shall develop a prekindergarten program to serve four-year-old children in North Carolina who are potentially at risk of not being ready for kindergarten. The goal of the program shall be to make these children ready for kindergarten. The program shall be consistent with standards and assessments established by the State Board of Education and shall include:

(1) A curriculum or several curricula that are developed or selected by the Task Force. These curricula shall (i) focus primarily on oral language and emergent literacy, (ii) engage children through key experiences and provide background knowledge requisite for formal learning and successful reading in the early elementary years, (iii) involve active learning, (iv) promote measurable kindergarten language-readiness skills that focus on emergency literacy and mathematical skills, and (v) develop skills that will prepare children emotionally and socially for kindergarten.

(2) An emphasis on parental and family involvement with the prekindergarten program, ongoing assessment of each child by teachers, and regular discussions with parents.

(3) A methodology and structure for identifying children who demonstrate educational needs on the basis of an assessment, and who are eligible to enter kindergarten the next school year.

(4) Standards and guidelines for a program to provide grants to local school boards, private child care providers, and other entities willing to establish prekindergarten programs to serve these children.

(5) Matching requirements for all State grants that are based on a county's ability to pay.

(6) A quality-control system that is developed in cooperation with the Department of Health and Human Services. Under this system, the Department's child care rating system may be used to determine program eligibility.

(7) Standards for minimum teacher qualifications. Each classroom site that is initially funded must have at least one teacher who is certified or provisionally certified in birth to kindergarten education.

(8) An evaluation system for programs that are established. The evaluation system shall include, at a minimum, participants' readiness for kindergarten, percentage of participants scoring at or above grade level on the third grade end-of-grade test, and high school graduation rates.

(9) A proposal for ongoing program evaluation that includes evaluation by expert methodologists outside the Departments of Public Instruction and Health and Human Services.

(10) Recommendations on organizational placement and administration of the program.

SECTION 5. Recommendations by the Task Force. - The Task Force shall make its recommendations to the State Board of Education by March 1, 2002. Recommendations shall include:

(1) Plans for providing grants for the operation of some limited number of grant-funded prekindergarten programs for the 2002-2003 school year.

(2) Possible reallocations of funds from existing programs providing prekindergarten related care and services, including child care subsidies, in order to direct and coordinate funding for prekindergarten programs for four-year-olds with demonstrated educational needs. All potential funding sources, including federal as well as State-funded efforts, should be identified.

SECTION 6. Recommendations by the State Board of Education. - The State Board of Education shall recommend legislation to the Regular 2002 Session of the 2001 General Assembly to establish a program that is based on, but not limited by, the Task Force's recommendations. The State Board may accept preliminary applications from potential grantees but shall not make any funding commitments until after legislation is enacted by the General Assembly.

SECTION 7. Appropriation. - There is appropriated from the General Fund to the State Board of Education the sum of two hundred fifty thousand dollars ($250,000) for the 2001-2002 fiscal year to implement Sections 1 through 5 of this act.

SECTION 8. Effective Date. - This act becomes effective July 1, 2001.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

SESSION LAW 2001-496
SENATE BILL 914

AN ACT TO PROVIDE FOR CONSTRUCTION FLEXIBILITY FOR PUBLIC ENTITIES BY ALLOWING THE USE, WITHOUT LIMITATION, OF SEPARATE-PRIME CONTRACTING, SINGLE-PRIME CONTRACTING, DUAL BIDDING, CONSTRUCTION MANAGER AT RISK, AND ALTERNATIVE CONTRACTING METHODS AUTHORIZED BY THE STATE BUILDING COMMISSION; TO ENHANCE AND IMPROVE GOOD FAITH EFFORTS TO RECRUIT AND SELECT MINORITY BUSINESSES FOR PARTICIPATION IN PUBLIC CONSTRUCTION CONTRACTS; TO INCREASE THE MANDATORY PERFORMANCE AND PAYMENT BOND THRESHOLD FOR PUBLIC CONSTRUCTION PROJECTS; TO PROVIDE FOR CONSTRUCTION AND DESIGN SUPERVISORY AUTHORITY FOR PROJECTS UP TO TWO MILLION DOLLARS FOR THE UNIVERSITY OF NORTH CAROLINA UNTIL DECEMBER 31, 2006; TO PROVIDE FOR EFFICIENCIES IN THE PLAN REVIEW PROCESS FOR PUBLIC BUILDINGS; TO AMEND THE LAW GOVERNING LANDSCAPE ARCHITECTURE; AND TO APPROPRIATE FUNDS TO IMPLEMENT THE PUBLIC CONSTRUCTION LAW CHANGES.

The General Assembly of North Carolina enacts:

PART I. CONSTRUCTION CHANGES

SECTION 1. G.S. 143-64.31 reads as rewritten:

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

(a) It is the public policy of this State and all public subdivisions and Local Governmental Units thereof, except in cases of special emergency involving the health and safety of the people or their property, to announce all requirements for architectural, engineering, ~~and~~ surveying and construction management at risk services, to select firms qualified to provide such services on the basis of demonstrated competence and qualification for the type of professional services required without regard to fee other than unit price information at this stage, and thereafter to negotiate a contract for ~~architectural, engineering, or surveying~~ those services at a fair and reasonable fee with the best qualified firm. If a contract cannot be negotiated with the best qualified firm, negotiations with that firm shall be terminated and initiated with the next best qualified firm. Selection of a firm under this Article shall include the use of good faith efforts by the public entity to notify minority firms of the opportunity to submit qualifications for consideration by the public entity.

(b) Public entities that contract with a construction manager at risk under this section shall report to the Secretary of Administration the following information on all projects where a construction manager at risk is utilized:

(1) A detailed explanation of the reason why the particular construction manager at risk was selected.

(2) The terms of the contract with the construction manager at risk.

(3) A list of all other firms considered but not selected as the construction manager at risk and the amount of their proposed fees for services.

(4) A report on the form of bidding utilized by the construction manager at risk on the project.

The Secretary of Administration shall adopt rules to implement the provisions of this subsection including the format and frequency of reporting."

SECTION 2. Article 8 of Chapter 143 of the General Statutes is amended by adding the following new section to read:

"**§ 143-128.1. Construction management at risk contracts.**

(a) For purposes of this section and G.S. 143-64.31:

(1) "Construction management services" means services provided by a construction manager, which may include preparation and coordination of bid packages, scheduling, cost control, value engineering, evaluation, preconstruction services, and construction administration.

(2) "Construction management at risk services" means services provided by a person, corporation, or entity that (i) provides construction management services for a project throughout the preconstruction and construction phases, (ii) who is licensed as a general contractor, and (iii) who guarantees the cost of the project.

(3) "Construction manager at risk" means a person, corporation, or entity that provides construction management at risk services.

(4) "First-tier subcontractor" means a subcontractor who contracts directly with the construction manager at risk.

(b) The construction manager at risk shall be selected in accordance with Article 3D of this Chapter. Design services for a project shall be performed by a licensed architect or engineer. The public owner shall contract directly with the architect or engineer.

(c) The construction manager at risk shall contract directly with the public entity for all construction; shall publicly advertise as prescribed in G.S. 143-129; and shall prequalify and accept bids from first-tier subcontractors for all construction work under this section. The prequalification criteria shall be determined by the public entity and the construction manager at risk to address quality, performance, the time specified in the bids for performance of the contract, the cost of construction oversight, time for completion, capacity to perform, and other factors deemed appropriate by the public entity. The public entity shall require the construction manager at risk to submit its plan for compliance with G.S. 143-128.2 for approval by the public entity prior to soliciting bids for the project's first-tier subcontractors. A construction manager at risk and first-tier subcontractors shall make a good faith effort to recruit and select minority businesses for participation in contracts pursuant to G.S. 143-128.2. A construction manager at risk may perform a portion of the work only if (i) bidding produces no responsible, responsive bidder for that portion of the work, the lowest responsible, responsive bidder will not execute a contract for the bid portion of the work, or the subcontractor defaults and a prequalified replacement cannot be obtained in a timely manner, and (ii) the public entity approves of the construction manager at risk's performance of the work. All bids shall be opened publicly, and once they are opened, shall be public records under Chapter 132 of the General Statutes. The construction manager at risk shall act as the fiduciary of the public entity in handling and opening bids. The construction manager at risk shall award the contract to the lowest responsible, responsive bidder, taking into consideration quality, performance, the time specified in the bids for performance of the contract, the cost of construction oversight, time for completion, compliance with G.S. 143-128.2, and other factors deemed appropriate by the public entity and advertised as part of the bid solicitation. The public entity may require the selection of a different first-tier subcontractor for any portion of the work, consistent with this section, provided that the construction manager at risk is compensated for any additional cost incurred.

When contracts are awarded pursuant to this section, the public entity shall provide for a dispute resolution procedure as provided in G.S. 143-128(g).

(d) The construction manager at risk shall provide a performance and payment bond to the public entity in accordance with the provisions of Article 3 of Chapter 44A of the General Statutes."

SECTION 3. G.S. 143-128 reads as rewritten:

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

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

(1) Heating, ventilating, air conditioning and accessories (separately or combined into one conductive ~~system) and/or~~system), refrigeration for cold storage (where the cold storage cooling load is 15 tons or more of refrigeration), and all ~~work kindred thereto.~~related work.

(2) Plumbing and gas fittings and accessories, and all ~~work kindred thereto.~~related work.

(3) Electrical wiring and installations, and all ~~work kindred thereto.~~related work.

(4) General work not included in subdivisions (1), (2), and (3) of this subsection relating to the erection, construction, alteration, or repair of any ~~building above referred to, which work is not included in the above listed three subdivisions or branches.~~building.

~~All such specifications must~~ Specifications for contracts that will be bid under the separate-prime system or dual bidding system shall be ~~so~~ drawn as to permit separate and independent bidding upon each of the subdivisions ~~or branches~~ of work enumerated ~~above.~~ in this subsection. The above enumeration of subdivisions or branches of work shall not be construed to prevent any officer, board, department, commission or commissions from preparing additional separate specifications for any other category of work.

(a1) Construction methods. – The State, a county, municipality, or other public body shall award contracts to erect, construct, alter, or repair buildings pursuant to any of the following methods:

(1) Separate-prime bidding.
(2) Single-prime bidding.
(3) Dual bidding pursuant to subsection (d1) of this section.
(4) Construction management at risk contracts pursuant to G.S. 143-128.1.
(5) Alternative contracting methods authorized pursuant to G.S. 143-135.26(9).

(b) ~~Building projects over five hundred thousand dollars ($500,000); separate prime contracts.~~ Separate-prime contracts. – ~~Except as provided in subsection (d) of this section, when the entire cost of the erection, construction, alteration, or repair of a building exceeds five hundred thousand dollars ($500,000),~~ When the State, county, municipality, or other public body uses the separate-prime contract system, it shall accept bids for each subdivision ~~or branch~~ of work for which specifications are required to be prepared under subsection (a) of this section and shall award the respective work specified separately to responsible and reliable persons, firms or corporations regularly engaged in their respective lines of work. ~~When the estimated cost of work to be performed in any single subdivision or branch for which separate bids are required by this subsection is less than twenty five thousand dollars ($25,000), the same may be included in the contract for one of the other subdivisions or branches of the work, irrespective of total project cost.~~The contracts shall be awarded to the lowest responsible, responsive bidders, taking into consideration quality, performance, the time specified in the bids for performance of the contract, and compliance with G.S. 143-

128.2. Bids may also be accepted from and awards made to separate contractors for other categories of work.

Each separate contractor shall be directly liable to the State of North Carolina, or to the ~~county or municipality,~~ county, municipality, or other public body and to the other separate contractors for the full performance of all duties and obligations due respectively under the terms of the separate contracts and in accordance with the plans and specifications, which shall specifically set forth the duties and obligations of each separate contractor. For the purpose of this section, "separate contractor" means any person, firm or corporation who shall enter into a contract with the State, or with any county, municipality, or other public ~~body, entity for the erection, construction, alteration~~to erect, construct, alter or repair ~~of~~ any building or buildings, or parts ~~thereof~~ of any building or buildings.

~~(c) Building projects five hundred thousand dollars ($500,000) or less. When the entire cost of the erection, construction, alteration, or repair of a building is five hundred thousand dollars ($500,000) or less, the State, county, municipality, or other public body may accept bids under the single prime contract system, the separate prime contract system, or both. The provisions of subsection (b) of this section apply to the use of the separate prime contract system under this subsection. The provisions of subsection (d) of this section apply to the use of the single prime contract system under this section, except that bidding in the alternative between the single prime and separate prime systems is not required. Contracts bid in the alternative between the single prime and separate prime systems under this subsection must be awarded to the lowest responsible bidder or bidders, as provided in subsection (d) of this section.~~

(d) Single-prime ~~and alternative~~ contracts. – ~~The State, a county, municipality, or other public body may accept bids under the single prime contract system or a contracting method approved by the State Building Commission under G.S. 143-135.26.~~

~~If the State, county, municipality, or other public body accepts bids under the single prime contract system, it must also seek bids for the project under the separate prime contract system, except as otherwise authorized under G.S. 143-135.26, and award the contract to the lowest responsible bidder or bidders for the total project, taking into consideration quality, performance and the time specified in the bids for the performance of the contract.~~

~~When bids are accepted under the single prime contract system all~~All bidders ~~must~~ in a single-prime project shall identify on their bid the contractors they have selected for the subdivisions or branches of work for:

(1) Heating, ventilating, and air conditioning;
(2) Plumbing;
(3) Electrical; and
(4) General.

~~No contractor whose bid is accepted~~The contract shall be awarded to the lowest responsible, responsive bidder, taking into consideration quality, performance, the time specified in the bids for performance of the contract, and compliance with G.S. 143-128.2. A contractor whose bid is accepted shall not substitute any person as subcontractor in the place of the subcontractor listed in the original bid, except (i) if the listed subcontractor's bid is later determined by the contractor to be nonresponsible or nonresponsive or the listed subcontractor refuses to enter into a contract for the complete performance of the bid work, or (ii) with the approval of the awarding authority for good cause shown by the contractor. The terms, conditions, and requirements of each contract between the contractor and a subcontractor performing work under a subdivision or branch of work listed in this subsection shall ~~be substantially the same as~~incorporate by reference the terms, conditions, and requirements of the contract between the contractor and the State, county, municipality, or other public body.

~~The requirements of this subsection governing the identification of bidders, substitution of contractors,and the terms and conditions of subcontractor's contracts~~

~~apply to all single-prime bidding and single-prime contracts, regardless of whether bidding in the alternative between the single-prime and separate-prime systems has been waived by the State Building Commission.~~When contracts are awarded pursuant to this section, the public body shall make available to subcontractors the dispute resolution process as provided for in subsection (g) of this section.

(d1) ~~Local school administrative units; building projects over five hundred thousand dollars ($500,000). Dual bidding. – When the entire cost of the building project is more than five hundred thousand dollars ($500,000), a local school administrative unit shall seek bids as provided in subsection (b) or (d) of this section or this subsection. The local school administrative unit~~ The State, a county, municipality, or other public entity may accept bids to erect, construct, alter, or repair a building under both the single-prime and separate-prime contracting systems and shall award the contract to the lowest ~~responsible~~ responsible, responsive bidder under the single-prime system or to the lowest ~~responsible~~ responsible, responsive bidder under the separate-prime system, taking into consideration quality, performance, compliance with G.S. 143-128.2, and time specified in the bids ~~for performance of~~to perform the contract. In determining the system under which the contract will be awarded to the lowest ~~responsible~~ responsible, responsive bidder, the ~~local school administrative unit~~ public entity may consider cost of construction oversight, time for completion, and other factors it ~~deems~~ considers appropriate. ~~The local school administrative unit shall not open any bid solicited under subsection (d) of this section unless the unit receives at least three competitive bids from reputable and qualified contractors regularly engaged in their respective lines of endeavor and unless the unit receives a bid from at least one general contractor under the separate prime system.~~ The bids received as separate-prime bids shall be ~~submitted three hours~~ received, but not opened, one hour prior to the deadline for the submission of single-prime bids. The amount of a bid submitted by a subcontractor to the general contractor under the single-prime system shall not exceed the amount bid, if any, for the same work by that subcontractor to the ~~local school administrative unit~~ public entity under the separate-prime system. ~~Each single prime bid that identifies the contractors selected to perform the three major subdivisions or branches of work described in subsection (d) of this section and that lists the contractors' respective bid prices for those branches of work shall constitute a single competitive bid, and each full set of separate prime bids for all of the branches of work described in subsection (d) of this section shall constitute a single competitive bid. If after advertisement as required by G.S. 143-129, the local school administrative unit has not received the minimum number of competitive bids as required by this subsection, the unit shall again advertise for bids. If the required minimum number of bids is not received as a result of the second advertisement, the unit may let the contract to the lowest responsible bidder that submitted a bid for the project, even though the unit received only one bid. A contractor must provide an affidavit to the local school administrative unit that it has made the good faith effort required pursuant to G.S. 143-128(f), and failure to file the affidavit is grounds for rejection of the bid. All provisions of Article 8 of Chapter 143 of the General Statutes that are not inconsistent with this subsection shall apply to local school administrative units.~~ The provisions of subsection (b) of this section shall apply to separate-prime contracts awarded pursuant to this section and the provisions of subsection (d) of this section shall apply to single-prime contracts awarded pursuant to this section.

(e) Project expediter; scheduling; public body to resolve project disputes. – The State, county, municipality, or other public body may, if specified in the bid documents, provide for assignment of responsibility for expediting the work on ~~the~~ a project to a single responsible and reliable person, firm or corporation, which may be a prime contractor. In executing this responsibility, the designated project expediter may recommend to the State, county, municipality, or other public body whether payment to a contractor should be approved. The project expediter, if required by the contract documents, shall be responsible for ~~the preparation of~~preparing the project schedule and

shall allow all contractors and subcontractors performing any of the branches of work listed in subsection (d) of this section equal input into the preparation of the initial schedule. Whenever separate contracts are awarded and separate contractors engaged for a project pursuant to this section, the public body may provide in the contract documents for resolution of project disputes through alternative dispute resolution processes ~~such as mediation or arbitration.~~as provided for in subsection (g) of this section.

~~(f) Minority goals. The State shall have a verifiable ten percent (10%) goal for participation by minority businesses in the total value of work for each building project. Each city, county, or other public body shall adopt, after a notice and public hearing, an appropriate verifiable percentage goal for participation by minority businesses in the total value of work for each buildingAs used in this subsection:~~

~~(1) The term "minority business" means a business:~~

~~a. In which at least fifty one percent (51%) is owned by one or more minority persons, or in the case of a corporation, in which at least fifty one percent (51%) of the stock is owned by one or more minority persons; and~~

~~b. Of which the management and daily business operations are controlled by one or more of the minority persons who own it.~~

~~(2) The term "minority person" means a person who is a citizen or lawful permanent resident of the United States and who is:~~

~~a. Black, that is, a person having origins in any of the black racial groups in Africa;~~

~~b. Hispanic, that is, a person of Spanish or Portuguese culture with origins in Mexico, South or Central America, or the Caribbean Islands, regardless of race;~~

~~c. Asian American, that is, a person having origins in any of the original peoples of the Far East, Southeast Asia and Asia, the Indian subcontinent, the Pacific Islands;~~

~~d. American Indian or Alaskan Native, that is, a person having origins in any of the original peoples of North America; or~~

~~e. Female.~~

~~(3) The term "verifiable goal" means:~~

~~a. For purposes of the separate prime contract system, that the awarding authority has adopted written guidelines specifying the actions that will be taken to ensure a good faith effort in the recruitment and selection of minority businesses for participation in contracts awarded under this section.~~

~~b. For purposes of the single prime contract system, that the awarding authority has adopted written guidelines specifying the actions that the prime contractor must take to ensure a good faith effort in the recruitment and selection of minority businesses for participation in contracts awarded under this section; the required actions must be documented in writing by the contractor to the appropriate awarding authority.~~

~~c. For purposes of an alternative contracting system authorized by the State Building Commission under G.S. 143-135.26(9), that the awarding authority has adopted written guidelines specifying the action to be taken to ensure a good faith effort in the recruitment and selection of minority businesses for participation in contracts awarded under this section.The State, counties, municipalities, and all other public bodies shall award public building contracts without regard to race, religion, color, creed, national origin, sex, age, or handicapping condition, as defined in G.S. 168A-3. Nothing in this section shall be~~

~~construed to require contractors or awarding authorities to award contracts or subcontracts to or to make purchases of materials or equipment from minority business contractors or minority business subcontractors who do not submit the lowest responsible bid or bids.~~

(g) Dispute resolution. – A public entity shall use the dispute resolution process adopted by the State Building Commission pursuant to G.S. 143-135.26(12), or shall adopt another dispute resolution process, which shall include mediation, to be used as an alterative to the dispute resolution process adopted by the State Building Commission. This dispute resolution process will be available to all the parties involved in the public entity's construction project including the public entity, the architect, the construction manager, the contractors, and the first-tier and lower-tier subcontractors and shall be available for any issues arising out of the contract or construction process. The public entity may set a reasonable threshold, not to exceed fifteen thousand dollars ($15,000), concerning the amount in controversy that must be at issue before a party may require other parties to participate in the dispute resolution process. The public entity may require that the costs of the process be divided between the parties to the dispute with at least one-third of the cost to be paid by the public entity, if the public entity is a party to the dispute. The public entity may require in its contracts that a party participate in mediation concerning a dispute as a precondition to initiating litigation concerning the dispute.

~~(g)~~(h) Exceptions. – This section shall not apply to:

(1) The purchase and erection of prefabricated or relocatable buildings or portions thereof, except that portion of the work which must be performed at the construction site.

(2) The erection, construction, alteration, or repair of a building when the cost thereof is ~~one hundred thousand dollars ($100,000) or less.~~ three hundred thousand dollars ($300,000) or less.

Notwithstanding the other provisions of this subsection, subsection (g) of this section shall apply to any erection, construction, alteration, or repair of a building by a public entity."

SECTION 3.1. Article 8 of Chapter 143 is amended by adding a new section to read:

"**§ 143-128.2. Minority business participation goals.**

(a) The State shall have a verifiable ten percent (10%) goal for participation by minority businesses in the total value of work for each State building project, including building projects done by a private entity on a facility to be leased or purchased by the State. A local government unit or other public or private entity that receives State appropriations for a building project or other State grant funds for a building project, including a building project done by a private entity on a facility to be leased or purchased by the local government unit, where the project cost is one hundred thousand dollars ($100,000) or more, shall have a verifiable ten percent (10%) goal for participation by minority businesses in the total value of the work; provided, however, a local government unit may apply a different verifiable goal that was adopted prior to December 1, 2001, if the local government unit had and continues to have a sufficiently strong basis in evidence to justify the use of that goal. On State building projects and building projects subject to the State goal requirement, the Secretary shall identify the appropriate percentage goal, based on adequate data, for each category of minority business as defined in G.S. 143-128.2(g)(1) based on the specific contract type.

Except as otherwise provided for in this subsection, each city, county, or other local public entity shall adopt, after a notice and public hearing, an appropriate verifiable percentage goal for participation by minority businesses in the total value of work for building projects.

Each entity required to have verifiable percentage goals under this subsection shall make a good faith effort to recruit minority participation in accordance with this section or G.S. 143-131(b), as applicable.

(b) A public entity shall establish prior to solicitation of bids the good faith efforts that it will take to make it feasible for minority businesses to submit successful bids or proposals for the contracts for building projects. Public entities shall make good faith efforts as set forth in subsection (e) of this section. Public entities shall require contractors to make good faith efforts pursuant to subsection (f) of this section. Each first-tier subcontractor on a construction management at risk project shall comply with the requirements applicable to contractors under this subsection.

(c) Each bidder, which shall mean first-tier subcontractor for construction manager at risk projects for purposes of this subsection, on a project bid under any of the methods authorized under G.S. 143-128(a1) shall identify on its bid the minority businesses that it will use on the project and an affidavit listing the good faith efforts it has made pursuant to subsection (f) of this section and the total dollar value of the bid that will be performed by the minority businesses. A contractor, including a first-tier subcontractor on a construction manager at risk project, that performs all of the work under a contract with its own workforce may submit an affidavit to that effect in lieu of the affidavit otherwise required under this subsection. The apparent lowest responsible, responsive bidder shall also file the following:

(1) Within the time specified in the bid documents, either:

a. An affidavit that includes a description of the portion of work to be executed by minority businesses, expressed as a percentage of the total contract price, which is equal to or more than the applicable goal. An affidavit under this sub-subdivision shall give rise to a presumption that the bidder has made the required good faith effort; or

b. Documentation of its good faith effort to meet the goal. The documentation must include evidence of all good faith efforts that were implemented, including any advertisements, solicitations, and evidence of other specific actions demonstrating recruitment and selection of minority businesses for participation in the contract.

(2) Within 30 days after award of the contract, a list of all identified subcontractors that the contractor will use on the project.

Failure to file a required affidavit or documentation that demonstrates that the contractor made the required good faith effort is grounds for rejection of the bid.

(d) No subcontractor who is identified and listed pursuant to subsection (c) of this section may be replaced with a different subcontractor except:

(1) If the subcontractor's bid is later determined by the contractor or construction manager at risk to be nonresponsible or nonresponsive, or the listed subcontractor refuses to enter into a contract for the complete performance of the bid work, or

(2) With the approval of the public entity for good cause.

Good faith efforts as set forth in G.S. 143-131(b) shall apply to the selection of a substitute subcontractor. Prior to substituting a subcontractor, the contractor shall identify the substitute subcontractor and inform the public entity of its good faith efforts pursuant to G.S. 143-131(b).

(e) Before awarding a contract, a public entity shall do the following:

(1) Develop and implement a minority business participation outreach plan to identify minority businesses that can perform public building projects and to implement outreach efforts to encourage minority business participation in these projects to include education, recruitment, and interaction between minority businesses and nonminority businesses.

(2) Attend the scheduled prebid conference.
(3) At least 10 days prior to the scheduled day of bid opening, notify minority businesses that have requested notices from the public entity for public construction or repair work and minority businesses that otherwise indicated to the Office of Historically Underutilized Businesses an interest in the type of work being bid or the potential contracting opportunities listed in the proposal. The notification shall include the following:
a. A description of the work for which the bid is being solicited.
b. The date, time, and location where bids are to be submitted.
c. The name of the individual within the public entity who will be available to answer questions about the project.
d. Where bid documents may be reviewed.
e. Any special requirements that may exist.
(4) Utilize other media, as appropriate, likely to inform potential minority businesses of the bid being sought.

(f) A public entity shall require bidders to undertake the following good faith efforts to the extent required by the Secretary on projects subject to this section. The Secretary shall adopt rules establishing points to be awarded for taking each effort and the minimum number of points required, depending on project size, cost, type, and other factors considered relevant by the Secretary. In establishing the point system, the Secretary may not require a contractor to earn more than fifty (50) points, and the Secretary must assign each of the efforts listed in subdivisions (1) through (10) of this subsection at least 10 points. The public entity may require that additional good faith efforts be taken, as indicated in its bid specifications. Good faith efforts include:
(1) Contacting minority businesses that reasonably could have been expected to submit a quote and that were known to the contractor or available on State or local government maintained lists at least 10 days before the bid or proposal date and notifying them of the nature and scope of the work to be performed.
(2) Making the construction plans, specifications and requirements available for review by prospective minority businesses, or providing these documents to them at least 10 days before the bid or proposals are due.
(3) Breaking down or combining elements of work into economically feasible units to facilitate minority participation.
(4) Working with minority trade, community, or contractor organizations identified by the Office of Historically Underutilized Businesses and included in the bid documents that provide assistance in recruitment of minority businesses.
(5) Attending any prebid meetings scheduled by the public owner.
(6) Providing assistance in getting required bonding or insurance or providing alternatives to bonding or insurance for subcontractors.
(7) Negotiating in good faith with interested minority businesses and not rejecting them as unqualified without sound reasons based on their capabilities. Any rejection of a minority business based on lack of qualification should have the reasons documented in writing.
(8) Providing assistance to an otherwise qualified minority business in need of equipment, loan capital, lines of credit, or joint pay agreements to secure loans, supplies, or letters of credit, including waiving credit that is ordinarily required. Assisting minority businesses in obtaining the same unit pricing with the bidder's suppliers in order to help minority businesses in establishing credit.

(9) Negotiating joint venture and partnership arrangements with minority businesses in order to increase opportunities for minority business participation on a public construction or repair project when possible.

(10) Providing quick pay agreements and policies to enable minority contractors and suppliers to meet cash-flow demands.

(g) As used in this section:

(1) The term "minority business" means a business:

a. In which at least fifty-one percent (51%) is owned by one or more minority persons or socially and economically disadvantaged individuals, or in the case of a corporation, in which at least fifty-one percent (51%) of the stock is owned by one or more minority persons or socially and economically disadvantaged individuals; and

b. Of which the management and daily business operations are controlled by one or more of the minority persons or socially and economically disadvantaged individuals who own it.

(2) The term "minority person" means a person who is a citizen or lawful permanent resident of the United States and who is:

a. Black, that is, a person having origins in any of the black racial groups in Africa;

b. Hispanic, that is, a person of Spanish or Portuguese culture with origins in Mexico, South or Central America, or the Caribbean Islands, regardless of race;

c. Asian American, that is, a person having origins in any of the original peoples of the Far East, Southeast Asia and Asia, the Indian subcontinent, or the Pacific Islands;

d. American Indian, that is, a person having origins in any of the original Indian peoples of North America; or

e. Female.

(3) The term "socially and economically disadvantaged individual" means the same as defined in 15 U.S.C. 637.

(h) The State, counties, municipalities, and all other public bodies shall award public building contracts, including those awarded under G.S. 143-128.1, 143-129, and 143-131, without regard to race, religion, color, creed, national origin, sex, age, or handicapping condition, as defined in G.S. 168A-3. Nothing in this section shall be construed to require contractors or awarding authorities to award contracts or subcontracts to or to make purchases of materials or equipment from minority-business contractors or minority-business subcontractors who do not submit the lowest responsible, responsive bid or bids.

(i) Notwithstanding G.S. 132-3 and G.S. 121-5, all public records created pursuant to this section shall be maintained by the public entity for a period of not less than three years from the date of the completion of the building project.

(j) Except as provided in subsections (a), (g), (h) and (i) of this section, this section shall only apply to building projects costing three hundred thousand dollars ($300,000) or more. This section shall not apply to the purchase and erection of prefabricated or relocatable buildings or portions thereof, except that portion of the work which must be performed at the construction site."

SECTION 3.2. G.S. 113-315.36 reads as rewritten:

"**§ 113-315.36. Building contracts.**

(a) The following general laws, to the extent provided below, do not apply to the North Carolina Seafood Industrial Park Authority:

(1) Repealed by Session Laws 1999-368, s. 1.

(2) Except for ~~G.S. 143-128(f),~~G.S. 143-128.2, Article 8 of Chapter 143 of the General Statutes does not apply to public building contracts of the Authority that require the estimated expenditure of public money in an

amount less than two hundred fifty thousand dollars ($250,000). With respect to a contract that is exempted from certain provisions of Article 8 under this subdivision, the powers and duties set out in Article 8 shall be exercised by the Authority, and the Secretary of Administration and other State officers, employees, or agencies shall have no duties or responsibilities concerning the contract.

(3) G.S. 143-341(3) does not apply to plans and specifications for construction or renovation authorized by the Authority that require the estimated expenditure of public money in an amount less than two hundred fifty thousand dollars ($250,000).

(b) Notwithstanding the other provisions of this section, the services of the Department of Administration may be made available to the Authority, when requested by the Authority, with regard to matters governed by Article 8 of Chapter 143 of the General Statutes and G.S. 143-341(3). The Authority shall report quarterly to the Joint Legislative Commission on Governmental Operations on any building contract to which this exemption is applied. The quarterly report required by this subsection shall specifically include information regarding the Authority's compliance with the provisions of ~~G.S. 143-128(f).~~G.S. 143-128.2."

SECTION 3.3. G.S. 143-129.4 reads as rewritten:

"**§ 143-129.4. Guaranteed energy savings contracts.**

The solicitation and evaluation of proposals for guaranteed energy savings contracts, as defined in Part 2 of Article 3B of this Chapter, and the letting of contracts for these proposals are governed solely by the provisions of that Part; except that guaranteed energy savings contracts are subject to the requirements of ~~G.S. 143-128(f).~~ G.S. 143-128.2."

SECTION 3.4. G.S. 143B-437.29 reads as rewritten:

"**§ 143B-437.29. Contracting with minority businesses.**

The Authority must comply with the policies regarding contracting with minority businesses as set out in G.S. 143-48, ~~143-128(f),~~143-128.2, and 143-135.5 and with any other applicable laws. The Authority is subject to Executive Order Number 150, issued April 20, 1999, regarding contracting with historically underutilized businesses."

SECTION 3.5. G.S. 158-35(a), as amended by Section 20.13(a) of S.L. 2001-424, reads as rewritten:

"(a) Commission Membership. – The governing body of the Zone is the Global TransPark Development Commission. The members of the Commission must be residents of the Zone and shall be appointed as follows:

(1) The board of commissioners of each county participating in the Zone shall appoint three voting members, one of whom shall be a minority person as defined in ~~G.S. 143-128(f)(2)~~G.S. 143-128.2(g)(2) and one of whom may be a member of the board of commissioners.

(2) The Commission shall appoint at least three but no more than seven voting members. By the appointment of these members, the Commission shall ensure that the voting membership of the Commission includes at least seven women and seven members of a racial minority described in ~~G.S. 143-128(f)(2).~~G.S. 143-128.2(g)(2). The Commission shall appoint the fewest number of members necessary to achieve these minimums.

(3) Four nonvoting members shall be appointed as follows:

a. One appointed by the Chancellor of East Carolina University to represent the University.

b. One appointed by a majority vote of the presidents of the community colleges located in the Zone, to represent the community colleges.

c. One appointed by the chair of the State Ports Authority, to represent the sea ports of the State.

d. One member of the board of directors of the Global TransPark Foundation, Inc., appointed by that board."

SECTION 3.6. Article 8 of Chapter 143 is amended by adding a new section to read:

"**§ 143-128.3. Minority business participation administration.**

(a) All public entities subject to G.S. 143-128.2 shall report to the Department of Administration, Office of Historically Underutilized Business, the following with respect to each building project:

(1) The verifiable percentage goal.

(2) The type and total dollar value of the project, minority business utilization by minority business category, trade, total dollar value of contracts awarded to each minority group for each project, the applicable good faith effort guidelines or rules used to recruit minority business participation, and good faith documentation accepted by the public entity from the successful bidder.

(3) The utilization of minority businesses under the various construction methods under G.S. 143-128(a1).

The reports shall be in the format and contain the data prescribed by the Secretary of Administration. The University of North Carolina and the State Board of Community Colleges shall report quarterly and all other public entities shall report semiannually. The Secretary of the Department of Administration shall make reports every six months to the Joint Legislative Committee on Governmental Operations on information reported pursuant to this subsection.

(b) A public entity that has been notified by the Secretary of its failure to comply with G.S. 143-128.2 on a project shall develop a plan of compliance that addresses the deficiencies identified by the Secretary. The corrective plan shall apply to the current project or to subsequent projects under G.S. 143-128, as appropriate, provided that the plan must be implemented, at a minimum, on the current project to the extent feasible. If the public entity, after notification from the Secretary, fails to file a corrective plan, or if the public entity does not implement the corrective plan in accordance with its terms, the Secretary shall require one or both of the following:

(1) That the public entity consult with the Department of Administration, Office of Historically Underutilized Businesses on the development of a new corrective plan, subject to the approval of the Department and the Attorney General. The public entity may designate a representative to appear on its behalf, provided that the representative has managerial responsibility for the construction project.

(2) That the public entity not bid another contract under G.S. 143-128 without prior review by the Department and the Attorney General of a good faith compliance plan developed pursuant to subdivision (1) of this subsection. The public entity shall be subject to the review and approval of its good faith compliance plan under this subdivision with respect to any projects bid pursuant to G.S. 143-128 during a period of time determined by the Secretary, not to exceed one year.

A public entity aggrieved by the decision of the Secretary may file a contested case proceeding under Chapter 150B of the General Statutes.

(c) The Secretary shall study and recommend to the General Assembly and other State agencies ways to improve the effectiveness and efficiency of the State capital facilities development, minority business participation program and good faith efforts in utilizing minority businesses as set forth in G.S. 143-128.2, and other appropriate good faith efforts that may result in the increased utilization of minority businesses.

(d) The Secretary shall appoint an advisory board to develop recommendations to improve the recruitment and utilization of minority businesses. The Secretary, with the input of its advisory board, shall review the State's programs for promoting the recruitment and utilization of minority businesses involved in State capital projects and

shall recommend to the General Assembly, the State Construction Office, The University of North Carolina, and the community colleges system changes in the terms and conditions of State laws, rules, and policies that will enhance opportunities for utilization of minority businesses on these projects. The Secretary shall provide guidance to these agencies on identifying types of projects likely to attract increased participation by minority businesses and breaking down or combining elements of work into economically feasible units to facilitate minority business participation.

(e) The Secretary shall adopt rules for State entities, The University of North Carolina, and community colleges and shall adopt guidelines for local government units to implement the provisions of G.S. 143-128.2.

(f) The Secretary shall provide the following information to the Attorney General:

(1) Failure by a public entity to report data to the Secretary in accordance with this section.

(2) Upon the request of the Attorney General, any data or other information collected under this section.

(3) False statements knowingly provided in any affidavit or documentation under G.S. 143-128.2 to the State or other public entity. Public entities shall provide to the Secretary information concerning any false information knowingly provided to the public entity pursuant to G.S. 143-128.2.

(g) The Secretary shall report findings and recommendations as required under this section to the Joint Legislative Committee on Governmental Operations annually on or before June 1, beginning June 1, 2002."

SECTION 4. G.S. 143-129(a), as amended by S.L. 2001-328, reads as rewritten:

"(a) Bidding Required. – No construction or repair work requiring the estimated expenditure of public money in an amount equal to or more than ~~one hundred thousand dollars ($100,000)~~ three hundred thousand dollars ($300,000) or purchase of apparatus, supplies, materials, or equipment requiring an estimated expenditure of public money in an amount equal to or more than ~~fifty thousand dollars ($50,000)~~ninety thousand dollars ($90,000) may be performed, nor may any contract be awarded therefor, by any board or governing body of the State, or of any institution of the State government, or of any political subdivision of the State, unless the provisions of this section are complied with.

For purchases of apparatus, supplies, materials, or equipment, the governing body of any political subdivision of the State may, subject to any restriction as to dollar amount, or other conditions that the governing body elects to impose, delegate to the manager or the chief purchasing official, or both, the authority to award contracts, reject bids, or readvertise to receive bids on behalf of the unit. Any person to whom authority is delegated under this subsection shall comply with the requirements of this Article that would otherwise apply to the governing body."

SECTION 4.1. S.L. 1999-52 is repealed.

SECTION 5. G.S. 143-129(e), as amended by S.L. 2001-328, is amended by adding a new subdivision to read:

"(11) Contracts by a public entity with a construction manager at risk executed pursuant to G.S. 143-128.1."

SECTION 5.1. G.S. 143-131 reads as rewritten:

"§ 143-131. When counties, cities, towns and other subdivisions may let contracts on informal bids.

(a) All contracts for construction or repair work or for the purchase of apparatus, supplies, materials, or equipment, involving the expenditure of public money in the amount of five thousand dollars ($5,000) or more, but less than the limits prescribed in G.S. 143-129, made by any officer, department, board, or commission of any county, city, town, or other subdivision of this State shall be made after informal bids have been secured. All such contracts shall be awarded to the lowest ~~responsible~~ responsible,

responsive bidder, taking into consideration quality, performance, and the time specified in the bids for the performance of the contract. It shall be the duty of any officer, department, board, or commission entering into such contract to keep a record of all bids submitted, and such record shall not be subject to public inspection until the contract has been awarded.

(b) All public entities shall solicit minority participation in contracts for the erection, construction, alteration or repair of any building awarded pursuant to this section. The public entity shall maintain a record of contractors solicited and shall document efforts to recruit minority business participation in those contracts. Nothing in this section shall be construed to require formal advertisement of bids. All data, including the type of project, total dollar value of the project, dollar value of minority business participation on each project, and documentation of efforts to recruit minority participation shall be reported to the Department of Administration, Office for Historically Underutilized Business, upon the completion of the project."

SECTION 5.2. G.S. 143-135.5 reads as rewritten:

"**§ 143-135.5. State policy; cooperation in promoting the use of small, minority, physically handicapped and women contractors; purpose.**

(a) It is the policy of this State to encourage and promote the use of small, minority, physically handicapped and women contractors in State construction projects. All State agencies, institutions and political subdivisions shall cooperate with the Department of Administration and all other State agencies, institutions and political subdivisions in efforts to encourage and promote the use of small, minority, physically handicapped and women contractors in achieving the purpose of this Article, which is the effective and economical construction of public buildings.

(b) It is the policy of this State not to accept bids or proposals from, nor to engage in business with, any business that, within the last two years, has been finally found by a court or an administrative agency of competent jurisdiction to have unlawfully discriminated on the basis of race, gender, religion, national origin, age, physical disability, or any other unlawful basis in its solicitation, selection, hiring, or treatment of another business."

SECTION 6. G.S. 133-1.1(a) reads as rewritten:

"(a) In the interest of public health, safety and economy, every officer, board, department, or commission charged with the duty of approving plans and specifications or awarding or entering into contracts involving the expenditure of public funds in excess of:

(1) ~~One~~ Three hundred thousand dollars ~~($100,000)~~($300,000) for the repair of public buildings where such repair does not include major structural change in framing or foundation support systems,

(1a) One hundred thousand dollars ($100,000) for the repair of public buildings affecting life safety systems,

(2) ~~Forty-five thousand dollars ($45,000)~~One hundred thirty-five thousand dollars ($135,000) for the repair of public buildings where such repair includes major structural change in framing or foundation support systems, or

(3) ~~Forty-five thousand dollars ($45,000)~~One hundred thirty-five thousand dollars ($135,000) for the construction of, or additions to, public buildings or State-owned and operated utilities,

shall require that such plans and specifications be prepared by a registered architect, in accordance with the provisions of Chapter 83A of the General Statutes, or by a registered engineer, in accordance with the provisions of Chapter 89C of the General Statutes, or by both architect and engineer, particularly qualified by training and experience for the type of work involved, and that the North Carolina seal of such architect or engineer together with the name and address of such architect or engineer, or both, be placed on all ~~such~~ these plans and specifications."

SECTION 7. G.S. 44A-26(a) reads as rewritten:

"(a) When the total amount of construction contracts awarded for any one project exceeds ~~one~~ three hundred thousand dollars ~~($100,000)~~($300,000), a performance and payment bond as set forth in (1) and (2) is required by the contracting body from any contractor or construction manager at risk with a contract more than ~~fifteen thousand dollars ($15,000).~~fifty thousand dollars ($50,000). In the discretion of the contracting body, a performance and payment bond may be required on any construction contract as follows:

(1) A performance bond in the amount of one hundred percent (100%) of the construction contract amount, conditioned upon the faithful performance of the contract in accordance with the plans, specifications and conditions of the contract. Such bond shall be solely for the protection of the contracting body ~~which awarded the contract.~~that is constructing the project.

(2) A payment bond in the amount of one hundred percent (100%) of the construction contract amount, conditioned upon the prompt payment for all labor or materials for which a contractor or subcontractor is liable. The payment bond shall be solely for the protection of the persons furnishing materials or performing labor for which a ~~contractor or subcontractor~~contractor, subcontractor, or construction manager at risk is liable."

SECTION 8.(a) G.S. 116-31.11, as enacted and expired by S.L. 1997-412, is reenacted and reads as rewritten:

"**§ 116-31.11. Powers of Board regarding certain fee negotiations, contracts, and capital improvements.**

(a) Notwithstanding G.S. 143-341(3) and G.S. 143-135.1, the Board shall, with respect to the design, construction, or renovation of buildings, utilities, and other property developments of The University of North Carolina requiring the estimated expenditure of public money of ~~five hundred thousand dollars ($500,000)~~two million dollars ($2,000,000) or less:

(1) Conduct the fee negotiations for all design contracts and supervise the letting of all construction and design contracts.

(2) Develop procedures governing the responsibilities of The University of North Carolina and its affiliated and constituent institutions to perform the duties of the Department of Administration and the Director or Office of State Construction under G.S. 133-1.1(d) and G.S. 143-341(3).

(3) Develop procedures and reasonable limitations governing the use of open-end design agreements, subject to G.S. 143-64.34 and the approval of the State Building Commission.

(b) The Board may delegate its authority under subsection (a) of this section to a constituent or affiliated institution if the institution is qualified under guidelines adopted by the Board and approved by the State Building Commission and the Director of the Budget.

(c) The University shall use the standard contracts for design and construction currently in use for State capital improvement projects by the Office of State Construction of the Department of Administration.

(d) A contract may not be divided for the purpose of evading the monetary limit under this section.

(e) Notwithstanding any other provision of this Chapter, the Department of Administration shall not be the awarding authority for contracts awarded pursuant to this section."

SECTION 8.(b) Section 5.1 of S.L. 1997-412 is repealed.

SECTION 8.(c) Sections 5, 7, 8, and 10 of S.L. 1997-412 are reenacted.

SECTION 8.(d) G.S. 143-341(3) reads as rewritten:

"(3) Architecture and Engineering:

a. To examine and approve all plans and specifications for the construction or renovation of:
   1. All State ~~buildings;~~ buildings or buildings located on State lands, except those buildings over which a local building code inspection department has and exercises jurisdiction; and
   2. All community college buildings requiring the estimated expenditure for construction or repair work for which public bidding is required under G.S. 143-129 prior to the awarding of a contract for such work; and to examine and approve all changes in those plans and specifications made after the contract for such work has been awarded.

b. To assist, as necessary, all agencies in the preparation of requests for appropriations for the construction or renovation of all State buildings.

b1. To certify that a statement of needs pursuant to G.S. 143-6 is feasible. For purposes of this sub-subdivision, "feasible" means that the proposed project is sufficiently defined in overall scope; building program; site development; detailed design, construction, and equipment budgets; and comprehensive project scheduling so as to reasonably ensure that it may be completed with the amount of funds requested. At the discretion of the General Assembly, advanced planning funds may be appropriated in support of this certification. This sub-subdivision shall not apply to requests for appropriations of less than one hundred thousand dollars ($100,000).

c. To supervise the letting of all contracts for the design, construction or renovation of all State buildings and all community college buildings whose plans and specifications must be examined and approved under a.2. of this subdivision.

d. To supervise and inspect all work done and materials used in the construction or renovation of all State buildings and all community college buildings whose plans and specifications must be examined and approved under a.2. of this subdivision; and no such work may be accepted by the State or by any State agency until it has been approved by the Department.

Except for sub-subdivisions b. and b1. of this subdivision, this subdivision does not apply to the design, construction, or renovation of projects by The University of North Carolina pursuant to G.S. 116-31.11."

SECTION 8.(e) G.S. 133-1.1(d) reads as rewritten:

"(d) On projects on which no registered architect or engineer is required pursuant to the provisions of this section, the governing board or awarding authority shall require a certificate of compliance with the State Building Code from the city or county inspector for the specific trade or trades involved or from a registered architect or engineer, except that the provisions of this subsection shall not apply ~~on~~ to projects where any of the following apply:

(1) ~~wherein~~ The plans and specifications are approved by the Department of Administration, Division of State Construction, and the completed project is inspected by the Division of State Construction and the State Electrical ~~Inspector, or on projects~~ Inspector.

(2) The project is exempt from the State Building Code.

(3) The project has a total projected cost of less than $100,000 and does not alter life safety systems."

SECTION 9. G.S. 143-132(b) reads as rewritten:

"(b) For purposes of contracts bid in the alternative between the separate-prime and single-prime contracts, pursuant to ~~G.S. 143-128(c) or (d),~~G.S. 143-128(d1) each single-prime bid shall constitute a competitive bid in each of the four subdivisions or branches of work listed in G.S. 143-128(a), and each full set of separate-prime bids shall constitute a competitive single-prime bid in meeting the requirements of subsection (a) of this section. If there are at least three single-prime bids but there is not at least one full set of separate-prime bids, no separate-prime bids shall be opened."

SECTION 10.(a) Section 2 of S.L. 1999-102 is repealed.

SECTION 10.(b) Section 3 of S.L. 1999-102 reads as rewritten:

"Section 3. This act is effective when it becomes ~~law and shall expire on June 30, 2003.~~law."

SECTION 10.(c) Section 8 of S.L. 1999-207 reads as rewritten:

"Section 8. This act is effective when it becomes ~~law and expires July 1, 2002.~~law."

SECTION 10.(d) Notwithstanding Article 8 of Chapter 143 of the General Statutes, New Hanover Regional Medical Center may use force account qualified personnel on its payroll to maintain, repair, renovate, and improve hospital and medical facilities that it owns, operates, or manages under the following conditions:

(1) The work is primarily for purposes of ensuring compliance with the Life Safety Code and other applicable codes, including requirements of the Joint Commission on the Accreditation of Healthcare Organizations, or involves work to the same or related components or areas of the building at the time of the compliance work.

(2) The force account labor is qualified to perform and is capable of performing the work in an active patient environment.

This subsection 10(d) expires December 31, 2007.

PART II. CONSTRUCTION AND DESIGN ADMINISTRATION

SECTION 11. G.S. 143-135.26 reads as rewritten:

"**§ 143-135.26. Powers and duties of the Commission.**

The State Building Commission shall have the following powers and duties with regard to the State's capital facilities development and management program:

(1) To adopt rules establishing standard procedures and criteria to assure that the designer selected for each State capital improvement ~~project and~~ project, the consultant selected for planning and studies of an architectural and engineering nature associated with a capital improvement project or a future capital improvement project and a construction manager at risk selected for each capital improvement project has the qualifications and experience necessary for that capital improvement project or the proposed planning or study project. The rules shall provide that the State Building Commission, after consulting with the funded agency, is responsible and accountable for the final selection of the ~~designer and the final selection of the~~ designer, consultant or construction manager at risk except when the General Assembly or The University of North Carolina is the funded agency. When the General Assembly is the funded agency, the Legislative Services Commission is responsible and accountable for the final selection of the ~~designer and the final selection of the~~designer, consultant, or the construction manager at risk and when the University is the funded agency, it shall be subject to the rules adopted hereunder, except it is responsible and accountable for the final selection of the ~~designer and the final selection of the consultant.~~designer, consultant, or construction manager at risk. All designers and consultants shall be selected within 60 days of the date funds are appropriated for a project by the General Assembly or the date of project authorization by the Director of the Budget; provided,

however, the State Building Commission may grant an exception to this requirement upon written request of the funded agency if (i) no site was selected for the project before the funds were appropriated or (ii) funds were appropriated for advance planning only; provided, further, the Director of the Budget, after consultation with the State Construction Office, may waive the 60-day requirement for the purpose of minimizing project costs through increased competition and improvements in the market availability of qualified contractors to bid on State capital improvement projects. The Director of the Budget also may, after consultation with the State Construction Office, schedule the availability of design and construction funds for capital improvement projects for the purpose of minimizing project costs through increased competition and improvements in the market availability of qualified contractors to bid on State capital improvement projects.

The State Building Commission shall submit a written report to the Joint Legislative Commission on Governmental Operations on the Commission's selection of a designer for a project within 30 days of selecting the designer.

(2) To adopt rules for coordinating the plan review, approval, and permit process for State capital improvement ~~projects.~~ and community college buildings, as defined in subdivision (4) of this section. The rules shall provide for a specific time frame for plan review and approval and permit issuance by each agency, consistent with applicable laws. The time frames shall be established to provide for expeditious review, approval, and permitting of State capital improvement projects and community college buildings.

(2a) To adopt rules exempting specified types of State capital improvement projects, including community college buildings as defined in subdivision (4) of this section, from plan review.

(3) To adopt rules for establishing a post-occupancy evaluation, annual inspection and preventive maintenance program for all State buildings.

(4) To develop procedures for evaluating the work performed by designers and contractors on State capital improvement projects and those community college buildings, as defined in G.S. 143-336, requiring the estimated expenditure for construction or repair work for which public bidding is required under G.S. 143-129, and for use of the evaluations as a factor affecting designer selections and determining qualification of contractors to bid on State capital improvement projects and community college buildings.

(5) To continuously study and recommend ways to improve the effectiveness and efficiency of the State's capital facilities development and management program.

(6) To request designers selected prior to April 14, 1987, whose plans for the projects have not been approved to report to the Commission on their progress on the projects. The Department of Administration shall provide the Commission with a list of all such projects.

(7) To appoint an advisory board, if the Commission deems it necessary, to assist the Commission in its work. No one other than the Commission may appoint an advisory board to assist or advise it in its ~~work; and~~work.

(8) To review the State's provisions for ensuring the safety and health of employees involved with State capital improvement projects, and to recommend to the appropriate agencies and to the General Assembly, after consultation with the Commissioner of Labor, changes in the

terms and conditions of construction contracts, State regulations, or State laws that will enhance employee safety and health on these projects.

(9) ~~Effective July 1, 1996, to~~To authorize a State agency, a local governmental unit, or any other entity subject to the provisions of G.S. 143-129 to use a method of contracting not authorized under ~~G.S. 143-128, including the use of the single prime contracting system without soliciting bids under both the single and separate prime contract systems.~~G.S. 143-128. An authorization under this subdivision for an alternative contracting method shall be granted only under the following conditions:

a. An authorization shall apply only to a single project.

b. The entity seeking authorization must demonstrate to the Commission that the alternative contracting method is necessary because the project cannot be reasonably completed under the methods authorized under G.S. 143-128 or for such other reasons as the Commission, pursuant to its rules and criteria, deems appropriate and in the public's interest.

b1. The entity includes in its bid or proposal requirements that the contractor will file a plan for making a good faith effort to reach the minority participation goal set out in G.S. 143-128.2.

c. The authorization must be approved by ~~two-thirds~~a majority of the members of the Commission present and voting.

The Commission shall not waive the requirements of G.S. 143-129 or G.S. 143-132 for public contracts unless otherwise authorized by law.

(10) To adopt rules governing review and final approval of plans that are submitted to the State Construction Office pursuant to G.S. 58-31-40. The rules shall provide for the manner of submission of the plan by the owner, the type of structural work that may be completed by the owner pursuant to G.S. 58-31-40(c), and the expeditious review or completion of review of the plan in a manner that ensures that the building will meet the fire safety requirements of G.S. 58-31-40(b).

(11) To develop dispute resolution procedures, including mediation, for subcontractors under any of the construction methods authorized under G.S. 143-128(a1) on State capital improvement projects, including building projects of The University of North Carolina, and community college buildings as defined in subdivision (4) of this section, for use by any public entity that has not developed its own dispute resolution process.

(12) To adopt rules governing the use of open-end design agreements for State capital improvement projects and community college buildings as defined in subdivision (4) of this section, where the fee does not exceed the amount specified in G.S. 143-64.34(b).

(13) ~~The Commission shall~~ To submit an annual report of its activities to the Governor and the Joint Legislative Commission on Governmental Operations."

SECTION 11.1. G.S. 58-31-40 is amended by adding the following new subsection to read:

"(c) The Commissioner shall review a plan subject to subsection (b) of this section within 30 days of submission, provided that the Commissioner may require one additional 30-day extension if necessary to complete the review. If the Commissioner has neither approved nor denied the plan during the initial 30-day review period, the owner may proceed with the building site preparation, the building foundation, and any structural components of the building that are not subject to inspection for the purposes set forth in subsection (b) of this section. If the Commissioner has neither approved nor

denied the plan within 60 days of submission, the owner may request review and final approval under subsection (b) of this section by the Department of Administration, State Construction Office, pursuant to rules adopted under G.S. 143-135.26."

PART III. LANDSCAPE ARCHITECTURE LAW CHANGES

SECTION 12.1.(a) G.S. 89A-1(3) reads as rewritten:

"(3) Landscape architecture or the practice of landscape architecture. – The performance of services in connection with the development of land areas where, and to the extent that the dominant purpose of the services is the preservation, enhancement or determination of proper land uses, natural land features, ground cover and planting, naturalistic and aesthetic values, the settings, approaches or environment for structures or other improvements, natural drainage and the consideration and determination of inherent problems of the land relating to the erosion, wear and tear, blight or other hazards. This practice shall include the preparation of plans and specifications and supervising the execution of projects involving the arranging of land and the elements set forth in this subsection used ~~thereon~~ in connection with the land for public and private use and enjoyment, embracing the following, all ~~drainage, soil conservation, grading and planting plans and erosion control,~~ in accordance with the accepted professional standards of public health, safety and ~~welfare.~~welfare:

a. The location and orientation of buildings and other similar site elements.

b. The location, routing and design of public and private streets, residential and commercial subdivision roads, or roads in and providing access to private or public developments. This does not include the preparation of construction plans for proposed roads classified as major thoroughfares or a higher classification.

c. The location, routing and design of private and public pathways and other travelways.

d. The preparation of planting plans.

e. The design of surface or incidental subsurface drainage systems, soil conservation and erosion control measures necessary to an overall landscape plan and site design."

SECTION 12.1.(b) The State Board of Examiners for Engineers and Surveyors and the Board of Landscape Architects shall agree to a Memorandum of Understanding that identifies areas of overlap or common practice regarding the scope of their respective professions and means for resolving disputes concerning standards of practice, qualifications, and jurisdiction regarding the identified areas of overlap. The parties shall send a joint written report to the General Assembly no later than April 30, 2002, concerning the Memorandum of Understanding and whether the changes in Section 13.1(a) of this act should be repealed or modified, and the General Assembly may consider and take action on the report during its session in 2002 or at any other time as it may consider appropriate.

SECTION 12.1.(c) The Legislative Research Commission is authorized to study the relationship between the professions of engineering and landscape architecture.

This study shall include an examination of:

(1) The qualifications and education of landscape architects.

(2) The definition of landscape architecture in G.S. 89A-1(3), as amended by subsection 13.1(a) of this act, and whether the changes made in subsection 13.1(a) of this act should be repealed or modified.

(3) The areas of overlap or common practice regarding the scope of the professions of engineering and landscape architecture.
(4) The governance and procedures of the State Board of Examiners for Engineers and Surveyors and the Board of Landscape Architects in their respective roles in protecting the public health, safety, and welfare of the people of the State.

In considering appointees to the committee to study this matter, the appointing authorities shall consider inclusion of representatives of the following groups:

(1) The State Board of Landscape Architects.
(2) The State Board of Examiners for Engineers and Surveyors.
(3) The Consulting Engineers Council of North Carolina.
(4) The North Carolina Chapter of the American Society of Landscape Architects.
(5) The Professional Engineers of North Carolina, Inc.
(6) The North Carolina League of Landscape Architects.
(7) The academic community involved in instruction in the area of engineering and landscape architecture.

The Legislative Research Commission may make an interim report to the 2001 General Assembly, Regular Session 2002, and shall make a final report to the 2003 General Assembly upon its convening. The reports may include proposed legislation to carry out the recommendations of the study.

SECTION 12.1.(d) This section is effective when this act becomes law.

PART IV. MISCELLANEOUS PROVISIONS

SECTION 13. Annually, on or before April 1st, beginning April 1, 2003, The University of North Carolina and all other public entities shall report to the Secretary of the Department of Administration on the effectiveness and cost-benefit of utilization of each of the construction methods authorized in G.S. 143-128(a1) that are used by the public entity. The reports, which shall be initially filed in the year in which the project is completed, shall be in the format and contain the data prescribed by the Secretary of Administration and shall include at least the following:

(1) The type of construction method used on the project.
(2) The total dollar value of building projects by specific project with costs.
(3) The bid costs and relevant post-bid costs.
(4) A detailed listing of all contractors and subcontractors used on the project indicating whether the contractor or subcontractor was an out-of-state contractor or subcontractor.
(5) If any contractor or subcontractor was an out-of-state contractor or subcontractor, the reasons why the contractor or subcontractor was selected.

The Secretary of the Department of Administration shall report to the General Assembly on or before May 1st each year on the information collected pursuant to this section.

SECTION 13.1. The provisions of this act are severable. In the event that any provision of this act shall be declared invalid, that invalidity shall not affect the remaining provisions of this act.

SECTION 13.2. The Legislative Research Commission may authorize a study of the issue of certification of minority businesses for public construction purposes and the problem of substitution of nonminority businesses in place of minority businesses in public construction projects and the effect of frustrating the public purpose of attempting to lawfully increase minority business participation in public construction projects. The Legislative Research Commission may file an interim report to the 2002

Session of the 2001 General Assembly and shall file a final report to the 2003 General Assembly.

SECTION 13.3.(a) There is appropriated from the General Fund to the Department of Administration the sum of seven hundred seventy-one thousand two hundred sixty-four dollars ($771,264) for the 2001-2002 fiscal year and the sum of seven hundred forty-eight thousand four hundred seventy-eight dollars ($748,478) for the 2002-2003 fiscal year to implement the provisions of this act. The funds shall be allocated as follows:

	Fiscal Year 2001-2002	Fiscal Year 2002-2003
Office of the Secretary	$ 32,396	$ 64,791
State Construction Office	$232,800	$349,810
Office of Historically Underutilized Business	$506,098	$333,877.

SECTION 13.3.(b) There is appropriated from the General Fund to the Department of Justice the sum of sixty-four thousand seven hundred ninety-one dollars ($64,791) for the 2002-2003 fiscal year to implement the provisions of this act.

PART V. EFFECTIVE DATE

SECTION 14.(a) Sections 8(a) through 8(e) of this act become effective July 1, 2001. Section 11.1 of this act becomes effective March 1, 2002. The remaining sections of Parts I and II of this act become effective January 1, 2002, and apply to construction projects for which bids or proposals are solicited on or after that date. The remainder of this act is effective when it becomes law. Sections 8(a) through 8(e) of this act expire December 31, 2006.

SECTION 14.(b) The State Building Commission shall adopt temporary rules to implement G.S. 143-135.26(10) and G.S. 143-135.26(11) as enacted by Section 11 of this act no later than 60 days following the effective date of Section 11 of this act. The Secretary of Administration shall adopt rules to implement G.S. 143-128.2(f) as enacted by Section 3.1 of this act no later than June 30, 2002. A bidder must show compliance with at least five of the 10 efforts, as set forth in G.S. 143-128.2(f) as enacted by Section 3.1 of this act, until 60 days following the adoption of rules to implement G.S. 143-128.2(f) by the Secretary of Administration as required in this section.

SECTION 14.(c) A city, county, or other public entity, other than the State, may apply verifiable percentage goals enacted prior to the effective date of Section 3.1 of this act to building projects undertaken on or after the effective date of Section 3.1 of this act.

In the General Assembly read three times and ratified this the 6th day of December, 2001.

s/ Marc Basnight
President Pro Tempore of the Senate

s/ James B. Black
Speaker of the House of Representatives

s/ Michael F. Easley
Governor

Approved 7:23 p.m. this 19th day of December, 2001

2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

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

☐ Committee Substitute for
S.B. 836 A BILL TO BE ENTITLED AN ACT TO MODIFY THE PUBLIC SCHOOL RESIDENCY REQUIREMENT FOR CHILDREN RESIDING IN PRE-ADOPTIVE HOMES.

☒ With a favorable report.

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

☐ With a favorable report, as amended.

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

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

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

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

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

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

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

☐ Without prejudice.

☐ With an indefinite postponement report.

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

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

2/15/01

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

S 1

SENATE BILL 836*

Short Title:	School Assignment/Child in Pre-Adoptive Home.	(Public)
Sponsors:	Senators Wellons; Carpenter and Lucas.	
Referred to:	Education/Higher Education.	

April 3, 2001

A BILL TO BE ENTITLED

AN ACT TO MODIFY THE PUBLIC SCHOOL RESIDENCY REQUIREMENT FOR CHILDREN RESIDING IN PRE-ADOPTIVE HOMES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-366.2 reads as rewritten:

"**§ 115C-366.2. Applicability to certain persons.**

For the purposes of G.S. 115C-366 and 115C-366.1 for any person who is a resident of a place which is not the person's place of domicile, because: (i) of the residence of a parent, guardian, or legal custodian who is a student, employee or faculty member, of a college or university, or a visiting scholar at the National Humanities Center; or (ii) the child is placed in or assigned to a group home, foster home, or other similar facility or institution, other than a child covered by G.S. 115C-140.1(a); or (iii) the child resides with a legal custodian who is not the child's parent or guardian, or (iv) the child resides in a pre-adoptive home following placement by a county department of social services or a licensed child-placing agency, those sections shall be applied by substituting the word "residing" for the word "domiciled," by substituting the word "residence" for the word "domicile," and by substituting the word "residents" for the word "domiciliaries." For purposes of this section, "legal custodian" means the person or agency that has been awarded legal custody of the child by a court.

This section shall not be construed to affect the ability of any person to acquire a new domicile."

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

SENATE BILL 836:
School Assignment/Child in Pre-Adoptive Home

BILL ANALYSIS

Committee:	House Education Committee	**Introduced by:**	Senator Wellons
Date:	July 3, 2001	**Summary by:**	Robin Johnson*
Version:	First Edition		Committee Counsel

SUMMARY: ***Senate Bill 836 would add children who reside in pre-adoptive homes as one of the persons who can use their place of residence instead of their place of domicile for purposes of public school assignment. The bill is effective when it becomes law.***

CURRENT LAW: Generally, where students are domiciled determines their public school assignment. Certain students who are not domiciled in a local school administrative unit may be permitted to attend school in that unit so long as they pay tuition. However, G.S. 115C-366.2 provides that, for certain public school students, their place of residence rather than their domicile determines their school assignment and exempts them from paying tuition. Currently, the law allows the following exemptions in G.S. 115C-366.2:

1. A child who resides in a local school administrative unit because of the residence of the child's parent, guardian, or legal custodian who is a student, employee or faculty member of a college or university or a visiting scholar at the National Humanities Center.
2. A child, who is not a child with special needs, who is placed or assigned to a group home, foster home or other similar institution located in the local school administrative unit.
3. A child who resides with a legal custodian who is not the parent or guardian.

BILL ANALYSIS: Senate Bill 836 would add the child who is residing in a pre-adoptive home after being placed by a county department of social services or a licensed child-placing agency to the list of exemptions in G.S. 115C-366.2.

*S836-SMRH-001: *Sara Kamprath, Education Policy Analyst, substantially contributed to this summary.*

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

SESSION LAW 2001-303
SENATE BILL 836

AN ACT TO MODIFY THE PUBLIC SCHOOL RESIDENCY REQUIREMENT FOR CHILDREN RESIDING IN PRE-ADOPTIVE HOMES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-366.2 reads as rewritten:

"**§ 115C-366.2. Applicability to certain persons.**

For the purposes of G.S. 115C-366 and 115C-366.1 for any person who is a resident of a place which is not the person's place of domicile, because: (i) of the residence of a parent, guardian, or legal custodian who is a student, employee or faculty member, of a college or university, or a visiting scholar at the National Humanities Center; or (ii) the child is placed in or assigned to a group home, foster home, or other similar facility or institution, other than a child covered by G.S. 115C-140.1(a); or (iii) the child resides with a legal custodian who is not the child's parent or guardian, or (iv) the child resides in a pre-adoptive home following placement by a county department of social services or a licensed child-placing agency, those sections shall be applied by substituting the word "residing" for the word "domiciled," by substituting the word "residence" for the word "domicile," and by substituting the word "residents" for the word "domiciliaries." For purposes of this section, "legal custodian" means the person or agency that has been awarded legal custody of the child by a court.

This section shall not be construed to affect the ability of any person to acquire a new domicile."

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

In the General Assembly read three times and ratified this the 12th day of July, 2001.

s/ Beverly E. Perdue
President of the Senate

s/ James B. Black
Speaker of the House of Representatives

s/ Michael F. Easley
Governor

Approved 1:22 p.m. this 21st day of July, 2001

HOUSE EDUCATION COMMITTEE MEETING

JULY 10, 2001

The House Education Committee met on July 10, 2001 at 11:00 am in Room 643 in the Legislative Office Building. The attendance sheet indicates the members present.

Rep. Bonner presided over the meeting.

The following bills were discussed:
SENATE BILL 690, CENTENNIAL AUTHORITY CHANGES
SENATE BILL 394, PRINCIPAL OF THE YEAR/ADVISOR TO EDUC. BD
SENATE BILL 627, LIABILITY INSURANCE FOR UNIV. STUDENTS

Sen. Weinstein was called on to explain **SENATE BILL 690, CENTENNIAL AUTHORITY CHANGES.** Rep. Creech moved for a favorable report. Motion passed.

Sen. B. Shaw was called on to explain **SENATE BILL 627, LIABILITY INSURANCE FOR UNIV. STUDENTS.**
A Proposed Committee Substitute was adopted.
Rep. Womble moved for a favorable report to the committee substitute, unfavorable to original bill. Motion passed.

Sen. B. Miller was called on to explain **SENATE BILL 394, PRINCIPAL OF THE YEAR/ADVISOR TO EDUC. BD**
Rep. Bonner offered an amendment and it passed. Rep. Haire moved for an amendment favorable report, unfavorable to original bill. Motion passed.

Rep. Cox offered an amendment, ~~it~~ the bill was carried over.

Meeting adjourned.

Rep. Alex Warner, Co-chair

Rep. Donald Bonner, Co-chair

Phyllis Cameron, Committee Clerk

2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

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

☐ Committee Substitute for
S.B. 690 A BILL TO BE ENTITLED AN ACT TO AMEND THE FACILITY AUTHORITY ACT SO AS TO CLARIFY THAT THE CHANCELLOR REPRESENTS THE INTEREST OF A CONSTITUENT INSTITUTION OF THE UNIVERSITY OF NORTH CAROLINA.

☒ With a favorable report.

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

☐ With a favorable report, as amended.

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

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

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

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

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

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

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

☐ Without prejudice.

☐ With an indefinite postponement report.

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

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

2/15/01

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

SESSION LAW 2001-311
SENATE BILL 690

AN ACT TO AMEND THE FACILITY AUTHORITY ACT SO AS TO CLARIFY THAT THE CHANCELLOR REPRESENTS THE INTEREST OF A CONSTITUENT INSTITUTION OF THE UNIVERSITY OF NORTH CAROLINA.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 160A-480.3(g) reads as rewritten:

"(g) Conflicts. – If any member, officer, or employee of an Authority shall be:

(1) Interested either directly or indirectly; or

(2) An officer or employee of or have an ownership interest in any firm or corporation, not including units of local government or the Chancellor of the main campus of a constituent institution of The University of North Carolina within the county, or the Chancellor's designee, interested directly or indirectly,

in any contract with that Authority, the interest shall be disclosed to the Authority and shall be set forth in the minutes of the Authority. The member, officer, or employee having an interest shall not participate on behalf of the Authority in the authorization of such contract. Other provisions of law notwithstanding, failure to take any or all actions necessary to carry out the purposes of this subsection do not affect the validity of any bonds or notes issued under this Chapter.

It is not a violation of this subsection for the Chancellor of the main campus of a constituent institution of The University of North Carolina within the county, or the Chancellor's designee, to participate in discussion of or to vote on any matter, including but not limited to the execution of any contract by the Authority, where the matter relates to the interest of a constituent institution of The University of North Carolina within the county."

SECTION 2. G.S. 160A-480.3(d) reads as rewritten:

"(d) Charter and Bylaws. – The act creating an authority and any amendments to it is the Authority's charter. The charter of an authority shall include the name of the Authority. An authority may adopt bylaws. Any bylaw that conflicts with the declared public policy of the State as expressed by law is void and unenforceable. The bylaws ~~which~~ may do any one or more of the following:

(1) Limit the powers, duties, and functions that the Authority may exercise and perform.

(2) Prescribe the compensation and allowances not to exceed those provided by G.S. 93B-5, if any, to be paid to the members of the Authority.

(3) Contain rules for the conduct of Authority business and any other matter pertaining to the organization, powers, and functioning of the Authority that the members consider appropriate."

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

In the General Assembly read three times and ratified this the 17th day of July, 2001.

s/ Marc Basnight
President Pro Tempore of the Senate

s/ James B. Black
Speaker of the House of Representatives

s/ Michael F. Easley
Governor

Approved 12:21 p.m. this 28th day of July, 2001

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

S 1

SENATE BILL 690

Short Title:	Centennial Authority Changes.	(Public)
Sponsors:	Senators Weinstein; Purcell and Wellons.	
Referred to:	Education/Higher Education.	

March 26, 2001

A BILL TO BE ENTITLED

AN ACT TO AMEND THE FACILITY AUTHORITY ACT SO AS TO CLARIFY THAT THE CHANCELLOR REPRESENTS THE INTEREST OF A CONSTITUENT INSTITUTION OF THE UNIVERSITY OF NORTH CAROLINA.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 160A-480.3(g) reads as rewritten:

"(g) Conflicts. – If any member, officer, or employee of an Authority shall be:

(1) Interested either directly or indirectly; or

(2) An officer or employee of or have an ownership interest in any firm or corporation, not including units of local government or the Chancellor of the main campus of a constituent institution of The University of North Carolina within the county, or the Chancellor's designee, interested directly or indirectly,

in any contract with that Authority, the interest shall be disclosed to the Authority and shall be set forth in the minutes of the Authority. The member, officer, or employee having an interest shall not participate on behalf of the Authority in the authorization of such contract. Other provisions of law notwithstanding, failure to take any or all actions necessary to carry out the purposes of this subsection do not affect the validity of any bonds or notes issued under this Chapter.

It is not a violation of this subsection for the Chancellor of the main campus of a constituent institution of The University of North Carolina within the county, or the Chancellor's designee, to participate in discussion of or to vote on any matter, including but not limited to the execution of any contract by the Authority, where the matter relates to the interest of a constituent institution of The University of North Carolina within the county."

SECTION 2. G.S. 160A-480.3(d) reads as rewritten:

"(d) Charter and Bylaws. – The act creating an authority and any amendments to it is the Authority's charter. The charter of an authority shall include the name of the Authority. An authority may adopt bylaws. Any bylaw that conflicts with the declared public policy of the State as expressed by law is void and unenforceable. The bylaws ~~which~~ may do any one or more of the following:

(1) Limit the powers, duties, and functions that the Authority may exercise and perform.

(2) Prescribe the compensation and allowances not to exceed those provided by G.S. 93B-5, if any, to be paid to the members of the Authority.

(3) Contain rules for the conduct of Authority business and any other matter pertaining to the organization, powers, and functioning of the Authority that the members consider appropriate."

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

2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

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

☒ Committee Substitute for
S.B. 627 A BILL TO BE ENTITLED AN ACT TO REQUIRE LIABILITY INSURANCE ON MOTOR VEHICLES OPERATED IN THE STATE BY STUDENTS ADMITTED TO CONSTITUENT INSTITUTIONS OF THE UNIVERSITY OF NORTH CAROLINA.

☐ With a favorable report.

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

☐ With a favorable report, as amended.

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

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

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

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

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

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

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

☐ Without prejudice.

☐ With an indefinite postponement report.

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

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

2/15/01

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

SESSION LAW 2001-336
SENATE BILL 627

AN ACT TO REQUIRE LIABILITY INSURANCE ON MOTOR VEHICLES OPERATED IN THE STATE BY STUDENTS WHO REQUEST A PERMIT TO PARK AT A CONSTITUENT INSTITUTION OF THE UNIVERSITY OF NORTH CAROLINA.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 116-44.4(d) reads as rewritten:

"(d) Each board of trustees may by ordinance set aside parking lots and other parking facilities on the campus for use by students, faculty, and employees of the University and members of the general public attending schools, conferences, or meetings at the University, visiting or making use of any University facilities, or attending to official business with the University. The board of trustees may issue permits to park in these lots and garages and may charge a fee therefor. The board of trustees may also by ordinance make it unlawful for any person to park a motor vehicle in any lot or other parking facility without procuring the requisite permit and displaying it on the vehicle. No permit to park shall be issued until the student requesting the permit provides the name of the insurer, the policy number under which the student has financial responsibility, and the student certifies that the motor vehicle is insured at the levels set in G.S. 20-279.1(11) or higher. This subsection applies to motor vehicles that are registered in other states as well as motor vehicles that are registered in this State pursuant to Chapter 20 of the General Statutes."

SECTION 2. This act becomes effective January 1, 2002, and applies to all student requests for permits to park submitted on or after that date.

In the General Assembly read three times and ratified this the 24th day of July, 2001.

s/ Beverly E. Perdue
President of the Senate

s/ James B. Black
Speaker of the House of Representatives

s/ Michael F. Easley
Governor

Approved 11:34 a.m. this 3rd day of August, 2001

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

S D

SENATE BILL 627

Insurance and Consumer Protection Committee Substitute Adopted 4/25/01
PROPOSED HOUSE COMMITTEE SUBSTITUTE S627-PCS8231-SF-31

Short Title: Liability Insurance for Univ. Students. (Public)

Sponsors:

Referred to:

March 22, 2001

A BILL TO BE ENTITLED

AN ACT TO REQUIRE LIABILITY INSURANCE ON MOTOR VEHICLES OPERATED IN THE STATE BY STUDENTS WHO REQUEST A PERMIT TO PARK AT A CONSTITUENT INSTITUTION OF THE UNIVERSITY OF NORTH CAROLINA.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 116-44.4(d) reads as rewritten:

"(d) Each board of trustees may by ordinance set aside parking lots and other parking facilities on the campus for use by students, faculty, and employees of the University and members of the general public attending schools, conferences, or meetings at the University, visiting or making use of any University facilities, or attending to official business with the University. The board of trustees may issue permits to park in these lots and garages and may charge a fee therefor. The board of trustees may also by ordinance make it unlawful for any person to park a motor vehicle in any lot or other parking facility without procuring the requisite permit and displaying it on the vehicle. No permit to park shall be issued until the student requesting the permit provides the name of the insurer, the policy number under which the student has financial responsibility, and the student certifies that the motor vehicle is insured at the levels set in G.S. 20-279.1(11) or higher. This subsection applies to motor vehicles that are registered in other states as well as motor vehicles that are registered in this State pursuant to Chapter 20 of the General Statutes."

SECTION 2. This act becomes effective January 1, 2002, and applies to all student requests for permits to park submitted on or after that date.

SENATE BILL 627:
Liability Insurance for University Students

BILL ANALYSIS

Committee:	House Education	**Introduced by:**	Senator Shaw of Guilford
Date:	July 10, 2001	**Summary by:**	Shirley Iorio, Ph D
Version:	S627-CSSF-31[v.3]		Education Policy Analyst

SUMMARY: ***The Proposed Committee Substitute for Senate Bill 627 amends the title so that it more accurately reflects the text of the bill, requires students to certify that they have liability insurance, makes a technical correction to a statutory reference, and changes the effective date.***

The PCS to Senate Bill 627 would amend G.S. 116-44.4(d) to require university students to provide the name of their insurance company and liability policy number, and to certify that they have motor vehicle liability insurance that satisfies North Carolina's proof of financial responsibility requirements in order to be issued a permit to park a motor vehicle at a constituent institution of The University of North Carolina. The bill would apply to motor vehicles registered in North Carolina and in other states.

The bill would become effective January 1, 2002, and would apply to all student requests for parking permits submitted on or after that date.

CURRENT LAW: Residents of North Carolina are required to maintain the following levels of automobile liability insurance:

$30,000 for bodily injury or death of one person in any one accident;

$60,000 for bodily injury or death of two or more persons in any one accident; and

$25,000 for injury to or destruction of property of others in any one accident.

BILL ANALYSIS: In order to be issued a permit to park on a UNC campus, a student would be required to certify that they have motor vehicle liability insurance at the level required in North Carolina. The university would request certain information from the student, the student would provide all the requested information, pay the fee, and the permit to park would be issued. This requirement would apply regardless of the state of residency of the student or the state of registration for the motor vehicle.

HOUSE EDUCATION COMMITTEE MEETING

JULY 17, 2001

The House Education Committee met on July 17, 2001 at 11:00 am in Room 643 in the Legislative Office Building. The attendance sheet indicates the members present.

Rep. Warner presided over the meeting.

The following bills were discussed:
SENATE BILL 531, UMSTEAD ACT EXCEPTION/COMMUNITY COLLEGES
SENATE BILL 394, PRINCIPAL OF THE YEAR/ADVISOR TO EDUC. BD
SENATE BILL 778, CRIMINAL HISTORY CHECKS OF SCHOOL EMPLOYEES

SENATE BILL 531, UMSTEAD ACT EXCEPTION/COMMUNITY COLLEGES, Referred to Sub-Committee on Community Colleges.

Sen. Miller was called on to explain **SENATE BILL 394, PRINCIPAL OF THE YEAR/ADVISOR TO EDUC. BD**
Rep. Cox offered an amendment and it failed. Rep. Tolson moved that the committee substitute be given a favorable report, unfavorable to original bill. Motion passed.

Meeting adjourned.

Rep. Alex Warner, Co-chair

Rep. Donald Bonner, Co-chair

Phyllis Cameron, Committee Clerk

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

S 1

SENATE BILL 531

Short Title:	Umstead Act Exception/Community Colleges.	(Public)
Sponsors:	Senators Dalton; Carter, Gulley, Hartsell, Hoyle, Lucas, and Martin of Guilford.	
Referred to:	Education/Higher Education.	

March 19, 2001

A BILL TO BE ENTITLED

AN ACT TO EXEMPT CERTAIN COMMUNITY COLLEGE ACTIVITIES FROM THE UMSTEAD ACT.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 66-58(c) is amended by adding a new subdivision to read:

"(c) The provisions of subsection (a) shall not prohibit:

...

(19) The use of community college personnel or facilities, with the consent of the trustees of that college, in support of or by a private business enterprise located on or near a community college campus for one or more of the following specific services in support of economic development:

a. Information technology outsourcing and telecommuting sites;

b. Small business incubators; and

c. Product testing services for North Carolina based industries.

...."

SECTION 2. G.S. 115D-5 is amended by adding a new subsection to read:

"(d1) Notwithstanding the provisions of this Chapter, a community college may permit the use of its personnel or facilities, in support of or by a private business enterprise located on or near a community college campus for the specific services in support of economic development that are set out in G.S. 66-58(c)(19)."

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

~~2001 COMMITTEE REPORT~~
HOUSE OF REPRESENTATIVES

~~The following report(s) from standing committee(s) is/are presented:~~
By Representative(s) **Bonner & Warner,** Chairs for the Committee on **EDUCATION**.

☐ Committee Substitute for
S.B.394 A BILL TO BE ENTITLED AN ACT TO APPOINT THE STATE PRINCIPAL OF THE YEAR TO THE STATE BOARD OF EDUCATION AS AN ADVISORY MEMBER.

☐ With a favorable report.

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

☐ With a favorable report, as amended.

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

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

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

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

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

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

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

☐ Without prejudice.

☐ With an indefinite postponement report.

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

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

2/15/01

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

S 1

SENATE BILL 394

Short Title:	Principal of the Year/Advisor to Educ. Bd.	(Public)
Sponsors:	Senator Miller.	
Referred to:	Education/Higher Education.	

March 12, 2001

A BILL TO BE ENTITLED

AN ACT TO APPOINT THE STATE PRINCIPAL OF THE YEAR TO THE STATE BOARD OF EDUCATION AS AN ADVISORY MEMBER.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-11 is amended by adding a new subsection to read:

"(a3) State Principal of the Year Advisor. – Each State Principal of the Year, as designated by the Department of Public Instruction, shall serve ex officio as advisor to the State Board of Education. Each State Principal of the Year shall begin service as advisory member to the State Board at the commencement of the principal's term as State Principal of the Year and shall serve for one year. The State Principal of the Year shall participate in State Board deliberations and committee meetings in an advisory capacity only. The State Board may, in its discretion, exclude the State Principal of the Year from executive sessions.

In the event a vacancy occurs in the State Principal of the Year's advisory position, the principal who was next runner-up to that State Principal of the Year shall serve as the advisory member to the Board for the remainder of the unexpired term. The State Principal of the Year advisor to the State Board shall receive per diem and necessary travel and subsistence expenses in accordance with the provisions of G.S. 138-5."

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

HOUSE EDUCATION COMMITTEE MEETING

JULY 24, 2001

The House Education Committee met on July 24, 2001 at 11:00 am in Room 643 in the Legislative Office Building. The attendance sheet indicates the members present.

Rep,Bonner presided over the meeting.

The following bills were discussed:

SENATE BILL 778, CRIMINAL HISTORY CHECKS OF SCHOOL EMPLOYEES
SENATE BILL 586, CLASSROOM EXPERIENCE FOR SCHOOL PERSONNEL

Sen. Hartsell continued to explain **SENATE BILL 778, CRIMINAL HISTORY CHECKS OF SCHOOL EMPLOYEES**

Rep. Womble moved for a favorable report to the committee substitute, unfavorable to original bill. Motion passed.

Sen. Hartsell also explained **SENATE BILL 586, CLASSROOM EXPERIENCE FOR SCHOOL PERSONNEL**
There was a motion to continue.

Meeting adjourned.

Rep. Alex Warner, Co-chair

Rep. Donald Bonner, Co-chair

Phyllis Cameron, Committee Clerk

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

SESSION LAW 2001-376
SENATE BILL 778

AN ACT TO MODIFY THE LAW REGARDING CRIMINAL HISTORY CHECKS OF APPLICANTS FOR EMPLOYMENT IN PUBLIC SCHOOLS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-332 reads as rewritten:

"**§ 115C-332. School personnel criminal history checks.**

...

(d) The local board of education shall review the criminal history it receives on a person. The local board shall determine whether the results of the review indicate that the applicant or employee (i) poses a threat to the physical safety of students or personnel, or (ii) has demonstrated that he or she does not have the integrity or honesty to fulfill his or her duties as public school personnel and shall use the information when making employment decisions and decisions with regard to independent contractors. The local board shall make written findings with regard to how it used the information when making employment decisions and decisions with regard to independent contractors. The local board may delegate any of the duties in this subsection to the superintendent.

(e) The local board of ~~education~~ education, or the superintendent if designated by the local board of education, shall provide to the State Board of Education the criminal history it receives on a person who is certificated, certified, or licensed by the State Board of Education. The State Board of Education shall review the criminal history and determine whether the person's certificate or license should be revoked in accordance with State laws and rules regarding revocation.

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

...

(h) Any applicant for employment who willfully furnishes, supplies, or otherwise gives false information on an employment application that is the basis for a criminal history record check under this section shall be guilty of a Class A1 misdemeanor."

SECTION 2. G.S. 115C-325(a)(8) reads as rewritten:

"(a) Definition of Terms. – As used in this section unless the context requires otherwise:

...

(8) "Year" for purposes of computing time as a probationary teacher shall be not less than 120 workdays performed as a probationary teacher in a full-time permanent position in a school year. Workdays performed pending the outcome of a criminal history check as provided in G.S. 115C-332 are included in computing time as a probationary teacher."

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

In the General Assembly read three times and ratified this the 6th day of August, 2001.

s/ Beverly E. Perdue
President of the Senate

s/ James B. Black
Speaker of the House of Representatives

s/ Michael F. Easley
Governor

Approved 11:58 a.m. this 17th day of August, 2001

7/26

2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **Reps. Bonner & Warner,** Chairs for the Committee on **EDUCATION**.

☐ Committee Substitute for
S.B. 778 A BILL TO BE ENTITLED AN ACT TO MODIFY THE LAW REGARDING CRIMINAL HISTORY CHECKS OF APPLICANTS FOR EMPLOYMENT IN PUBLIC SCHOOLS.

☐ With a favorable report.

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

☐ With a favorable report, as amended.

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

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

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

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

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

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

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

☐ Without prejudice.

☐ With an indefinite postponement report.

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

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

2/15/01

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

S 2

SENATE BILL 778

Education /Higher Education Committee Substitute Adopted 4/25/01

Short Title: Criminal History Checks of School Employees. (Public)

Sponsors:

Referred to:

April 3, 2001

A BILL TO BE ENTITLED

AN ACT TO MODIFY THE LAW REGARDING CRIMINAL HISTORY CHECKS OF APPLICANTS FOR EMPLOYMENT IN PUBLIC SCHOOLS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-332 reads as rewritten:

"**§ 115C-332. School personnel criminal history checks.**

...

(d) The local board of education shall review the criminal history it receives on a person. The local board shall determine whether the results of the review indicate that the applicant or employee (i) poses a threat to the physical safety of students or personnel, or (ii) has demonstrated that he or she does not have the integrity or honesty to fulfill his or her duties as public school personnel and shall use the information when making employment decisions and decisions with regard to independent contractors. The local board shall make written findings with regard to how it used the information when making employment decisions and decisions with regard to independent contractors. The local board may delegate any of the duties in this subsection to the superintendent.

(e) The local board of ~~education~~ education, or the superintendent if designated by the local board of education, shall provide to the State Board of Education the criminal history it receives on a person who is certificated, certified, or licensed by the State Board of Education. The State Board of Education shall review the criminal history and determine whether the person's certificate or license should be revoked in accordance with State laws and rules regarding revocation.

...

(h) Any applicant for employment who willfully furnishes, supplies, or otherwise gives false information on an employment application that is the basis for a criminal history record check under this section shall be guilty of a Class A1 misdemeanor."

SECTION 2. G.S. 115C-325(a)(8) reads as rewritten:

"(a) Definition of Terms. – As used in this section unless the context requires otherwise:

...

(8) "Year" for purposes of computing time as a probationary teacher shall be not less than 120 workdays performed as a probationary teacher in a full-time permanent position in a school year. Workdays performed pending the outcome of a criminal history check as provided in G.S. 115C-322 are included in computing time as a probationary teacher."

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

SENATE BILL 778:
Criminal History Checks of School Employees

BILL ANALYSIS

Committee:	House Education	**Introduced by:**	Senator Hartsell
Date:	July 17, 2001	**Summary by:**	Sara Kamprath
Version:	PCS for Second Edition S778-CSRJ-25[v.2]		Education Policy Analyst

SUMMARY: ***The Proposed House Committee Substitute for Senate Bill 778 clarifies that a local board of education may delegate to the superintendent certain responsibilities regarding criminal history record checks of applicants for employment. These duties include the review of the information and a determination as to whether the applicant is suitable for the position of employment. It allows the superintendent to give to the State Board of Education copies of any criminal history record that the local board receives regarding an individual who is certified or licensed by the Board.***

The bill also creates a Class 1A misdemeanor if an applicant for employment provides false information that is the basis for a criminal history record check.

Workdays performed while conditionally employed pending a criminal history record check are to be included when computing time as a probationary teacher.

The act is effective when it becomes law.

TWO DIFFERENCES BETWEEN THE PROPOSED COMMITTEE SUBSTITUTE (PCS) AND THE SECOND EDITION OF SENATE BILL 778:

The PCS makes the following 2 technical changes:

1. Deletes an incorrect citation to a subsection in G.S. 115C-332(f) in Section 1 of the bill
2. Amends an incorrect citation in G.S. 115C-325(a)(8) in Section 2 of the bill

CURRENT LAW: G.S. 115C-332(b) provides that local boards of education must adopt policies regarding whether and under what circumstances they will conduct criminal history record checks on applicants for employment, including some independent contractors. Any policy that is adopted must apply to applicants uniformly, and applicants may not be required to pay for the cost of fingerprinting for the record check. A board may use the results of the record check to determine whether the applicant poses a threat to the physical safety of students or personnel, or has demonstrated that he or she does not have the integrity or honesty to fulfill his duties as a public school employee. All information obtained by a criminal record check is confidential and is not a public record.

G.S. 114-19.2 authorizes the Department of Justice to provide criminal history checks to local boards of education for current employees.

Kory Goldsmith contributed significantly to this summary.

§ 114-19.2. Criminal record checks of school personnel.

(a) The Department of Justice may provide a criminal record check to the local board of education of a person who is employed in a public school in that local school district or of a person who has applied for employment in a public school in that local school district, if the employee or applicant consents to the record check. The Department may also provide a criminal record check of school personnel as defined in G.S. 115C-332 by fingerprint card to the local board of education from National Repositories of Criminal Histories, in accordance with G.S. 115C-332. The information shall be kept confidential by the local board of education as provided in Article 21A of Chapter 115C.

(b) The Department of Justice may provide a criminal record check to the employer of a person who is employed in a nonpublic school or of a person who has applied for employment in a nonpublic school, if the employee or applicant consents to the record check. For purposes of this subsection, the term nonpublic school is one that is subject to the provisions of Article 39 of Chapter 115C of the General Statutes, but does not include a home school as defined in that Article.

(c) The Department of Justice shall charge a reasonable fee for conducting a criminal record check under this section. The fee shall not exceed the actual cost of locating, editing, researching, and retrieving the information.

(c1) The Department of Justice may provide a criminal record check to the schools within the Department of Health and Human Services of a person who is employed, applies for employment, or applies to be selected as a volunteer, if the employee or applicant consents to the record check. The Department of Health and Human Services shall keep all information pursuant to this subsection confidential, as provided in Article 7 of Chapter 126 of the General Statutes.

(d) The Department of Justice shall adopt rules to implement this section.

(1991, c. 705, s. 1; 1993, c. 350, s. 1; 1995, c. 373, s. 2; 1997-443, s. 11A.118(a).)

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§ 115C-332. School personnel criminal history checks.

(a) As used in this section:

(1) "Criminal history" means a county, state, or federal criminal history of conviction of a crime, whether a misdemeanor or a felony, that indicates the employee (i) poses a threat to the physical safety of students or personnel, or (ii) has demonstrated that he or she does not have the integrity or honesty to fulfill his or her duties as public school personnel. Such crimes include the following North Carolina crimes contained in any of the following Articles of Chapter 14 of the General Statutes: Article 5A, Endangering Executive and Legislative Officers; Article 6, Homicide; Article 7A, Rape and Kindred Offenses; Article 8, Assaults; Article 10, Kidnapping and Abduction; Article 13, Malicious Injury or Damage by Use of Explosive or Incendiary Device or Material; Article 14, Burglary and Other Housebreakings; Article 15, Arson and Other Burnings; Article 16, Larceny; Article 17, Robbery; Article 18, Embezzlement; Article 19, False Pretense and Cheats; Article 19A, Obtaining Property or Services by False or Fraudulent Use of Credit Device or Other Means; Article 20, Frauds; Article 21, Forgery; Article 26, Offenses Against Public Morality and Decency; Article 26A, Adult Establishments; Article 27, Prostitution; Article 28, Perjury; Article 29, Bribery; Article 31, Misconduct in Public Office; Article 35, Offenses Against the Public Peace; Article 36A, Riots and Civil Disorders; Article 39, Protection of Minors; and Article 60, Computer-Related Crime. Such crimes also include possession or sale of drugs in violation of the North Carolina Controlled Substances Act, Article 5 of Chapter 90 of the General Statutes, and alcohol-related offenses such as sale to underage persons in violation of G.S. 18B-302 or driving while impaired in violation of G.S. 20-138.1 through G.S. 20-138.5. In addition to the North Carolina crimes listed in this subparagraph, such crimes also include similar crimes under federal law or under the laws of other states.

(2) "School personnel" means any:

a. Employee of a local board of education whether full-time or part-time, or

b. Independent contractor or employee of an independent contractor of a local board of education, if the independent contractor carries out duties customarily performed by school personnel,

whether paid with federal, State, local, or other funds, who has significant access to students. School personnel includes substitute teachers, driver training teachers, bus drivers, clerical staff, and custodians.

(b) Each local board of education shall adopt a policy on whether and under what circumstances an applicant for a school personnel position shall be required to be checked for a criminal history before the applicant is offered an unconditional job. Each local board of education shall apply its policy uniformly in requiring applicants for school personnel positions to be checked for a criminal history. A local board of education that requires a criminal history check for an applicant may employ an applicant conditionally while the board is checking the

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person's criminal history and making a decision based on the results of the check.

A local board of education shall not require an applicant to pay for the criminal history check authorized under this subsection.

(c) The Department of Justice shall provide to the local board of education the criminal history from the State and National Repositories of Criminal Histories of any applicant for a school personnel position in the local school administrative unit of for which a local board of education requires a criminal history check. The local board of education shall require the person to be checked by the Department of Justice to (i) be fingerprinted and to provide any additional information required by the Department of Justice to a person designated by the local board, or to the local sheriff or the municipal police, whichever is more convenient for the person, and (ii) sign a form consenting to the check of the criminal record and to the use of fingerprints and other identifying information required by the repositories. The local board of education shall consider refusal to consent when making employment decisions and decisions with regard to independent contractors.

The local board of education shall not require an applicant to pay for being fingerprinted.

(d) The local board of education shall review the criminal history it receives on a person. The local board shall determine whether the results of the review indicate that the employee (i) poses a threat to the physical safety of students or personnel, or (ii) has demonstrated that he or she does not have the integrity or honesty to fulfill his or her duties as public school personnel and shall use the information when making employment decisions and decisions with regard to independent contractors. The local board shall make written findings with regard to how it used the information when making employment decisions and decisions with regard to independent contractors.

(e) The local board of education shall provide to the State Board of Education the criminal history it receives on a person who is certificated, certified, or licensed by the State Board of Education. The State Board of Education shall review the criminal history and determine whether the person's certificate or license should be revoked in accordance with State laws and rules regarding revocation.

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

(g) There shall be no liability for negligence on the part of a local board of education, or its employees, or the State Board of Education, or its employees, arising from any act taken or omission by any of them in carrying out the provisions of this section. The immunity established by this subsection shall not extend to gross negligence, wanton conduct, or intentional wrongdoing that would otherwise be actionable. The immunity established by this subsection

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shall be deemed to have been waived to the extent of indemnification by insurance, indemnification under Articles 31A and 31B of Chapter 143 of the General Statutes, and to the extent sovereign immunity is waived under the Tort Claims Act, as set forth in Chapter 31 of Chapter 143 of the General Statutes.

(1995, c. 373, s. 1.)

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NORTH CAROLINA GENERAL ASSEMBLY

LEGISLATIVE FISCAL NOTE

BILL NUMBER: S 778 (2nd Edition)

SHORT TITLE: Criminal History Checks of School Employees

SPONSOR(S): Sen. Hartsell

FISCAL IMPACT

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

	FY 2001-02	FY 2002-03	FY 2003-04	FY 2004-05	FY 2005-06
REVENUES					
EXPENDITURES					
POSITIONS:					

(County jails may experience increased utilization of jail beds due to the penalties imposed by this bill. No data is available to estimate the number of additional beds needed.)

(Local Boards of Education or administrative units will incur increased costs related to the fees paid to the Department of Justice for criminal history checks. No data is available to allow estimates of the number of additional criminal history checks that would be required.)

PRINCIPAL DEPARTMENT(S) & PROGRAM(S) AFFECTED: Department of Justice; Local Boards of Education; County Jails

EFFECTIVE DATE: This Act is effective when it becomes law

BILL SUMMARY: To modify the law regarding criminal history checks of public school employees. Amends GS 115C-332 to provide local school boards with criminal history from State and National Repositories of Criminal Histories of any school personnel or applicant for any position for which the board requires a criminal history check. The Board is to determine if applicant or employee poses a threat or is otherwise unsuitable for employment. The Board may delegate this duty to the superintendent. The bill provides that an applicant who willfully gives false information on an employment application that is the basis for criminal history record check is guilty of a Class A1 misdemeanor. The bill amends GS

115C-325(a)(8) to provide that workdays performed while conditionally employed pending the outcome of criminal history check are included in time as probationary teacher. The bill amends GS 115C-325(d)(1) to provide that the teacher or administrator is not subject to the requirement of an annual appointment or dismissal without consent unless conditionally employed while board is checking criminal history and making a decision based on the results of the check.

ASSUMPTIONS AND METHODOLOGY:

Local boards of education are authorized by this legislation to determine which classification of employees within their system requires a criminal history check. Currently, local school administrative units pay for any required criminal history checks with local resources. This legislation does not change the current practices, however, the legislation allows local school administrative units to expand or revise the classifications required to have criminal history checks. Fiscal Research Division staff was unable to obtain data, which would support estimates of the number of additional applicants for whom criminal history checks would be required. Thus, no estimates are available on the impact on local funding Boards of Education.

Current law allows the Department of Justice to charge local Boards of Education or other administrative units a fee of $38.00 to cover the costs of state and national criminal history checks. As the proposed bill does not change this practice, it is anticipated that any additional costs to the Department of Justice would be accommodated within the existing fee structure.

Since the proposed bill would create a new Class A1 misdemeanor offense, it is not expected to have a significant impact on the prison population. In FY 1999/2000, 19 percent of Class A1 misdemeanor convictions resulted in active sentences. The average sentence length imposed was 69 days. Offenders serving active sentences of 90 days or less are housed in county jails.

TECHNICAL CONSIDERATIONS:

FISCAL RESEARCH DIVISION 733-4910
PREPARED BY: Denise Thomas

APPROVED BY: James D. Johnson

DATE: April 26, 2001

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

S 1

SENATE BILL 586

Short Title:	Classroom Experience for School Personnel.	(Public)
Sponsors:	Senators Hartsell; Bingham, Carpenter, Clodfelter, Dalton, Foxx, Garrou, Rand, and Wellons.	
Referred to:	Education/Higher Education.	

March 22, 2001

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:

"(18b) 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 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 2001-2002 school year.

HOUSE EDUCATION COMMITTEE MEETING

July 31, 2001

The House Education Committee met on July 31, 2001 at 11:00 am in Room 643 in the Legislative Office Building. The attendance sheet indicates the members present.

Rep. Warner presided over the meeting.
The following bills were discussed:

SENATE BILL 586, CLASSROOM EXPERIENCE FOR SCHOOL PERSONNEL
SENATE BILL 851, UNC CAMPUS LAW ENFORCEMENT JURISDICTION
SENATE BILL 990, NO DISCLOSURE OF STUDENT INFO TO 3RD PAR

Sen. Hartsell was called on to explain **SENATE BILL 586, CLASSROOM EXPERIENCE FOR SCHOOL PERSONNEL** Rep. Crawford moved for a favorable report to the committee substitute. withdrawn from committee.

Sen. Cunningham was called on to explain **SENATE BILL 851, UNC CAMPUS LAW ENFORCEMENT JURISDICTION,**
A proposed committee substitute was adopted. There was a motion for a favorable report, unfavorable to original bill. Motion failed.

Sen. Rand was called on to explain **SENATE BILL 990, NO DISCLOSURE OF STUDENT INFO TO 3RD PARTY.**
Rep. Arnold moved for a favorable report . Rep. Goodwin offered an amendment. Motion passed.

Meeting adjourned.

Donald G. Bonner

Rep. Alex Warner, Co-chair

Rep. Donald Bonner, Co-chair

Phyllis Cameron

Phyllis Cameron, Committee Clerk

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

S 1

SENATE BILL 586

Short Title:	Classroom Experience for School Personnel.	(Public)
Sponsors:	Senators Hartsell; Bingham, Carpenter, Clodfelter, Dalton, Foxx, Garrou, Rand, and Wellons.	
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SECTION 2. This act is effective when it becomes law and applies beginning with the 2001-2002 school year.

2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

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

☐ Committee Substitute for
S.B.851 A BILL TO BE ENTITLED AN ACT TO CLARIFY AND AMEND THE JURISDICTION AND AUTHORITY OF UNIVERSITY OF NORTH CAROLINA CAMPUS LAW ENFORCEMENT AGENCIES.

☐ With a favorable report.

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

☐ With a favorable report, as amended.

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

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

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

☒ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

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

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

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

☐ Without prejudice.

☐ With an indefinite postponement report.

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

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

2/15/01

Denise, please don't read this bill in yet - we may

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

S 1

SENATE BILL 851*

Short Title:	UNC Campus Law Enforcement Jurisdiction.	(Public)
Sponsors:	Senators Cunningham; Dalton, Garrou, and Weinstein.	
Referred to:	Judiciary I.	

April 4, 2001

A BILL TO BE ENTITLED

AN ACT TO CLARIFY AND AMEND THE JURISDICTION AND AUTHORITY OF UNIVERSITY OF NORTH CAROLINA CAMPUS LAW ENFORCEMENT AGENCIES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 116-40.5 reads as rewritten:

"**§ 116-40.5. Campus law enforcement agencies.**

(a) The Board of Trustees of any constituent institution of The University of North Carolina, or of any teaching hospital affiliated with but not part of any constituent institution of The University of North Carolina, may establish a campus law enforcement agency and employ campus police officers. Such officers shall meet the requirements of Chapter 17C of the General Statutes, shall take the oath of office prescribed by Article VI, Section 7 of the Constitution, and shall have all the powers of law enforcement officers generally. The territorial jurisdiction of a campus police officer shall include all property owned or leased to the institution employing him and that portion of any public road or highway passing through such property ~~and~~or immediately adjoining it, wherever located.

(b) The Board of Trustees of any constituent institution of The University of North Carolina, or of any teaching hospital affiliated with but not part of any constituent institution of The University of North Carolina, having established a campus law enforcement agency pursuant to subsection (a) of this section, may enter into joint agreements with the governing board of any municipality to extend the law enforcement authority of campus police officers into any or all of the municipality's jurisdiction and to determine the circumstances in which this extension of authority may be granted.

(c) The Board of Trustees of any constituent institution of The University of North Carolina, or of any teaching hospital affiliated with but not part of any constituent institution of The University of North Carolina, having established a campus law enforcement agency pursuant to subsection (a) of this section, may enter into joint

agreements with the governing board of any county, and with the consent of the sheriff, to extend the law enforcement authority of campus police officers into any or all of the county's jurisdiction and to determine the circumstances in which this extension of authority may be granted.

(d) The Board of Trustees of any constituent institution of The University of North Carolina, having established a campus law enforcement agency pursuant to subsection (a) of this section, may enter into joint agreements with the governing board of any other constituent institution of The University of North Carolina to extend the law enforcement authority of its campus police officers into any or all of the other institution's jurisdiction and to determine the circumstances in which this extension of authority may be granted."

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

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

S 1

SENATE BILL 990

Short Title:	No Disclosure of Student Info to 3rd Parties.	(Public)
Sponsors:	Senators Rand; Dannelly, Garrou, Hagan, Harris, Swindell, Thomas, and Wellons.	
Referred to:	Judiciary I.	

April 5, 2001

A BILL TO BE ENTITLED

AN ACT TO PROHIBIT PERSONS CONTRACTING WITH THE PUBLIC SCHOOLS FROM DISCLOSING INFORMATION ABOUT STUDENTS FOR A BUSINESS PURPOSE.

The General Assembly of North Carolina enacts:

SECTION 1. Chapter 115C of the General Statutes is amended by adding a new section to read:

"**§ 115C-401.1. Prohibition on the disclosure of information about students.**

A person who enters into a contract with a local board of education for the provision of goods or services shall not sell or otherwise use for a business purpose other than the performance of its obligations under the contract any information about students that it gains incidental to its performance under the contract unless the students' parents or guardians authorize such use of information."

SECTION 2. This act is effective when it becomes law and applies to contracts entered into, renewed, or modified after that date.

2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

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

☐ Committee Substitute for
S.B.851 A BILL TO BE ENTITLED AN ACT TO CLARIFY AND AMEND THE JURISDICTION AND AUTHORITY OF UNIVERSITY OF NORTH CAROLINA CAMPUS LAW ENFORCEMENT AGENCIES.

☐ With a favorable report.

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

☐ With a favorable report, as amended.

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

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

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

☒ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

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

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

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

☐ Without prejudice.

☐ With an indefinite postponement report.

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

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

2/15/01

2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

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

☐ Committee Substitute for
S.B. 990 A BILL TO BE ENTITLED AN ACT TO PROHIBIT PERSONS CONTRACTING WITH THE PUBLIC SCHOOLS FROM DISCLOSING INFORMATION ABOUT STUDENTS FOR A BUSINESS PURPOSE.

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☐ With an indefinite postponement report.

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

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

2/15/01

HOUSE EDUCATION COMMITTEE MEETING

August 7, 2001

The House Education Committee met on August 7, 2001 at 11:00 am in Room 643 in the Legislative Office Building. The attendance sheet indicates the members present.

Rep.Bonner presided over the meeting.

Emory Taylor Presentation.

Meeting adjourned.

Rep. Alex Warner, Co-chair

Rep. Donald Bonner, Co-chair

Phyllis Cameron, Committee Clerk

Emory Taylor

Reading Plus™

Software Managed System for Reading/Listening Appraisal and Improvement

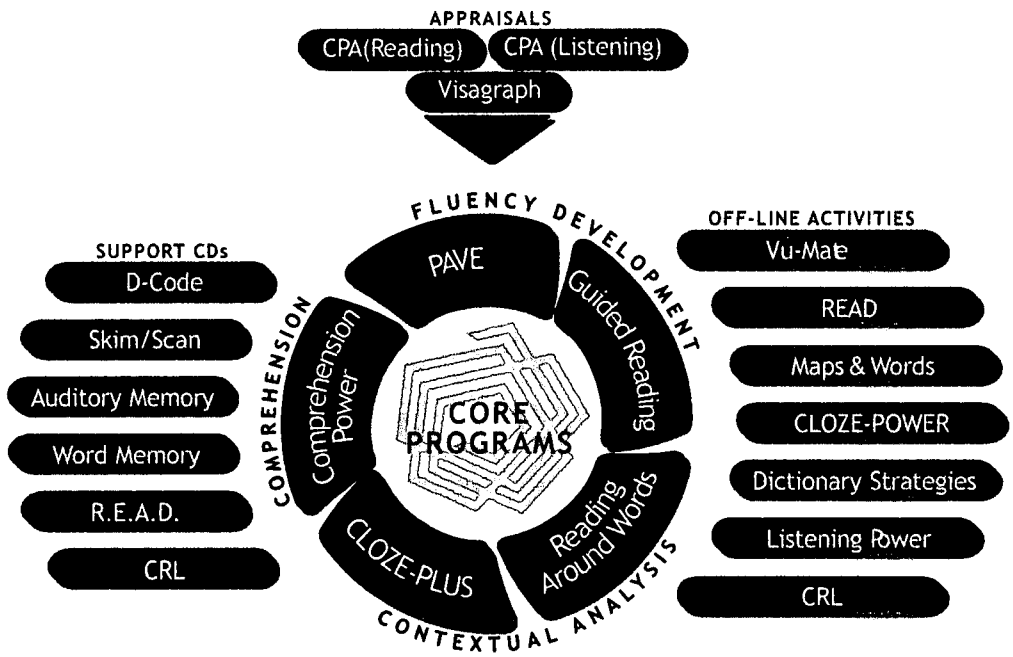
Why is Our Approach Unique?

Taylor's Reading Plus is a comprehensive computer managed reading/listening appraisal and development system for students on Levels 1 through college/adult. *Reading Plus* provides development in all four of the reading approaches needed for study, leisure and work related reading. These appoaches include: usual/fluent, analytical, accelerated reading and skimming and scanning.

Many of the visual/functional, perceptual and information processing skill areas treated in *Reading Plus* are subliminal in nature (3-5 functions per second) and so cannot be developed by teacher directed approaches, or controlled by students. Computerized training techniques are the only direct and effective means of developing and improving these processes. Only *Taylor* offers this wide range of reading diagnostic and developmental techniques so needed by students who are experiencing reading/learning difficulties, as well as those achieving students who require improved fluency in reading.

Why is Our Approach Unique?

Reading Plus is a modular system composed of: Appraisals to place students at appropriate levels in centrally managed Core Programs, as well as an array of Support CDs and Off-Line Activities that supplement the Core system.



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TAYLOR™
The Process Company

Reading Plus™ Appraisals

Visagraph Eye-Movement Recording (All Levels) The only definitive appraisal of the *Fundamental Reading Process*. This process involves reading performance efficiency, including visual/functional, perceptual and information processing skills, as well as binocular coordination and tracking. A Numbers Test for non-readers can be used to detect visual/functional difficulties. A 5-7 minute appraisal administered by the instructor.

CPA:Computerized (Reading) Placement Appraisal (All Levels) A unique routine to determine independent reading level, usual reading rates and appropriate vocabulary study levels. *CPA* also includes a *Perceptual Memory Appraisal* to evaluate visual memory and a decoding appraisal *(CPA Decode)*. *CPA* places students in the various *Reading Plus* core programs at the most appropriate content levels and instructional areas. A 20-30 minute appraisal that does not require teacher intervention.

CPA:Computerized (Listening) Placement Appraisal (All Levels) An auditory appraisal that determines levels of listening comprehension, as well as students' aural short-term memory capability. *CPA Listening* places students in the most appropriate content of *Listening Power* and *Auditory Memory Training*. An independent 30-40 minute routine.

Reading Plus™ Core Programs

Fluency Development (Levels 1-12) *PAVE: Perceptual Accuracy/Visual Efficiency* develops visual/functional and visual memory skills. *Guided Reading* develops and improves reading fluency (efficiency), as well as comprehension. *Guided Reading* provides flashing of key vocabulary, preview techniques, free reading, then scanned timed reading, followed by skill coded comprehension questions (25 major skill areas). *Guided Reading* develops high levels of reading efficiency and effectiveness (338 selections). *Guided Reading Paperback* with high interest book content is also available (42 lessons).

Contextual Analysis (Levels 1-12) *CLOZE-PLUS* employs structured cloze techniques to develop students' ability to "read around" deleted or key words to complete meaning and understanding (160 lessons). *Reading Around Words* likewise employs contextual analysis strategies to develop the ability to use context to unlock word meaning or use (2,160 lessons). Clues guide students through the use of 11 contextual strategies in these programs.

Comprehension Competency Development (Levels 1-12) *Comprehension Power* provide flashing of key words and preview practice followed by timed segmented reading with interspersed skill coded comprehension questions that develop 25 major comprehension skills as well as rapid comprehensive reading. Cumulative comprehension building activities ensure the development of both fluent and thorough reading. *Career Comprehension Awareness* with vocational content is also available (42 lessons).

Reading Plus™ Support CDs

Word Memory CD (Primary, Levels 1-3) Automaticity training (instant word recognition) with core grade 1-3 vocabulary (high frequency basal words). Scan and flash practice activities ensure that less time is spent recognizing words and more time devoted to realizing syntax and achieving comprehension. *Word Memory* correlates with *Guided Reading* levels A-C vocabulary.

D-Code CD (All Students, Levels 1-3) A unique letter cluster approach to word unlocking that employs audile/visile conditioning using the Glass Analysis technique developed by Dr. Gerald Glass of Adelphi University, Long Island, New York. With this no rules direct decoding process, recognizing unfamiliar words during reading becomes more instantaneous, comprehensive and natural.

READ CD (Secondary/Adult, Levels 1-3) A multimodal interactive approach to the introduction and mastery of a high frequency survival vocabulary of 1300 words deemed critical for secondary students and adults. This is the same vocabulary used in *Guided Reading* Hi-A-Hi-C. Read-along comprehension building activities and recording techniques are among the many activities employed to ensure word recognition mastery and basic comprehension.

Skim/Scan CD (Levels 4-10) Preview and overview skimming as well as scanning competence is developed through unique high speed scrolling techniques.

TAYLOR™
The Process Company

Visagraph II System

Windows

M S - D O S

An eye-movement recording system that measures the efficiency of the Fundamental Reading Process of students: Visual/functional proficiency, Perceptual development, Information processing competence.

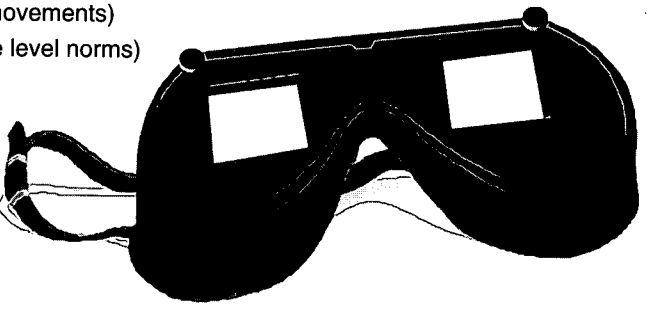
Designers: Stanford E. Taylor & Kurt Nystrom

Recording Functions:

A student or trainee slips on goggles and they are adjusted to his/her inter-pupillary distance. The Visagraph requires no calibration or adjustment. An "easy to read" reading selection (level suggested by TA's CPA) in the Test Booklet is then read silently. During the reading/recording, the Visagraph samples eye-movement positions 60 times per second and automatically computes various reading performance measures. Following this reading, a comprehension check determines whether or not the subject read with reasonable comprehension that suggests a usual reading performance.

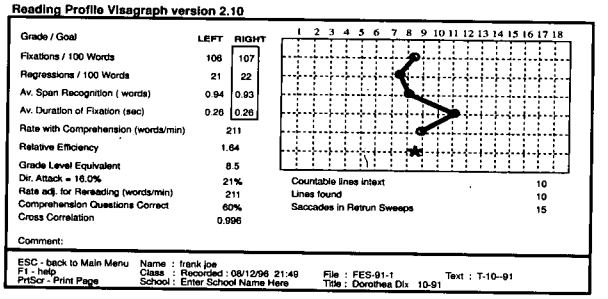
In a matter of minutes, the efficiency of an individual's reading performance can be accessed in terms of:

- Fixations (number of eye stops)
- Regressions (number of reverse eye movements)
- Span of Recognition (average words or word parts perceived per eye stop)
- Duration of Fixation (average length of eye pauses)
- Rate of Reading with Comprehension (words per minute)
- Rate Without Rereading (excluding all time for rereading)
- Directional Attack (percentage of reverse-to-forward eye movements)
- Relative Efficiency (overall performance in relation to grade level norms)



The Visagraph can be used to:

- **A**ssess reading fluency efficiency.
- **P**rescribe and evaluate corrective reading fluency training.
- **D**etect visual/functional difficulties.



Reading Profile Visagraph version 2.10

Grade / Goal	LEFT	RIGHT
Fixations / 100 Words	106	107
Regressions / 100 Words	21	22
Av. Span Recognition (words)	0.94	0.93
Av. Duration of Fixation (sec)	0.26	0.26
Rate with Comprehension (words/min)	211	
Relative Efficiency	1.64	
Grade Level Equivalent	8.5	
Dir. Attack = 16.0%	21%	
Rate adj. for Rereading (words/min)	211	
Comprehension Questions Correct	60%	
Cross Correlation	0.996	

Comment:

Countable lines intext	10
Lines found	10
Saccades in Retrun Sweeps	15

ESC - back to Main Menu | F1 - help | PrtScr - Print Page
Name : frank joe | Class : Recorded : 08/12/96 21:49 | School : Enter School Name Here
File : FES-91-1 | Title : Dorothea Dix 10-91
Text : T-10--91

TARMAC EDUCATIONAL SVCS., INC.
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READING ALL LEVELS

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COMPUTER PROGRAMS • SYSTEMS

Visagraph II System

Windows

M S - D O S

Reading Performance: Grade Level Norms

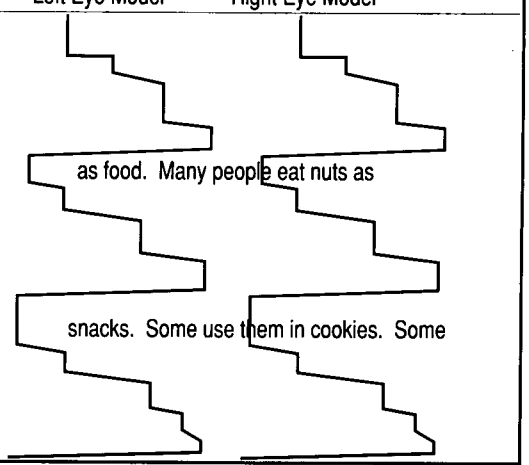
	Grade Levels													Advanced Levels				
	1	2	3	4	5	6	7	8	9	10	11	12	Col	1	2	3	4	5
Fixations/100 words	224	174	155	139	129	120	114	109	105	101	96	94	90	77	65	57	48	44
Regressions/100 words	52	40	35	31	28	25	23	21	20	19	18	17	15	11	8	5	4	2
Directional Attack %	23	23	23	24	22	21	20	19	19	19	19	18	17	14	12	9	8	5
Av. Span of Recog.	.45	.57	.65	.72	.78	.83	.88	.92	.95	.99	1.04	1.06	1.11	1.3	1.53	1.75	2.08	2.27
Av. Dur. of Fix.	.33	.30	.28	.27	.27	.27	.27	.27	.27	.26	.26	.25	.24	.23	.23	.23	.22	.22
Rate w/o Rereading	80	115	138	158	173	185	195	204	214	224	237	250	280	340	400	480	560	620

The **Visagraph** automatically calculates the efficiency of the Fundamental Reading Process Against Taylor's National Norms.

The performance of both eyes is recorded along with measurements of lateral tracking and duration of fixations (eye pauses) on a line-by-line basis.

Values and Text displayed on Model Graph

Time	CL	Ln	Sac	Left	Right	Fix
5.43		3	2	379	403	166
5.60		3	3	382	487	383
5.98		3	4	437	-194	233
6.22		3	5	328	293	150
6.37	RSW	3	6	-1831	-1835	366
6.73		4	1	241	551	266
7.00		4	2	366	194	283
7.28		4	3	673	118	216
7.50		4	4	0	387	183
7.68		4	5	370	88	416
8.10	RSW	4	6	-1737	-1330	483
8.58		5	1	478	627	300
8.88		5	2	278	30	266
9.15		5	3	624	578	266



ESC - back to Main Menu
F1 - help
PrtScr - Print Page

Name : frank joe
Class : Recorded : 08/12/96 21:49
School : Enter School Name Here

File : FES-91-1
Title : Dorothea Dix 10-91

Text : T-10--91

Ordering Information

Visagraph ensemble consists of a pair of goggles, controller unit, power supply, manual and test booklet.

READING ALL LEVELS

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Visagraph Advisory Committee

The following individuals and institutions have consented to serve as a committee to review Visagraph recordings and data in order that guideines for interpretation and criteria be established with regard to an evaluation of visual/functional competence. It is hoped that this information will prove helpful to schools in the detection of students who should be referred for a complete visual examination by a vision specialist. Further, the information yielded by the Visagraph will prove helpful to any vision specialists who may conduct such an examination.

Periodically the findings and research evaluations conducted by any members of this committee will be circulated among all member participants listed below:

Kenneth J. Cuiffreda, O.D., Ph.D.
Distinguished Teaching Professor
and Chairman, State University
of New York

Robert L. Yolton, O.D., Ph.D.
Professor of Optometry
Pacific University, OR

David Grisham, O.D.
School of Optometry
University of California

Stanford E. Taylor, M.Ed.
Designer of the Visagraph System
President, Taylor Associates

Paul A. Harris, O.D.
Baltimore Vision Fitness Center
Timonium, MD

Joseph Sullivan, O.D.
Sullivan and Associates
Wichita, KS

Harold Solan, O.D., M.A.
State College of Optometry
State University of New York

George W. McConkie, Ph.D.
Professor, Department of
Psychology
University of Illinois

Darrell Schlange, O.D.
Associate Professor of Optometry
Illinois College of Optometry
Chicago, IL

W.C. Maples, O.D., M.S.
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Tahlequah, OK

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Karlstad, Sweden

Hannu R.V. Laukkennen, O.D.
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Professor Optometry
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Forest Grove, OR

Oyvind Austrheim, O.D.
Gloppeskogen 24
N-3620 Larvik
Norway

John A. Thomas, O.D., M.S.
Applewood Vision Clinic
Wheat Ridge, CO

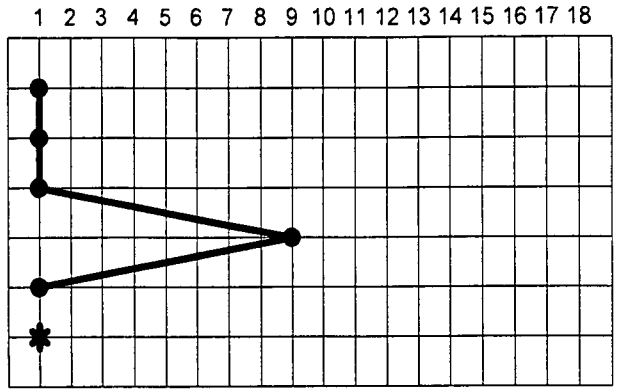
Presently there are seven (7) areas of Visagraph data that could serve as the basis for making a recommendation for a visual/functional examination by a vision specialist. These are:

1. Differences in the number of fixation and regressions between the left and the right eye.
2. A less than desirable correlation coefficient which indicates the relative similarity of all saccadic movements of the left and the right eye.
3. The amount of return sweep activity in relation to number of lines read.
4. The anomalies report which refers to differences in the performances of both the left and right eye.
5. Any excessive "start-time" differences between the two eyes and/or frequent occurrences.
6. Any vergence of coordination inadequacies displayed in the Original graph recordings.
7. An individual's performance on the Visual Performance Skills Test.

August, 1999

Reading Profile Visagraph version 4.2

Grade/Goal	Left	Right	Grade Norms
Fixations/100 words	672	708	120
Regressions/100 words	199	193	25
Av. Span of Recognition (words)	0.15	0.14	0.83
Av. Duration of Fixation (sec)	0.28	0.27	0.27
Rate with Comprehension (words/min)	31		185
Grade Level Equivalent (Efficiency)	1.0		
Level of Text Read	1		



Directional Attack Difficulty	27%	Countable lines in text	7
Rate adj. for Rereading (words/min)	88	Lines found	15
Comprehension Questions Correct	70%	Saccades in Return Sweeps	31
Cross Correlation	0.853	Anomalies (Fix/Regr/Both)	33/22/36

Subject information

Name :	A Student		Grade:	6	Filename : CET--3-0.rec
Class :		Born : 01/20/1989	Sex :	M	Recorded : 11/21/2000 13:32
School :					Directory : C:\WINVISA\rec
Examiner :					

Text information

Filename :	C:\VISA4.1\TEXTS\amer_eng\t--1---3.txt		
Title :	Green Bird 1-3		
Answers :	Y N Y N N Y N N N Y	No of questions :	10
Norms used :	TAYLOR.NOR	Correct answers :	7

Countable part statistics

No of lines :	7
No of words :	50
Av. word length :	3.5

Recording information

Total recording time :	110.78	Duration Standard Deviation :	149 ms
Countable time :	95.68	No. Saccade Start Diff. > 17 ms:	50
Artifact time right eye :	4.53 (5%)	Events with Multiple Regressions :	8
Artifact time left eye :	4.53 (5%)	Mean Regressions in Multiple Events :	2.1
Lines found :	15		
Lines partially reread (> 30%) :	3		
Lines completely reread :	8		

Comment: This student should spend more time in PAVE than most. Notice his eyes are not working together! Many regressions necessary to get meaning from first grade content.

Analysis and Recommendations:

Item	Measured	Grade	Goal	Deviation from Grade	Deviation from Goal
Fixations	708	120	90	490%	687%
Regressions	193	25	15	672%	1187%
Average Span of Recognition	0.14	0.83	1.11	-248%	-23%
Reading Rate with Comprehension	31	185	280	-83%	-89%
Reading Rate without Rereading	88		No Rereading		184%
Directional Attack Difficulty	27%		< 15%		12%
Saccades in Return Sweeps	31		15		
Cross Correlation	0.853		> 0.900		
Anomalies: One Eye Only Forward	33		< 4		
Anomalies: One Eye Only Reverse	22		< 4		
Anomalies: Both Eyes Opposite Movements	36		< 4		

You might administer the Student Evaluation Inventory.

Training Recommendations:

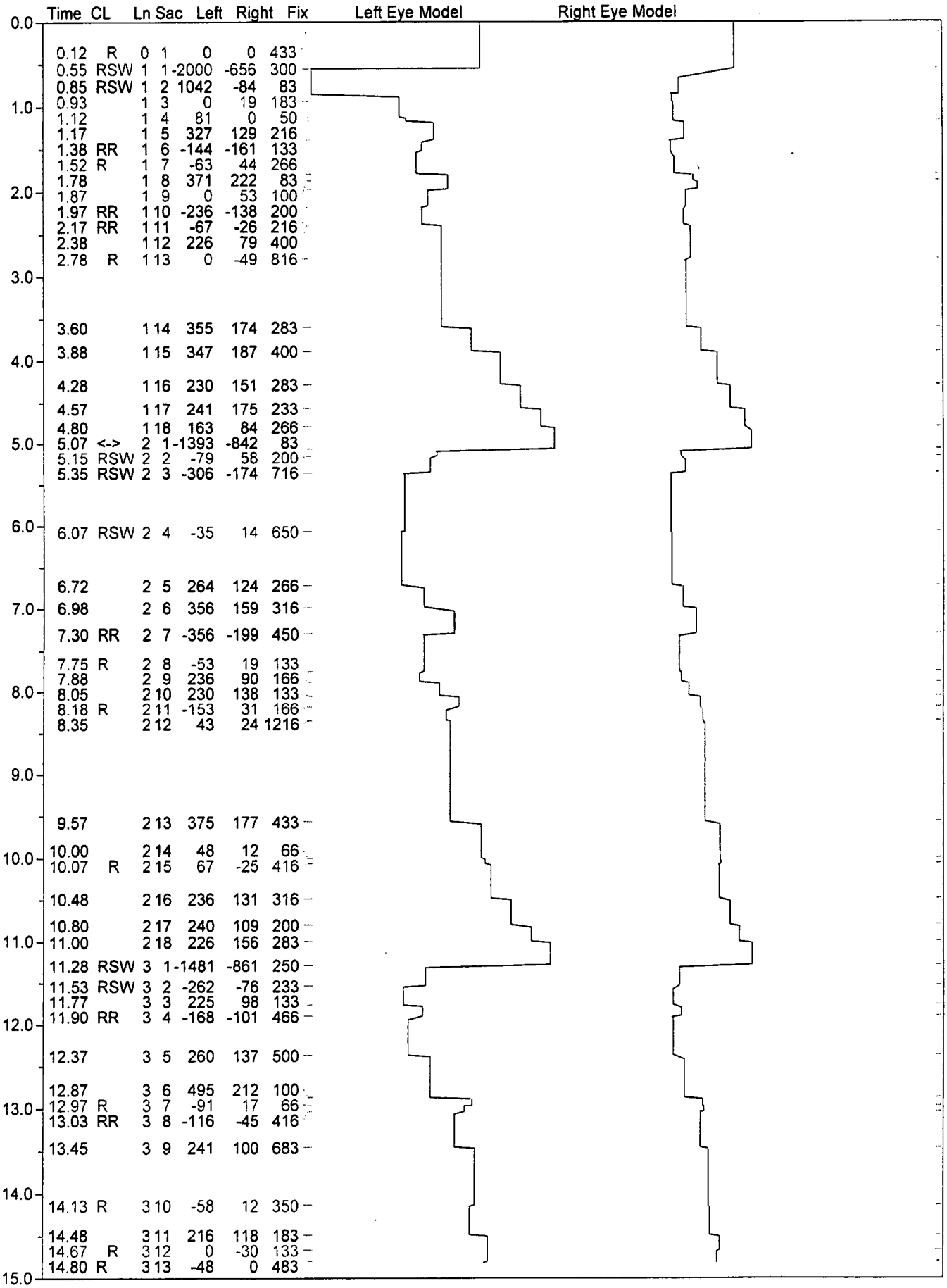
PAVE - Scan and Flash (numbers and letters) Practice.

Guided Reading - Timed, scanned directed reading.

Comprehension Power - Timed, cumulative comprehension lessons.

Visual/Functional Development - Possible supplemental visual training.

Time	CL	Ln	Sac	Left	Right	Fix
0.12	R	0	1	0	0	433
0.55	RSW	1	1	-2000	-656	300
0.85	RSW	1	2	1042	-84	83
0.93		1	3	0	19	183
1.12		1	4	81	0	50
1.17		1	5	327	129	216
1.38	RR	1	6	-144	-161	133
1.52	R	1	7	-63	44	266
1.78		1	8	371	222	83
1.87		1	9	0	53	100
1.97	RR	1	10	-236	-138	200
2.17	RR	1	11	-67	-26	216
2.38		1	12	226	79	400
2.78	R	1	13	0	-49	816
3.60		1	14	355	174	283
3.88		1	15	347	187	400
4.28		1	16	230	151	283
4.57		1	17	241	175	233
4.80		1	18	163	84	266
5.07	<->	2	1	-1393	-842	83
5.15	RSW	2	2	-79	58	200
5.35	RSW	2	3	-306	-174	716
6.07	RSW	2	4	-35	14	650
6.72		2	5	264	124	266
6.98		2	6	356	159	316
7.30	RR	2	7	-356	-199	450
7.75	R	2	8	-53	19	133
7.88		2	9	236	90	166
8.05		2	10	230	138	133
8.18	R	2	11	-153	31	166
8.35		2	12	43	24	1216
9.57		2	13	375	177	433
10.00		2	14	48	12	66
10.07	R	2	15	67	-25	416
10.48		2	16	236	131	316
10.80		2	17	240	109	200
11.00		2	18	226	156	283
11.28	RSW	3	1	-1481	-861	250
11.53	RSW	3	2	-262	-76	233
11.77		3	3	225	98	133
11.90	RR	3	4	-168	-101	466
12.37		3	5	260	137	500
12.87		3	6	495	212	100
12.97	R	3	7	-91	17	66
13.03	RR	3	8	-116	-45	416
13.45		3	9	241	100	683
14.13	R	3	10	-58	12	350
14.48		3	11	216	118	183
14.67	R	3	12	0	-30	133
14.80	R	3	13	-48	0	483



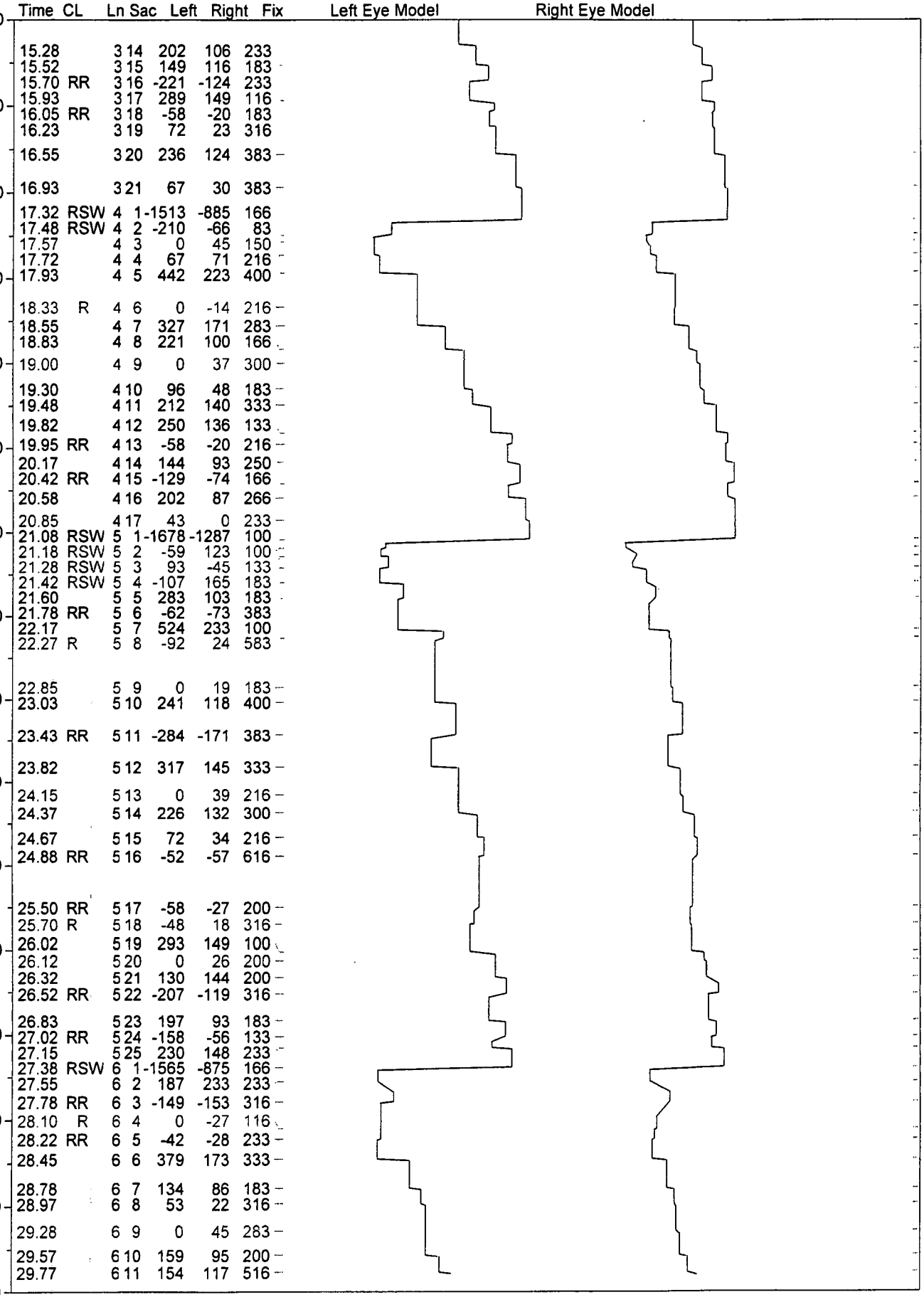
Name : A Student

School :

Recorded : 11/21/2000 13:32

Class :

Time	CL	Ln	Sac	Left	Right	Fix
15.28		3	14	202	106	233
15.52		3	15	149	116	183
15.70	RR	3	16	-221	-124	233
15.93		3	17	289	149	116
16.05	RR	3	18	-58	-20	183
16.23		3	19	72	23	316
16.55		3	20	236	124	383
16.93		3	21	67	30	383
17.32	RSW	4	1	-1513	-885	166
17.48	RSW	4	2	-210	-66	83
17.57		4	3	0	45	150
17.72		4	4	67	71	216
17.93		4	5	442	223	400
18.33	R	4	6	0	-14	216
18.55		4	7	327	171	283
18.83		4	8	221	100	166
19.00		4	9	0	37	300
19.30		4	10	96	48	183
19.48		4	11	212	140	333
19.82		4	12	250	136	133
19.95	RR	4	13	-58	-20	216
20.17		4	14	144	93	250
20.42	RR	4	15	-129	-74	166
20.58		4	16	202	87	266
20.85		4	17	43	0	233
21.08	RSW	5	1	-1678	-1287	100
21.18	RSW	5	2	-59	123	100
21.28	RSW	5	3	93	-45	133
21.42	RSW	5	4	-107	165	183
21.60		5	5	283	103	183
21.78	RR	5	6	-62	-73	383
22.17		5	7	524	233	100
22.27	R	5	8	-92	24	583
22.85		5	9	0	19	183
23.03		5	10	241	118	400
23.43	RR	5	11	-284	-171	383
23.82		5	12	317	145	333
24.15		5	13	0	39	216
24.37		5	14	226	132	300
24.67		5	15	72	34	216
24.88	RR	5	16	-52	-57	616
25.50	RR	5	17	-58	-27	200
25.70	R	5	18	-48	18	316
26.02		5	19	293	149	100
26.12		5	20	0	26	200
26.32		5	21	130	144	200
26.52	RR	5	22	-207	-119	316
26.83		5	23	197	93	183
27.02	RR	5	24	-158	-56	133
27.15		5	25	230	148	233
27.38	RSW	6	1	-1565	-875	166
27.55		6	2	187	233	233
27.78	RR	6	3	-149	-153	316
28.10	R	6	4	0	-27	116
28.22	RR	6	5	-42	-28	233
28.45		6	6	379	173	333
28.78		6	7	134	86	183
28.97		6	8	53	22	316
29.28		6	9	0	45	283
29.57		6	10	159	95	200
29.77		6	11	154	117	516

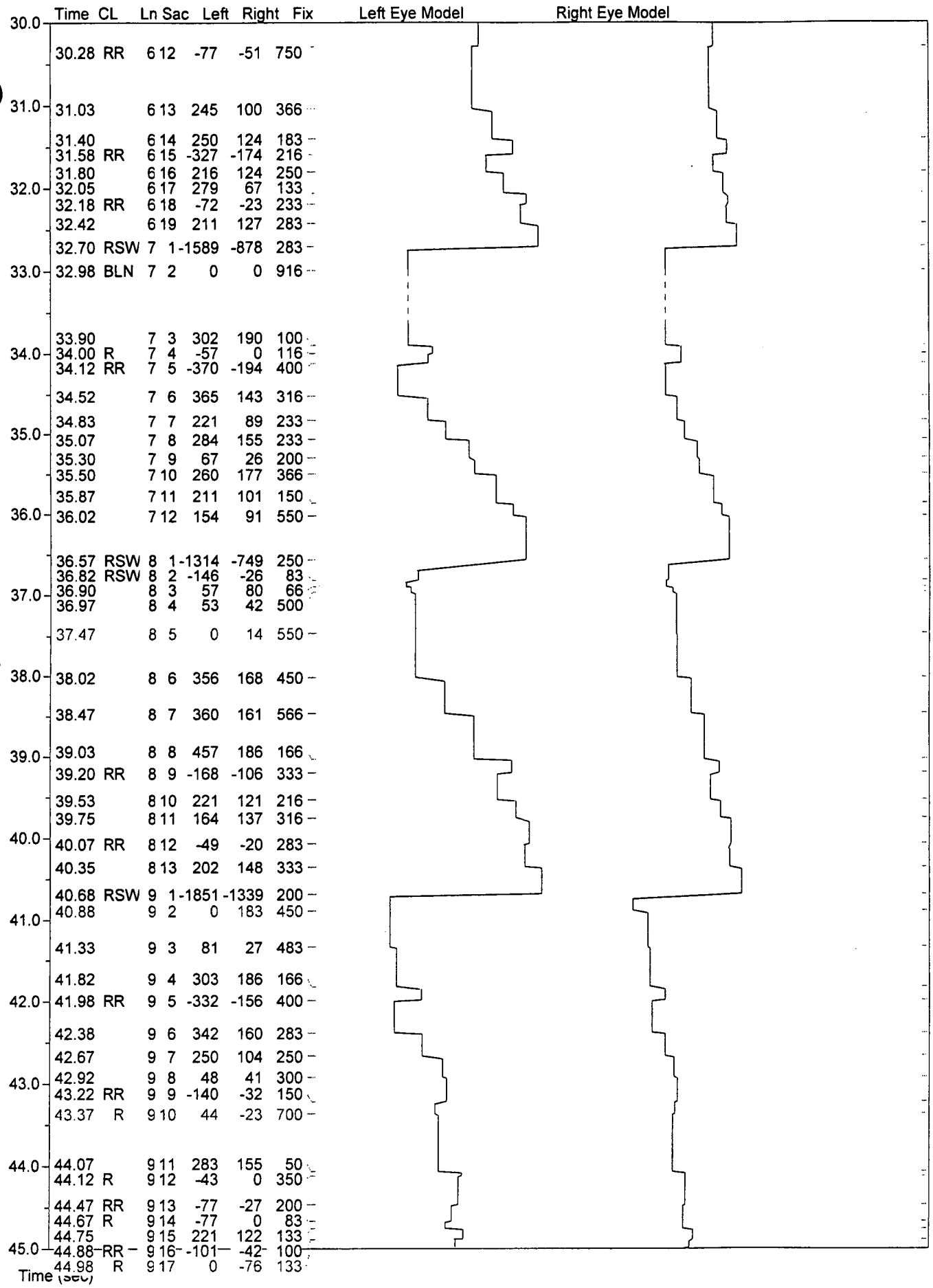


Name : A Student

School :

Recorded : 11/21/2000 13:32

Class :



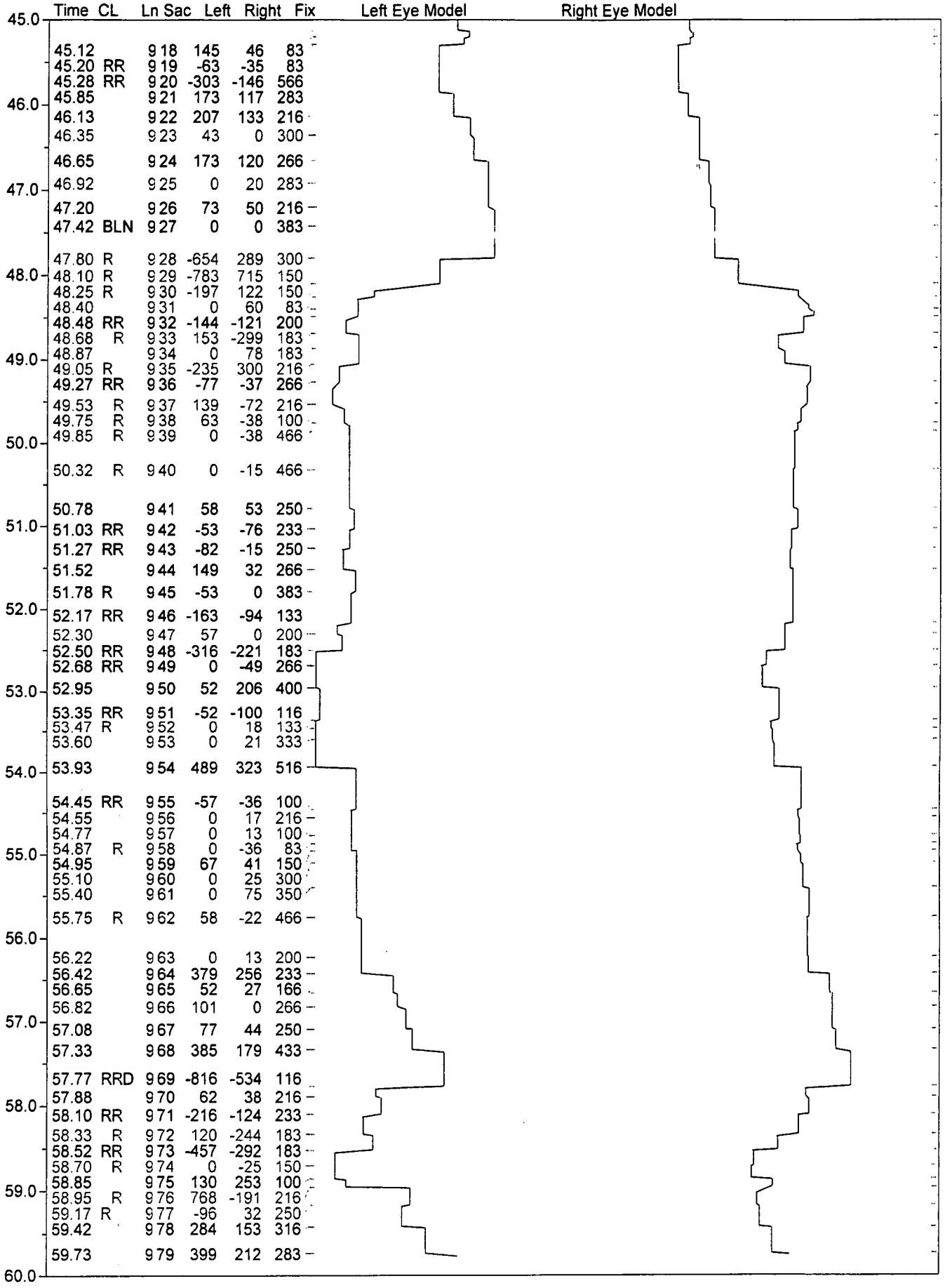
Name : A Student

School :

Recorded : 11/21/2000 13:32

Class :

Time	CL	Ln	Sac	Left	Right	Fix
45.12		918	145	46	83	
45.20	RR	919	-63	-35	83	
45.28	RR	920	-303	-146	566	
45.85		921	173	117	283	
46.13		922	207	133	216	
46.35		923	43	0	300	
46.65		924	173	120	266	
46.92		925	0	20	283	
47.20		926	73	50	216	
47.42	BLN	927	0	0	383	
47.80	R	928	-654	289	300	
48.10	R	929	-783	715	150	
48.25	R	930	-197	122	150	
48.40		931	0	60	83	
48.48	RR	932	-144	-121	200	
48.68	R	933	153	-299	183	
48.87		934	0	78	183	
49.05	R	935	-235	300	216	
49.27	RR	936	-77	-37	266	
49.53	R	937	139	-72	216	
49.75	R	938	63	-38	100	
49.85	R	939	0	-38	466	
50.32	R	940	0	-15	466	
50.78		941	58	53	250	
51.03	RR	942	-53	-76	233	
51.27	RR	943	-82	-15	250	
51.52		944	149	32	266	
51.78	R	945	-53	0	383	
52.17	RR	946	-163	-94	133	
52.30		947	57	0	200	
52.50	RR	948	-316	-221	183	
52.68	RR	949	0	-49	266	
52.95		950	52	206	400	
53.35	RR	951	-52	-100	116	
53.47	R	952	0	18	133	
53.60		953	0	21	333	
53.93		954	489	323	516	
54.45	RR	955	-57	-36	100	
54.55		956	0	17	216	
54.77		957	0	13	100	
54.87	R	958	0	-36	83	
54.95		959	67	41	150	
55.10		960	0	25	300	
55.40		961	0	75	350	
55.75	R	962	58	-22	466	
56.22		963	0	13	200	
56.42		964	379	256	233	
56.65		965	52	27	166	
56.82		966	101	0	266	
57.08		967	77	44	250	
57.33		968	385	179	433	
57.77	RRD	969	-816	-534	116	
57.88		970	62	38	216	
58.10	RR	971	-216	-124	233	
58.33	R	972	120	-244	183	
58.52	RR	973	-457	-292	183	
58.70	R	974	0	-25	150	
58.85		975	130	253	100	
58.95	R	976	768	-191	216	
59.17	R	977	-96	32	250	
59.42		978	284	153	316	
59.73		979	399	212	283	



Time (sec)

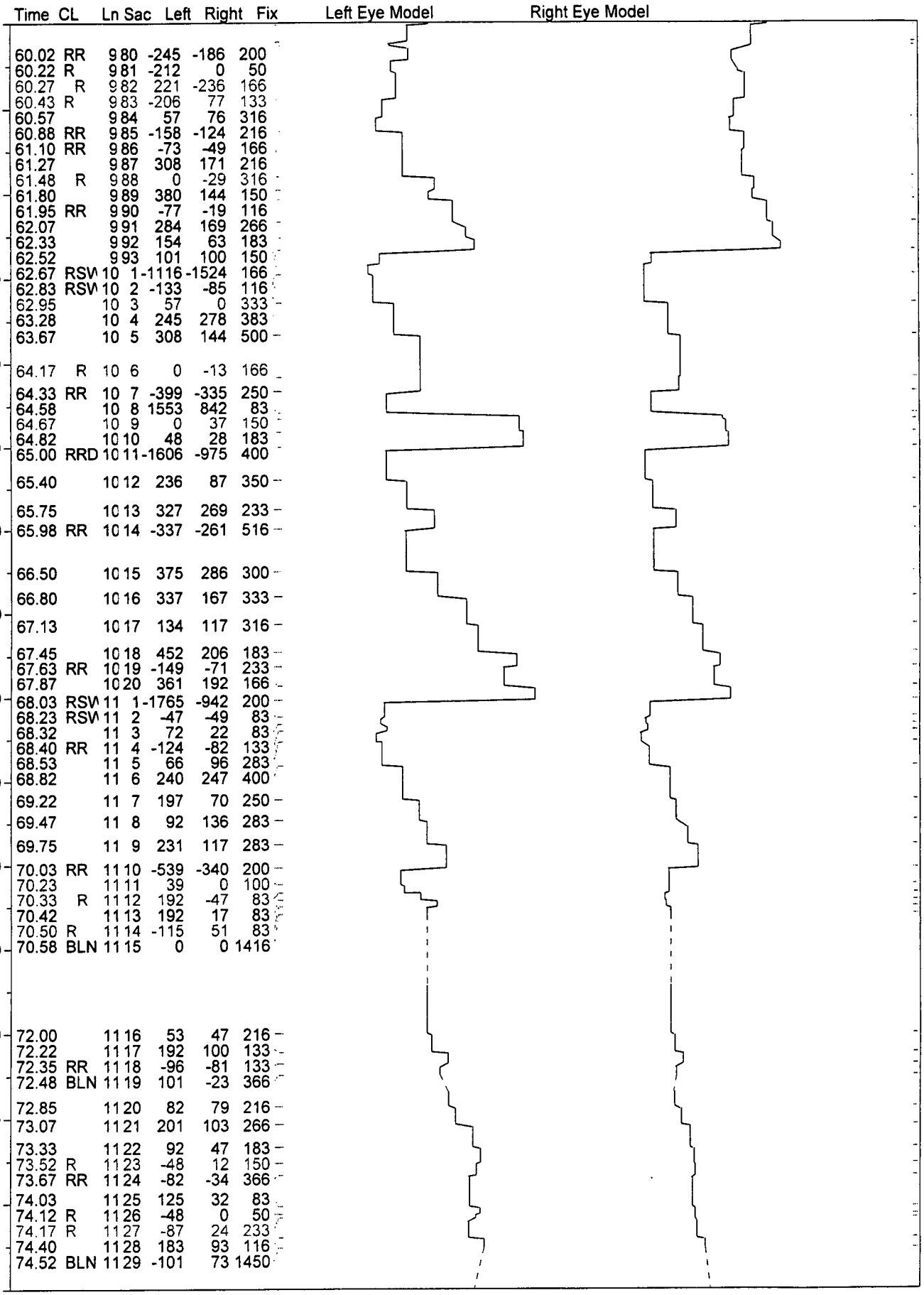
Name : A Student

School :

Recorded : 11/21/2000 13:32

Class :

Time	CL	Ln	Sac	Left	Right	Fix
60.02	RR	9	80	-245	-186	200
60.22	R	9	81	-212	0	50
60.27	R	9	82	221	-236	166
60.43	R	9	83	-206	77	133
60.57		9	84	57	76	316
60.88	RR	9	85	-158	-124	216
61.10	RR	9	86	-73	-49	166
61.27		9	87	308	171	216
61.48	R	9	88	0	-29	316
61.80		9	89	380	144	150
61.95	RR	9	90	-77	-19	116
62.07		9	91	284	169	266
62.33		9	92	154	63	183
62.52		9	93	101	100	150
62.67	RSW	10	1	-1116	-1524	166
62.83	RSW	10	2	-133	-85	116
62.95		10	3	57	0	333
63.28		10	4	245	278	383
63.67		10	5	308	144	500
64.17	R	10	6	0	-13	166
64.33	RR	10	7	-399	-335	250
64.58		10	8	1553	842	83
64.67		10	9	0	37	150
64.82		10	10	48	28	183
65.00	RRD	10	11	-1606	-975	400
65.40		10	12	236	87	350
65.75		10	13	327	269	233
65.98	RR	10	14	-337	-261	516
66.50		10	15	375	286	300
66.80		10	16	337	167	333
67.13		10	17	134	117	316
67.45		10	18	452	206	183
67.63	RR	10	19	-149	-71	233
67.87		10	20	361	192	166
68.03	RSW	11	1	-1765	-942	200
68.23	RSW	11	2	-47	-49	83
68.32		11	3	72	22	83
68.40	RR	11	4	-124	-82	133
68.53		11	5	66	96	283
68.82		11	6	240	247	400
69.22		11	7	197	70	250
69.47		11	8	92	136	283
69.75		11	9	231	117	283
70.03	RR	11	10	-539	-340	200
70.23		11	11	39	0	100
70.33	R	11	12	192	-47	83
70.42		11	13	192	17	83
70.50	R	11	14	-115	51	83
70.58	BLN	11	15	0	0	1416
72.00		11	16	53	47	216
72.22		11	17	192	100	133
72.35	RR	11	18	-96	-81	133
72.48	BLN	11	19	101	-23	366
72.85		11	20	82	79	216
73.07		11	21	201	103	266
73.33		11	22	92	47	183
73.52	R	11	23	-48	12	150
73.67	RR	11	24	-82	-34	366
74.03		11	25	125	32	83
74.12	R	11	26	-48	0	50
74.17	R	11	27	-87	24	233
74.40		11	28	183	93	116
74.52	BLN	11	29	-101	73	1450

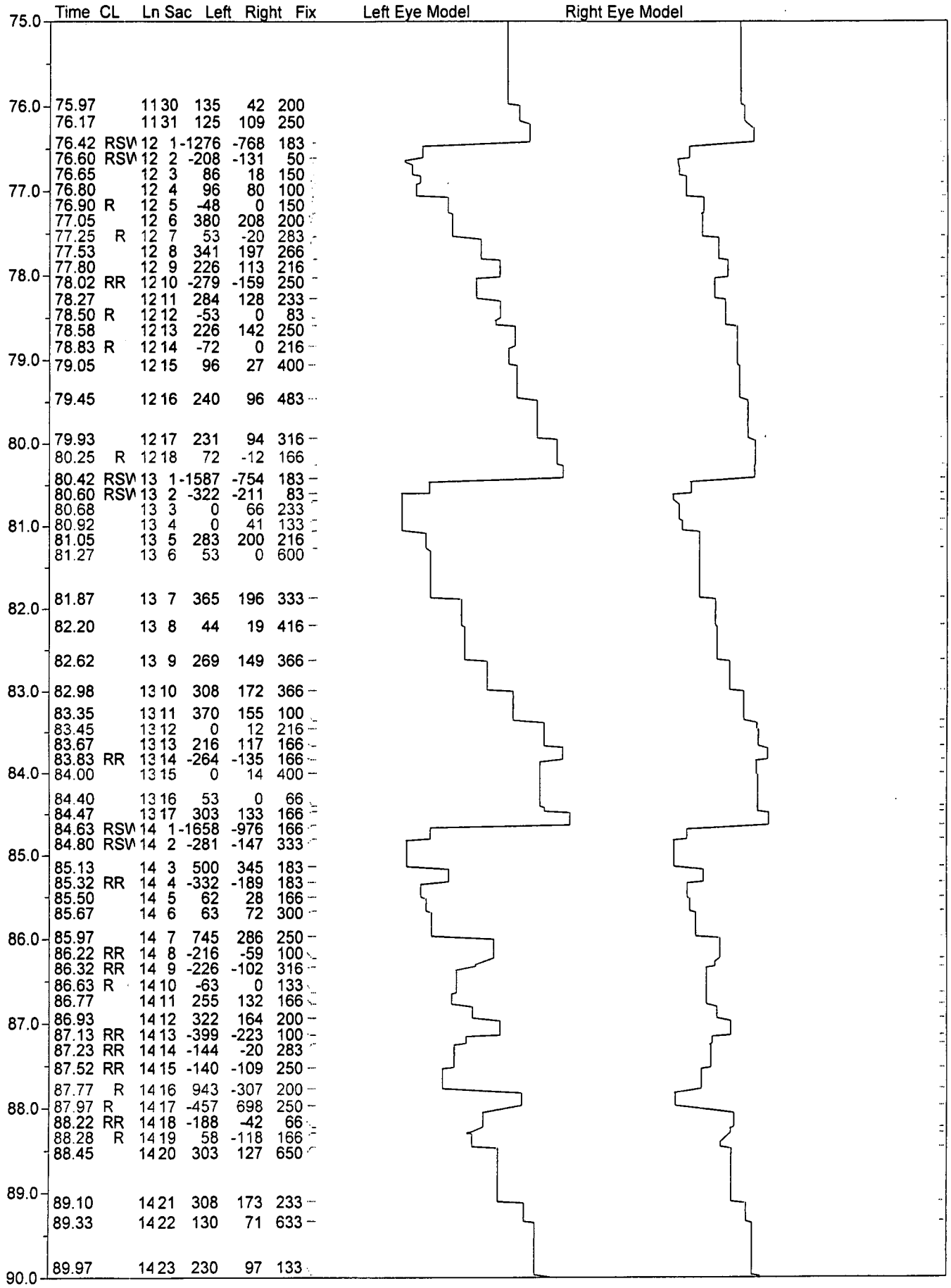


Name : A Student

School :

Recorded : 11/21/2000 13:32

Class :

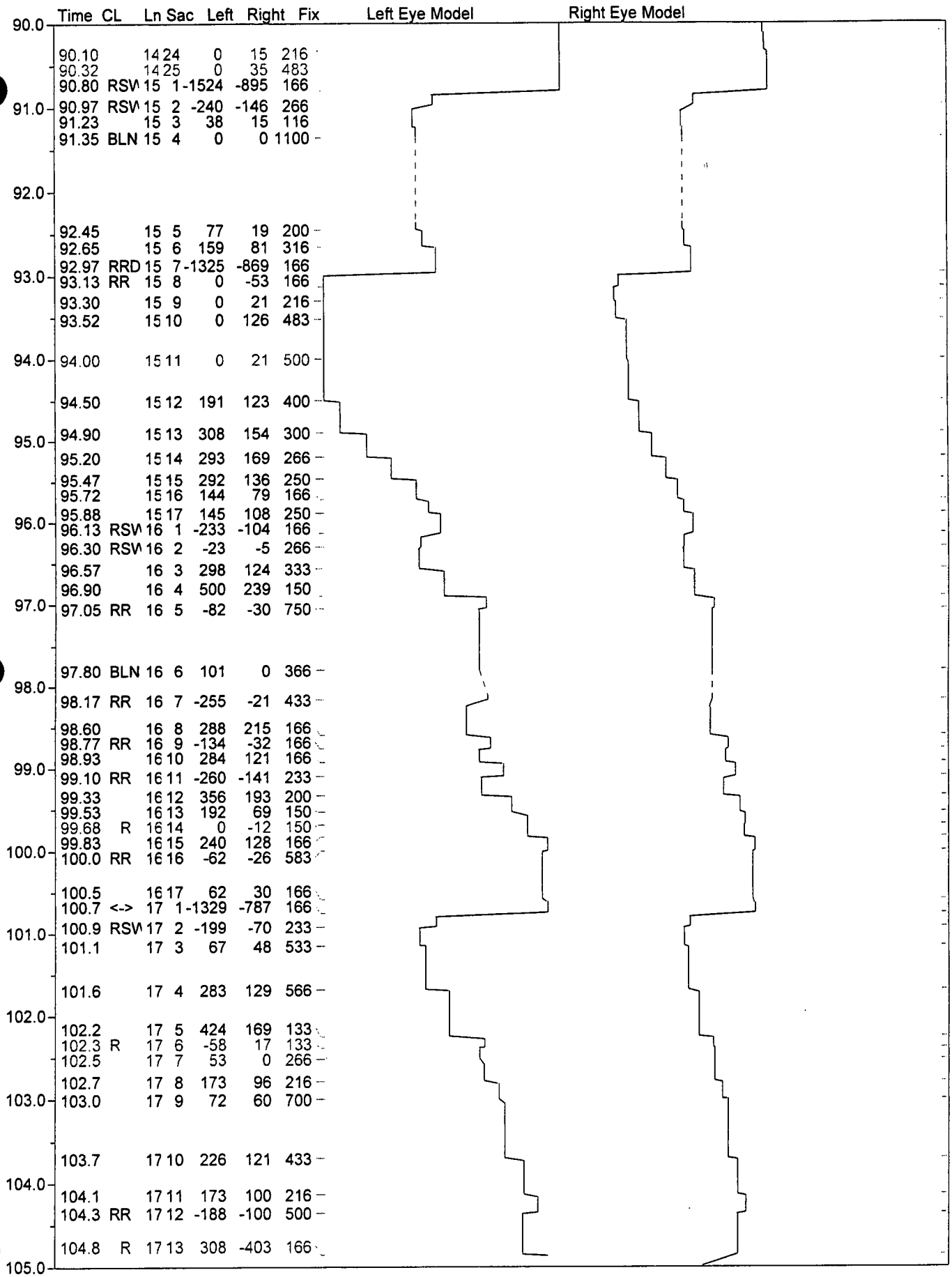


Name : A Student

School :

Recorded : 11/21/2000 13:32

Class :

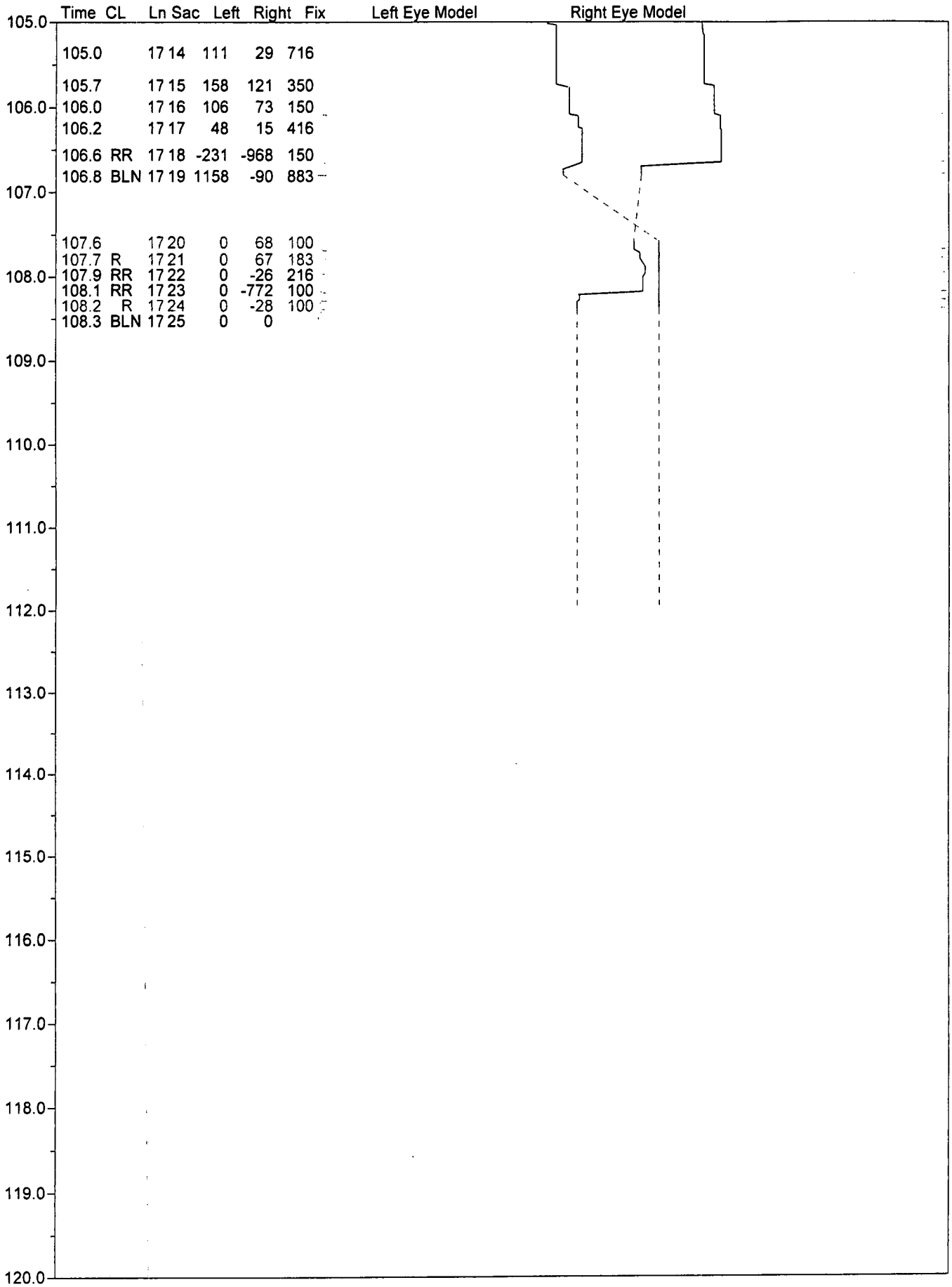


Name : A Student

School :

Recorded : 11/21/2000 13:32

Class :



Name : A Student

School :

Recorded : 11/21/2000 13:32

Class :

We have always heard,
Seeing is believing

Sometimes we see things that we cannot believe but it is usually an illusion performed by a magician.

We will evaluate several of your students with the **Visagraph**. Give us some good and poor readers; don't tell us the difference. (You pick the 100-word passage) You can see the difference between how a good and poor reader sees. You can also read through your students' eyes!

No Magic*, No Illusions-Just Sixty-One years of reading research, **Seeing is believing!**

We will then demonstrate how thousands of schools and colleges are already correcting reading problems with computer programs-Levels 1-Adult!

Understand why the **PTA** Resolution was passed!

What you don't know <u>does effect</u> your students.

Visagraph findings **cannot** be correlated to sex, age, race, IQ (average and above) or socioeconomic factors. Visagraph evaluations, now National Norms, conducted by 39 universities with over 14,000 students indicate that 60% are inefficient readers and can benefit from our programs, of these, 30% **<u>desperately need</u>** visual/fluency training. See tarmaced.com and then click on *Taylor Associates/Reading Plus.* Call ***800-247-2707*** or ***sales@tarmaced.com.*** to schedule a no obligation appointment. Reference/visitation sites available.
*(The *Denver Post* has called it a "Magic Bullet". Ask for a copy of the article)

LEARNING RELATED VISION PROBLEMS EDUCATION AND EVALUATION

A resolution adopted by the National PTA June 1999

Whereas, It is estimated that more than 10 million children (ages 0 to 10) suffer from vision problems; and

Whereas, Many visual skills are necessary for successful learning in the modern classroom; and skill deficiencies may contribute to poor academic performance; and

Whereas, Typical "vision" evaluations/screenings only test for a few of the necess ary learning related visual skills (distance acuity, i.e., 20/20 eyesight, stereo vision, and muscle balance), leaving most visual skill deficiencies undiagnosed; and

Whereas, Learning related vision problems, when accurately diagnosed, can be treated successfully and permanently; and

Whereas, Knowledge regarding the relationship between poorly developed visual skills and poor academic performance is not widely held among students, parents, teachers. Administrators and public health officials; now therefore be it

Resolved, That National PTA, through its constituent organizations, provide information to educate members, educators, administrators, public health officials and the public at large about learning related visual problems and the need for more comprehensive visual skills tests in school vision screening programs performed by qualified and trained personnel; and be it further

Resolved, That National PTA, through its constituent organizations, urge schools to include in their vision screening programs tests for learning related visual skills necessary for success in the classroom.

The Report Card

Summer/Fall-2001
Published Since 1957

1. Tarmac Educational Services Inc.
Our 44th year, Our mission, New Website information and downloads for users

2. A+nyWhere
New delivery system and new features for A+

3. Present A+LS Users
Completely new Reading and Language Arts titles and WorldBook for a new look

4. Tarmac Tech Services
Installation and maintenance of software

5. Professional Development
You suggested staff development for our programs and we listened.

6. Principals' Tips On Effective ILS Use Page two

Want to See what we are talking about? Need Manuals?

Our forty-fourth year: We will continue to promote only the best educational software available. Our motto is **Serving Educational Technology Since 1957.** Our mission: Promoting successful programs and staff development-supporting states' objectives. See all A+LS titles and lessons, information on A+nyWhere, and more on our website: tarmaced.com Need technical information or another manual? You can now download all of our ***A+LS*** Adobe Acrobat files. The link is: tarmaced.com/tesdownloads.htm. All the manuals, Fact Kit, Training Guides and technical information for both Mac and Windows are included. If you cannot find the information needed, call us.

A Complete New Delivery System with a Complete Curriculum Solution!

The American Education Corporation the publisher of The Advanced Learning System (A+LS) now in use on over 8,300 networks throughout the United States and Europe has listened to present customers and now can be delivered by LAN, WAN, Thin Client, and Internet.

Present customers requested:

- **Internet, WAN, Thin Client, Browser Delivery**
- **System Wide management of all student data**
- **Integration of all curricular resources including Internet, textbooks, lesson plans, and other materials.**
- **Consistent format for grades 1-12**
- **Assessment and automatic prescriptions**
- **The proven lesson format of Tutor, Application and Use of the skills in the lessons**

And they also got:

- **Complete curriculum control of state standards within the management system**
- **Smart testing**
- **66 titles in Reading, Writing, Math, Science and Social Studies with 2,699 lessons and 61,793 exercises**
- **NCS tests printed and scanned to assign lessons based on state standards.**
- **Tie in to existing schools' student information systems.**
- **Easy authoring of new subjects**
- **Management of third party software**

For more information, help or to schedule an onsite presentation: 1-800-247-2707

sales@tarmaced.com

info@tarmaced.com

support@tarmaced.com

Present A+dvanced Learning System Owners

Twenty-seven new titles with 1,218 lessons for grades 1-12 in reading and language arts replaced twelve old titles consisting of 438 lessons. This provides a more comprehensive reading and language arts curriculum that gives A+LS an almost total coverage of VA and NC State standards. These new titles **change the look** of A+LS completely with new picture quality graphics new grade appropriate content, literature included in reading lessons. Present customers can replace the old titles with the new ones at an 80% discount. See the content of all lessons on our website.

Also:

Don't forget if you have the **World Book** option a student in the ***STUDY*** mode of the **A+LS** lessons he/she is given the option to click on a **World Book** Icon. 5,915 related **World Book** articles reinforce the **A+LS** lessons.

LAN, WAN, Internet Technical Support now included with software purchases

Meet Donna Renn. Donna is a Microsoft Certified Systems Engineer, Cisco Engineer, and has experience with Citrix and Unix, She is the person that our Internet Service Provider calls for help. She is also Macintosh trained. Donna will assist you in installing your software or will help and train your technical staff on the installation and maintenance of software. She is also available to help you with any software or network problems.

Call to request a copy of our Technical newsletter titled *Tarmac Tech Talk*

Professional Development

We listened to our principals. Computer professional development is now included with all our software programs.

Tarmac Educational Services
639 Dabney Drive
Henderson, North Carolina 27536
800-247-2707 Fax: 252-438-5175

Names of products mentioned herein are used for identification purposes only and may be trademarks and/or registered trademarks of their respective companies.

A+LS 2.15 is purchased as a site license without restrictions on the number of computers using the software on a single network. The use will vary from school to school according to the number of computers and the type program using it. Some use it on a few computers for a specific group of students. Other schools have multiple computer labs and classroom computers running A+LS. Generally speaking the more use and the more organized the use, the more the scores improve. We surveyed principals that have experienced growth in school scores since purchasing A+LS. We asked them to list the techniques implemented that improved their scores. Here are some of their comments.

- **The principal must be involved. Without the educational leadership of the principal no software program will be effective. If it is not important to you, it will not be a priority for your teacher.**
- **Teachers must be involved in the computer use; they also must be comfortable in the use of the program. Each teacher should have some training and new teachers should be trained.**
- **Test data must be used to point out specific instructional needs for grades, classes, and specific students.**
- **Teachers must have a benchmark from which to measure growth. You must know where you started.**
- **A+SSESS tests must be appropriately selected and given to begin and to monitor success. What levels? What subjects?**
- **The teacher must be with the student when working on the computer. If the teacher is not there, it is telling the student that it is not really important! Teachers should also help students having trouble.**
- **A+LS must be used frequently. Students will forget from week to week if they are only in the lessons once per week. The more times the students uses the program, the more reinforcement they get, the more comfortable, motivated and enthusiastic they become**
- **A+LS should be a continuation of the learning that is taking place in the regular classroom. It should be used to add efficiency to teacher's goals. Lessons should be available for remediation, to match IEPs for developmental reinforcement and for enrichment.**
- **Protect your instructional time. If students are going to the lab three times a week, this should be protected. Lab time is instructional time. It should be protected.**
- **The teacher/lab director should be printing and sharing the results of the A+LS experiences on a weekly basis. The only way to ensure effective use of an instructional program is to keep up with the patterns of growth and learning.**
- **The principal/supervisor should informally ask about the computer sessions. This says, "I know the time you are using here is valuable."**
- **<u>Questions on Effective teaching Techniques:</u>**
- **Is the teacher aware of the varied levels of computer skills of the class members? If a student has little or no computer experience he or she can be very bright and will have to work so slowly that the true academic level of that child is hidden.**
- **How much time passes between the time each student enters the lab and that student is in the program?**
- **How many questions do various students repeat? What types of questions are they? How many are procedural? What level of student confidence do you see?**
- **How are new students entered into the system? Are the appropriate A+SSESS tests given? Are reports printed, shared, and discussed where appropriate?**
- **Do teachers use the ESSAY mode to evaluate students' knowledge of the lessons while developing higher order thinking and writing skills?**

Results compiled by Tarmac Educational Services, the exclusive A+S distributor for VA and NC. 1-800-247-2707, tarmaced.com. Do you want to add to or make comments on the above? info@tarmaced.com, support@tarmaced.com, or sales@tarmaced.com

Please call for reference sites in your area.

The Report Card

Winter/Spring 2000/01
(Published Since 1957)

1. **Tarmac Educational Services Inc.** Our mission.
2. **New Reading Plus Versions** For Win and Mac
3. **Home Study CDs** New additions, now ready
4. **Visagraph Hits Headlines** Newspaper articles get Visagraph national attention
5. **D-Code, Word Memory for Networks.** Soon
6. **Letter Sounds CD** Explicit Phonics Instruction from Dr. Donald Durrell.

Tarmac Educational Services Inc. (TES)

639 Dabney Drive
Henderson, North Carolina 27536
800-247-2707 Fax: 252-438-5175
http://www.tarmaced.com **(many new features-correlations etc.)**
Taylor Associates:
www.ta-comm.com

During our forty-third year, we will continue to promote only the best educational technology available. Our motto is **Serving Educational Technology Since 1957.** Our mission: Promoting successful programs and staff development keyed to states' objectives.

New Reading Plus Versions Released

The new versions of ***Reading Plus*** system are unique in the reading industry. They include computer testing and study with over 3,000 lessons plus accompanying "off line" support activities covering reading levels 1 through College. The **Computer Placement Appraisal** (CPA) and the **Visagraph** are used for testing and placement.

"From low performing in 1996-1997, we have been exemplary for the past three years. Your products such as the **Visagraph, Reading Plus** and **A+LS** have helped us to attain our good academic growth." Winston Kerley, Principal, L. B. Yancey Elementary School. (99% free and reduced lunches) Vance County NC.

"The Visagraph has enabled our teachers to identify problems with eye movement behavior that directly affect comprehension. Our school is committed to having all students complete three **Guided Reading** lessons and one **Cloze Plus** lesson each week. Morgan County Elem. fully supports these programs because of the reading improvements we have seen." Jean Triplett, Principal, Morgan County Elem. School, Morgan Co. GA.

Call for research bulletins, visitation sites and/or an on-site presentation on **Reading Plus**. If you have the equipment and are serious, T/A can provide a ninety-day trial. 1-800-247-2707

CDs for School-Home Study Programs

Schools, Title I Programs, Private Clinics, Libraries, Churches, and Service Clubs can now purchase home school study programs. These proven programs on CDs are titled ***Fluency Power, Vocabulary Power, Accelerated Comprehension, D-Code, Word Memory*** and ***R.E.A.D.*** They cover skills from beginning reading through twelfth grade. Schools now can test students with the ***Visagraph and when they find reading problems, send the appropriate CDs home to help correct the problems.*** A follow-up Visagraph test will show gains made.

Visagraph Getting National Attention

Already being purchased worldwide, called a **Magic Bullet** in Reading by the *Denver Post*, and touted in other newspaper headlines from Montana, through Texas, the Visagraph is receiving national attention. What is the ***Visagraph***? It is an eye-movement recording system that measures the efficiency of students while reading. Since the first act of reading is physical, there are many causes for poor reading in addition to usual reading problems. Thirty-nine universities have tested 1,000 students at each grade level, 1-12 to develop national norms. We will come to your school, test your readers, show national norms and let you read through a good and a poor reader's eyes. You will see the difference.

D-Code and Word Memory Network Versions

The very successful **CD-ROM** programs, ***D-Code*** (a quick and efficient way of developing decoding mastery for elementary and older students researched and developed by Gerald and Esther Glass at Adelphi and Long Island Universities). And the ***Word Memory*** program (created to develop automaticity in word recognition and visual/functional proficiency) can enhance any beginning reading program. The network versions are scheduled for release soon.

Learning Letter Sounds

"Understanding the alphabetic principal-the relationship between written letters and speech sounds" is the first achievement needed to learn to read as listed by Dr. Catharine Snow who led the 17-member reading research panel. (Complete newspaper article available). National reading research (100,000 research studies) reported on *www.nationalreadingpanel.org* also confirms these findings. With more demands being placed on teachers, it's virtually impossible to provide the individualized instruction that many children need. There just isn't enough time. Designed for Pre-school through first grade, the ***Learning Letter Sounds (CD)*** provides more individualized instruction. It helps give teachers more time to teach. Students don't know that carefully designed criterion referenced tests are seamlessly imbedded in the program to assure accurate placement in lessons and through measurement of student performance after each lesson. 80% mastery is required before assignments are made on additional specific objectives.

Names of products mentioned herein are used for identification purposes only and may be trademarks and/or registered trademarks of their respective companies.

The following schools have graciously consented to be contacted with regard to their successful implementation of Reading Plus 2000 Programs.

Robert A. Gross
Benito Martinez Elementary School
El Paso, Texas
(915) 857-4340

Mike Reece
Jonesboro Adult Education
Jonesboro, Arkansas
(501) 933-5896

Diana Duncan
El Paso High School
El Paso, Texas
(915) 533-2044

Rita Fuentes
Job Corps
El Paso, Texas
(915) 594-0022

Vicki Shotwell
Butler Co. Spec. Ed. CoOp.
Aldorando, Kansas
(316) 321-2780

Dr. N Windsor Eagle
Salisbury High School
Salisbury, NC
(704) 636-1221

Thomas Riggs
Hawkins Middle School
Hawkins, Texas
(903) 769-2181

Jodi Porter
Treasure Valley Community College
Ontario, Oregon
(503) 889-6493 Ext. 335

Fran Palk
Portland Community College
Portland, Oregon
(503) 244-6111 Ext. 4540

Jan Norwood
Coahoma Elementary School
Coahoma, Texas
(915) 394-4323

Wright Anderson, Principal
John T. Hoggard High School
Wilmington, North Carolina
(910)-350-2072

Billy Espino
Fort Stockton Intermediate School
Fort Stockton, Texas
(915) 336-3286

Tom Jarrett
Itasca High School
Itasca, Texas
(817) 687-2922 Ext. 115

Virginia Miller
Mansfield Elementary/Middle School
Mansfield, Louisiana
(318) 872-1309

Martha Hankins
Saline High School
Saline, Louisiana
(318) 576-3215

Gloria Allingham
Anaheim Union High School
Anaheim, California
(714) 999-3788

Dr. Pat Simpson
Abline Christian University
Abilene, Texas
(915) 674-2121

Steve West
Valley View Jr. High School
Amarillo, Texas
(806) 358-7551

Karen Hauk
Bellevue Community College
Bellevue, Washington
(206) 641-2037

Jan Mayberry
Purcell Elementary School
Purcell, Oklahoma
(405) 527-5506

Tom Meagher
Kennedy Middle School
Hays, Kansas
(785) 623-2470

Mr. Winston Kerley
L. B. Yancey Elementary School
Henderson, NC
(252) 438 8336

Danny Selvin
Booker T. Washington Middle School
New York, New York
(212) 678-2861

Dinah Haertlein
Southside Middle School
Batesville, Arkansas
(870) 251-2332

Virginia Butler
Howard Payne University
Brownwood, Texas
(915) 646-2502

Dr. Mark Englander
Joseph Harp Corrective Cen.
Lexington, Oklahoma
(405) 527-5593

Jackye Leonard
Rule Independent School
Rule, Texas 79547
(817) 997-2521

Jackie Felton
Mesa Verde Middle School
8375 Entreken Way
San Diego, California
(619) 538-5478

Jeanne Beckman
San Diego Community
College.
3249 Frodham St.
San Diego, California
(619) 221-6958

Linda Reeder
Sarepta High School
Sarepta, Louisiana
(318) 847-4887

Judy Bushman
Wibaux Public Schools
Wibaux, Montana
(406) 795-2474

H. Van Blake, Principal
Janet Ward, Technology
West Pender Middle Schooll
Burgaw, North Carolina
(910)283-7639

Patricia Talley
Educational Cultural Complex
San Diego California
(619) 527-5244

Dr. Linda Little/Dianne Ervin
Baily Intermediate School
Paris, Texas
(903) 737-7997

Dr.Harold A. Solan, OD
State College of Optometry
New York, NY
(212) 780 4900

(Many additional references available)

Lelia B. Yancey Elementary School

311 Hawkins Drive, Henderson, N. C. 27536
Tel. 252-438-8336, FAX 252-431-1408

September 29, 2000

Mr. Emory Taylor, President
TARMAC, Inc.
639 Dabney Drive
Henderson, N. C. 27536

Dear Emory,

Once againYancey Elementary School has been recognized for having exemplary growth during the 1999 - 2000 school year. This makes three years in a row that our school has been recognized by the State Board of Education for having growth above the state average.

I want to thank you and your staff for your assistance in helping us to achieve this recognition again. I feel that your products such as A+ LS, Visagraph, D-Code, Reading Plus, and Word Memory have helped us to attain our good academic growth. In addition to good products, your support has been outstanding. Our use of computer labs and classroom computer centers has been a model for Vance County Schools.

Again, thank you for your fine support during the past school year. We look forward to working with you in the 2000 - 2001 school year.

Sincerely,

Winston Kerley

Winston Kerley
Principal

Lelia B. Yancey Elementary School

311 Hawkins Drive, Henderson, N.C. 27536
Tel. 252-438-8336, FAX 252-431-1408

August 10, 1998

Mr. Emory Taylor
TARMAC
720 Oak Street
Henderson, N. C. 27536

Dear Emory,

I just want to thank you, Greg, and everyone else at TARMAC for your assistance to L. B.Yancey Elementary School. You will recall that Yancey School was designated "low performing" for the 1996 - 1997 school year. I am pleased to say that the State Board of Education has now designated us "exemplary" for the 1997 - 1998 school year.

I feel that your fine help was an important part of our being exemplary last school year. We used the A+ software in our new computer lab with impressive results. We also used A+ in our after school tutoring sessions with students in grades 3 - 6.

Again, thank you for all that you did for us. TARMAC gives the best support of any vendor that I have ever used.

Yours truly,

Winston Kerley

Winston Kerley
Principal

Lelia B. Yancey Elementary School

311 Hawkins Drive, Henderson, N. C. 27536
Tel. 252-438-8336, FAX 252-431-1408

August 10, 1999

Mr. Emory Taylor, President
TARMAC, Inc.
639 Dabney Drive
Henderson, N. C. 27536

Dear Emory,

Yancey Elementary School has been recognized again for having exemplary growth during the 1998 - 1999 school year. For the second year in a row our school has been recognized by the State Board of Education for having growth above the state average.

I want to thank you and your staff for your assistance in helping us to achieve this recognition again. I feel that your products such as A+ LS, Visagraph, D-Code, and Word Memory have helped us to attain our good academic growth. In addition to good products, your support has been outstanding. We have only to pick up the phone to get help. TARMAC always gives excellent support!

Again, thank you for your fine support during the past school year. We look forward to working with you in the 1999 - 2000 school year.

Sincerely,

Winston Kerley

Winston Kerley
Principal

PARKLAND HIGH SCHOOL
1600 BREWER ROAD
WINSTON-SALEM, N.C. 27127

April 24, 2001

Bob Poindexter, Educational Consultant
Tarmac Educational Services
639 Dabney Drive
Henderson, NC 27536

Dear Mr. Poindexter:

We have been so thrilled with our TARMAC (A+ dvanced Learning System) content software. Our teachers are using the program in all of our core subject areas. It has made such a difference in so many of our students' lives. The program is so user friendly and allows students the opportunity to receive individualized instruction. This is such an advantage to our students.

In the beginning our A+LS program was used exclusively for remediation. For example, at the end of our first year using the A+LS software, our average Algebra I test scores increased by 21 points on the End of Course tests. Many of our teachers are now using the A+LS lessons for review in upper level courses, like biology, history and math.

During the past year, we have added the Reading Plus 2000 software program to help improve reading proficiency in all subject areas. We have begun the process of diagnosing our students by using the "high tech" Visagraph, to find specific physical eye problems causing reading deficiencies in our students. All ninth graders are being evaluated and appropriate corrective Reading Plus lessons are being prescribed for individual students.

Over a two-year period, we have improved our overall proficiency level from 39% to 54% and expect additional increases in the future.

Thank you for introducing Parkland High School to the A+LS and Reading Plus 2000 software.

Sincerely,

Harold L. Smith

Harold L. Smith
Principal

RECEIVED FEB 17 2000

Accelerated Performance
Vision Training Specialists
Dr. Edvin Mamiko
Developmental Optometrist

1776 S. Jackson St., Suite 220
Denver, Colorado 80210
(303) 691-9128
Fax (303) 691-9129

Governor Bill Owens
136 State Capitol
Denver, CO 80203-1792

November 11, 1999

Dear Governor Owens,

As a Developmental Optometrist with thirty years experience in diagnosing and successfully treating dyslexia, Attention Deficit Disorder, learning disabilities, and enhancing the reading performance of "normal" students, I am writing to offer you some solutions to the statewide problem of low reading scores.

Eighty percent of all information processing is visual, therefore, any defects have a huge impact on reading performance. Twenty percent of students entering school do not have adequate visual skills to succeed in the school environment. Our present method of vision screening is inadequate to identify these problems. As a consequence, these students struggle throughout their school career. Many problems are missed due to the present methods used in vision screening. Children are tested at twenty feet, one eye at a time. School activities require use of both eyes together, therefore, the testing needs to be done in a reading environment, where the problems lie, with *both* eyes evaluated for acuity, binocular function, and ease of performance.

When children have functional visual impairments, remedial reading and learning disability training are not effective because these programs do not address the real problem. This is the reason that most children stay in special education programs for the duration of their school career. These programs have been teaching the children to "limp" more efficiently rather than helping them *eliminate* the "limp".

OVER

In the early 1990's, the Coors Foundation sponsored a multi-disciplinary study of school screening and developed an effective and efficient system, which is available through the Colorado Department of Education. If implemented, it would go a long way toward helping to identify the children with functional visual problems.

A new computer based device called a Visagraph is now available to identify the *eye movement* patterns during reading. A child wears goggles with sensors while reading age appropriate materials. The Visagraph identifies how much one sees per look, how much time is spent per look, how many times *one looks backwards*, how the eyes coordinate and how much one comprehends. The machine is inexpensive, easy for teachers to use, and finally, it gives us a total reading performance picture. A good reader's pattern looks like a set of stairs, while a poor reader's pattern appears like someone walking down an irregular hillside. The Visagraph is the first device that identifies eye movements and binocular function during reading, has been researched by over 200 universities and is used worldwide to help improve reading.

It would take minimal time and money to train teachers to administer the Visagraph screening. The evaluation needs to be done in the educational setting, where teachers are already well trained and experienced in remediation of reading skills. Many turn-key computer programs are also available that are very efficient and cost effective.

Several school districts in Colorado have already started using the Visagraph testing and remediation programs, and have had very good results in the improvement of reading skill levels. In Texas, where this system has been in use for more than three years, the results have been dramatic even in the most disadvantaged schools.

Our present educational methods and strategies regarding reading skills have not worked, and will not until the accurate *identification* of reading problems is addressed. Please contact me, or the other people I have listed, for further information.

Sincerely,

Edwin Manniko OD

Dr. Edvin Manniko
Developmental Optometrist

Your Visagraph representative: Tarmac Educational Services
1-800-247-2707

HOUSE EDUCATION COMMITTEE MEETING

NOVEMBER 13, 2001

The House Education Committee met on November 13, 2001 at 11:00 am in Room 643 in the Legislative Office Building. The attendance sheet indicates the members present.

Rep. Warner presided over the meeting.

The following bill was discussed:

SENATE BILL 990, NO DISCLOSURE OF STUDENT INFO. TO 3RD PARTIES

Sen. Rand was called on to explain **SENATE BILL 990, NO DISCLOSURE OF STUDENT INFO. TO 3RD PARTIES.** Rep. Bonner made a motion to adopt committee substitute. Rep. Womble moved for the a favorable report to the committee substitute, unfavorable to original bill. Motion passed.

Rep. Michaux offered an amendment and it passed after motion. Rep. Johnson offered an amendment and it passed after motion.

Meeting adjourned.

Rep. Alex Warner, Co-chair

Rep. Donald Bonner, Co-chair

Phyllis Cameron, Committee Clerk

11/14

2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

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

☒ ~~Committee~~ House Committee Substitute for
S.B.990 A BILL TO BE ENTITLED AN ACT TO PROHIBIT PERSONS CONTRACTING WITH THE PUBLIC SCHOOLS FROM DISCLOSING INFORMATION ABOUT STUDENTS FOR A BUSINESS PURPOSE AND TO MAKE EMERGENCY RESPONSE PLANS CONFIDENTIAL.

☐ With a favorable report.

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

☐ With a favorable report, as amended.

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

☒ With a favorable report as to ~~committee~~ House substitute bill (# 2), ☒ which changes the title, unfavorable as to ~~(original bill)~~ House Committee Substitute Bill # 1). ~~(and recommendation that the committee substitute bill #) be re-referred to the Committee on ,)~~

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

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

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

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

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

☐ Without prejudice.

☐ With an indefinite postponement report.

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

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

2/15/01

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

SESSION LAW 2001-500
SENATE BILL 990

AN ACT TO PROHIBIT PERSONS CONTRACTING WITH THE PUBLIC SCHOOLS FROM DISCLOSING PERSONALLY IDENTIFIABLE INFORMATION ABOUT STUDENTS, TO AUTHORIZE SUSPENSIONS OF UP TO 365 DAYS FOR STUDENTS WHO MAKE CERTAIN FALSE THREATS, PERPETRATE CERTAIN HOAXES, OR THREATEN AN ACT OF TERRORISM, AND TO MAKE EMERGENCY RESPONSE PLANS CONFIDENTIAL.

The General Assembly of North Carolina enacts:

SECTION 1. Chapter 115C of the General Statutes is amended by adding a new section to read:

"**§ 115C-401.1. Prohibition on the disclosure of information about students.**

(a) It is unlawful for a person who enters into a contract with a local board of education or its designee to sell any personally identifiable information that is obtained from a student as a result of the person's performance under the contract. This prohibition does not apply if the person obtains the prior written authorization of the student's parent or guardian. This authorization shall include the parent's or guardian's original signature. The person shall not solicit this authorization and signature through the school's personnel or equipment or on school grounds.

(b) The following definitions apply in this section:

(1) 'Contract' means a contract for the provision of goods or services.

(2) 'Personally identifiable information' means any information directly related to a student, including the student's name, birthdate, address, social security number, individual purchasing behavior or preferences, parents' names, telephone number, or any other information or identification number that would provide information about a specific student.

(3) 'Sell' means sell or otherwise use for a business or marketing purpose.

(c) A violation of subsection (a) of this section shall be punished as a Class 2 misdemeanor, and when the defendant is an organization as defined in G.S. 15A-773(c) the fine shall be five thousand dollars ($5,000) for the first violation, ten thousand dollars ($10,000) for a second violation, and twenty-five thousand dollars ($25,000) for a third or subsequent violation.

(d) Nothing in this section shall preclude the enforcement of civil remedies as otherwise provided by law.

(e) Nothing in this section prohibits the identification and disclosure of directory information in compliance with federal law and local board of education policy or procedure."

SECTION 2. G.S. 143-318.11 is amended by adding a new subdivision to read:

"(8) To formulate plans by a local board of education relating to emergency response to incidents of school violence."

SECTION 3. G.S. 115C-47 is amended by adding a new subdivision to read:

"(40) To adopt emergency response plans. – Local boards of education may adopt emergency response plans relating to incidents of school

violence. These plans are not a public record as the term 'public record' is defined under G.S. 132-1 and shall not be subject to inspection and examination under G.S. 132-6."

SECTION 3.1. Chapter 132 of the General Statutes is amended by adding the following new section to read:

"**§ 132-1.6. Emergency response plans.**

Emergency response plans adopted by a constituent institution of The University of North Carolina, a community college, or a public hospital as defined in G.S. 159-39 and the records related to the planning and development of these emergency response plans are not public records as defined by G.S. 132-1 and shall not be subject to inspection and examination under G.S. 132-6."

SECTION 4. G.S. 115C-391 is amended by adding the following new subsection to read:

"(d4) A local board of education or superintendent may suspend for up to 365 days any student who:

(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-sponsored curricular or extracurricular activity off educational property any device, substance, or material designed to cause harmful or life-threatening illness or injury to another person;

(2) With intent to perpetrate a hoax, conceals, places, disseminates, or displays on educational property or at a school-sponsored curricular or extracurricular activity off educational property any device, machine, instrument, artifact, letter, package, material, or substance, so as to cause any person reasonably to believe the same to be a substance or material capable of causing harmful or life-threatening illness or injury to another person;

(3) Threatens to commit on educational property or at a school-sponsored curricular or extracurricular activity off educational property an act of terror that is likely to cause serious injury or death, when that threat is intended to cause a significant disruption to the instructional day or a school-sponsored activity or causes that disruption;

(4) Makes a report, knowing or having reason to know the report is false, that there is about to occur or is occurring on educational property or at a school-sponsored curricular or extracurricular activity off educational property an act of terror that is likely to cause serious injury or death, when that report is intended to cause a significant disruption to the instructional day or a school-sponsored activity or causes that disruption; or

(5) Conspires to commit any of the acts described in this subsection."

SECTION 5. G.S. 115C-391(e) reads as rewritten:

"(e) A decision of a superintendent under subsection (c), (d1), (d2), ~~or (d3)~~ (d3), or (d4) 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 6. G.S. 115C-45(c), as amended by S.L. 2001-260, reads as rewritten:

"(c) Appeals to Board of Education and to Superior Court. – An appeal shall lie to the local board of education from any final administrative decision in the following matters:

(1) The discipline of a student under G.S. 115C-391(c), (d), (d1), (d2), ~~or (d3);~~(d3), or (d4);
(2) An alleged violation of a specified federal law, State law, State Board of Education policy, State rule, or local board policy, including policies regarding grade retention of students;
(3) The terms or conditions of employment or employment status of a school employee; and
(4) Any other decision that by statute specifically provides for a right of appeal to the local board of education and for which there is no other statutory appeal procedure.

As used in this subsection, the term "final administrative decision" means a decision of a school employee from which no further appeal to a school administrator is available.

Any person aggrieved by a decision not covered under subdivisions (1) through (4) of this subsection shall have the right to appeal to the superintendent and thereafter shall have the right to petition the local board of education for a hearing, and the local board may grant a hearing regarding any final decision of school personnel within the local school administrative unit. The local board of education shall notify the person making the petition of its decision whether to grant a hearing.

In all appeals to the board it is the duty of the board of education to see that a proper notice is given to all parties concerned and that a record of the hearing is properly entered in the records of the board conducting the hearing.

The board of education may designate hearing panels composed of not less than two members of the board to hear and act upon such appeals in the name and on behalf of the board of education.

An appeal of right brought before a local board of education under subdivision (1), (2), (3), or (4) of this subsection may be further appealed to the superior court of the State on the grounds that the local board's decision is in violation of constitutional provisions, is in excess of the statutory authority or jurisdiction of the board, is made upon unlawful procedure, is affected by other error of law, is unsupported by substantial evidence in view of the entire record as submitted, or is arbitrary or capricious. However, the right of a noncertified employee to appeal decisions of a local board under subdivision (3) of this subsection shall only apply to decisions concerning the dismissal, demotion, or suspension without pay of the noncertified employee. A noncertified employee may request and shall be entitled to receive written notice as to the reasons for the employee's dismissal, demotion, or suspension without pay. The notice shall be provided to the employee prior to any local board of education hearing on the issue. This subsection shall not alter the employment status of a noncertified employee."

SECTION 6.1. G.S. 115C-391(d4) as enacted by S.L. 2001-244 is recodified as G.S. 115C-391(d5).

SECTION 7. Section 1 of this act is effective when it becomes law and applies to contracts entered into, renewed, or modified after that date. Sections 4-6 of this act become effective February 1, 2002. The remainder of this act is effective when it becomes law.

In the General Assembly read three times and ratified this the 6th day of December, 2001.

s/ Beverly E. Perdue
President of the Senate

s/ Joe Hackney
Speaker Pro Tempore of the House of Representatives

s/ Michael F. Easley
Governor

Approved 7:25 p.m. this 19th day of December, 2001

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

S 2

SENATE BILL 990

Judiciary I Committee Substitute Adopted 4/18/01

Short Title: No Disclosure of Student Info to 3rd Parties. (Public)

Sponsors:

Referred to:

April 5, 2001

A BILL TO BE ENTITLED

AN ACT TO PROHIBIT PERSONS CONTRACTING WITH THE PUBLIC SCHOOLS FROM DISCLOSING INFORMATION ABOUT STUDENTS FOR A BUSINESS PURPOSE.

The General Assembly of North Carolina enacts:

SECTION 1. Chapter 115C of the General Statutes is amended by adding a new section to read:

"**§ 115C-401.1. Prohibition on the disclosure of information about students.**

(a) A person who enters into a contract with a local board of education for the provision of goods or services shall not sell or otherwise use for a business purpose other than the performance of its obligations under the contract any information about students that it gains incidental to its performance under the contract unless the students' parents or guardians authorize such use of information.

(b) A violation of this section shall be punished as a Class 2 misdemeanor and when the defendant is an organization as defined in G.S. 15A-773(c) the fine shall be five thousand dollars ($5,000) for the first violation, ten thousand dollars ($10,000) for a second violation, and twenty-five thousand dollars ($25,000) for a third or subsequent violation.

(c) Nothing in this section shall preclude the enforcement of civil remedies as otherwise provided by law."

SECTION 2. This act is effective when it becomes law and applies to contracts entered into, renewed, or modified after that date.

11/13

SENATE BILL 990:
No Disclosure of Student Info to 3rd Parties.

BILL ANALYSIS

Committee:	House Education	**Introduced by:**	Sen. Rand
Date:	November 13, 2001	**Summary by:**	Robin Johnson
Version:	S990-CSRH-57 [v.9]		Committee Counsel

The PCS makes clarifying changes, such as adding a definitions section – and in particular, defining "personally identifiable information."

SUMMARY: Senate Bill 990 would prohibit persons who contract with local boards of education from using personally identifiable student information obtained from the student, linked to the student's individual purchasing behavior or preferences, and without authorization from the parents.

The bill also would authorize local boards of education to formulate emergency response plans in closed session and make those plans confidential by removing them from the definition of a public record.

This committee gave an earlier version of this bill a favorable report in June. Subsequently, it was re-referred to House Judiciary III, which added the provisions related to the emergency response plans.

DISCLOSURE OF STUDENT INFORMATION: Senate Bill 990 would prohibit a person that contracts with a local board of education from selling or using for a business or marketing purpose any personally identifiable student information obtained from the student and linked to that student's individual purchasing behavior or preferences. This prohibition would not apply if the person obtains the prior written authorization of the student's parent that the information can be used. The authorization must include the parent's original signature, and may not be solicited through the school's personnel or equipment. The term "personally identifiable information" is defined in subsection (b) of the new G.S. 115C-401.1.

Violation would be a Class 2 misdemeanor. Generally, the minimum punishment for a Class 2 misdemeanor, assuming no prior convictions, is 1-30 days of community punishment or a fine no greater than $1000, or both. However, for violations of this new section, if the defendant is a corporation, unincorporated association, partnership, body politic, consortium, or other group, entity, or organization, the fine would be $5,000 for the first violation, $10,000 for a second violation, and $25,000 for a third or subsequent violation.

CURRENT LAW: Current law specifies that a student's official record is not a public record. However, under State and federal law, schools may disclose personally identifiable information about students if they notify the parents prior to disclosure. This disclosure must identify what information may be disclosed and for what purposes (for example, as part of a student directory). Parents who do not wish for this information to be disclosed may sign a document to that effect. It is possible, however, for students to provide personally identifiable information – particularly while on the Internet. Apparently some computer Internet educational software vendors have been collecting information on students based on their use of educational software they are providing to the schools and have been selling or using this information for business or marketing purposes.

CONFIDENTIALITY OF SCHOOL EMERGENCY RESPONSE PLANS: The bill also would add a provision to the Public Meetings Law, which would authorize local boards of education to formulate emergency response plans to incidents of school violence in closed session. It also adds a provision to the powers and duties of local board of education authorizing the adoption of emergency response plans relating to incidents of school violence, and excluding these plans from the definition of a public record under the Public Records law.

CURRENT LAW: Currently, these plans are public records and must be discussed in an open meeting.

EFFECTIVE DATE: The bill would become effective when it becomes law. Section 1 would apply to contracts entered on or after that date.

S990-SMRH-005: O. Walker Reagan and Karen Cochrane Brown contributed to this summary.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

S D

SENATE BILL 990
Judiciary I Committee Substitute Adopted 4/18/01
House Committee Substitute Favorable 8/9/01
PROPOSED HOUSE COMMITTEE SUBSTITUTE S990-PCS8274-RH-57

Short Title: No Disclosure of Student Info to 3rd Parties. (Public)

Sponsors:

Referred to:

April 5, 2001

A BILL TO BE ENTITLED

AN ACT TO PROHIBIT PERSONS CONTRACTING WITH THE PUBLIC SCHOOLS FROM DISCLOSING PERSONALLY IDENTIFIABLE INFORMATION ABOUT STUDENTS, TO AUTHORIZE SUSPENSIONS OF UP TO 365 DAYS FOR STUDENTS WHO MAKE CERTAIN FALSE THREATS, PERPETRATE CERTAIN HOAXES, OR THREATEN AN ACT OF TERRORISM, AND TO MAKE EMERGENCY RESPONSE PLANS CONFIDENTIAL.

The General Assembly of North Carolina enacts:

SECTION 1. Chapter 115C of the General Statutes is amended by adding a new section to read:

"**§ 115C-401.1. Prohibition on the disclosure of information about students.**

(a) It is unlawful for a person who enters into a contract with a local board of education or its designee to sell any personally identifiable information that is obtained from a student as a result of the person's performance under the contract and that is linked to that student's individual purchasing behavior or preferences. This prohibition does not apply if the person obtains the prior written authorization of the student's parent or guardian. This authorization shall include the parent's or guardian's original signature. The person shall not solicit this authorization and signature through the school's personnel or equipment or on school grounds.

(b) The following definitions apply in this section:

(1) 'Contract' means a contract for the provision of goods or services.

(2) 'Personally identifiable information' means any information directly related to a student that is protected from disclosure by State or federal law, including the student's name, birthdate, address, social security number, parents' names, telephone number, or any other information or

identification number that would provide information about a specific student.

(3) 'Sell' means sell or otherwise use for a business or marketing purpose.

(c) A violation of this section shall be punished as a Class 2 misdemeanor, and when the defendant is an organization as defined in G.S. 15A-773(c) the fine shall be five thousand dollars ($5,000) for the first violation, ten thousand dollars ($10,000) for a second violation, and twenty-five thousand dollars ($25,000) for a third or subsequent violation.

(d) Nothing in this section shall preclude the enforcement of civil remedies as otherwise provided by law.

(e) Nothing in this section prohibits the identification and disclosure of directory information in compliance with federal law and local board of education policy or procedure."

SECTION 2. G.S. 143-318.11 is amended by adding a new subdivision to read:

"(8) To formulate plans by a local board of education relating to emergency response to incidents of school violence."

SECTION 3. G.S. 115C-47 is amended by adding a new subdivision to read:

"(40) To adopt emergency response plans. – Local boards of education may adopt emergency response plans relating to incidents of school violence. These plans are not a public record as the term 'public record' is defined under G.S. 132-1 and shall not be subject to inspection and examination under G.S. 132-6."

SECTION 4. G.S. 115C-391 is amended by adding the following new subsection to read:

"(d4) A local board of education or superintendent may suspend for up to 365 days any student who:

(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-sponsored curricular or extracurricular activity off educational property any device, substance, or material designed to cause harmful or life-threatening illness or injury to another person;

(2) With intent to perpetrate a hoax, conceals, places, disseminates, or displays on educational property or at a school-sponsored curricular or extracurricular activity off educational property any device, machine, instrument, artifact, letter, package, material, or substance, so as to cause any person reasonably to believe the same to be a substance or material capable of causing harmful or life-threatening illness or injury to another person;

(3) Threatens to commit on educational property or at a school-sponsored curricular or extracurricular activity off educational property an act of

terror that is likely to cause serious injury or death, when that threat is intended to cause a significant disruption to the instructional day or a school-sponsored activity or causes that disruption;

(4) Makes a report, knowing or having reason to know the report is false, that there is about to occur or is occurring on educational property or at a school-sponsored curricular or extracurricular activity off educational property an act of terror that is likely to cause serious injury or death, when that report is intended to cause a significant disruption to the instructional day or a school-sponsored activity or causes that disruption; or

(5) Conspires to commit any of the acts described in this subsection."

SECTION 5. G.S. 115C-391(e) reads as rewritten:

"(e) A decision of a superintendent under subsection (c), (d1), (d2), ~~or (d3)~~ (d3), or (d4) 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 6. G.S. 115C-45(c), as amended by S.L. 2001-260, reads as rewritten:

"(c) Appeals to Board of Education and to Superior Court. – An appeal shall lie to the local board of education from any final administrative decision in the following matters:

(1) The discipline of a student under G.S. 115C-391(c), (d), (d1), (d2), ~~or (d3);~~(d3), or (d4);

(2) An alleged violation of a specified federal law, State law, State Board of Education policy, State rule, or local board policy, including policies regarding grade retention of students;

(3) The terms or conditions of employment or employment status of a school employee; and

(4) Any other decision that by statute specifically provides for a right of appeal to the local board of education and for which there is no other statutory appeal procedure.

As used in this subsection, the term "final administrative decision" means a decision of a school employee from which no further appeal to a school administrator is available.

Any person aggrieved by a decision not covered under subdivisions (1) through (4) of this subsection shall have the right to appeal to the superintendent and thereafter shall have the right to petition the local board of education for a hearing, and the local board may grant a hearing regarding any final decision of school personnel within the local

school administrative unit. The local board of education shall notify the person making the petition of its decision whether to grant a hearing.

In all appeals to the board it is the duty of the board of education to see that a proper notice is given to all parties concerned and that a record of the hearing is properly entered in the records of the board conducting the hearing.

The board of education may designate hearing panels composed of not less than two members of the board to hear and act upon such appeals in the name and on behalf of the board of education.

An appeal of right brought before a local board of education under subdivision (1), (2), (3), or (4) of this subsection may be further appealed to the superior court of the State on the grounds that the local board's decision is in violation of constitutional provisions, is in excess of the statutory authority or jurisdiction of the board, is made upon unlawful procedure, is affected by other error of law, is unsupported by substantial evidence in view of the entire record as submitted, or is arbitrary or capricious. However, the right of a noncertified employee to appeal decisions of a local board under subdivision (3) of this subsection shall only apply to decisions concerning the dismissal, demotion, or suspension without pay of the noncertified employee. A noncertified employee may request and shall be entitled to receive written notice as to the reasons for the employee's dismissal, demotion, or suspension without pay. The notice shall be provided to the employee prior to any local board of education hearing on the issue. This subsection shall not alter the employment status of a noncertified employee."

SECTION 7. Section 1 of this act is effective when it becomes law and applies to contracts entered into, renewed, or modified after that date. Sections 4-6 of this act become effective February 1, 2002. The remainder of this act is effective when it becomes law.

11/13

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

S D

SENATE BILL 990

Judiciary I Committee Substitute Adopted 4/18/01
House Committee Substitute Favorable 8/9/01
PROPOSED HOUSE COMMITTEE SUBSTITUTE S990-CSRH-57 [v.9]

11/8/2001 12:48:40 PM

Short Title: No Disclosure of Student Info to 3rd Parties. (Public)

Sponsors:

Referred to:

April 5, 2001

A BILL TO BE ENTITLED

AN ACT TO PROHIBIT PERSONS CONTRACTING WITH THE PUBLIC SCHOOLS FROM DISCLOSING PERSONALLY IDENTIFIABLE INFORMATION ABOUT STUDENTS AND TO MAKE EMERGENCY RESPONSE PLANS CONFIDENTIAL.

The General Assembly of North Carolina enacts:

SECTION 1. Chapter 115C of the General Statutes is amended by adding a new section to read:

"**§ 115C-401.1. Prohibition on the disclosure of information about students.**

(a) It is unlawful for a person who enters into a contract with a local board of education to sell any personally identifiable information that is obtained from a student as a result of the person's performance under the contract and that is linked to that student's individual purchasing behavior or preferences. This prohibition does not apply if the person obtains the prior written authorization of the student's parent or guardian. This authorization shall include the parent's or guardian's original signature. The person shall not solicit this authorization and signature through the school's personnel or equipment or on school grounds.

(b) The following definitions apply in this section:

(1) `Contract' means a contract for the provision of goods or services.

(2) `Personally identifiable information' means any information directly related to a student that is protected from disclosure by State or federal law, including the student's name, birthdate, address, social security number, parents' names, telephone number, or any other information or identification number that would provide information about a specific student.

(3) `Sell' means sell or otherwise use for a business or marketing purpose.

(c) A violation of this section shall be punished as a Class 2 misdemeanor, and when the defendant is an organization as defined in G.S. 15A-773(c) the fine shall be five thousand dollars ($5,000) for the first violation, ten thousand dollars ($10,000) for a second violation, and twenty-five thousand dollars ($25,000) for a third or subsequent violation.

(d) Nothing in this section shall preclude the enforcement of civil remedies as otherwise provided by law.

(e) Nothing in this section prohibits the identification and disclosure of directory information in compliance with federal law and local board of education policy or procedure."

SECTION 2. G.S. 143-318.11 is amended by adding a new subdivision to read:

"(8) To formulate plans by a local board of education relating to emergency response to incidents of school violence."

SECTION 3. G.S. 115C-47 is amended by adding a new subdivision to read:

"(40) To adopt emergency response plans. – Local boards of education may adopt emergency response plans relating to incidents of school violence. These plans are not a public record as the term 'public record' is defined under G.S. 132-1 and shall not be subject to inspection and examination under G.S. 132-6."

SECTION 4. Section 1 of this act is effective when it becomes law and applies to contracts entered into, renewed, or modified after that date. The remainder of this act is effective when it becomes law.

11/13

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 990

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

S990-ARH-73 [v.1]

Date 11/13 ,2001

Comm. Sub. [YES]
Amends Title [YES]
S990-CSRH-57

Representative Johnson

moves to amend the bill on page 1, line 4, by deleting "AND" and by substituting a comma;

and on page 1, line 5, by after the word "CONFIDENTIAL" the following phrase: ", AND TO AUTHORIZE SUSPENSIONS OF UP TO 365 DAYS FOR STUDENTS WHO MAKE CERTAIN FALSE THREATS, PERPETRATE CERTAIN HOAXES, OR THREATEN AN ACT OF TERRORISM";

and on page 2, lines 20-21, by inserting between the lines the following new sections:

"**SECTION 4.** G.S. 115C-391 is amended by adding the following new subsection to read:

`(d4) A local board of education or superintendent may suspend for up to 365 days any student who:

(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-sponsored curricular or extracurricular activity off educational property any device, substance, or material designed to cause harmful or life-threatening illness or injury to another person;

(2) With intent to perpetrate a hoax, conceals, places, disseminates, or displays on educational property or at a school-sponsored curricular or extracurricular activity off educational property any device, machine, instrument, artifact, letter, package, material, or substance, so as to cause any person reasonably to believe the same to be a substance or material capable of causing harmful or life-threatening illness or injury to another person;

(3) Threatens to commit on educational property or at a school-sponsored curricular or extracurricular activity off educational property an act of terror that is likely to cause serious injury or death, when that threat is intended to cause a significant disruption to the instructional day or a school-sponsored activity or causes that disruption;

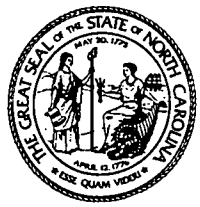
(4) Makes a report, knowing or having reason to know the report is false, that there is about to occur or is occurring on educatgional property or at a school-sponsored curricular or extracurricular activity off educational property an act of terror that is likely to cause serious injury or death, when that report is intended to cause a significant disruption to the instructional day or a school-sponsored activity or causes that disruption; or

(5) Conspires to commit any of the acts described in this subsection.'

`**SECTION 5.** G.S. 115C-391(e) reads as rewritten:

"(e) A decision of a superintendent under subsection (c), (d1), (d2), ~~or~~ (d3), or (d4) 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 6.** G.S. 115C-45(c) reads as rewritten:



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 990

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

S990-ARH-73 [v.1]

"(c) Appeals to Board of Education and to Superior Court. – An appeal shall lie to the local board of education from the any final administrative decision of all school personnel to the appropriate local board of education.in the following matters:

(1) The discipline of a student under G.S. 115C-391(c), (d), (d1), (d2), ~~or (d3);~~ (d3), or (d4);

(2) An alleged violation of a specified federal law, State law, State Board of Education policy, State rule, or local board policy, including policies regarding grade retention of students;

(3) The terms or conditions of employment or employment status of a school employee; and

(4) Any other decision that by statute specifically provides for a right of appeal to the local board of education and for which there is no other statutory appeal procedure.

As used in this subsection, the term "final administrative decision" means a decision of a school employee from which no further appeal to a school administrator is available.

Any person aggrieved by a decision not covered under subdivisions (1) through (4) of this subsection shall have the right to appeal to the superintendent and thereafter shall have the right to petition the local board of education for a hearing, and the local board may grant a hearing regarding any final decision of school personnel within the local school administrative unit. The local board of education shall notify the person making the petition of its decision whether to grant a hearing.

In all such appeals to the board it shall beis the duty of the board of education to see that a proper notice is given to all parties concerned and that a record of the hearing is properly entered in the records of the board conducting the hearing.

The board of education may designate hearing panels composed of not less than two members of the board to hear and act upon such appeals in the name and on behalf of the board of education.

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 990

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

S990-ARH-73 [v.1]

An appeal shall lie from the decision of a local board of education to the superior court of the State in any action of a local board of education affecting one's character or right to teach.An appeal of right brought before a local board of education under subdivision (1), (2), (3), or (4) of this subsection may be further appealed to the superior court of the State on the grounds that the local board's decision is in violation of constitutional provisions, is in excess of the statutory authority or jurisdiction of the board, is made upon unlawful procedure, is affected by other error of law, is unsupported by substantial evidence in view of the entire record as submitted, or is arbitrary or capricious. However, the right of a noncertified employee to appeal decisions of a local board under subdivision (3) of this subsection shall only apply to decisions concerning the dismissal, demotion, or suspension without pay of the noncertified employee. A noncertified employee may request and shall be entitled to receive written notice as to the reasons for the employee's dismissal, demotion, or suspension without pay. The notice shall be provided to the employee prior to any local board of education hearing on the issue. This subsection shall not alter the employment status of a noncertified employee.""";

And by renumbering the remaining section;

And on page 2, line 22, by inserting before the word "The" the following new sentence:

"Sections 4-6 of this act become effective February 1, 2002."

SIGNED _____
Amendment Sponsor

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 990

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

S990-ARH-73 [v.1]

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

HOUSE EDUCATION COMMITTEE MINUTES

JULY 2, 2002

The House Education Committee met for the first time of the 2002 session on Tuesday, July 2, 2002, at 11:00 am in Room 643 of the Legislative Office Building. Representative Alex Warner, Co-chair, presided. The attendance sheet indicates the members present.

Rep. Gibson was called on to explain HB 1692, HIGH PRIORITY SCHOOL PROGRAM WAIVER/FUND SAVINGS. After much discussion, Rep. Womble called for a favorable report. The motion passed.

Rep. Rogers was called on to explain HB 1636, CARE FOR SCHOOL CHILDREN WITH DIABETES. Rep. Sherrill moved to adopt the proposed committee substitute. Motion passed. After much discussion, the bill will be continued at the next meeting.

Meeting adjourned.

ATTACHMENTS INCLUDED.

Rep. Alex Warner, Co-Chair

Rep. Donald Bonner, Co-Chair

Ann Stancil, Committee Clerk

2002 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

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

☐ Committee Substitute for
H.B. 1692 A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE STATE BOARD OF EDUCATION TO GRANT WAIVERS FOR SCHOOLS THAT ARE UNABLE TO IMPLEMENT THE HIGH-PRIORITY SCHOOL PROGRAM FOR THE 2002-2003 FISCAL YEAR AND TO USE FUNDS SAVED AS A RESULT OF THE WAIVERS TO OFFSET BASE BUDGET REDUCTIONS IN THE STATE PUBLIC SCHOOL FUND.

☒ With a favorable report.

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

☐ With a favorable report, as amended.

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

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

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

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

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

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

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

☐ Without prejudice.

☐ With an indefinite postponement report.

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

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

5/13/02

HOUSE BILL 1692:
High-Priority Sch. Prog. Waiver/Fund Savings

BILL ANALYSIS

Committee:	House Education	**Introduced by:**	Representative Gibson
Date:	July 2, 2002	**Summary by:**	Shirley Iorio, Ph D
Version:	First		Education Policy Analyst

SUMMARY: House Bill 1692 would extend to the 2002-2003 fiscal year the State Board of Education's (Board) authority to grant a waiver to a local school administrative unit whose board of education has determined is unable to implement the class-size limitation specified for any high priority school located in the unit.

The Board would use the funds saved as a result of the waivers to offset base budget reductions in the State Public School Fund.

The bill would take effect July 1, 2002.

CURRENT LAW: High Priority Elementary Schools are those at which, during the 1999-2000 school year, over 80% of the students qualified for free or reduced-price lunches and no more than 55% of the students performed at or above grade level. There are 36 high priority schools.

Section 29.1 of the 2001 budget bill provides for assistance for the highest priority elementary schools in the State. Of the funds appropriated from the General Fund to the State Aid for Local School Administrative Units, the sum of $10,876,438 for the 2001-2002 fiscal year and $12,237,913 for the 2002-2003 fiscal year is to be used to provide these schools with the tools needed to improve student achievement. The funding is used for the following purposes:

- To reduce class size in K-3 to 1:15;
- To pay teachers who elected to extend their contracts by 5 days for professional development and preparation for the 2001-2002 school year;
- To extend all teachers' contracts at these schools for a total of 10 days, including 5 additional days of instruction, for the 2002-2003 school year; and
- To provide one additional instructional support position at each of these schools.

Local school administrative units were not permitted to allot funds from the teacher assistant allotment category for students assigned to these schools. However, school systems could use local funds for teacher assistants in these schools.

In order for these High Priority Schools to remain eligible for these additional resources, the school must meet the expected growth for each year and must achieve high growth for at least 2 out of 3 years based on the State Board's annual performance standards set for each school. No adjustment in the allotment of resources based on performance shall be made until the 2004-2005 school year.

If a local school administrative unit notifies the State Board of Education that they do not have sufficient resources to adhere to the maximum class size requirements, the State Board shall verify the accuracy of the request, and the Board may allocate additional teaching positions to the unit from the Reserve for Average Daily Membership Adjustments.

If a local board of education determines that the local school administrative unit is unable to implement the class-size limitation for any high priority school, the local board may request a waiver for the 2001-2002 school year, along with the documentation required in G.S. 115C-105.26(a):

- The name of the school;
- The name of the law, rule or policy that prohibits the school's ability to improve student achievement;
- An explanation of the circumstances under which the waiver may be used; and
- An explanation of how the waiver will permit the school to improve student achievement.

If the State Board grants the waiver, then they will withdraw the teacher positions allotted to the LEA for the school and reinstate the regular allotment for teacher assistants for the school.

BILL ANALYSIS: The bill would extend by one school year the State Board's authority to grant a waiver to any of the 36 High Priority Schools that are unable to implement the class-size reduction to 1:15 in grades K-3. Each waiver granted would reduce expenditures of State funds by more than $100,000 for the 2002-2003 fiscal year. The State Board would use the savings to offset base budget reductions.

BACKGROUND: For the 2001-2002 school year, the 36 High Priority Schools were located in 16 counties. Nine counties requested waivers for 17 schools.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

H 1

HOUSE BILL 1692

Short Title:	High-Priority Sch. Prog. Waiver/Fund Savings.	(Public)
Sponsors:	Representative Gibson.	
Referred to:	Education.	

June 13, 2002

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE STATE BOARD OF EDUCATION TO GRANT WAIVERS FOR SCHOOLS THAT ARE UNABLE TO IMPLEMENT THE HIGH-PRIORITY SCHOOL PROGRAM FOR THE 2002-2003 FISCAL YEAR AND TO USE FUNDS SAVED AS A RESULT OF THE WAIVERS TO OFFSET BASE BUDGET REDUCTIONS IN THE STATE PUBLIC SCHOOL FUND.

The General Assembly of North Carolina enacts:

SECTION 1. Section 29.6(c) of S.L. 2001-424 reads as rewritten:

"**SECTION 29.6.(c)** If a local board of education determines that the local school administrative unit is unable to implement the class-size limitation in accordance with this section for any high-priority school located in the unit, the local board may request a waiver for the school for the 2001-2002 school ~~year.~~year and for the 2002-2003 school year. The request shall include the documentation required in G.S. 115C-105.26(a). If the State Board grants the waiver, the State Board shall withdraw the additional teacher positions allotted to the local school administrative unit for the school and reinstate the regular allotment for teacher assistants for the school."

SECTION 2. Each waiver granted pursuant to Section 1 of this act will reduce expenditures of State funds at the school by an amount in excess of one hundred thousand dollars ($100,000) for the 2002-2003 fiscal year. The State Board of Education shall use these savings to offset base budget reductions in the State Public School Fund for the 2002-2003 fiscal year.

SECTION 3. This act becomes effective July 1, 2002.

HOUSE EDUCATION COMMITTEE MINUTES

JULY 23, 2002

The House Education Committee met on Tuesday, July 23, 2002, at 11:00 am in Room 643 of the Legislative Office Building. Representative Donald Bonner, Co-chair, presided. The attendance sheet indicates the members present.

Senator Lucas was called on to explain SB 1231, DEFINING "NEEDY NORTH CAROLINA STUDENTS". After much discussion, Rep. Womble moved for a favorable report. The motion passed.

Senator Dalton was called on to explain SB 1275, DROPOUT REDUCTION/LEA ACCOUNTABILITY. A technical correction on page 2, line 4, to delete 'a' was offered and passed. Rep. Sherrill offered an amendment. After much discussion the bill will be continued over to the next meeting.

Meeting adjourned.

ATTACHMENTS INCLUDED.

Rep. Donald Bonner, Co-chair

Rep. Alex Warner, Co-chair

Ann Stancil, Committee Clerk

2002 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

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

☐ Committee Substitute for
S.B 1231 A BILL TO BE ENTITLED AN ACT TO AMEND G.S. 116-19 BY DEFINING THE TERMS "NEEDY NORTH CAROLINA STUDENTS" AND "INSTITUTIONAL METHODOLOGY".

☒ With a favorable report.

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

☐ With a favorable report, as amended.

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

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

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

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

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

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

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

☐ Without prejudice.

☐ With an indefinite postponement report.

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

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

5/13/02

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

S 1

SENATE BILL 1231*

Short Title:	Defining "Needy North Carolina Students".	(Public)
Sponsors:	Senators Lucas; Carter, Dalton, Dannelly, Garrou, Garwood, and Robinson.	
Referred to:	Education/Higher Education.	

June 6, 2002

A BILL TO BE ENTITLED

AN ACT TO AMEND G.S. 116-19 BY DEFINING THE TERMS "NEEDY NORTH CAROLINA STUDENTS" AND "INSTITUTIONAL METHODOLOGY".

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 116-19(a) reads as rewritten:

"(a) In order to encourage and assist private institutions to continue to educate North Carolina students, the State Education Assistance Authority may enter into contracts with the institutions under the terms of which an institution receiving any funds that may be appropriated pursuant to this section would agree that, during any fiscal year in which such funds were received, the institution would provide and administer scholarship funds for needy North Carolina students in an amount at least equal to the amount paid to the institution, pursuant to this section, during the fiscal year. Under the terms of the contracts the State Education Assistance Authority would agree to pay to the institutions, subject to the availability of funds, a fixed sum of money for each North Carolina student enrolled at the institutions for the regular academic year, said sum to be determined by appropriations that might be made from time to time by the General Assembly pursuant to this section. Funds appropriated pursuant to this section shall be paid by the State Education Assistance Authority to an institution on certification of the institution showing the number of North Carolina students enrolled at the institution as of October 1 of any year for which funds may be appropriated. For purposes of this subsection, "needy North Carolina students" are those eligible students who have financial need as determined by the institution under the institutional methodology or the federal methodology as defined by the State Education Assistance Authority. For purposes of this subsection, "institutional methodology" means a need-analysis formula, developed by College Scholarship Service, that determines the student's and family's capacity to pay for postsecondary education each year."

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

SB 1231:
Defining "Needy North Carolina Students".

BILL ANALYSIS

Committee:	House Education	**Introduced by:**	Senator Lucas
Date:	July 23, 2002	**Summary by:**	Shirley Iorio, Ph D
Version:	First Edition		Education Policy Analyst

SUMMARY: ***Senate Bill 1231 codifies in G.S. 116-19 the definitions of "needy North Carolina students" and "institutional methodology" that are currently used in the NC State Education Assistance Authority (NCSEAA) regulations that govern the State Contractual Scholarship Fund. The bill is a recommendation of the Joint Legislative Education Oversight Committee. The bill would take effect when it becomes law.***

BACKGROUND: Created by the General Assembly in 1971, the State Contractual Scholarship Fund (SCSF) is designed to assist needy North Carolina students who attend private colleges and universities in the State. Each eligible private institution receives, subject to availability, a fixed sum of money for each full-time equivalent (FTE) North Carolina resident undergraduate enrolled at the institution. The total amount of funds allocated to each eligible institution for a fiscal year is based upon the FTE maximum set by the General Assembly. Before receiving any funds, each eligible institution must submit a certified roster of its FTE enrolled as of October 1 of each academic year. The NCSEAA disburses to each eligible institution funds equal to the FTE multiplied by the legislative-approved maximum award. The total amount allocated to each eligible institution is then divided among needy North Carolina students attending the institution. The financial aid office of each institution chooses recipients. The amount an individual student receives may vary. To be eligible to receive an award, a student must be a resident of North Carolina for tuition purposes, must be enrolled at least part-time and must have financial need.

Each eligible institution received up to a maximum of $1,100 for each FTE NC undergraduate student enrolled as of October 1, 2001 for the 2001-02 fiscal year. Each eligible institution shall also receive up to $1,100 for each FTE NC undergraduate student enrolled at the institution as of October 1, 2002 for the 2002-03 fiscal year.

S1231-SMSF-001 Sara Kamprath, Education Policy Analyst, contributed significantly to this summary.

EDUCATION COMMITTEE MINUTES

July 30, 2002

The House Education Committee met on Tuesday, July 30, 2002, at 11:00 am in Room 643 of the Legislative Office Building. Representative Alex Warner, Co-chair, presided. The attendance sheet indicates members present.

Representative Rogers was called on to explain **HB 1636, CARE FOR SCHOOL CHILDREN WITH DIABETES ACT.** Rep. Bonner made the motion to adopt the committee substitute and it passed. After much discussion, Rep. Bonner moved for a favorable report to the committee substitute, unfavorable to the original bill and be re-referred to Health and Human Services Committee. Rep Michaux called for "w/o prejudic as to original bill" as a part of the motion, but that was denied because the language was not feasible. Rep. Bonner's motion passed.

Meeting Adjourned.

Rep. Alex Warner, Co-chair

Rep. Donald Bonner, Co-chair

Ann Stancil, Committee Clerk

When the HB 1636 was reported out to the Principal Clerk's Office, it was withdrawn from the Education Committee by Rep. Culpepper and re-referred to Health.

RE-REFERRAL(S)

On motion of Representative Culpepper, (pursuant to Rule 39.2, ~~) (Rule ____ is suspended and)~~ and without objection H.B./~~S.B.~~ 1636 (TITLE) is withdrawn from the Committee on Education (and re-referred to the Committee on Health ~~) (and placed on today's calendar.) (and placed on the Calendar for immediate consideration.)~~ (by EV (___ ___).)

(To be used if a group of bills is re-referred)

MEMBER'S NAME	BILL NO.	FROM WHERE	TO WHERE
	S163	Rules, Etc.	Education

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

H D

HOUSE BILL 1636
PROPOSED COMMITTEE SUBSTITUTE H1636-CSRH-63 [v.6]

7/22/2002 6:39:55 PM

Short Title: Care for School Children With Diabetes Act. (Public)

Sponsors:

Referred to:

June 13, 2002

A BILL TO BE ENTITLED

AN ACT TO REQUIRE THE STATE BOARD OF EDUCATION TO ADOPT AND DISSEMINATE GUIDELINES FOR THE DEVELOPMENT AND IMPLEMENTATION OF INDIVIDUAL DIABETES CARE PLANS, TO REQUIRE LOCAL BOARDS OF EDUCATION TO IMPLEMENT THESE GUIDELINES, AND TO APPROPRIATE FUNDS.

The General Assembly of North Carolina enacts:

SECTION 1. SECTION 1. G.S. 115C-47 is amended by adding a new subdivision to read:

"(31) To Adopt Guidelines for Individual Diabetes Care Plans. – The State Board shall adopt guidelines for the development and implementation of individual diabetes care plans. The State Board shall consult with the North Carolina Diabetes Advisory Council established by the Department of Health and Human Services in the development of these guidelines. The State Board also shall consult with local school administrative unit employees who have been designated as responsible for coordinating their individual unit's efforts to comply with federal regulations adopted under Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S. C. § 794. In its development of these guidelines, the State Board shall refer to the guidelines adopted by the American Diabetes Association and shall consider recent resolutions by the United States Department of Education's Office of Civil Rights of investigations into complaints alleging discrimination against students with diabetes.

The guidelines adopted by the State Board shall include:

a. Procedures for the development of an individual diabetes care plan at the written request of the student's parent or guardian, and involving the parent or guardian, the student's health care

provider, the student's classroom teacher, the student if appropriate, the school nurse if available, and other appropriate school personnel.

b. Procedures for regular review of an individual care plan.

c. Information to be included in a diabetes care plan, including the responsibilities and appropriate staff development for teachers and other school personnel, an emergency care plan, the identification of allowable actions to be taken, the extent to which the student is able to participate in the student's diabetes care and management, and other information necessary for teachers and other school personnel in order to offer appropriate assistance and support to the student.

d. Information and staff development to be made available to teachers and other school personnel in order to appropriately support and assist students with diabetes.

The State Board shall ensure that these guidelines are updated as necessary and shall ensure that the guidelines and any subsequent changes are published and disseminated to local school administrative units."

SECTION 2. G.S. 115C-47 is amended by adding a new subdivision to read:

"(42) To Implement Guidelines to Support and Assist Students with Diabetes. – Local boards of education shall ensure that the guidelines adopted by the State Board of Education under G.S. 115C-12(31) are implemented in schools in which students with diabetes are enrolled. In particular, the boards shall require the implementation of the procedures set forth in those guidelines for the development and implementation of individual diabetes care plans. Local boards also shall make available necessary information and staff development to teachers and school personnel in order to appropriately support and assist students with diabetes in accordance with their individual diabetes care plans."

SECTION 3. There is appropriated from the General Fund to State Aid to Local School Administrative Units the sum of fifty-eight thousand dollars ($58,000) for the 2002-2003 fiscal year to implement this act.

SECTION 4. Section 3 of this act becomes effective July 1, 2002, and the remainder of this act is effective when it becomes law. The guidelines under Section 1 of this act shall be adopted no later than January 15, 2003, and shall be implemented under Section 2 of this act beginning with the 2003-2004 school year.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

H D

HOUSE BILL 1636
PROPOSED COMMITTEE SUBSTITUTE H1636-CSRH-62 [v.1]

7/1/2002 5:25:06 PM

Short Title: Care for School Children With Diabetes Act. (Public)

Sponsors:

Referred to:

June 13, 2002

A BILL TO BE ENTITLED

AN ACT TO REQUIRE ALL LOCAL SCHOOL ADMINISTRATIVE UNITS AND CHARTER SCHOOLS TO ENSURE THAT EVERY SCHOOL DEVELOP AND MAINTAIN AN INDIVIDUALIZED DIABETES CARE PLAN FOR A CHILD WITH DIABETES AT THE REQUEST OF THE CHILD'S PARENT OR GUARDIAN AND TO ASSIST THE CHILD WITH THE MANAGEMENT OF THE CHILD'S DIABETES IN ACCORDANCE WITH THE CHILD'S DIABETES CARE PLAN, TO PROVIDE IMMUNITY FROM LIABILITY, TO DIRECT THE STATE BOARD OF EDUCATION TO DISSEMINATE GUIDELINES, AND TO APPROPRIATE FUNDS.

The General Assembly of North Carolina enacts:

SECTION 1. Chapter 115C is amended by adding the following new Article to read:

"Article 9C.

"Children With Diabetes.

"**§ 115C-150.9. Individual diabetes care plan.**

(a) All local school administrative units and charter schools shall develop and maintain or cause to be developed and maintained, at the written request of a parent or guardian of a child with diabetes, an individualized diabetes care plan for the child at or before the time of the child's enrollment in school. In the event a child is diagnosed with diabetes after the school year begins, the individualized diabetes care plan shall be developed at the time the request is made by the child's parent or guardian. The diabetes care plan shall be developed by the child's parent or guardian, the child's health care provider, the school nurse where available, and appropriate school personnel where the child is enrolled. The diabetes care plan shall be developed in accordance with guidelines disseminated by the State Board of Education under G.S. 115C-150.12. The diabetes care plan shall be reviewed and, if appropriate, revised at least annually and at other times as needed at the written request of the child's parent or guardian. The

diabetes care plan shall address the specific needs of the child and provide specific instructions for each of the following:

(1) Blood glucose monitoring, including frequency and circumstances requiring testing.

(2) Insulin administration if necessary, including dosage, injection times prescribed for specific blood glucose values, and the storage of insulin.

(3) Meals and snacks, including food content, amounts and timing.

(4) Symptoms and treatment of hypoglycemia, including administration of glucagon, if appropriate.

(5) Symptoms and treatment of hyperglycemia.

(6) Testing for ketones and appropriate action to take for the presence of ketones.

(7) Emergency care plan, including the child's target blood glucose range, and the appropriate actions to take in the event that the child's blood glucose levels fall outside of this target range.

(8) The extent of the child's ability to participate in the child's diabetes care and management.

(9) The roles and expectations of the child, the child's parent or guardian, and school personnel in providing assistance to the child during extracurricular activities, including any special arrangements that may be necessary.

"§ 115C-150.10. Care of a child with a diabetes care plan in the school setting.

(a) All local school administrative units and charter schools shall ensure that each school provides or causes to be provided the following to a child enrolled in that school and for whom an individualized diabetes care plan that meets the requirements of this Article has been developed and maintained by the school:

(1) In accordance with the child's diabetes care plan, an adult and backup adult trained to be able to:

a. Administer insulin if needed, in accordance with the child's diabetes care plan;

b. Administer glucagon if needed, in accordance with the child's diabetes care plan;

c. Perform finger stick blood glucose monitoring, when necessary, and record results;

d. Take appropriate actions for blood glucose levels outside of the target ranges as indicated in the child's emergency care plan; and

e. Test the urine for ketones, when necessary, and respond to the results of the test.

(2) An adult and backup adult responsible for knowing the schedule of the child's meals and snacks and who will notify the parent or guardian in advance of any expected changes in the school schedule that affect the child's mealtime or exercise routine.

(3) At least one adult trained to perform the necessary diabetes care procedures in subdivision (1) of this subsection available for field trips and extracurricular activities to enable the child's full participation.

(4) In accordance with the child's diabetes care plan, permission for the child to test their blood glucose levels in the classroom or anywhere else as necessary and to administer corrective measures immediately if the child is able to demonstrate the following:

a. Accurate finger-stick technique;

b. Appropriate infection control practices consistently;

c. Disposal of sharps appropriately;

d. Ability to interpret blood sugar results; and

e. Ability to administer appropriate corrective measures if necessary.

(5) If requested, a location in the school to provide privacy during glucose and urine testing and insulin administration.

(6) Permission for the child to eat a snack anywhere, including the classroom or bus, if necessary to prevent hypoglycemia.

(7) Permission to miss school without consequences for required medical appointments to monitor the student's diabetes management.

(8) Permission for the child to use the restroom and have access to fluids as necessary.

(9) An appropriate location for insulin or glucagon storage if necessary.

(10) Immediate access to the child's diabetes supplies at all times, with supervision as needed. Immediate access includes permission for the child to carry the child's diabetes supplies.

(11) Training to all school personnel who provide education for the child on the symptoms and treatment of hypoglycemia and hyperglycemia and where the child's emergency care plan is located.

(b) A child with a diabetes care plan that meets the requirements of this Article shall be permitted to participate in the child's own diabetes care at school to the extent provided for in that child's diabetes care plan.

"**§ 115C-150.11. Immunity from liability.**

(a) Any person authorized to render assistance or services to a child in accordance to the child's diabetes care plan under G.S. 115C-150.10(a)(1) shall not be liable for civil damages for any act rendered in accordance to the child's diabetes care plan or for any omission relating to such act, unless the acts or omissions amount to gross negligence, wanton conduct, or intentional wrongdoing on the part of the person rendering the services or assistance.

(b) Any person authorized to render assistance or services to a child in accordance to the child's diabetes care plan under G.S. 115C-150.10(a)(1) shall not be liable for civil damages for failure to render the services or assistance, unless the failure to render the assistance or services amounts to gross negligence, wanton conduct or intentional wrongdoing on the part of the person failing to render the assistance or services.

(c) No person shall be liable for civil damages for any act or omission resulting from the rendering of assistance to a child with diabetes if the person has a reason to believe that the child is suffering or is about to suffer life-threatening hypoglycemia, unless the acts or omissions amount to gross negligence, wanton conduct, or intentional wrongdoing on the part of the person rendering the assistance.

(d) Whenever any person is found to be not liable for civil damages under this section, the local school administrative agency that authorized that person to render services or assistance shall also not be liable for any civil damages.

(e) Nothing in this section shall be deemed or construed to relieve any health care professional from liability for civil damages for injury or death caused by an act or omission on the part of that person while rendering health care services in accordance with this Article that are in the normal and ordinary course of that person's profession.

"**§ 115C-150.12. State Board of Education responsibilities.**

In order to implement this Article, the State Board of Education shall disseminate guidelines for developing diabetes care plans and training as required under this Article, and shall ensure that all parents or guardians of children that are served by the North Carolina public school system are informed of the requirements of this Article through routine information dissemination procedures and schedules currently established at each school. The guidelines disseminated under this section shall be in accordance with standards adopted by The North Carolina Diabetes Advisory Council established by the Department of Health and Human Services, and shall include information necessary for teachers, administrators, coaches, food service personnel, and other school personnel to gain an understanding of basic information about diabetes, to participate in diabetes care management, and to offer assistance and support to students with diabetes. "

SECTION 2. There is appropriated from the General Fund to State Aid to Local School Administrative Units the sum of fifty-eight thousand dollars ($58,000) for the 2002-2003 fiscal year to implement this act.

SECTION 3. Section 2 of this act becomes effective July 1, 2002, and the remainder of this act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

HOUSE BILL 1636*

Short Title:	Care for School Children With Diabetes Act.	(Public)
Sponsors:	Representatives Rogers; Alexander, Baddour, Baker, Bowie, Buchanan, Cox, J. Crawford, Culp, Culpepper, Earle, Easterling, Edwards, Fox, Gulley, Haire, Hall, Hunter, Hurley, Insko, Jarrell, Lucas, McLawhorn, Oldham, Preston, Saunders, Smith, Tolson, Tucker, Underhill, Walend, Warren, West, Willingham, and Womble.	
Referred to:	Education, if favorable, Appropriations.	

June 13, 2002

A BILL TO BE ENTITLED

AN ACT TO REQUIRE ALL LOCAL SCHOOL ADMINISTRATIVE AGENCIES TO ENSURE THAT EVERY SCHOOL DEVELOP AND MAINTAIN AN INDIVIDUALIZED DIABETES CARE PLAN FOR A CHILD WITH DIABETES AT THE REQUEST OF THE CHILD'S PARENT OR GUARDIAN AND TO ASSIST THE CHILD WITH THE MANAGEMENT OF THE CHILD'S DIABETES IN ACCORDANCE WITH THE CHILD'S DIABETES CARE PLAN, TO PROVIDE IMMUNITY FROM LIABILITY, TO DIRECT THE STATE BOARD OF EDUCATION TO DISSEMINATE GUIDELINES, AND TO APPROPRIATE FUNDS.

The General Assembly of North Carolina enacts:

SECTION 1. Chapter 115C is amended by adding the following new Article to read:

"Article 9C.

"Children With Diabetes.

"**§ 115C-150.9. Individual diabetes care plan.**

(a) All local school administrative agencies and charter schools shall develop and maintain or cause to be developed and maintained, at the written request of a parent or guardian of a child with diabetes, an individualized diabetes care plan for the child at or before the time of the child's enrollment in school. In the event a child is diagnosed with diabetes after the school year begins, the individualized diabetes care plan shall be developed at the time the request is made by the child's parent or guardian. The diabetes care plan shall be developed by the child's parent or guardian, the child's health care

provider, the school nurse where available, and appropriate school personnel where the child is enrolled. The diabetes care plan shall be developed in accordance with guidelines disseminated by the State Board of Education pursuant to G.S. 115C-150.12. The diabetes care plan shall be reviewed and, if appropriate, revised at least annually and at other times as needed at the written request of the child's parent or guardian. The diabetes care plan shall address the specific needs of the child and provide specific instructions for each of the following:

(1) Blood glucose monitoring, including frequency and circumstances requiring testing.

(2) Insulin administration if necessary, including dosage, injection times prescribed for specific blood glucose values, and the storage of insulin.

(3) Meals and snacks, including food content, amounts and timing.

(4) Symptoms and treatment of hypoglycemia, including administration of glucagon, if appropriate.

(5) Symptoms and treatment of hyperglycemia.

(6) Testing for ketones and appropriate action to take for the presence of ketones.

(7) Emergency care plan, including the child's target blood glucose range, and the appropriate actions to take in the event that the child's blood glucose levels fall outside of this target range.

(8) The extent of the child's ability to participate in the child's diabetes care and management.

(9) The roles and expectations of the child, the child's parent or guardian, and school personnel in providing assistance to the child during extracurricular activities, including any special arrangements that may be necessary.

"**§ 115C-150.10. Care of a child with a diabetes care plan in the school setting.**

(a) All local school administrative agencies and charter schools shall ensure that each school in which a child with a diabetes care plan developed in accordance to G.S. 115C-150.9 is enrolled, provides or causes to be provided the following to that child:

(1) An adult and backup adult trained to be able to:

a. Administer insulin if needed, in accordance with the child's diabetes care plan;

b. Administer glucagon if needed, in accordance with the child's diabetes care plan;

c. Perform finger stick blood glucose monitoring and record results;

d. Take appropriate actions for blood glucose levels outside of the target ranges as indicated in the child's emergency care plan; and

e. Test the urine for ketones, when necessary, and respond to the results of the test.

(2) An adult and backup adult responsible for knowing the schedule of the child's meals and snacks and who will notify the parent or guardian in advance of any expected changes in the school schedule that affect the child's mealtime or exercise routine.

(3) At least one adult trained to perform the necessary diabetes care procedures in subdivision (a)(1) available for field trips and extracurricular activities to enable the child's full participation.

(4) Permission for the child to test their blood glucose levels in the classroom or anywhere else as necessary and to administer corrective measures immediately if the child is able to demonstrate the following:

a. Accurate finger-stick technique;

b. Appropriate infection control practices consistently;

c. Disposal of sharps appropriately;

d. Ability to interpret blood sugar results; and

e. Ability to administer appropriate corrective measures if necessary.

(5) If requested, a location in the school to provide privacy during glucose and urine testing and insulin administration.

(6) Permission for the child to eat a snack anywhere, including the classroom or bus, if necessary to prevent hypoglycemia.

(7) Permission to miss school without consequences for required medical appointments to monitor the student's diabetes management.

(8) Permission for the child to use the restroom and have access to fluids as necessary.

(9) An appropriate location for insulin or glucagon storage if necessary.

(10) Immediate access to the child's diabetes supplies at all times, with supervision as needed. Immediate access includes permission for the child to carry the child's diabetes supplies.

(11) Training to all school personnel who provide education for the child on the symptoms and treatment of hypoglycemia and hyperglycemia and where the child's emergency care plan is located.

(b) Children with a diabetes care plan developed in accordance with G.S. 115C-150.9 shall be permitted to participate with written parental consent in their diabetes care at school to the extent that is appropriate for the child's development and the child's experience with diabetes. The extent of the child's ability to participate in diabetes care shall be specifically described in the child's diabetes care plan.

"**§ 115C-150.11. Immunity from liability.**

(a) Any person authorized to render assistance or services to a child in accordance to the child's diabetes care plan under subdivision (a)(1) of G.S. 115C-150.10 shall not be liable for civil damages for any act rendered in accordance to the child's diabetes care plan or for any omission relating to such act, unless the acts or omissions amount to gross negligence, wanton conduct, or intentional wrongdoing on the part of the person rendering the services or assistance.

(b) Any person authorized to render assistance or services to a child in accordance to the child's diabetes care plan under subdivision (a)(1) of G.S. 115C-150.10 shall not be liable for civil damages for failure to render the services or assistance, unless the failure to render the assistance or services amounts to gross negligence, wanton conduct or intentional wrongdoing on the part of the person failing to render the assistance or services.

(c) No person shall be liable for civil damages for any act or omission resulting from the rendering of assistance to a child with diabetes if the person has a reason to believe that the child is suffering or is about to suffer life-threatening hypoglycemia, unless the acts or omissions amount to gross negligence, wanton conduct, or intentional wrongdoing on the part of the person rendering the assistance.

(d) Whenever any person is found to be not liable for civil damages under this section, the local school administrative agency that authorized that person to render services or assistance shall also not be liable for any civil damages.

(e) Nothing in this section shall be deemed or construed to relieve any health care professional from liability for civil damages for injury or death caused by an act or omission on the part of that person while rendering health care services in accordance with this Article that are in the normal and ordinary course of that person's profession.

"**§ 115C-150.12. State Board of Education responsibilities.**

In order to implement this Article, the State Board of Education shall disseminate guidelines for developing diabetes care plans and training as required under this Article, and shall ensure that all parents or guardians of children that are served by the North Carolina public school system are informed of the requirements of this Article through routine information dissemination procedures and schedules currently established at each school. The guidelines disseminated under this section shall be in accordance with standards adopted by The North Carolina Diabetes Advisory Council established by the Department of Health and Human Services, and shall include information necessary for teachers, administrators, coaches, food service personnel, and other school personnel to gain an understanding of basic information about diabetes, to participate in diabetes care management, and to offer assistance and support to students with diabetes.

"**§ 115C-150.13. Applicability of Article.**

This Article applies to any public school or charter school in the State authorized under Chapter 115C of the General Statutes. This Article does not apply to nonpublic schools or to home schools."

SECTION 2. There is appropriated from the General Fund to State Aid to Local School Administrative Units the sum of fifty-eight thousand dollars ($58,000) for the 2002-2003 fiscal year to implement this act.

SECTION 3. Section 2 of this act becomes effective July 1, 2002, and the remainder of this act is effective when it becomes law.

HOUSE BILL 1636:
Care for School Children with Diabetes Act.

BILL ANALYSIS

Committee:	House Education	**Introduced by:**	Representative Rogers
Date:	July 2, 2002	**Summary by:**	Robin Johnson
Version:	First		Committee Counsel
	H1636-CSRH-62(v.1)		

SUMMARY: ***This bill would require every school to develop and maintain an individualized diabetes care plan for children with diabetes, specify the assistance that must be provided to these children, make immune from civil liability persons who assist these children, direct the State Board of Education to disseminate guidelines for developing these plans and training, and appropriate $58,000 for the 2002-03 fiscal year.***

The PCS makes only technical changes.

CURRENT LAW: Diabetes is considered a disability under both federal and State law. This means that public schools, including charter schools, cannot discriminate against a child with diabetes. They also must provide reasonable accommodations so the child can participate in the school's programs and activities (including nonacademic programs and extracurricular activities). Parents can request that an individualized plan (known as a 504 Plan) be created to spell out the services that will be provided and the accommodations that will be made. These plans are done on a case-by-case basis, are intended to meet the specific needs of the child, and are re-evaluated on a periodic basis (typically, every three years). What is necessary for one child may not be appropriate for another. If parents do not believe the school is providing appropriate services or accommodations, they have a right to appeal and may file a complaint with the federal Office of Civil Rights.

The laws and regulations are silent on the details of what must specifically be provided to children with medical disabilities, including diabetes.

In addition, G.S. 115C-307(c) (see attached) requires public school employees designated by their local board of education to administer prescribed drugs upon the parents' written request, to provide emergency health care, and to perform first aid if trained in an approved program. This law shields these employees from civil liability.

BILL ANALYSIS: The bill would require public schools, including charter schools, to develop and maintain an individualized diabetes care plan for each child with diabetes. Each plan must meet the following requirements:

- Be developed when requested in writing by the child's parent or guardian and by the time the child enrolls in the school or when the request is made.
- Be developed by the child's parent or guardian, health care provider, school nurse where available, and other appropriate school personnel.
- Address the specific needs of each child and provide specific instruction on issues including blood glucose monitoring, meals and snacks, symptoms and treatment of hypoglycemia and hyperglycemia, emergency care, and the child's ability to participate in management of the diabetes.

The bill would require schools to provide an adult and backup adult who can perform specific medical and diabetes care services and an adult who will monitor the child's meal and exercise schedule. The

school also must provide a private location for testing and insulin administration, allow the child to miss school without consequences for medical appointments, permit the child to eat, drink, and use the restroom as necessary, provide storage for diabetes supplies, and training on the symptoms and treatment of hypoglycemia and hyperglycemia to all school personnel who provide education for the child.

The bill would provide that persons authorized to assist or serve a child under a diabetes care plan are not liable for civil damages for any act or omission, unless the act or omission amounts to gross negligence, wanton conduct, or intentional wrongdoing. This protection extends to when the person has a reason to believe the child is suffering or may suffer life-threatening hypoglycemia unless the act or omission amounts to gross negligence, wanton conduct, or intentional wrongdoing. The protection from civil liability does not extend to a health care professional while rendering health care services in the normal and ordinary course of that person's profession.

The bill would direct the State Board of Education to disseminate guidelines for developing diabetes care plans and the training required under the Act. The guidelines must be developed in accordance with standards adopted by the North Carolina Advisory Council.

To implement the act, the bill would appropriate $58,000 for FY 2002-03, effective July 1, 2002.

Other than the appropriation, the bill would take effect when it becomes law.

BACKGROUND: A group of people, including parents, doctors, representatives of DPI and DHHS, and others, met during the Interim to discuss the specific concerns related to children with diabetes. This legislation is in response to their concerns that schools do not automatically assist these children and do not maintain individualized diabetes care plans for each child. Several other states recently have enacted similar legislation.

H1636-SMRH-1

"KEEP ME SAFE AT SCHOOL"

Support the Care for School Children with Diabetes Act S1200/H1636

DANIELLE PEARCE

Age 15

Rising High School Sophomore

Loves to play soccer and basketball, listens to R&B music, and loves science

Plans to go to college and earn a PhD in Marine Biology

Diabetes Advocate and Volunteer Fundraiser for JDRF raising over 50,000 for diabetes research by walking in walkathons

Diagnosed with diabetes at age 5
Checks her blood 4-6 times per day
Wears an insulin pump 24 hours a day since the age of 10

1366 Becks Nursery Road
Lexington, NC 27292

Phone: 336-746-5431
Email: sharoncma@lexcominc.net

Danielle (middle), shown here with her brother, Brett, and twin sister, Michelle, who *does not* have diabetes

Problems at school:

- I fall asleep when my sugar is low. Teachers have thought I was just sleeping and my friends have helped me.
- Once a teacher put me in front of the class and told other students to not let me have any candy because I had a disease that would not allow me to eat it.
- I arrested (quit breathing) at school when my sugar got too low and I had a seizure. The principal who knew CPR resuscitated me!
- Once a classmate told other kids not to touch me because diabetes was contagious.
- I would not have gotten to on a class fieldtrip to Washington, DC unless one of my parents was there.
- On the class fieldtrip to Raleigh, I had to have my grandmother go with me. Other kids did not have to have theirs go with them.

SUPPORT THE CARE FOR SCHOOL CHILDREN WITH DIABETES ACT

WILLIAM ECKARD

Poor Diabetes Control Vs. Good Diabetes Control in School

Poor glucose control cannibalizes the body, causing wasting of muscle and fat tissues.

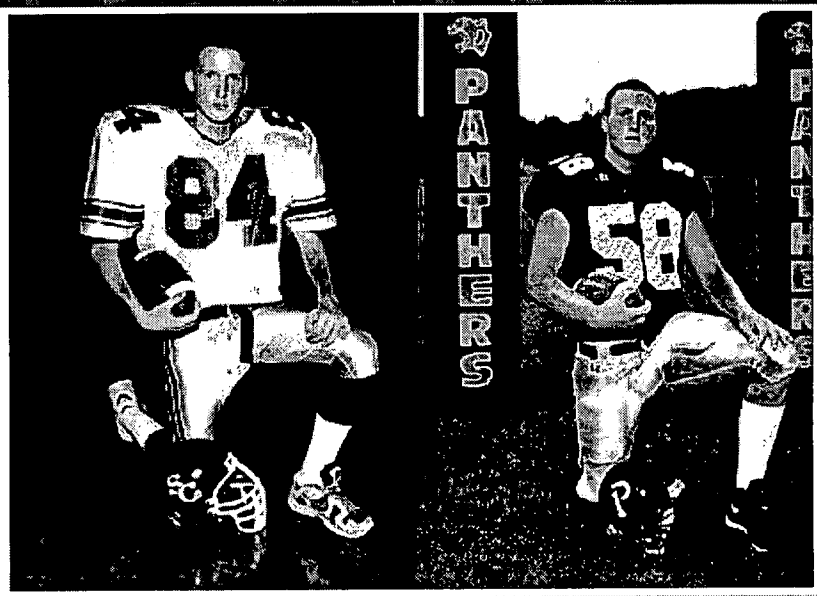
The first year he had diabetes, William was not allowed to adequately monitor his disease at school. We watched his 6'3" frame shrink from 172 pounds to 140 pounds.

After William went to high school, we insisted that he carry his diabetes supplies at all times and check his blood sugar frequently. THIS VIOLATED SCHOOL POLICY, but he could not afford to lose any more weight and experience further complications.

Every day at school, William risks being arrested for carrying his insulin and needles in his book bag. But we prefer that he be alive in jail rather than dead or in a coma at school.

As result of carefully monitoring and treating his blood sugar—by hiding in the locker room, holding his hands under his desk or lunch table, sitting out of sight behind the water coolers at football practice, sneaking out to his truck to check his blood sugar and take insulin—he has regained the lost weight, and then some. He is still 6'3" but now weighs a strong 225 pounds, all muscle.

School policies criminalize diabetes and make good glucose control difficult if not impossible to achieve. **Please support the Care for School Children with Diabetes Act.**



William, at age 14	William, at age 17
Height: 6'3" Weight: 140 lbs.	**Height: 6'3" Weight: 225 lbs.**
Poor diabetes control in school	**Good diabetes control in school**
(In accordance with school policies)	***(In violation of school policies)***

William Eckard

Age 18 Rising Senior
Scholar Athlete
Varsity Football Defensive Lineman
Diabetes Since Age 14
Insulin Pump User
6-10 Blood Checks Per Day

729 Fredricksburg Rd. Matthews, NC 28105
Telephone: 704/847-5703
Email: peckard@carolina.rr.com

Please Support the Care for School Children With Diabetes Act

Ten Common Signs of Discrimination Against Children with Diabetes

Is Your School Treating You Right?

Has your child with diabetes ever come home from school upset, because a teacher said something that made him or her feel "weird" or "different"? Has your child ever missed a snack or a shot because the teacher didn't want it to interfere with the class schedule? Whether you're aware of it or not, that's discrimination, and it's illegal. Public schools that discriminate against children with diabetes violate their civil rights, since every child is insured a free and appropriate public education.

All school districts, at the risk of losing federal and state aid, are required to enforce education laws, including the laws that govern children with "physically or otherwise health impaired conditions." The Individuals with Disabilities Education Act of 1990 specifically identifies diabetes as an "otherwise health impaired condition." The act prohibits interfering with a disabled child's full participation in school. Here are some common examples.

Make a Fuss if Your Child's School:

1. Limits trips to the bathroom or water fountain
2. Forces your child to go to the office to treat hypoglycemic reactions
3. Sends your child home alone because of low blood sugar
4. Schedules lunch at 10:20 a.m., when school starts at 8 a.m.
5. Forces your child to go to the office to test blood sugars
6. Insists that gym class has to be immediately before lunch
7. Insists that hypoglycemia will not negatively impact cognitive function
8. Denies the child's right to keep a glucose meter in the classroom
9. Denies permission to carry glucose tablets, labeling them as contraband, either as medicine or as candy
10. Insists that the only intervention for a diabetic medical emergency allowed is calling 911

—by Cynthia Halvorsen, RN

Poor BG Control in Children Causes Behavioral Problems

Young children with type 1 diabetes who have a history of hypoglycemic events needing medical intervention are less likely to display emotions, have more family problems and have reduced fine-motor dexterity in their right hands, say researchers in Florida who tested preschool-aged children against their non-diabetic peers.

On the other hand, children whose blood-glucose levels run consistently on the high side were less able to solve problems, had lower overall reasoning skills and also had more family problems. Children whose blood-glucose levels were high at the time of testing had decreased vocabulary skills.

Researchers, who presented their findings at the ADA's scientific sessions in June, said ways to keep young children's blood-glucose at normal levels as often as possible need to be found.

—J. Chait

DIABETES ADVOCATE

National Diabetes Education Program:

A Platform For Healthier Kids

The bottom line is clear: Children with diabetes need to be medically safe at school, and they need to have the same access to educational opportunities as other children. Unfortunately, all too often, children with diabetes and their families face obstacles at school. The actual obstacle may be school personnel who won't let a child test his or her blood sugar or eat a snack on the bus—or schools that don't have anyone who can help a child in the case of severe hypoglycemia. The root cause is often lack of information on the part of school personnel on what diabetes is and what students with diabetes need. Sometimes even educators need some education.

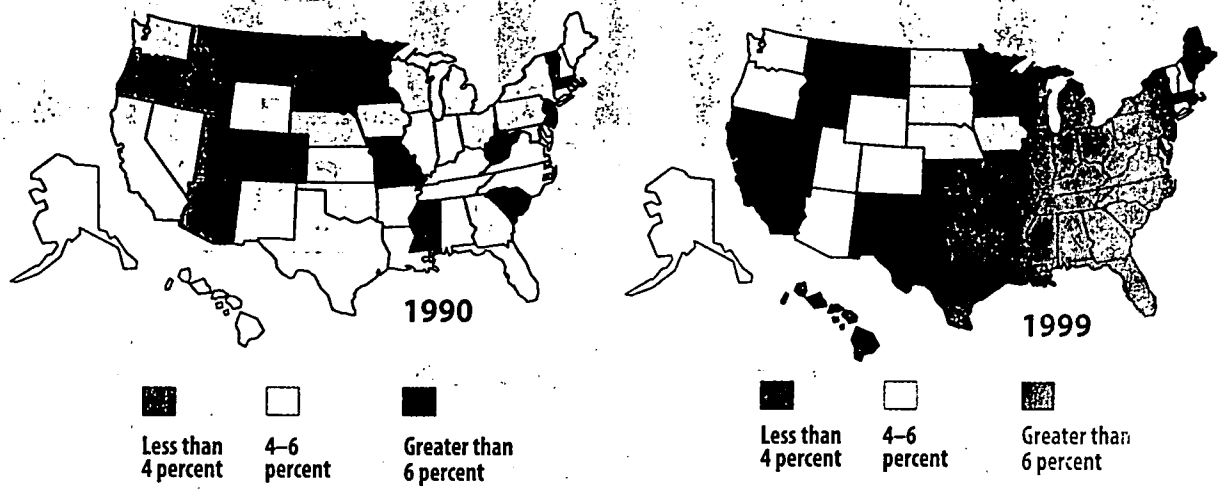
To combat this problem, the American Diabetes Association asked the National Institutes of Health (NIH) and the Centers for Disease Control and Prevention (CDC) to work with the Association and other key players to develop materials that could help school personnel understand diabetes management at school. Both NIH and CDC were enthusiastic about the proposition and thus the Diabetes in School Initiative was established through the National Diabetes Education Program (NDEP). The NDEP expert panel consists of medical professionals, federal agencies most involved with these issues (NIH, CDC, and the Department of Education), and representatives from key diabetes and educational organizations, such as the National Association of School Nurses.

The Diabetes in School Initiative consists of three working groups. The Educational Materials Subcommittee, co-chaired by Dr. Francine Kaufman, president-elect of the American Diabetes Association, and Janet Silverstein, chair of the American Diabetes Association's Youth Council, is charged with developing materials for dissemination to schools throughout the country. The Partnership and Outreach Subcommittee, chaired by Michael Mawby, vice president of government relations and advocacy for the American Diabetes Association, is working to make sure that the group brings together the organizations and agencies most involved in this issue. The Strategic Planning Subcommittee, chaired by

become a diabetes advocate

If you would like to receive regular updates on advocacy issues facing the diabetes community free of charge, provide us with your name, address, phone number, and e-mail address. You can contact us via e-mail at makingnoise@diabetes.org, by calling 1-800-DIABETES, or by regular mail at 1701 N. Beauregard Street, Alexandria, VA 22311.

prevalence of diabetes among adults in the United States



Robert Moulthrop of the Juvenile Diabetes Research Foundation, is tasked with evaluating the problem that exists today as well as the efficacy of the solutions that the initiative develops.

"The NDEP initiative presents a fabulous opportunity for the diabetes and education communities to work together in the best interest of youth with diabetes. The materials we are developing will be an invaluable tool for schools throughout the country," said Dr. Kaufman.

The NDEP Diabetes in School Initiative hopes to have a guide for school personnel ready for distribution by the beginning of the 2002–2003 school year.

Diabetes By The Numbers

- 193,000: Number of annual deaths due to diabetes in the United States
- 11 million: the estimated number of Americans who have been diagnosed with diabetes
- 5 million: the estimated number of Americans who have diabetes and don't know it.
- 10 million: the estimated number of Americans who are at risk for developing diabetes
- 50: the percentage increase of Americans with diabetes from 1990 to 2000 (see graphic, above)
- 10: the percentage of the United States population who will have diabetes by 2010
- $100 billion: the annual cost of diabetes to the United States
- 25: the percentage of the Medicare budget that goes to care for people with diabetes
- 1: the ranking of diabetes as the cause of blindness, kidney disease, and amputations
- 16: the number of states that receive enough funding for a Comprehensive Diabetes Control Program
- 34: the number of states that do not receive enough funding for a Comprehensive Diabetes Control Program
- $100 million: the amount of money necessary to establish a Comprehensive Diabetes Control Program in each of the 50 states
- $1.07 billion: the amount of federal funding that was recommended by the Diabetes Research Working Group to adequately fight diabetes in Fiscal Year 2001
- $690 million: the actual amount of federal funding allocated to diabetes research in Fiscal Year 2001
- 535: the number of senators and representatives who decide each year on how much federal funding will go towards diabetes research
- Priceless: the impact of one phone call from you to your members of Congress, telling them why diabetes research funding should be increased. Call (202) 224-3121 to reach your senators and representative.

Virginia (S889, effective July 1, 1999), **Washington** (SB6641, effective July 1, 2002), and **Indiana** (S376, effective July 1, 2001) have enacted similar legislation.

Florida has a statute that is similar to the bill -- (232.46 *Administration of medication by school district personnel*)

Similar bills (i.e., comprehensive protections) are pending in **Oklahoma** (SB661, effective), **Minnesota** (SF 1983) **South Carolina** (H3968) and **Massachusetts** (H4634).

California enacted a bill, but it was vetoed.

Note: Florida's statute provides, in part,: Each district school board shall include in its approved school health services plan a procedure to provide training, by a registered nurse, a licensed practical nurse, a physician licensed pursuant to chapter 458 or chapter 459, or a physician assistant licensed pursuant to chapter 458 or chapter 459, to the *school personnel designated by the principal to assist students in the administration of prescribed medication.* Such training may be provided in collaboration with other school districts, through contract with an education consortium, or by any other arrangement consistent with the intent of this section.

Sharon Pearce

From: "Tamara S Burns" <Tamara.Burns@ATTGlobal.Net>
To: "Paula Eckard" <peckard@carolina.rr.com>; "Sharon Pearce" <sharoncrna@lexcominc.net>
Sent: Thursday, June 20, 2002 3:58 AM
Subject: 2: Informational Supplement to Press Release

Diabetes Care

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Diabetes Care 25:S122-S125, 2002
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Position Statement

Care of Children With Diabetes in the School and Day Care Setting

American Diabetes Association

INTRODUCTION

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Diabetes is one of the most common chronic diseases of childhood, with a prevalence of ~1.7 affected individuals per 1,000 people aged <20 years (1,2,3,4). In the U.S., ~13,000 new cases are diagnosed annually in children (4,5,6,7). There are about 125,000 individuals <19 years of age with diabetes in the U.S. (8). The majority of these young people attend school and/or some type of day care and need knowledgeable staff to provide a safe school environment (9,10,11,12). Both parents and the health care team should work together to provide school systems and day care providers with the information necessary to allow children with diabetes to participate fully and safely in the school experience.

DIABETES AND THE LAW

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Federal laws that protect children with

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diabetes include Section 504 of the Rehabilitation Act of 1973, the Individuals with Disabilities Education Act of 1991 (originally the Education for All Handicapped Children Act of 1975), and the Americans with Disabilities Act. Under these laws, diabetes has been considered to be a disability, and it is illegal for schools and/or day care centers to discriminate against children with disabilities. In addition, any school that receives federal funding or any facility considered open to the public must reasonably accommodate the special needs of children with diabetes. Indeed, federal law requires an individualized assessment of any child with diabetes. The required accommodations should be provided within the child's usual school setting with as little disruption to the school's and the child's routine as possible and allowing the child full participation in all school activities.

Despite these protections, children in the school and day care setting still face discrimination. For example, some day care centers may refuse admission to children with diabetes, and children in the classroom may not be provided the assistance necessary to monitor blood glucose and may be prohibited from eating needed snacks. The American Diabetes Association works to ensure the safe and fair treatment of children with diabetes in the school and day care setting (13,14,15).

Diabetes Care in Schools

Appropriate diabetes care in the school and day care setting is necessary for the child's immediate safety, long-term well being, and optimal academic performance. The Diabetes Control and Complications Trial showed a significant link between blood glucose control and the later development of diabetes complications, with improved glycemic control decreasing the risk of these complications (16,17). To achieve glycemic control, a child must monitor blood glucose frequently, follow a meal plan, and take medications. Insulin is usually taken in multiple daily injections or through an infusion pump. Crucial to achieving glycemic control is an understanding of the effects of physical activity, nutrition therapy, and insulin on blood glucose levels.

To facilitate the appropriate care of the student with diabetes, school and day care personnel must have an understanding of diabetes and must be trained in its management and in the treatment of diabetes emergencies. Knowledgeable trained personnel are essential if the student is to avoid the immediate health risks of low blood glucose and to achieve the metabolic control required to decrease risks for later development of diabetes complications. Studies have shown that the majority of school personnel have an inadequate understanding of diabetes and that parents of children with diabetes lack confidence in their teachers' ability to manage diabetes

effectively (12,18,19). Consequently, diabetes education must be targeted toward day care providers, teachers, and other school personnel who interact with the child, including school administrators, school coaches, school nurses, health aides, bus drivers, secretaries, etc.

The purpose of this position statement is to provide recommendations for the management of children with diabetes in the school and day care setting.

GENERAL GUIDELINES FOR THE CARE OF THE CHILD IN THE SCHOOL AND DAY CARE SETTING

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I. Diabetes Health Care Plan

An individualized Diabetes Health Care Plan should be developed by the parent/guardian, the student's diabetes care team, and the school or day care provider. Inherent in this process are delineated responsibilities assumed by all parties, including the parent/guardian, the school personnel, and the student. These responsibilities are outlined in this position statement. The Diabetes Health Care Plan should address the specific needs of the child and provide specific instructions for each of the following:

1. Blood glucose monitoring, including the frequency and circumstances requiring testing.
2. Insulin administration (if necessary), including doses/injection times prescribed for specific blood glucose values and the storage of insulin.
3. Meals and snacks, including food content, amounts, and timing.
4. Symptoms and treatment of hypoglycemia (low blood glucose), including the administration of glucagon if recommended by the student's treatingphysician.
5. Symptoms and treatment of hyperglycemia (high blood glucose).
6. Testing for ketones and appropriate actions to take for abnormal ketone levels, if requested by the student's health care provider.

Figure 1 includes a sample Diabetes Health Care Plan. For detailed information on the symptoms and treatment of hypoglycemia and hyperglycemia, refer to the *Medical Management of Type 1 Diabetes* (20). A brief description of diabetes targeted to school and day care personnel is included in the APPENDIX; it may be helpful to include this information as an introduction to the Diabetes Health Care Plan.

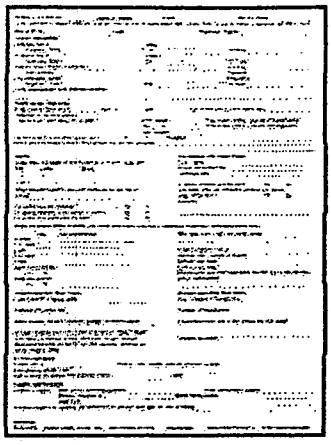

Figure 1— Diabetes Health Care Plan.

View larger version (60K):
[in this window]
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II. Responsibilities of the various care providers

A. The parent/guardian should provide the school or day care provider with the following:

1. All materials and equipment necessary for diabetes care tasks, including blood glucose testing, insulin administration (if needed), and urine or blood ketone testing. The parent/guardian is responsible for the maintenance of the blood glucose testing equipment (i.e., cleaning and performing controlled testing per the manufacturer's instructions) and must provide materials necessary to ensure proper disposal of materials. A separate logbook should be kept at school with the diabetes supplies for the staff or student to record test results; blood glucose values should be transmitted to the parent/guardian for review as often as requested.
2. Supplies to treat hypoglycemia, including a source of glucose and a glucagon emergency kit, if indicated in the Diabetes Health Care Plan.
3. Information about diabetes and the performance of diabetes-related tasks.
4. Emergency phone numbers for the parent/guardian and the diabetes care team so that the school can contact these individuals with diabetes-related questions and/or during emergencies.
5. Information about the student's meal/snack schedule. The parent should work with the school to coordinate this schedule with that of the other students as closely as possible. For young children, instructions should be given for when food is provided during school parties and other activities.

A. The school or day care provider should provide the following:

1. Training to all adults who provide education/care for the student on the symptoms and treatment of hypoglycemia and hyperglycemia and other emergency procedures. An adult and back-up adult(s) trained to: 1) perform fingerstick blood glucose monitoring and record the results; 2) take appropriate actions for blood glucose levels outside of the target ranges as indicated in the student's Diabetes Health Care Plan; and 3) test the urine or blood for ketones, when necessary, and respond to the results of this test.
2. Immediate accessibility to the treatment of hypoglycemia by a knowledgeable adult. The student should remain supervised until appropriate treatment has been administered, and the treatment should be available as close to where the student is as possible.
3. If indicated by the child's developmental capabilities and the Diabetes Health Care Plan, an adult and back-up adult(s) trained in insulin administration.
4. An adult and back-up adult(s) trained to administer glucagon, in accordance with the student's Diabetes Health Care Plan.
5. A location in the school to provide privacy during testing and insulin administration, if desired by the student and family, or permission for the student to check his or her blood glucose level and to take appropriate action to treat hypoglycemia in the classroom or any-where the student is in conjunction with a school activity, if indicated in the student's Diabetes Health Care Plan.
6. An adult and back-up adult(s) responsible for the student who will know the schedule of the student's meals and snacks and work with the parent/ guardian to coordinate this schedule with that of the other students as closely as possible. This individual also will notify the parent/guardian in advance of any expected changes in the school schedule that affect the student's meal times or exercise routine. Young children should be reminded of snack times.
7. Permission for the student to see school medical personnel upon request.
8. Permission for the student to eat a snack anywhere, including the classroom or the school bus, if necessary to prevent or treat hypoglycemia.
9. Permission to miss school without consequences for required medical appointments to monitor the student's diabetes management. This should be an excused absence with a doctor's note, if required by usual school policy.
10. Permission for the student to use the restroom and have access to fluids (i.e., water) as necessary.
11. An appropriate location for insulin and/or glucagon storage, if necessary.

An adequate number of school personnel should be trained in the necessary diabetes

procedures (e.g., blood glucose monitoring, insulin and glucagon administration) and in the appropriate response to high and low blood glucose levels to ensure that at least one adult is present to perform these procedures in a timely manner while the student is at school, on field trips, and during extracurricular activities or other school-sponsored events. These school personnel need not be health care professionals.

The student with diabetes should have immediate access to diabetes supplies at all times, with supervision as needed. Provisions similar to those described above must be available for field trips, extracurricular activities, other school-sponsored events, and on transportation provided by the school or day care facility to enable full participation in school activities.

It is the school's legal responsibility to provide appropriate training to school staff on diabetes-related tasks and in the treatment of diabetes emergencies. This training should be provided by health care professionals with expertise in diabetes unless the student's health care provider determines that the parent/guardian is able to provide the school personnel with sufficient oral and written information to allow the school to have a safe and appropriate environment for the child. If appropriate, members of the health care team should provide instruction and materials to the parent/guardian to facilitate the education of school staff. Educational materials from the American Diabetes Association and other sources targeted to school personnel and/or parents are avail-able. Table 1 includes a listing of appropriate resources.

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Table 1— *Resources for teachers, child care providers, parents, and health professionals*

III. Expectations of the student in diabetes care

Children and youths should be able to implement their diabetes care at school with parental consent to the extent that is appropriate for the student's development and his or her experience with diabetes. The extent of the student's ability to participate in diabetes care should be agreed upon by the school personnel, the parent/guardian, and the health care team, as necessary. The ages at which children are able to perform self-care tasks are very individual and variable, and a child's capabilities and willingness to provide self-care should be respected.

1. *Preschool and day care.* The preschool child is usually unable to perform diabetes tasks independently. By 4 years of age, children may be expected to

generally cooperate in diabetes tasks.

2. *Elementary school.* The child should be expected to cooperate in all diabetes tasks at school. By age 8 years, most children are able to perform their own fingerstick blood glucose tests with supervision. By age 10, some children can administer insulin with supervision.
3. *Middle school or junior high school.* The student should be able to administer insulin with supervision and perform self-monitoring of blood glucose under usual circumstances when not experiencing a low blood glucose level.
4. *High school.* The student should be able to perform self-monitoring of blood glucose under usual circumstances when not experiencing low blood glucose levels. In high school, adolescents should be able to administer insulin without supervision.

At all ages, individuals with diabetes may require help to perform a blood glucose test when the blood glucose is low. In addition, many individuals require a reminder to eat or drink during hypoglycemia and should not be left unsupervised until such treatment has taken place and the blood glucose value has returned to the normal range.

MONITORING BLOOD GLUCOSE IN THE CLASSROOM

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It is best for a student with diabetes to obtain a blood glucose level and to respond to the results as quickly and conveniently as possible. This is important to avoid medical problems being worsened by a delay in testing/treatment and to minimize educational problems caused by missing instruction in the classroom. Accordingly, as stated earlier, a student should be permitted to monitor his or her blood glucose level and take appropriate action to treat hypoglycemia in the classroom or anywhere the student is in conjunction with a school activity, if preferred by the student and indicated in the student's Diabetes Health Care Plan. However, some students desire privacy during testing and this preference should also be accommodated. In summary, with proper planning and the education and training of school personnel, children and youth with diabetes can fully participate in the school experience. To this end, the family, the health care team, and the school should work together to ensure a safe learning environment.

APPENDIX: BACKGROUND INFORMATION ON

DIABETES FOR SCHOOL PERSONNEL

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Diabetes is a serious, chronic disease that impairs the body's ability to use food. Insulin, a hormone produced by the pancreas, helps the body convert food into energy. In people with diabetes, either the pancreas does not make insulin or the body cannot use insulin properly. Without insulin, the body's main energy source—glucose—cannot be used as fuel. Rather, glucose builds up in the blood. Over many years, high blood glucose levels can cause damage to the eyes, kidneys, nerves, heart, and blood vessels.

The majority of schoolged youth with diabetes have type 1 diabetes. People with type 1 diabetes do not produce insulin and must receive insulin through either injections or an insulin pump. Insulin taken in this manner does not cure diabetes and may cause the student's blood glucose level to become dangerously low. Type 2 diabetes, the most common form of the disease typically afflicting obese adults, has been shown to be increasing in youth (21). This may be due to the increase in obesity and decrease in physical activity in young people. Students with type 2 diabetes may be able to control their disease through diet and exercise alone or may require oral medications and/or insulin injections. All people with type 1 and type 2 diabetes must carefully balance food, medications, and activity level to keep blood glucose levels as close to normal as possible.

Low blood glucose (hypoglycemia) is the most common immediate health problem for students with diabetes. It occurs when the body gets too much insulin, too little food, a delayed meal, or more than the usual amount of exercise. Symptoms of mild to moderate hypoglycemia include tremors, sweating, light-headedness, irritability, confusion, and drowsiness. A student with this degree of hypoglycemia will need to ingest carbohydrates promptly and may require assistance. Severe hypoglycemia, which is rare, may lead to unconsciousness and convulsions and can be life-threatening if not treated promptly.

High blood glucose (hyperglycemia) occurs when the body gets too little insulin, too much food, or too little exercise; it may also be caused by stress or an illness such as a cold. The most common symptoms of hyperglycemia are thirst, frequent urination, and blurry vision. If untreated over a period of days, hyperglycemia can cause a serious condition called diabetic ketoacidosis (DKA), which is characterized by nausea, vomiting, and a high level of ketones in the blood and urine. For students using insulin infusion pumps, lack of insulin supply may lead to DKA more rapidly. DKA can be

lifethreatening and thus requires immediate medical attention.

Footnotes

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The recommendations in this paper are based on the evidence reviewed in the following publications: Diabetes Control and Complications Trial Research Group: The effect of intensive treatment of diabetes on the development and progression of long-term complications in insulin-dependent diabetes mellitus. *N Engl J Med* 329:977–986, 1993; and Diabetes Control and Complications Trial Research Group: The effect of intensive diabetes treatment on the development and progression of long-term complications in adolescents with insulin-dependent diabetes mellitus. *J Pediatr* 125:177–188, 1994.

The initial draft of this paper was prepared by Georgeanna Klingensmith, MD, Francine Kaufman, MD, *Desmond Schatz*, MD, and *William Clarke*, MD. The paper was peer-reviewed, modified, and approved by the Professional Practice Committee and the Executive Committee, November 1998. Most recent review/ revision, 2000.

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Diabetes Care

SUPPORT THE CARE FOR SCHOOL CHILDREN WITH DIABETES ACT

WILLIAM ECKARD

Poor Diabetes Control Vs. Good Diabetes Control in School

Poor glucose control cannibalizes the body, causing wasting of muscle and fat tissues.

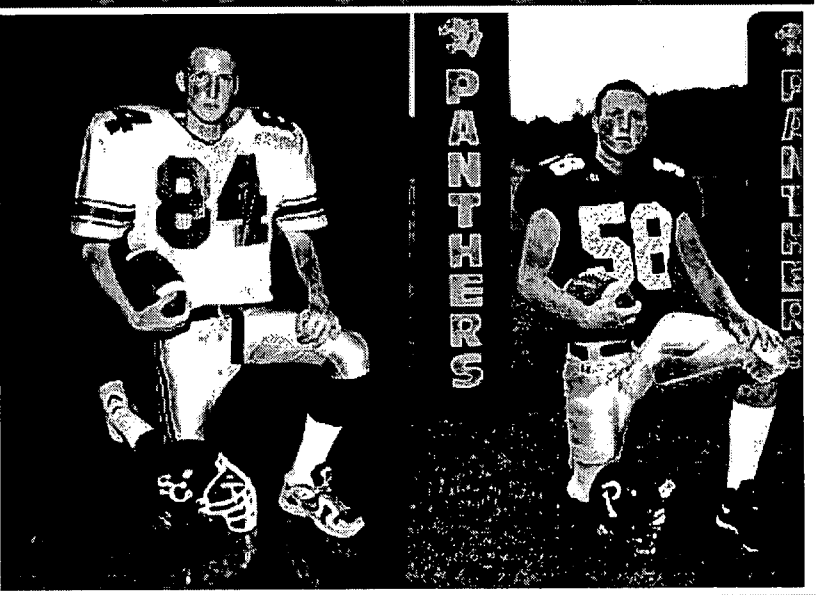
The first year he had diabetes, William was not allowed to adequately monitor his disease at school. We watched his 6'3" frame shrink from 172 pounds to 140 pounds.

After William went to high school, we insisted that he carry his diabetes supplies at all times and check his blood sugar frequently. THIS VIOLATED SCHOOL POLICY, but he could not afford to lose any more weight and experience further complications.

Every day at school, William risks being arrested for carrying his insulin and needles in his book bag. But we prefer that he be alive in jail rather than dead or in a coma at school.

As result of carefully monitoring and treating his blood sugar—by hiding in the locker room, holding his hands under his desk or lunch table, sitting out of sight behind the water coolers at football practice, sneaking out to his truck to check his blood sugar and take insulin—he has regained the lost weight, and then some. He is still 6'3" but now weighs a strong 225 pounds, all muscle.

School policies criminalize diabetes and make good glucose control difficult if not impossible to achieve. **Please support the Care for School Children with Diabetes Act.**



William, at age 14	William, at age 17
Height: 6'3" Weight: 140 lbs.	**Height: 6'3" Weight: 225 lbs.**
Poor diabetes control in school	**Good diabetes control in school**
(In accordance with school policies)	*(In violation of school policies)*

William Eckard

Age 18 Rising Senior
Scholar Athlete
Varsity Football Defensive Lineman
Diabetes Since Age 14
Insulin Pump User
6-10 Blood Checks Per Day

729 Fredricksburg Rd. Matthews, NC 28105
Telephone: 704/847-5703
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EDUCATION COMMITTEE MINUTES

August 20, 2002

The House Education Committee met on Tuesday, August 20, 2002, at 11:00 am in Room 643 of the Legislative Office Building. Representative Donald Bonner, Co-chair, presided. The attendance sheet indicates members present.

Senator Dalton was called on to explain **SB 1275, DROPOUT RDCTN/LEA ACCOUNTABILITY**. Representative Tolson moved to adopt the committee substitute and it passed. After much discussion, Representative Barefoot made a motion for a favorable report as to committee substitute, unfavorable to original bill. The motion passed.

Senator Rand was called on to explain **SB 163, LEA'S AND GROUP HOMES.** Representative Alexander made a motion to adopt the committee substitute and it passed. After much discussion, the bill was continued to the next meeting.

Meeting adjourned.

Rep. Donald Bonner, Co-chair

Rep. Alex Warner, Co-chair

Ann Stancil, Committee Clerk

8/20/02

2002 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

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

☑ Committee Substitute for
S.B 1275 A BILL TO BE ENTITLED AN ACT TO DIRECT THE STATE BOARD OF EDUCATION TO DEVELOP A PLAN TO IMPROVE THE STATE'S TRACKING OF DROPOUT DATA, TO EXAMINE THE ACCOUNTABILITY FORMULA TO REWARD HIGH SCHOOLS FOR REDUCING THEIR DROPOUT RATE, TO IDENTIFY CURRENT STATE TECHNICAL HIGH SCHOOLS AND CAREER CENTERS AND TO COOPERATE WITH THE STATE BOARD OF COMMUNITY COLLEGES TO ENCOURAGE CONCURRENT ENROLLMENT, TO STUDY THE RELATIONSHIP BETWEEN ACADEMIC RIGOR AND REDUCING THE DROPOUT RATE, TO ENCOURAGE LOCAL BOARDS OF EDUCATION TO PLACE EXCELLENT, EXPERIENCED TEACHERS IN GRADES SEVEN THROUGH NINE, TO DIRECT THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE TO STUDY WHETHER RAISING THE COMPULSORY ATTENDANCE AGE TO EIGHTEEN WILL REDUCE THE DROPOUT RATE, TO DIRECT THE STATE BOARD OF EDUCATION TO ADOPT A POLICY TO REQUIRE KINDERGARTEN THROUGH EIGHTH GRADE TEACHERS TO TAKE THREE RENEWAL CREDITS IN READING METHODS COURSES, TO DIRECT THE UNC BOARD OF GOVERNORS TO STUDY WHETHER TO REQUIRE AT LEAST TWO READING METHODS COURSES FOR ALL ELEMENTARY EDUCATION MAJORS AND AT LEAST ONE READING METHODS COURSE FOR ALL MIDDLE GRADES EDUCATION MAJORS, TO DIRECT THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE TO STUDY THE FISCAL AND INSTRUCTIONAL ACCOUNTABILITY OF LOCAL SCHOOL ADMINISTRATIVE UNITS, AND TO DIRECT THE STATE BOARD OF EDUCATION TO TAKE OVER ALL POWERS AND DUTIES RELATED TO A SCHOOL WHEN THAT SCHOOL AND ITS LOCAL BOARD OF EDUCATION FAIL TO IMPLEMENT RECOMMENDATIONS OF AN ASSISTANCE TEAM ASSIGNED TO THAT SCHOOL.

☐ With a favorable report.

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

☐ With a favorable report, as amended.

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

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

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

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

SB 1275:
Dropout Rdctn/LEA Accountability.

BILL ANALYSIS

Committee:	House Education	**Introduced by:**	Sen. Dalton
Date:	July 18, 2002	**Summary by:**	Drupti Chauhan *
Version:	2nd Edition		Committee Counsel

SUMMARY: ***Senate Bill 1275 makes various changes to the law relating to dropouts; directs the State Board of Education and the Joint Legislative Education Oversight Committee to conduct several studies relating to dropouts directs the State Board of Education and the State Board of Community Colleges to study the strengthening of concurrent enrollment opportunities; directs the UNC Board of Governors to study reading methods requirements in the teacher preparation curriculum; directs the Joint Legislative Education Oversight Committee to study the fiscal and instructional accountability of local school units; and directs the State Board of Education to take over the powers and duties of a school when the school and the local board of education fail to implement the recommendations of an assistance team assigned to the school.***

BACKGROUND: The bill is a recommendation of the Joint Legislative Education Oversight Committee.

BILL ANALYSIS:

Section 1: would amend G.S. 115C-12 by directing the State Board of Education to develop a statewide plan that improves tracking of dropout data and enables useful comparisons of the data over time.

Section 2(a): would direct the State Board of Education to examine the high school accountability system in the ABC's and make necessary changes to the growth composite so that high schools are rewarded for reducing dropout rates and improving graduation rates.

Section 2(b): would direct the State Board of Education, with the cooperation of the State Board of Community Colleges, to make recommendations to strengthen the concurrent enrollment opportunities between the technical high schools and career centers and the community colleges. The State Board of Education shall report to the Education Oversight Committee by December 15, 2002.

Section 2(c): would direct the State Board of Education to study the relationship between academic rigor and a reduction in the dropout rate. As part of the study, the Board shall examine the following issues:

- Accelerating learning for students who can complete high school in 3 years;
- Eliminating low-level classes in middle school and high school;
- Examining the appropriateness of electives and exploratory courses at middle grades
- Reviewing current vocational courses to determine the rigor of the content; and
- Developing up-to-date standards for vocational/technical teachers.

*Sara Kamprath contributed substantially to this summary.

Section 3: would amend G.S. 115C-47 by encouraging local school boards to adopt policies requiring superintendents to assign teachers with at least four years experience and who have received an overall formal evaluation rating that is at least above standard within the last 3 years to teach the core academic subjects in 7th through 9th grade.

Section 4: would direct the Education Oversight Committee to study whether raising the compulsory attendance age to 18 will reduce the dropout rate. The Committee shall report to the 2003 Session.

Section 5(a): would direct the State Board of Education to adopt a policy requiring kindergarten through 8th grade teachers to take 3 renewal credits in reading methods courses during the five-year license renewal cycle.

Section 5(b): would direct the UNC Board of Governors to study whether to require a minimum of 2 reading methods courses for all elementary education majors and a minimum of 1 methods reading course for all middle grades education majors. The Board shall report to the 2003 Session.

Section 6: directs the Education Oversight Committee to study the fiscal and instructional accountability of local school administrative units. The Committee will examine the following issues:

- Evaluating the fiscal management and instructional leadership provided by local school systems;
- Analyzing how local school systems are utilizing funding and resources especially for at-risk children;
- Evaluating fiscal controls that exist to ensure local allocation of funds is cost-effective and focused on enhancing educational leadership, teaching the standard course of study, and improving student learning.
- Analyzing State and local procedures to identify superintendents, principals, and teachers who need more training or assistance to implement a cost-effective instructional program that fills the needs of all students, including at-risk students, so they achieve at grade level or above.
- Identifying current or possible actions that the State may take to correct ineffective instructional leadership or teaching in school or school system.

The Committee shall report to the 2003 Session.

Section 7: would amend G.S. 115C-105.38 to require assistance teams to report to the State Board of Education if a school and its board of education are not responsive to recommendations from the team. The local board shall receive a copy of the report and shall have an opportunity to respond. If the State Board finds that the school and the local board have not taken steps to improve student performance at the school, then the State Board shall assume the powers and duties previously held by the local board and the school. The State Board shall have supervision of all matters relating to that school until student performance meets or exceeds the standards set for the school. If it considers it appropriate, the State Board may delegate any powers or duties to the local board or the school before the school meets or exceeds the standards.

Section 8: The bill becomes effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

S D

SENATE BILL 1275
PROPOSED HOUSE COMMITTEE SUBSTITUTE S1275-CSRQ-2 [v.1]

7/31/2002 2:33:50 PM

Short Title: Dropout Rdctn/LEA Accountability. (Public)

Sponsors:

Referred to:

June 6, 2002

A BILL TO BE ENTITLED

AN ACT TO DIRECT THE STATE BOARD OF EDUCATION TO DEVELOP A PLAN TO IMPROVE THE STATE'S TRACKING OF DROPOUT DATA, TO EXAMINE THE ACCOUNTABILITY FORMULA TO REWARD HIGH SCHOOLS FOR REDUCING THEIR DROPOUT RATE, TO IDENTIFY CURRENT STATE TECHNICAL HIGH SCHOOLS AND CAREER CENTERS AND TO COOPERATE WITH THE STATE BOARD OF COMMUNITY COLLEGES TO ENCOURAGE CONCURRENT ENROLLMENT, TO STUDY THE RELATIONSHIP BETWEEN ACADEMIC RIGOR AND REDUCING THE DROPOUT RATE, TO ENCOURAGE LOCAL BOARDS OF EDUCATION TO PLACE EXCELLENT, EXPERIENCED TEACHERS IN GRADES SEVEN THROUGH NINE, TO DIRECT THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE TO STUDY WHETHER RAISING THE COMPULSORY ATTENDANCE AGE TO EIGHTEEN WILL REDUCE THE DROPOUT RATE, TO DIRECT THE STATE BOARD OF EDUCATION TO ADOPT A POLICY TO REQUIRE KINDERGARTEN THROUGH EIGHTH GRADE TEACHERS TO TAKE THREE RENEWAL CREDITS IN READING METHODS COURSES, TO DIRECT THE UNC BOARD OF GOVERNORS TO STUDY WHETHER TO REQUIRE AT LEAST TWO READING METHODS COURSES FOR ALL ELEMENTARY EDUCATION MAJORS AND AT LEAST ONE READING METHODS COURSE FOR ALL MIDDLE GRADES EDUCATION MAJORS, TO DIRECT THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE TO STUDY THE FISCAL AND INSTRUCTIONAL ACCOUNTABILITY OF LOCAL SCHOOL ADMINISTRATIVE UNITS, AND TO DIRECT THE STATE BOARD OF EDUCATION TO TAKE OVER ALL POWERS AND DUTIES RELATED TO A SCHOOL WHEN THAT SCHOOL AND ITS LOCAL BOARD OF EDUCATION FAIL TO IMPLEMENT

RECOMMENDATIONS OF AN ASSISTANCE TEAM ASSIGNED TO THAT SCHOOL.

The General Assembly of North Carolina enacts:

SECTION 1.(a) G.S. 115C-12 is amended by adding a new subdivision to read:

"(27a) Reducing School Dropout Rates. –

The State Board of Education shall develop a statewide plan to improve the State's tracking of dropout data so that accurate and useful comparisons can be made over time. The plan shall include, at a minimum, how dropouts are counted and the methodology for calculating the dropout rate, the ability to track students' movements among schools and districts, and the ability to provide information on who drops out and why."

SECTION 1.(b). The State Board of Education shall make a report on this plan to the Joint Legislative Education Oversight Committee by December 15, 2002.

SECTION 2.(a) The State Board of Education shall examine the accountability system for high schools created under the School-Based Management and Accountability Program. In particular, the State Board shall review, and make appropriate changes to, the growth composite for high schools so that the composite includes a growth standard that increases the weight currently given for a change in dropout rates, thus rewarding high schools for reducing dropout rates and improving graduation rates.

SECTION 2.(b) The State Board of Education, in cooperation with the State Board of Community Colleges, shall identify technical high schools and career centers currently in operation in the State and make recommendations to strengthen concurrent enrollment opportunities with the community colleges. The State Board shall report its findings to the Joint Legislative Education Oversight Committee by December 15, 2002.

SECTION 2.(c) The State Board of Education (Board) shall study the relationship between academic rigor and reducing the school dropout rate. As part of this study, the Board shall include the following:

(1) The development of a proposal to accelerate the learning of students able to complete high school in three years;

(2) The elimination of low-level classes at the middle and high school levels;

(3) The examination of the appropriateness of electives and exploratory courses at the middle school level;

(4) A review of current vocational courses to determine the rigor of the content; and

(5) The development of up-to-date standards for vocational/technical teachers.

The Board shall report its findings to the Joint Legislative Education Oversight Committee by January 15, 2003.

SECTION 3. G.S. 115C-47 is amended by adding a new subdivision to read:

"(42) Local boards of education are encouraged to adopt policies that require superintendents to assign to the core academic courses in seventh through ninth grades teachers who have at least four years teaching experience and who have received within the last three years an overall rating on a formal evaluation that is at least above standard."

SECTION 4. The Joint Legislative Education Oversight Committee shall study whether raising the compulsory attendance age to 18 will reduce the dropout rate and increase the high school graduation rate. The Committee shall report its findings and recommendations to the 2003 General Assembly.

SECTION 5.(a) The State Board of Education shall adopt a policy that requires kindergarten through eighth grade teachers to take three renewal credits in reading methods courses during each five-year license renewal cycle.

SECTION 5.(b) The University of North Carolina Board of Governors shall study whether to require at least two reading methods courses for all elementary education majors and at least one reading methods course for all middle grades education majors in teacher education programs. The study also shall examine appropriate reading teaching pedagogy and reading teaching methods to be required in these courses. As part of the study, the Board shall review the reading methods course requirements by major in the teacher education programs at Appalachian State and East Carolina University. The Board shall report its findings to the Joint Legislative Education Oversight Committee by December 15, 2002.

SECTION 6. The Joint Legislative Education Oversight Committee shall study the fiscal and instructional accountability of local school administrative units. As part of this study, the Committee shall:

(1) Evaluate the fiscal management and instructional leadership provided by local school administrative units.

(2) Analyze whether local school administrative units are utilizing their funding and resources in a proper, strategic manner with regard to their at-risk children.

(3) Evaluate State fiscal controls that are available to ensure that local allocation of funding and resources is cost effective and is appropriately focused on enhancing educational leadership, teaching the standard course of study, and improving student learning.

(4) Analyze State and local procedures for identifying superintendents, principals, and teachers who need additional training or assistance in order to implement a strategic and cost-effective instructional program that meets the needs of all children, including at-risk children, so that they obtain a sound basic education by achieving grade level or above academic performance.

(5) Identify current and possible actions that the State may implement in order to correct ineffective instructional leadership or teaching in a school or school system. In particular, the Committee shall ensure that fair and efficient procedures are available to the State for removing

ineffective superintendents, principals, or teachers and for replacing them with effective, competent ones.

The Committee shall report its findings and any recommendations to the 2003 General Assembly.

SECTION 7. G.S. 115C-105.38 is amended by adding the following new subsection to read:

"(b1) Report to the State Board of Education if a school and its local board of education are not responsive to the team's recommendations. A copy of that report shall be made available to the local board and the local board shall have an opportunity to respond. Notwithstanding G.S. 115C-36 and other provisions of this Chapter, if the State Board confirms the school and local board have failed to take appropriate steps to improve student performance at that school, the State Board shall assume all powers and duties previously conferred upon that local board and that school and shall have general control and supervision of all matters pertaining to that school until student performance at the school meets or exceeds the standards set for the school. The State Board may, as it considers appropriate, delegate any powers and duties to that local board or school before the school meets or exceeds those standards."

SECTION 8. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

S 2

SENATE BILL 1275

Education/Higher Education Committee Substitute Adopted 7/2/02

Short Title: Dropout Rdctn/LEA Accountability. (Public)

Sponsors:

Referred to:

June 6, 2002

A BILL TO BE ENTITLED

AN ACT TO DIRECT THE STATE BOARD OF EDUCATION TO DEVELOP A PLAN TO IMPROVE THE STATE'S TRACKING OF DROPOUT DATA, TO EXAMINE THE ACCOUNTABILITY FORMULA TO REWARD HIGH SCHOOLS FOR REDUCING THEIR DROPOUT RATE, TO IDENTIFY CURRENT STATE TECHNICAL HIGH SCHOOLS AND CAREER CENTERS AND TO COOPERATE WITH THE STATE BOARD OF COMMUNITY COLLEGES TO ENCOURAGE CONCURRENT ENROLLMENT, TO STUDY THE RELATIONSHIP BETWEEN ACADEMIC RIGOR AND REDUCING THE DROPOUT RATE, TO ENCOURAGE LOCAL BOARDS OF EDUCATION TO PLACE EXCELLENT, EXPERIENCED TEACHERS IN GRADES SEVEN THROUGH NINE, TO DIRECT THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE TO STUDY WHETHER RAISING THE COMPULSORY ATTENDANCE AGE TO EIGHTEEN WILL REDUCE THE DROPOUT RATE, TO DIRECT THE STATE BOARD OF EDUCATION TO ADOPT A POLICY TO REQUIRE KINDERGARTEN THROUGH EIGHTH GRADE TEACHERS TO TAKE THREE RENEWAL CREDITS IN READING METHODS COURSES, TO DIRECT THE UNC BOARD OF GOVERNORS TO STUDY WHETHER TO REQUIRE AT LEAST TWO READING METHODS COURSES FOR ALL ELEMENTARY EDUCATION MAJORS AND AT LEAST ONE READING METHODS COURSE FOR ALL MIDDLE GRADES EDUCATION MAJORS, TO DIRECT THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE TO STUDY THE FISCAL AND INSTRUCTIONAL ACCOUNTABILITY OF LOCAL SCHOOL ADMINISTRATIVE UNITS, AND TO DIRECT THE STATE BOARD OF EDUCATION TO TAKE OVER ALL POWERS AND DUTIES RELATED TO A SCHOOL WHEN THAT SCHOOL AND ITS LOCAL BOARD OF EDUCATION FAIL TO IMPLEMENT RECOMMENDATIONS OF AN ASSISTANCE TEAM ASSIGNED TO THAT SCHOOL.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-12 is amended by adding a new subdivision to read:

"(27a) Reducing School Dropout Rates. –

a. The State Board of Education shall develop a statewide plan to improve the State's tracking of dropout data so that accurate and useful comparisons can be made over time. The plan shall include, at a minimum, how dropouts are counted and the methodology for calculating the dropout rate, the ability to track students' movements among schools and districts, and the ability to provide information on who drops out and why."

SECTION 2.(a) The State Board of Education shall examine the accountability system for high schools created under the School-Based Management and Accountability Program. In particular, the State Board shall review, and make appropriate changes to, the growth composite for high schools so that the composite includes a growth standard that increases the weight currently given for a change in dropout rates, thus rewarding high schools for reducing dropout rates and improving graduation rates.

SECTION 2.(b) The State Board of Education, in cooperation with the State Board of Community Colleges, shall identify technical high schools and career centers currently in operation in the State and make recommendations to strengthen concurrent enrollment opportunities with the community colleges. The State Board shall report its findings to the Joint Legislative Education Oversight Committee by December 15, 2002.

SECTION 2.(c) The State Board of Education (Board) shall study the relationship between academic rigor and reducing the school dropout rate. As part of this study, the Board shall include the following:

(1) The development of a proposal to accelerate the learning of students able to complete high school in three years;

(2) The elimination of low-level classes at the middle and high school levels;

(3) The examination of the appropriateness of electives and exploratory courses at the middle school level;

(4) A review of current vocational courses to determine the rigor of the content; and

(5) The development of up-to-date standards for vocational/technical teachers.

The Board shall report its findings to the Joint Legislative Education Oversight Committee by January 15, 2003.

SECTION 3. G.S. 115C-47 is amended by adding a new subdivision to read:

"(42) Local boards of education are encouraged to adopt policies that require superintendents to assign to the core academic courses in seventh through ninth grades teachers who have at least four years teaching experience and who have received within the last three years an overall rating on a formal evaluation that is at least above standard."

SECTION 4. The Joint Legislative Education Oversight Committee shall study whether raising the compulsory attendance age to 18 will reduce the dropout rate and increase the high school graduation rate. The Committee shall report its findings and recommendations to the 2003 General Assembly.

SECTION 5.(a) The State Board of Education shall adopt a policy that requires kindergarten through eighth grade teachers to take three renewal credits in reading methods courses during each five-year license renewal cycle.

SECTION 5.(b) The University of North Carolina Board of Governors shall study whether to require at least two reading methods courses for all elementary education majors and at least one reading methods course for all middle grades education majors in teacher education programs. As part of the study, the Board shall review the reading methods course requirements by major in the teacher education programs at Appalachian State and East Carolina University. The Board shall report its findings to the Joint Legislative Education Oversight Committee by December 15, 2002.

SECTION 6. The Joint Legislative Education Oversight Committee shall study the fiscal and instructional accountability of local school administrative units. As part of this study, the Committee shall:

(1) Evaluate the fiscal management and instructional leadership provided by local school administrative units.

(2) Analyze whether local school administrative units are utilizing their funding and resources in a proper, strategic manner with regard to their at-risk children.

(3) Evaluate State fiscal controls that are available to ensure that local allocation of funding and resources is cost effective and is appropriately focused on enhancing educational leadership, teaching the standard course of study, and improving student learning.

(4) Analyze State and local procedures for identifying superintendents, principals, and teachers who need additional training or assistance in order to implement a strategic and cost-effective instructional program that meets the needs of all children, including at-risk children, so that they obtain a sound basic education by achieving grade level or above academic performance.

(5) Identify current and possible actions that the State may implement in order to correct ineffective instructional leadership or teaching in a school or school system. In particular, the Committee shall ensure that fair and efficient procedures are available to the State for removing ineffective superintendents, principals, or teachers and for replacing them with effective, competent ones.

The Committee shall report its findings and any recommendations to the 2003 General Assembly.

SECTION 7. G.S. 115C-105.38 is amended by adding the following new subsection to read:

"(b1) Report to the State Board of Education if a school and its local board of education are not responsive to the team's recommendations. A copy of that report shall be made available to the local board and the local board shall have an opportunity to respond. Notwithstanding G.S. 115C-36 and other provisions of this Chapter, if the State Board confirms the school and local board have failed to take appropriate steps to improve student performance at that school, the State Board shall assume all powers and duties previously conferred upon that local board and that school and shall have general control and supervision of all matters pertaining to that school until student performance at the school meets or exceeds the standards set for the school. The State Board may, as it considers appropriate, delegate any powers and duties to that local board or school before the school meets or exceeds those standards."

SECTION 8. This act is effective when it becomes law.

EDUCATION COMMITTEE MINUTES

August 27, 2002

The House Education Committee met on Tuesday, August 27, 2002, at 11:00 am in Room 643 of the Legislative Office Building. Representative Alex Warner, Co-chair, presided. The attendance sheet indicates members present.

Senator Rand was called on to explain **SB 163, LEA'S AND GROUP HOMES.** This bill was continued from the previous meeting. Representative Insko offered an amendment and it passed. Representative Weiss offered an amendment and it failed. Representative Pope offered an amendment and it passed. After much discussion, Representative Morgan made the motion for a favorable report as to committee substitute, unfavorable to original bill. The motion passed.

Meeting adjourned.

Rep. Alex Warner, Co-chair

Rep. Donald Bonner, Co-chair

Ann Stancil, Committee Clerk

Procured: 9/4/02
Hold procured in P.C.'s office

2002 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

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

☑ Committee Substitute for
S.B. 163 - A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE RECOMMENDATIONS OF THE LEGISLATIVE RESEARCH COMMISSION'S STUDY COMMITTEE ON GROUP HOMES TO ADDRESS THE NEEDS OF LOCAL SCHOOL ADMINISTRATIVE UNITS IN WHICH GROUP HOMES FOR CHILDREN ARE LOCATED.

☐ With a favorable report.

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

☐ With a favorable report, as amended.

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

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

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

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

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

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

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

☐ Without prejudice.

☐ With an indefinite postponement report.

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

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

5/13/02

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT ①

(Please type or use ballpoint pen)

EDITION No. _____

H. B. No. _____ DATE 8/27/02

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

COMMITTEE SUBSTITUTE _____

Rep.)
) Insko
Sen.)

1 moves to amend the bill on page 2, line 29
2 ( ) WHICH CHANGES THE TITLE
3 by adding at the end of the line the following:
4 "This section shall not apply to group homes
5 that have a contract with Area Mental
6 Health programs or local management
7 entity." (as Senate)

8
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12 passed
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19

SIGNED Teresa C Insko

ADOPTED _____ FAILED _____ TABLED _____

(2)

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

EDITION No. _____

H. B. No. _____ DATE 8/27/02

S. B. No. 163 Amendment No. _____
(to be filled in by Principal Clerk)

COMMITTEE SUBSTITUTE ✓

Rep.) Weiss
)
Sen.)

1 moves to amend the bill on page 2, line 3 26-29
2 ( ) WHICH CHANGES THE TITLE
3 by deleting those lines;
4
5 and by renumbering the remaining
6 sections.
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SIGNED Jennifer Weiss

ADOPTED _____ FAILED _____ TABLED _____

(3)

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

H. B. No. _____ DATE 8/27/02

S. B. No. 163 Amendment No. _____

(to be filled in by Principal Clerk)

Rep.)
) Pope
Sen.)

moves to amend the bill on page 2, line 36

by rewriting the line to read "Section 6. This act becomes effective January 1, 2003.".

Passed

SIGNED Pope

ADOPTED _____ FAILED _____ TABLED _____

GA-33-A PRINCIPAL CLERK'S OFFICE (FOR ENGROSSMENT)

8/27/02

SENATE BILL 163: LEAs and Group Homes

BILL ANALYSIS

Committee:	House Education	**Introduced by:**	Sen. Rand
Date:	August 26, 2002	**Summary by:**	Robin Johnson *
Version:	Proposed Committee Substitute S163-CSRH-64[v.4]		Committee Counsel

SUMMARY: ***The proposed committee substitute (PCS) makes changes in light of legislation adopted last year.***

The bill, if enacted, would implement the recommendations of the LRC's Study Committee on Group Homes. The bill would:

- ***Direct the Department of Health and Human Services (DHHS), in conjunction with the Department of Juvenile Justice and Delinquency Prevention (DJJDP), the Department of Public Instruction (DPI), and other affected agencies, to report to the General Assembly on a method of identifying and tracking children placed outside of the family unit in groups homes or therapeutic foster care home settings.***
- ***Require a local administrative unit in an originating county to transfer to a local administrative unit in a receiving county the amount equal to the actual local cost in excess of State and federal funding required to educate a child in a group or foster care home when that child is not domiciled in the county where the group home is located.***
- ***Direct the State Board of Education to revise certain funding formulas to provide additional funds to local school administrative units in counties with a higher than average concentration of group homes or therapeutic foster care homes.***
- ***Prohibit additional group homes in any county where the number of residential treatment homes and supervised living homes for individuals with disabilities exceeds 1 per 733 people in that county.***
- ***Direct the State Board of Education to provide for a local school administrative unit to request additional funds if a child assigned to that unit was not in that unit's April headcount for exceptional children for the previous school year, even if the local school administrative unit received funds for that child for a portion of the preceding school year.***

The act would become effective when it becomes law.

BACKGROUND AND BILL ANALYSIS:

Section 1 would require DHHS, in conjunction with DJJDP, DPI, and other agencies, to develop and report a method of identifying and tracking children placed in group homes or therapeutic foster care homes. DHHS must report to the HHS Appropriations Subcommittees and the Fiscal Research Division by April 1, 2003, on this method.

In 2000, the General Assembly established the Comprehensive Treatment Services Program (Program) within DHHS. The purpose of the Program is to provide appropriate and medically necessary residential and nonresidential treatment alternatives for children at risk of institutionalization or other out-of-home placement. DHHS, in conjunction with the DJJDP, DPI, and other affected agencies, are required to

report on to report to the HHS Appropriations Subcommittees of the General Assembly (and the FRD) on certain Program information. The Study Committee found that information, including county of residence and county of placement, on the numbers of children placed in group homes is needed and useful for planning and evaluation purposes

Section 2 would change current law by requiring a local administrative unit in a "sending" county to transfer to a local administrative unit in a "receiving" county the amount equal to the actual local cost in excess of State and federal funding required to educate a child in a group or foster care home who does not reside in the county in which the group home is located.

Both federal and State law guarantee a "free, appropriate public education" (also known as special education) for every child with a disability. Local departments of social services, area mental health authorities, and the court system can place a child in a group home, foster home, or similar facility – when this is an appropriate placement for that child. These facilities are not necessarily located in the county where the placement decision is made. Current law requires the receiving LEA (i.e., the local board of education where a group home, foster home, or similar facility is located) to pay the cost of special education for the children with disabilities who are placed in that facility.

When this bill was introduced, six counties accounted for 42% of the group homes in the State and currently pay for the education of children from other counties. The Study Committee found that it would be more equitable for the county of residence to pay for the education of these children by requiring the county of residence to pay the host county the cost of educating these children.

Section 3 would direct the State Board of Education to revise the formula for State Aid for Children with Disabilities and the Group Homes formula to provide additional funds to a local school administrative unit in a county with a higher than average concentration of group homes or therapeutic foster care homes. The Study Committee found that local educational systems are adversely impacted monetarily by a high concentration of group homes because the majority of children in group homes require special education and the cost of special education for these students exceeds the cost reimbursed by the State.

Section 4 would prohibit the approval, licensure, opening or building of additional group homes in any county where the number of residential treatment homes and supervised living homes for individuals with disabilities exceeds 1 per 733 people in that county. This density limitation could possibly present some problems with the federal Fair Housing Act.

Section 5 would direct the State Board of Education to provide for a local school administrative unit to request funds from the Group Homes Program for Children with Disabilities allotment if a child assigned to that unit was not in that unit's April headcount for exceptional children for the previous school year, even if the local school administrative unit received funds for that child for a portion of the preceding school year.

The Department of Public Instruction currently allows local school administrative units to request funds from the Group Home Program allotment for children placed in a group home from outside the school district only if the child was not in the April headcount for the prior year and if this is the first school year in which the child was placed in the group home. (The April headcount counts, by LEA and disability, the number of exceptional children receiving special education and related services.) The Study Committee found that local school administrative units are not being compensated appropriately for children in group homes in the jurisdiction of the local school administrative unit after the April headcount.

** Erika Churchill, Dianna Jessup, and Drupti Chauhan, staff, contributed to this summary.*

SENATE BILL 163:
LEAs and Group Homes

BILL ANALYSIS

Committee:	House Education	**Introduced by:**	Sen. Rand
Date:	August 19, 2002	**Summary by:**	Drupti Chauhan *
Version:	Proposed Committee Substitute S163-CSRH-64[v.4]		Committee Counsel

SUMMARY: The proposed committee substitute (PCS) makes changes in light of legislation adopted last year.

The bill, if enacted, would implement the recommendations of the LRC's Study Committee on Group Homes. The bill would:

- *Direct the Department of Health and Human Services (DHHS), in conjunction with the Department of Juvenile Justice and Delinquency Prevention (DJJDP), the Department of Public Instruction (DPI), and other affected agencies, to report to the General Assembly on a method of identifying and tracking children placed outside of the family unit in groups homes or therapeutic foster care home settings.*
- *Require a local administrative unit in an originating county to transfer to a local administrative unit in a receiving county the amount equal to the actual local cost in excess of State and federal funding required to educate a child in a group or foster care home when that child is not domiciled in the county where the group home is located.*
- *Direct the State Board of Education to revise certain funding formulas to provide additional funds to local school administrative units in counties with a higher than average concentration of group homes or therapeutic foster care homes.*
- *Prohibit additional group homes in any county where the number of residential treatment homes and supervised living homes for individuals with disabilities exceeds 1 per 733 people in that county.*
- *Direct the State Board of Education to provide for a local school administrative unit to request additional funds if a child assigned to that unit was not in that unit's April headcount for exceptional children for the previous school year, even if the local school administrative unit received funds for that child for a portion of the preceding school year.*

The act would become effective when it becomes law.

BACKGROUND AND BILL ANALYSIS:

Section 1 would require DHHS, in conjunction with DJJDP, DPI, and other agencies, to develop and report a method of identifying and tracking children placed in group homes or therapeutic foster care homes. DHHS must report to the HHS Appropriations Subcommittees and the Fiscal Research Division by April 1, 2003, on this method.

In 2000, the General Assembly established the Comprehensive Treatment Services Program (Program) within DHHS. The purpose of the Program is to provide appropriate and medically necessary residential and nonresidential treatment alternatives for children at risk of institutionalization or other out-of-home placement. DHHS, in conjunction with the DJJDP, DPI, and other affected agencies, are required to

report on to report to the HHS Appropriations Subcommittees of the General Assembly (and the FRD) on certain Program information. The Study Committee found that information, including county of residence and county of placement, on the numbers of children placed in group homes is needed and useful for planning and evaluation purposes

Section 2 would change current law by requiring a local administrative unit in a "sending" county to transfer to a local administrative unit in a "receiving" county the amount equal to the actual local cost in excess of State and federal funding required to educate a child in a group or foster care home who does not reside in the county in which the group home is located.

Both federal and State law guarantee a "free, appropriate public education" (also known as special education) for every child with a disability. Local departments of social services, area mental health authorities, and the court system can place a child in a group home, foster home, or similar facility – when this is an appropriate placement for that child. These facilities are not necessarily located in the county where the placement decision is made. Current law requires the receiving LEA (i.e., the local board of education where a group home, foster home, or similar facility is located) to pay the cost of special education for the children with disabilities who are placed in that facility.

When this bill was introduced, six counties accounted for 42% of the group homes in the State and currently pay for the education of children from other counties. The Study Committee found that it would be more equitable for the county of residence to pay for the education of these children by requiring the county of residence to pay the host county the cost of educating these children.

Section 3 would direct the State Board of Education to revise the formula for State Aid for Children with Disabilities and the Group Homes formula to provide additional funds to a local school administrative unit in a county with a higher than average concentration of group homes or therapeutic foster care homes. The Study Committee found that local educational systems are adversely impacted monetarily by a high concentration of group homes because the majority of children in group homes require special education and the cost of special education for these students exceeds the cost reimbursed by the State.

Section 4 would prohibit the approval, licensure, opening or building of additional group homes in any county where the number of residential treatment homes and supervised living homes for individuals with disabilities exceeds 1 per 733 people in that county. This density limitation could possibly present some problems with the federal Fair Housing Act.

Section 5 would direct the State Board of Education to provide for a local school administrative unit to request funds from the Group Homes Program for Children with Disabilities allotment if a child assigned to that unit was not in that unit's April headcount for exceptional children for the previous school year, even if the local school administrative unit received funds for that child for a portion of the preceding school year.

The Department of Public Instruction currently allows local school administrative units to request funds from the Group Home Program allotment for children placed in a group home from outside the school district only if the child was not in the April headcount for the prior year and if this is the first school year in which the child was placed in the group home. (The April headcount counts, by LEA and disability, the number of exceptional children receiving special education and related services.) The Study Committee found that local school administrative units are not being compensated appropriately for children in group homes in the jurisdiction of the local school administrative unit after the April headcount.

** Erika Churchill, Dianna Jessup, and Robin Johnson, staff, contributed to this summary.*

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

S D

SENATE BILL 163

Rules and Operations of the Senate Committee Substitute Adopted 10/3/01
PROPOSED HOUSE COMMITTEE SUBSTITUTE S163-PCS8780-RH-64

Short Title: LEAs and Group Homes. (Public)

Sponsors:

Referred to:

February 19, 2001

A BILL TO BE ENTITLED

AN ACT TO IMPLEMENT THE RECOMMENDATIONS OF THE LEGISLATIVE RESEARCH COMMISSION'S STUDY COMMITTEE ON GROUP HOMES TO ADDRESS THE NEEDS OF LOCAL SCHOOL ADMINISTRATIVE UNITS IN WHICH GROUP HOMES FOR CHILDREN ARE LOCATED.

The General Assembly of North Carolina enacts:

SECTION 1.(a) Section 21.60(g) of S.L. 2001-424 reads as rewritten:

"**SECTION 21.60.(g)** The Department of Health and Human Services, in conjunction with the Department of Juvenile Justice and Delinquency Prevention, the Department of Public Instruction, and other affected agencies, shall report on the following Program information:

(1) The number and other demographic information of children served.

(2) The amount and source of funds expended to implement the Program.

(3) Information regarding the number of children screened, specific placement of children including the placement of children in programs or facilities outside of the child's home county, and treatment needs of children served.

(4) The average length of stay in residential treatment, transition, and return to home.

(5) The number of children diverted from institutions or other out-of-home placements such as training schools and State psychiatric hospitals and a description of the services provided.

(6) Recommendations on other areas of the Program that need to be improved.

(7) Other information relevant to successful implementation of the Program.

(8) A method of identifying and tracking children placed outside of the family unit in group homes or therapeutic foster care home settings."

SECTION 1.(b) The Department of Health and Human Services, in conjunction with the Department of Juvenile Justice and Delinquency Prevention, the Department of Public Instruction, and other affected agencies, shall submit a report on April 1, 2003, on the method of identifying and tracking children placed outside of the family unit in group homes or therapeutic foster care home settings to the House of Representatives Appropriations Subcommittee on Health and Human Services, the Senate Appropriations Committee on Health and Human Services, and the Fiscal Research Division.

SECTION 2. G.S. 115C-140.1(a) reads as rewritten:

"(a) Notwithstanding the provisions of any other statute and without regard for the place of domicile of a parent or guardian, the cost of a free appropriate public education for a child with special needs who is placed in or assigned to a group home, foster home or other similar facility, pursuant to State and federal law, shall be borne by the local board of education in which the group home, foster home or other similar facility is located. However, the local school administrative unit in which a child is domiciled shall transfer to the local school administrative unit in which the institution is located an amount equal to the actual local cost in excess of State and federal funding required to educate that child in the local school administrative unit for the fiscal year. Nothing in this section obligates any local board of education to bear any cost for the care and maintenance of a child with special needs in a group home, foster home or other similar facility."

SECTION 3. The State Board of Education shall revise the formula for State Aid for Children with Disabilities and the Group Homes formula to provide to local school administrative units an amount greater than the State per funded headcount for children with special needs placed outside their home counties in counties where there is higher than average concentration of group homes or therapeutic foster care homes serving children in the county.

SECTION 4. No additional group homes shall be approved, opened, licensed, or built in any county where the number of residential treatment homes and supervised living homes for individuals of all disability groups beds exceeds 1 per 733 people, according to the most recent federal decennial census. This section shall not apply to group homes that have a contract for services with an area mental health program or a local management entity.

SECTION 5. The State Board of Education shall provide for a local school administrative unit to request funds from the Group Homes Program for Children with Disabilities if a child assigned to that unit was not in that unit's April headcount for exceptional children for the previous school year, even if the local school administrative unit received Group Homes Program funds for that child for a portion of the preceding school year.

SECTION 6. This act becomes effective January 1, 2003.

8/27/02

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

S D

SENATE BILL 163

Rules and Operations of the Senate Committee Substitute Adopted 10/3/01
PROPOSED HOUSE COMMITTEE SUBSTITUTE S163-CSRH-64 [v.4]

8/15/2002 2:49:06 PM

Short Title: LEAs and Group Homes. (Public)

Sponsors:

Referred to:

February 19, 2001

A BILL TO BE ENTITLED

AN ACT TO IMPLEMENT THE RECOMMENDATIONS OF THE LEGISLATIVE RESEARCH COMMISSION'S STUDY COMMITTEE ON GROUP HOMES TO ADDRESS THE NEEDS OF LOCAL SCHOOL ADMINISTRATIVE UNITS IN WHICH GROUP HOMES FOR CHILDREN ARE LOCATED.

The General Assembly of North Carolina enacts:

SECTION 1.(a) Section 21.60.(g) of S.L. 2001-424 reads as rewritten:

"**SECTION 21.60.(g)** The Department of Health and Human Services, in conjunction with the Department of Juvenile Justice and Delinquency Prevention, the Department of Public Instruction, and other affected agencies, shall report on the following Program information:

(1) The number and other demographic information of children served.
(2) The amount and source of funds expended to implement the Program.
(3) Information regarding the number of children screened, specific placement of children including the placement of children in programs or facilities outside of the child's home county, and treatment needs of children served.
(4) The average length of stay in residential treatment, transition, and return to home.
(5) The number of children diverted from institutions or other out-of-home placements such as training schools and State psychiatric hospitals and a description of the services provided.
(6) Recommendations on other areas of the Program that need to be improved.
(7) Other information relevant to successful implementation of the Program.
(8) A method of identifying and tracking children placed outside of the family unit in group homes or therapeutic foster care home settings."

SECTION 1.(b) The Department of Health and Human Services, in conjunction with the Department of Juvenile Justice and Delinquency Prevention, the

Department of Public Instruction, and other affected agencies, shall submit a report on April 1, 2003, on the method of identifying and tracking children placed outside of the family unit in group homes or therapeutic foster care home settings to the House of Representatives Appropriations Subcommittee on Health and Human Services, the Senate Appropriations Committee on Health and Human Services, and the Fiscal Research Division.

SECTION 2. G.S. 115C-140.1(a) reads as rewritten:

"(a) Notwithstanding the provisions of any other statute and without regard for the place of domicile of a parent or guardian, the cost of a free appropriate public education for a child with special needs who is placed in or assigned to a group home, foster home or other similar facility, pursuant to State and federal law, shall be borne by the local board of education in which the group home, foster home or other similar facility is located. However, the local school administrative unit in which a child is domiciled shall transfer to the local school administrative unit in which the institution is located an amount equal to the actual local cost in excess of State and federal funding required to educate that child in the local school administrative unit for the fiscal year. Nothing in this section obligates any local board of education to bear any cost for the care and maintenance of a child with special needs in a group home, foster home or other similar facility."

SECTION 3. The State Board of Education shall revise the formula for State Aid for Children with Disabilities and the Group Homes formula to provide to local school administrative units an amount greater than the State per funded headcount for children with special needs placed outside their home counties in counties where there is higher than average concentration of group homes or therapeutic foster care homes serving children in the county.

SECTION 4. No additional group homes shall be approved, opened, licensed, or built in any county where the number of residential treatment homes and supervised living homes for individuals of all disability groups beds exceeds 1 per 733 people, according to the most recent federal decennial census.

SECTION 5. The State Board of Education shall provide for a local school administrative unit to request funds from the Group Homes Program for Children with Disabilities if a child assigned to that unit was not in that unit's April headcount for exceptional children for the previous school year, even if the local school administrative unit received Group Homes Program funds for that child for a portion of the preceding school year.

SECTION 6. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

S 2

SENATE BILL 163*

Rules and Operations of the Senate Committee Substitute Adopted 10/3/01

Short Title: LEAs and Group Homes. (Public)

Sponsors:

Referred to:

February 19, 2001

A BILL TO BE ENTITLED

AN ACT TO IMPLEMENT THE RECOMMENDATIONS OF THE LEGISLATIVE RESEARCH COMMISSION'S STUDY COMMITTEE ON GROUP HOMES TO ADDRESS THE NEEDS OF LOCAL SCHOOL ADMINISTRATIVE UNITS IN WHICH GROUP HOMES FOR CHILDREN ARE LOCATED.

The General Assembly of North Carolina enacts:

SECTION 1. Section 11.19 of S.L. 2000-67 reads as rewritten:

"CHILD RESIDENTIAL TREATMENT SERVICES PROGRAM

Section 11.19.(a) The Department of Health and Human Services shall establish the Child Residential Treatment Services Program. The Program shall be implemented by the Department in consultation with the Office of Juvenile Justice and other affected State agencies. The purpose of the Program is to provide appropriate and medically necessary residential treatment alternatives for children at risk of institutionalization or other out-of-home placement. Program funds shall be targeted for non-Medicaid eligible children and may also be used for Medicaid-eligible children. Program funds may also be used to expand the Child Mental Health Systems of Care Project. The Program shall include the following:

(1) Behavioral health screenings for all children at risk of institutionalization or other out-of-home placement.

(2) Appropriate and medically necessary residential treatment placements, including placements for youths needing substance abuse treatment services and for specialized populations such as deaf children, children with serious emotional disturbances, and sexually aggressive youth.

(3) Multidisciplinary case management services, as needed.

(4) A system of utilization review specific to the nature and design of the Program.

(5) Mechanisms to ensure that children are not placed in department of social services custody for the purpose of obtaining mental health residential treatment services.

(6) Mechanisms to maximize current State and local funds and to expand use of Medicaid funds to accomplish the intent of this Program.
(7) Other appropriate components to accomplish the Program's purpose.
(8) The Secretary of the Department of Health and Human Services may enter into contracts with residential service providers.

Section 11.19.(b) The Department shall not allocate funds appropriated for Program services until a Memorandum of Agreement has been executed between the Department and other affected State agencies. The Memorandum of Agreement shall address specifically the roles and responsibilities of the various departmental divisions and affected State ~~agencies~~ agencies, including the Department of Public Instruction, involved in the administration, financing, care, and placement of children at risk of institutionalization or other out-of-home placement. The Department shall not allocate funds appropriated in this act for the Program until Memoranda of Agreement between local departments of social ~~services and~~ services, area mental health programs, local school administrative units, and the Administrative Office of the Courts, and the Office of Juvenile Justice, as appropriate, are executed to effectuate the purpose of the Program. The Memoranda of Agreement shall address issues pertinent to local implementation of the ~~Program.~~ Program, including provision for the immediate availability of student records to a local school administrative unit receiving a child placed in a residential setting outside the child's home county.

Section 11.19.(c) Notwithstanding any other provision of law to the contrary, services under the Child Residential Treatment Services Program are not an entitlement for non-Medicaid eligible children served by the Program.

Section 11.19.(d) The Department of Health and Human Services, in conjunction with the Office of Juvenile Justice and other affected agencies, shall report on the following:

(1) The number and other demographic information of children served.
(2) The amount and source of funds expended to implement the Program.
(3) Information regarding the number of children screened, specific placement of children, and treatment needs of children served.
(4) The average length of stay in residential treatment, transition, and return to home.
(5) The number of children diverted from institutions or other out-of-home placements such as training schools and State psychiatric hospitals.
(6) Recommendations on other areas of the Program that need to be improved.
(7) Other information relevant to successful implementation of the Program.
(8) A method of identifying and tracking children placed outside of the family unit in group homes or therapeutic foster care home settings.

The Department shall submit a progress report on implementation of the Program not later than February 1, 2001, and a final report not later than May 1, 2002, to the House of Representatives Appropriations Subcommittee on Health and Human

Services, the Senate Appropriations Committee on Human Resources, and the Fiscal Research Division."

SECTION 2. G.S. 115C-140.1(a) reads as rewritten:

"(a) Notwithstanding the provisions of any other statute and without regard for the place of domicile of a parent or guardian, the cost of a free appropriate public education for a child with special needs who is placed in or assigned to a group home, foster home or other similar facility, pursuant to State and federal law, shall be borne by the local board of education in which the group home, foster home or other similar facility is located. However, the local school administrative unit in which a child is domiciled shall transfer to the local school administrative unit in which the institution is located an amount equal to the actual local cost in excess of State and federal funding required to educate that child in the local school administrative unit for the fiscal year. Nothing in this section obligates any local board of education to bear any cost for the care and maintenance of a child with special needs in a group home, foster home or other similar facility."

SECTION 3. The State Board of Education shall revise the formula for State Aid for Children with Disabilities and the Group Homes formula to provide to local school administrative units an amount greater than the State per funded headcount for children with special needs placed outside their home counties in counties where there is higher than average concentration of group homes or therapeutic foster care homes serving children in the county.

SECTION 4. No additional group homes shall be approved, opened, licensed, or built in any county where the number of residential treatment homes and supervised living homes for individuals of all disability groups beds exceeds 1 per 733 people, according to the most recent federal decennial census.

SECTION 5. The State Board of Education shall provide for a local school administrative unit to request funds from the Group Homes Program for Children with Disabilities if a child assigned to that unit was not in that unit's April headcount for exceptional children for the previous school year, even if the local school administrative unit received Group Homes Program funds for that child for a portion of the preceding school year.

SECTION 6. This act is effective when it becomes law.

APPENDIX C

SB 163

Number of Group Homes for Children by County

FY 1999-2000 information for group homes for children (see note for types of group homes included).

LEA Name	Total Group Homes (Note)
Alamance County	10
Alexander County	-
Alleghany County	-
Anson County	1
Ashe County	2
Avery County	1
Beaufort County	6
Bertie County	2
Bladen County	3
Brunswick County	15
Buncombe County	31
Burke County	5
Cabarrus County	20
Caldwell County	11
Camden County	1
Carteret County	7
Caswell County	2
Catawba County	6
Chatham County	4
Cherokee County	2
Chowan County	2
Clay County	-
Cleveland County	15
Columbus County	6
Craven County	56
Cumberland County	179
Currituck County	1
Dare County	1
Davidson County	17
Davie County	6
Duplin County	8
Durham County	53
Edgecombe County	6
Forsyth County	30
Franklin County	7
[illegible]ton County	45
Gates County	-
Graham County	1
Granville County	7
Greene County	1
Guilford County	61
Halifax County	3
Harnett County	7
Haywood County	3
Henderson County	6
Hertford County	3
Hoke County	13
Hyde County	-
Iredell County	3
Jackson County	4
Johnston County	38
Jones County	2
Lee County	4
Lenoir County	23
Lincoln County	5
Macon County	1
Madison County	1
Martin County	3
McDowell County	5
Mecklenburg County	152
Mitchell County	1
Montgomery County	-
Moore County	15
Nash County	6
New Hanover County	29
Northampton County	2
Onslow County	19
Orange County	17
Pamlico County	6
Pasquotank County	3
Pender County	7
Perquimans County	2
Person County	12
Pitt County	21
Polk County	1
Randolph County	3
Richmond County	4
Robeson County	35
Rockingham County	10
Rowan County	21
Rutherford County	17
Sampson County	9
Scotland County	5
Stanly County	2
Stokes County	5
Surry County	2
Swain County	-
Transylvania County	1
Tyrrell County	1
Union County	43
Vance County	20
Wake County	90
Warren County	10
Washington County	-
Watauga County	3
Wayne County	40
Wilkes County	6
Wilson County	21
Yadkin County	2
Yancey County	-
Total	1,398

Note: Group homes included serve:

- adolescents who are emotionally disturbed or who have mental illness (residential and day care).
- Community residential centers for developed disabilities.
- Before/after school facilities for children at-risk of developmental delays.
- Substance abuse facilities.
- Therapeutic camps for disabled groups.
- Therapeutic homes for disabled groups working with a Mental Health Agency.
- Day care for all disability groups.
- Group homes for mental retardation or other developmental disabilities.

EDUCATION COMMITTEE MINUTES

September 25, 2002

The House Education Committee met on Wednesday, September 25, 2002, at 11:00 am in Room 643 of the Legislative Office Building. Representative Bonner, Co-chair, presided. The attendance sheet indicates members present.

Senator Lee was called on to explain **SB 1443, FACILITATE JOB SHARING BY TEACHERS.** Representative Goodwin made the motion to adopt the proposed committee substitute offered and the motion passed. After much discussion, Representative Barefoot moved for a favorable report to the committee substitute, unfavorable to original bill. The motion passed unanimously.

Senator Howard Lee asked for a privilege of order, as which time he was given the full attention of the committee. Senator Lee stated that due to his loss in the primary election due to redistricting, he would not be returning to the General Assembly. He acknowledged his appreciation to the members of the Education Committee and their outstanding leadership in educational areas. During his time here he had accomplished much in the field of education and was proud to be a part of furthering education in North Carolina. At this time there was a standing ovation for the Senator.

The meeting adjourned.

(Rep. Cox requested that Senator Lee's comments be documented verbatim but due to technical problems with the recording machine it was impossible to grant his request.)

Rep. Donald Bonner

Rep. Donald Bonner, Co-Chair

Rep. Alex Warner

Rep. Alex Warner, Co-Chair

Ann Stancil

Ann Stancil, Committee Clerk

2002 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

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

☒ Committee Substitute for
SB1443 A BILL TO BE ENTITLED AN ACT TO FACILITATE JOB SHARING BY PUBLIC SCHOOL TEACHERS.

☐ With a favorable report.

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

☐ With a favorable report, as amended.

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

☒ With a favorable report as to the House committee substitute bill (# 2), ☒ which changes the title, unfavorable as to ~~(the original bill)~~ (House Committee Substitute Bill # 1), (and ~~recommendation that the committee substitute bill #) be re-referred to the Committee on .)~~

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

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

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

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

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

☐ Without prejudice.

☐ With an indefinite postponement report.

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

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

5/13/02

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

S D

SENATE BILL 1443

Education/Higher Education Committee Substitute Adopted 8/15/02
House Committee Substitute Favorable 9/5/02
PROPOSED HOUSE COMMITTEE SUBSTITUTE S1443-PCS5860-LE-31

Short Title: Facilitate Job Sharing by Teachers. (Public)

Sponsors:

Referred to:

June 18, 2002

A BILL TO BE ENTITLED

AN ACT TO FACILITATE JOB SHARING BY PUBLIC SCHOOL TEACHERS AND TO AUTHORIZE THE LEGISLATIVE RESEARCH COMMISSION TO STUDY ISSUES RELATED TO EMPLOYEE BENEFITS FOR SCHOOL EMPLOYEES, COMMUNITY COLLEGE EMPLOYEES, AND STATE EMPLOYEES IN JOB-SHARING AND PART-TIME POSITIONS.

The General Assembly of North Carolina enacts:

SECTION 1. Chapter 115C of the General Statutes is amended by adding a new section to read:

"**§ 115C-302.2. Job sharing by classroom teachers.**

(a) The General Assembly finds that there is a shortage of qualified classroom teachers available in certain areas of certification, grade levels, and geographical areas of the State. The elimination of administrative and fiscal limitations on job-sharing arrangements would make teaching an attractive option for well-qualified classroom teachers who do not wish to work full time.

(b) A 'classroom teacher in a job-sharing position' is a person who:

(1) Is employed by a local board of education as a public school teacher for fifty percent (50%) of the teacher workweek, as defined by that local board of education;

(2) Is paid on the teacher salary schedule;

(3) Spends at least seventy percent (70%) of his or her work time in classroom instruction; and

(4) Is sharing a teacher position with one other employee of that local board of education who meets the requirements of subdivisions (1) through (3) of this subsection.

The term does not include certified instructional support personnel or certified school services personnel such as guidance counselors, media coordinators, psychologists, social workers, audiologists, speech and language pathologists, and nurses.

(c) The State Board of Education shall adopt rules to facilitate job sharing by classroom teachers. These rules shall provide that a classroom teacher in a job-sharing position shall receive paid legal holidays, annual vacation leave, sick leave, and personal leave on a pro rata basis. Such a teacher shall also receive service credit under the Teachers' and State Employees' Retirement System as provided in G.S. 135-4(b) and insurance benefits as provided in Article 3 of Chapter 135 of the General Statutes."

SECTION 2. G.S. 135-1(25) reads as rewritten:

"**§ 135-1. Definitions.**

The following words and phrases as used in this Chapter, unless a different meaning is plainly required by the context, shall have the following meanings:

...

(25) **(Effective until January 1, 2003)** "Teacher" shall mean any teacher, helping teacher, classroom teacher in a job-sharing position as defined in G.S. 115C-302.2(b), librarian, principal, supervisor, superintendent of public schools or any full-time employee, city or county, superintendent of public instruction, or any full-time employee of Department of Public Instruction, president, dean or teacher, or any full-time employee in any educational institution supported by and under the control of the State: Provided, that the term "teacher" shall not include any part-time, temporary, or substitute teacher or ~~employee,~~ employee except for a classroom teacher in a job-sharing position, and shall not include those participating in an optional retirement program provided for in G.S. 135-5.1. In all cases of doubt, the Board of Trustees, hereinafter [hereinbefore] defined, shall determine whether any person is a teacher as defined in this Chapter. On and after August 1, 2001, a person who is a nonimmigrant alien and who otherwise meets the requirements of this subdivision shall not be excluded from the definition of "teacher" solely because the person holds a temporary or time-limited visa.

(25) **(Effective January 1, 2003)** "Teacher" shall mean any teacher, helping teacher, classroom teacher in a job-sharing position as defined in G.S. 115C-302.2(b), librarian, principal, supervisor, superintendent of public schools or any full-time employee, city or county, superintendent of public instruction, or any full-time employee of Department of Public Instruction, president, dean or teacher, or any full-time employee in any educational institution supported by and under the control of the State: Provided, that the term "teacher" shall not include any part-time, temporary, or substitute teacher or ~~employee,~~ employee except for a classroom teacher in a job-sharing position, and shall not include those participating in an optional

retirement program provided for in G.S. 135-5.1 or G.S. 135-5.4. In all cases of doubt, the Board of Trustees, hereinbefore defined, shall determine whether any person is a teacher as defined in this Chapter. On and after August 1, 2001, a person who is a nonimmigrant alien and who otherwise meets the requirements of this subdivision shall not be excluded from the definition of "teacher" solely because the person holds a temporary or time-limited visa.

...."

SECTION 3. G.S. 135-4(b) reads as rewritten:

"(b) The Board of Trustees shall fix and determine by appropriate rules and regulations how much service in any year is equivalent to one year of service, but in no case shall more than one year of service be creditable for all services in one year. Service rendered for the regular school year in any district shall be equivalent to one year's service. Service rendered by a classroom teacher in a job-sharing position shall be credited at the rate of one-half year for each regular school year of employment."

SECTION 4. G.S. 135-40.2 is amended by adding a new subsection to read:

"(a2) A classroom teacher in a job-sharing position as defined in G.S. 115C-302.2(b) shall be eligible for coverage under the Plan, on a partially contributory basis, subject to the provisions of G.S. 135-40.3. If these employees elect to participate in the Plan, the employing unit shall pay fifty percent (50%) of the Plan's total noncontributory premiums. Individual employees shall pay the balance of the total noncontributory premiums not paid by the employing unit."

SECTION 5. The Legislative Research Commission may study issues relating to employee benefits for public school employees, community college employees, and employees of State departments and institutions, in part-time and in job-sharing positions. In the course of the study the Commission shall consider whether the benefits currently offered are adequate to attract and retain qualified applicants in public school, community college, and State employment, the need to facilitate job sharing for public school employees other than teachers, the possibility of providing insurance and retirement benefits to employees working less than three-fourths time, the appropriate formula for computing retirement credit for part-time employees, and other issues related to employee benefits for employees in part-time and job-sharing positions. The Commission shall report on the results of this study to the 2003 General Assembly.

SECTION 6. Nothing in this act shall be construed to require local school administrative units to place part-time employees in job-sharing positions or to hire employees in job-sharing positions.

SECTION 7. Sections 1 through 4 of this act become effective January 1, 2003. The remainder of this act is effective when it becomes law.

SENATE BILL 1443:
Facilitate Job Sharing by Teachers

BILL ANALYSIS

Committee:	House Education	**Introduced by:**	Senator Lee
Date:	September 24, 2002	**Summary by:**	Sara Kamprath
Version:	PCS for Third Edition (S1443-PCS5860-LE-31)		Committee Staff

SUMMARY: Senate Bill 1443 aims to facilitate job sharing by classroom teachers who do not wish to work full time by requiring the State Board of Education to adopt rules providing holidays and leave benefits on a pro rata basis; amending the definitions and creditable service sections of the Teachers' and State Employees' Retirement System; and amending the eligibility criteria of the Comprehensive Major Medical Plan to allow coverage on a partially contributory basis. Nothing in the bill shall be construed to require local school administrative units to place part-time employees in job-sharing positions or to hire employees in job-sharing positions. The Legislative Research Commission may study various issues related to employee benefits for public school employees, community college employees and State employees in part-time and job-sharing positions.

BACKGROUND:

Under current law, only those teachers who work a minimum of 30 hours per week for nine or more months per year are members of the Teachers' & State Employees' Retirement System and are eligible for coverage under the Teachers' and State Employees' Comprehensive Major Medical Plan.

BILL ANALYSIS:

Section 1. Senate Bill 1443 adds G.S. 115C-302.2 to facilitate job sharing for classroom teachers who do not wish to work full time. This section of the bill requires the State Board of Education to adopt rules to provide paid legal holidays, annual vacation leave, sick leave, and personal leave on a pro rata basis to job-sharing classroom teachers. Additionally, it specifies that a job-sharing classroom teacher shall also receive service credit under the Teachers' and State Employees' Retirement System and insurance benefits. The section defines a classroom teacher in a job-sharing position as a person who is:

1. Employed by a local board of education as a public school teacher for 50% of the teacher workweek;
2. Paid on a teacher salary schedule;
3. Spends seventy percent (70%) of his or her work time in classroom instruction;
4. Shares a teacher position with one other employee of that local board of education who meets requirements 1 through 3 above.

The term does not include certified instructional support personnel or certified school services personnel.

Section 2. Senate Bill 1443 rewrites G.S. 135-1(25) amending the definition of "Teacher" under the Teachers' and State Employees' Retirement System (TSERS) to include a classroom teacher in a job-sharing position as defined in G.S. 115C-302.2(b).

Section 3. Senate Bill 1443 rewrites G.S. 135-4 regarding creditable service in the TSERS to allow a classroom teacher in a job-sharing position to receive credit at the rate of one-half year for each regular school year that the teacher was employed, but the salary credited shall be that of the full-time position.

Section 4. Senate Bill 1443 adds a new subsection to G.S. 135-40.2 allowing classroom teachers in job-sharing positions to be eligible for coverage under the Comprehensive Major Medical Plan on a partially contributory basis. If an employee elects to participate, the employing unit shall pay 50% of the Plan's noncontributory premium and the employee shall pay the balance.

Section 5. The Legislative Research Commission may study issues relating to employee benefits for part-time and job-sharing positions for public school employees, community college employees, and State government employees. The study shall consider the adequacy of current benefits to attract and retain qualified applicants, the need to facilitate job-sharing for other public school employees, the possibility of providing insurance and employment benefits to employees working less than three-fourths time and the appropriate formula for calculating retirement credit in part time and job sharing positions. The Commission shall report on the results of the study to the 2003 General Assembly.

Section 6. Nothing in the bill shall be construed to require local school administrative units to place part-time employees in job-sharing positions or to hire employees in job-sharing positions.

Section 7. Sections 1 through 4 of the bill become effective January 1, 2003. The rest of the bill becomes effective when it becomes law.

Theresa Matula contributed significantly to this summary.

NORTH CAROLINA GENERAL ASSEMBLY
LEGISLATIVE ACTUARIAL NOTE
RETIREMENT

BILL NUMBER: Proposed Committee Substitute for Senate Bill 1443

SHORT TITLE: Facilitate Job Sharing by Teachers

SPONSOR(S): Senator Lee

SYSTEM OR PROGRAM AFFECTED: Teacher's & State Employees' Retirement System

FUNDS AFFECTED: General Fund, Highway Fund and Receipt Fund

BILL SUMMARY: The bill will allow classroom teachers who are in a job-sharing position to become members of the Teacher's & State Employees' Retirement System. Service would be earned on portion of work as it relates to full-time. For example a member would earn one year over a two year period, if they worked 50% basis. Under current law, only teachers who work a minimum of 30 hours per week for nine or more months per year are members of the System.

EFFECTIVE DATE: January 1, 2003

ESTIMATED IMPACT ON STATE: Both the System's actuary, Buck Consultants, and the General Assembly's actuary, Hartman & Associates, agree that there should be no cost to the System.

ASSUMPTIONS AND METHODOLOGY: Teacher's & State Employees' Retirement System
The cost estimates of the System's Actuary are based on the employee data, actuarial assumptions and actuarial methods used to prepare the December 31, 2000 actuarial valuation of the fund. The data included 292,311 active members with an annual payroll of $9 billion and 1107,743 retired members in receipt of annual pensions totaling $1.68 billion. Significant actuarial assumptions used include (a) an investment return rate of 7.25%, (b) salary increase rate of 6.25%, (c) the George B. Buck Mortality Tables for deaths in service and after retirement and (d) rates of separation from active service based on System experience. The actuarial cost method used was the entry age normal method with open-end unfunded accrued liability and a frozen unfunded liquidation period of nine years. Detailed information concerning these assumptions and methods is shown in the actuary's report, which is available upon request from Stanley Moore.

SOURCES OF DATA: System Actuary - Buck Consultant, Inc.
General Assembly Actuary - Hartman & Associates, LLC

FISCAL RESEARCH DIVISION 733-4910

PREPARED BY: Stanley Moore

APPROVED BY: James D. Johnson

DATE: July 26, 2002

HARTMAN & ASSOCIATES, LLC

ACTUARIAL CONSULTING

MARK V. HARTMAN, FSA, MAAA, MCA, EA

Phone: (336) 731-4038
Fax: (336) 731-2583

668 Link Road
Lexington, NC 27295

July 19, 2002

Mr. Sam Byrd
Fiscal Research Division
North Carolina General Assembly
300 N. Salisbury Street
Raleigh, NC 27603-5925

Re: Proposed Committee Substitute to Senate Bill 1443: An Act to Facilitate Job Sharing by Public School Teachers

Dear Mr. Byrd:

This proposed committee substitute would amend G.S. 135-1(25) to provide that the definition of teacher includes a classroom teacher in a job-sharing position. G.S. 115C-302.1(b) provides that such individual is employed as a public school teacher, is paid on the teacher salary schedule, spends at least 70% of his time in classroom instruction, and is sharing a teacher position with one or more such individuals. G.S. 135-40.2 is amended to provide that a classroom teacher in a job-sharing position is eligible for coverage under the Teachers' and State Employees' Comprehensive Major Medical Plan on a partially contributory basis. This proposal is effective January 1, 2003.

Currently, individuals working less than 30 hours per week are not eligible for coverage under the Plan. This proposal may provide partially contributory coverage for certain employees who are currently ineligible or provide coverage for additional job-sharing employees. However, this proposal is not expected to produce a significant financial impact to the Plan.

If you have any questions, let me know.

Sincerely,

Mark Hartman

Mark V. Hartman, FSA, MAAA, MCA, EA
Consulting Actuary

MVH/mt

RECEIVED JUL 3 1 2002

NORTH CAROLINA TEACHERS' & STATE EMPLOYEES' COMPREHENSIVE MAJOR MEDICAL PLAN

Senate Bill 1443
Proposed Committee Substitute S1443-CSLE-24 [v.12]

Pro-Rated Health Benefit Premiums

Prepared by:

Aon Consulting
One Piedmont Center
3565 Piedmont Road, N.E.
Atlanta, Georgia 30363

July 2002

PROJECTED COSTS

Plan Design Change	% Increase (Average Over Period)			Projected Cost/(Savings) (in millions) Based on "Midpoint" Increase		
	Low	Mid	High	Fiscal Year 02-03	Fiscal Year 03-04	Fiscal Year 04-05
Job Sharing By Public School Teachers	No additional cost. Premiums expected to cover total expenses.					

PRICING APPROACH AND COMMENTS

- Job sharing teachers will share, on a pro-rata basis, the non-contributory premium rate. The total State contribution will only increase when additional full-time equivalent employees are added. The additional premium cost would be paid by the employees agreeing to job-share.

- The only additional cost to the plan would be for coving any excess risk for these employees. Aon has not anticipated a risk profile substantially different from the current covered population.

- The total cost would be the expected number of members multiplied by the anticipated loss per member. With the low expected number of job-sharing teachers and minimal expected losses, we would not expect any cost to the Plan from this bill.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

S 3

SENATE BILL 1443

Education/Higher Education Committee Substitute Adopted 8/15/02
House Committee Substitute Favorable 9/5/02

Short Title: Facilitate Job Sharing by Teachers. (Public)

Sponsors:

Referred to:

June 18, 2002

A BILL TO BE ENTITLED

AN ACT TO FACILITATE JOB SHARING BY PUBLIC SCHOOL TEACHERS.

The General Assembly of North Carolina enacts:

SECTION 1. Chapter 115C of the General Statutes is amended by adding a new section to read:

"**§ 115C-302.2. Job sharing by classroom teachers.**

(a) The General Assembly finds that there is a shortage of qualified classroom teachers available in certain areas of certification, grade levels, and geographical areas of the State. The elimination of administrative and fiscal limitations on job-sharing arrangements would make teaching an attractive option for well-qualified classroom teachers who do not wish to work full time.

(b) A 'classroom teacher in a job-sharing position' is a person who:

(1) Is employed by a local board of education as a public school teacher for fifty percent (50%) of the teacher workweek, as defined by that local board of education;

(2) Is paid on the teacher salary schedule;

(3) Spends at least seventy percent (70%) of his or her work time in classroom instruction; and

(4) Is sharing a teacher position with one other employee of that local board of education who meets the requirements of subdivisions (1) through (3) of this subsection.

The term does not include certified instructional support personnel or certified school services personnel such as guidance counselors, media coordinators, psychologists, social workers, audiologists, speech and language pathologists, and nurses.

(c) The State Board of Education shall adopt rules to facilitate job sharing by classroom teachers. These rules shall provide that a classroom teacher in a job-sharing position shall receive paid legal holidays, annual vacation leave, sick leave, and

personal leave on a pro rata basis. Such a teacher shall also receive service credit under the Teachers' and State Employees' Retirement System as provided in G.S. 135-4(b) and insurance benefits as provided in Article 3 of Chapter 135 of the General Statutes."

SECTION 2. G.S. 135-1(25) reads as rewritten:

"**§ 135-1. Definitions.**

The following words and phrases as used in this Chapter, unless a different meaning is plainly required by the context, shall have the following meanings:

...

(25) (Effective until January 1, 2003) "Teacher" shall mean any teacher, helping teacher, classroom teacher in a job-sharing position as defined in G.S. 115C-302.2(b), librarian, principal, supervisor, superintendent of public schools or any full-time employee, city or county, superintendent of public instruction, or any full-time employee of Department of Public Instruction, president, dean or teacher, or any full-time employee in any educational institution supported by and under the control of the State: Provided, that the term "teacher" shall not include any part-time, temporary, or substitute teacher or ~~employee,~~ employee except for a classroom teacher in a job-sharing position, and shall not include those participating in an optional retirement program provided for in G.S. 135-5.1. In all cases of doubt, the Board of Trustees, hereinafter [hereinbefore] defined, shall determine whether any person is a teacher as defined in this Chapter. On and after August 1, 2001, a person who is a nonimmigrant alien and who otherwise meets the requirements of this subdivision shall not be excluded from the definition of "teacher" solely because the person holds a temporary or time-limited visa.

(25) (Effective January 1, 2003) "Teacher" shall mean any teacher, helping teacher, classroom teacher in a job-sharing position as defined in G.S. 115C-302.2(b), librarian, principal, supervisor, superintendent of public schools or any full-time employee, city or county, superintendent of public instruction, or any full-time employee of Department of Public Instruction, president, dean or teacher, or any full-time employee in any educational institution supported by and under the control of the State: Provided, that the term "teacher" shall not include any part-time, temporary, or substitute teacher or ~~employee,~~ employee except for a classroom teacher in a job-sharing position, and shall not include those participating in an optional retirement program provided for in G.S. 135-5.1 or G.S. 135-5.4. In all cases of doubt, the Board of Trustees, hereinbefore defined, shall determine whether any person is a teacher as defined in this Chapter. On and after August 1, 2001, a person who is a nonimmigrant alien and who otherwise meets the requirements of this subdivision shall not be excluded from the definition of "teacher" solely because the person holds a temporary or time-limited visa.

...."

SECTION 3. G.S. 135-4(b) reads as rewritten:

"(b) The Board of Trustees shall fix and determine by appropriate rules and regulations how much service in any year is equivalent to one year of service, but in no case shall more than one year of service be creditable for all services in one year. Service rendered for the regular school year in any district shall be equivalent to one year's service. Service rendered by a classroom teacher in a job-sharing position shall be credited at the rate of one-half year for each regular school year of employment, but the salary credited shall be that of the full-time position."

SECTION 4. G.S. 135-40.2 is amended by adding a new subsection to read:

"(a2) A classroom teacher in a job-sharing position as defined in G.S. 115C-302.2(b) shall be eligible for coverage under the Plan, on a partially contributory basis, subject to the provisions of G.S. 135-40.3. If these employees elect to participate in the Plan, the employing unit shall pay fifty percent (50%) of the Plan's total noncontributory premiums. Individual employees shall pay the balance of the total noncontributory premiums not paid by the employing unit."

SECTION 5. This act becomes effective January 1, 2003.

EDUCATION COMMITTEE MINUTES

October 3, 2002

The House Education Committee met on Thursday, October 3, 2002, immediately after session in the chamber. Representative Warner, Co-chair, presided. The discussion was to move the remaining bills before adjournment. Responses from the sponsors of the bills indicating their request for the bills not to be considered during this session are attached.

Representative Verla Insko moved to report the remaining bills with an indefinite postponement. The motion passed and the meeting was adjourned.

Rep. Alex Warner
Rep. Alex Warner, Co-chair

Rep. Donald Bonner
Rep. Donald Bonner, Co-Chair

Ann Stancil
Ann Stancil, Committee Clerk

MEMORANDUM

DATE: **10-1-02**

TO: **Representative BLUST**

FROM: **Representative Warner**

SUBJECT: **Bills Pending in the Committee on EDUCATION**

Pursuant to House Rule 36(a) all House bills and resolutions shall be reported from the standing committee or permanent subcommittee to which referred with such recommendations as the standing committee or permanent subcommittee may desire to make **except in the case where the principal introducer requests in writing to the Chair(s) of the standing committee or permanent subcommittee that the bill not be considered.**

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MEMORANDUM

TO: **Representative Warner**

FROM: **Representative Blust**
Bill Sponsor

SUBJECT: **HB 458, AN ACT TO PROTECT THE RIGHTS OF BOY SCOUTS AND GIRL SCOUTS REGARDING THE USE OF SCHOOL PROPERTY.** (Short Title)

I request that HB 458 not be considered by the Committee on EDUCATION.

_____
(Sponsor's Signature)

_____ Date

MEMORANDUM

DATE: **10-1-02**

TO: **Representative Preston**

FROM: **Representative Warner**

SUBJECT: **Bills Pending in the Committee on EDUCATION**

Pursuant to House Rule 36(a) all House bills and resolutions shall be reported from the standing committee or permanent subcommittee to which referred with such recommendations as the standing committee or permanent subcommittee may desire to make **except in the case where the principal introducer requests in writing to the Chair(s) of the standing committee or permanent subcommittee that the bill not be considered.**

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MEMORANDUM

TO: **Representative Warner**

FROM: **Representative Preston**
Bill Sponsor

SUBJECT: **HB 480, PREKINDERGARTEN PROGRAM FOR AT-RISK CHILDREN** (Short Title)

I request that HB 480 not be considered by the Committee on EDUCATION.

_____
(Sponsor's Signature)

_____ Date

MEMORANDUM

DATE: **10-1-02**

TO: **Representative Howard**

FROM: **Representative Warner**

SUBJECT: **Bills Pending in the Committee on EDUCATION**

Pursuant to House Rule 36(a) all House bills and resolutions shall be reported from the standing committee or permanent subcommittee to which referred with such recommendations as the standing committee or permanent subcommittee may desire to make **except in the case where the principal introducer requests in writing to the Chair(s) of the standing committee or permanent subcommittee that the bill not be considered.**

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MEMORANDUM

TO: **Representative Warner**

FROM: **Representative Howard**
Bill Sponsor

SUBJECT: **HB 650, MORATORIUM ON SOFT DRINK CONTRACTS** (Short Title)

I request that HB 650 not be considered by the Committee on EDUCATION.

_____
(Sponsor's Signature)

_____ Date

MEMORANDUM

DATE: **10-1-02**

TO: **Representative BLUST**

FROM: **Representative Warner**

SUBJECT: **Bills Pending in the Committee on EDUCATION**

Pursuant to House Rule 36(a) all House bills and resolutions shall be reported from the standing committee or permanent subcommittee to which referred with such recommendations as the standing committee or permanent subcommittee may desire to make **except in the case where the principal introducer requests in writing to the Chair(s) of the standing committee or permanent subcommittee that the bill not be considered.**

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MEMORANDUM

TO: **Representative Warner**

FROM: **Representative Blust**
Bill Sponsor

SUBJECT: **HB 1128, AN ACT TO ELIMINATE UNNECESSARY AND DUPLICATEIVE PAPERWORK IN THE PUBLIC SCHOOLS.** (Short Title)

I request that HB 1128 not be considered by the Committee on EDUCATION.

_____
(Sponsor's Signature)

_____Date

MEMORANDUM

DATE: **10-1-02**

TO: **Representative Shubert**

FROM: **Representative Warner**

SUBJECT: **Bills Pending in the Committee on EDUCATION**

Pursuant to House Rule 36(a) all House bills and resolutions shall be reported from the standing committee or permanent subcommittee to which referred with such recommendations as the standing committee or permanent subcommittee may desire to make **except in the case where the principal introducer requests in writing to the Chair(s) of the standing committee or permanent subcommittee that the bill not be considered.**

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MEMORANDUM

TO: **Representative Warner**

FROM: **Representative Shubert**
Bill Sponsor

SUBJECT: **HB 1197, NOTIFY PARENTS OF UNCERTIFIED TEACHERS.**
(Short Title)

I request that HB 1197 not be considered by the Committee on EDUCATION.

_____
(Sponsor's Signature)

_____ Date

MEMORANDUM

DATE: **10-1-02**

TO: **Representative Shubert**

FROM: **Representative Warner**

SUBJECT: **Bills Pending in the Committee on EDUCATION**

Pursuant to House Rule 36(a) all House bills and resolutions shall be reported from the standing committee or permanent subcommittee to which referred with such recommendations as the standing committee or permanent subcommittee may desire to make **except in the case where the principal introducer requests in writing to the Chair(s) of the standing committee or permanent subcommittee that the bill not be considered.**

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MEMORANDUM

TO: **Representative Warner**

FROM: **Representative Shubert**
Bill Sponsor

SUBJECT: **HB 1199, TEXTBOOK SELECTION AT LOCAL LEVEL.** (Short Title)

I request that HB 1199 not be considered by the Committee on EDUCATION.

_____
(Sponsor's Signature)

_____Date

MEMORANDUM

DATE: **10-1-02**

TO: **Representative Shubert**

FROM: **Representative Warner**

SUBJECT: **Bills Pending in the Committee on EDUCATION**

Pursuant to House Rule 36(a) all House bills and resolutions shall be reported from the standing committee or permanent subcommittee to which referred with such recommendations as the standing committee or permanent subcommittee may desire to make **except in the case where the principal introducer requests in writing to the Chair(s) of the standing committee or permanent subcommittee that the bill not be considered.**

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MEMORANDUM

TO: **Representative Warner**

FROM: **Representative Shubert**
Bill Sponsor

SUBJECT: **HB 1200, INFORM PARENTS OF STUDENT PROGRESS.** (Short Title)

I request that HB 1200 not be considered by the Committee on EDUCATION.

_____
(Sponsor's Signature)

_____Date

MEMORANDUM

DATE: **10-1-02**

TO: **Representative Shubert**

FROM: **Representative Warner**

SUBJECT: **Bills Pending in the Committee on EDUCATION**

Pursuant to House Rule 36(a) all House bills and resolutions shall be reported from the standing committee or permanent subcommittee to which referred with such recommendations as the standing committee or permanent subcommittee may desire to make **except in the case where the principal introducer requests in writing to the Chair(s) of the standing committee or permanent subcommittee that the bill not be considered.**

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MEMORANDUM

TO: **Representative Warner**

FROM: **Representative Shubert**
Bill Sponsor

SUBJECT: **HB 1201, MAKE STATE TESTS USEFUL TO PARENTS.** (Short Title)

I request that HB 1201 not be considered by the Committee on EDUCATION.

_____
(Sponsor's Signature)

_____ Date

MEMORANDUM

DATE: **10-1-02**

TO: **Representative Shubert**

FROM: **Representative Warner**

SUBJECT: **Bills Pending in the Committee on EDUCATION**

Pursuant to House Rule 36(a) all House bills and resolutions shall be reported from the standing committee or permanent subcommittee to which referred with such recommendations as the standing committee or permanent subcommittee may desire to make **except in the case where the principal introducer requests in writing to the Chair(s) of the standing committee or permanent subcommittee that the bill not be considered.**

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MEMORANDUM

TO: **Representative Warner**

FROM: **Representative Shubert**
Bill Sponsor

SUBJECT: **HB 1202, SCHOOLS MUST PROTECT STUDENT AND FAMILY PRIVACY.** (Short Title)

I request that HB 1202 not be considered by the Committee on EDUCATION.

_____
(Sponsor's Signature)

_____ Date

MEMORANDUM

DATE: **10-1-02**

TO: **Representative Shubert**

FROM: **Representative Warner**

SUBJECT: **Bills Pending in the Committee on EDUCATION**

Pursuant to House Rule 36(a) all House bills and resolutions shall be reported from the standing committee or permanent subcommittee to which referred with such recommendations as the standing committee or permanent subcommittee may desire to make **except in the case where the principal introducer requests in writing to the Chair(s) of the standing committee or permanent subcommittee that the bill not be considered.**

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MEMORANDUM

TO: **Representative Warner**

FROM: **Representative Shubert**
Bill Sponsor

SUBJECT: **HB 1203, PARENTAL NOTIFICATIN OF HEALTH CARE.** (Short Title)

I request that HB 1203 not be considered by the Committee on EDUCATION.

_____
(Sponsor's Signature)

_____ Date

MEMORANDUM

DATE: **10-1-02**

TO: **Representative Shubert**

FROM: **Representative Warner**

SUBJECT: **Bills Pending in the Committee on EDUCATION**

Pursuant to House Rule 36(a) all House bills and resolutions shall be reported from the standing committee or permanent subcommittee to which referred with such recommendations as the standing committee or permanent subcommittee may desire to make **except in the case where the principal introducer requests in writing to the Chair(s) of the standing committee or permanent subcommittee that the bill not be considered.**

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MEMORANDUM

TO: **Representative Warner**

FROM: **Representative Shubert**
Bill Sponsor

SUBJECT: **HB 1204, ABCS BONUS/SCHOOLS TEACH ALL STUDENTS**
(Short Title)

I request that HB 1204 not be considered by the Committee on EDUCATION.

_____
(Sponsor's Signature)

_____ Date

MEMORANDUM

DATE: **10-1-02**

TO: **Representative Shubert**

FROM: **Representative Warner**

SUBJECT: **Bills Pending in the Committee on EDUCATION**

Pursuant to House Rule 36(a) all House bills and resolutions shall be reported from the standing committee or permanent subcommittee to which referred with such recommendations as the standing committee or permanent subcommittee may desire to make **except in the case where the principal introducer requests in writing to the Chair(s) of the standing committee or permanent subcommittee that the bill not be considered.**

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MEMORANDUM

TO: **Representative Warner**

FROM: **Representative Shubert**
Bill Sponsor

SUBJECT: **HB 1205, LOCAL FLEXIBILITY REGARDING CLASS SIZE.**
(Short Title)

I request that HB 1205 not be considered by the Committee on EDUCATION.

_____
(Sponsor's Signature)

_____Date

MEMORANDUM

DATE: **10-1-02**

TO: **Representative Shubert**

FROM: **Representative Warner**

SUBJECT: **Bills Pending in the Committee on EDUCATION**

Pursuant to House Rule 36(a) all House bills and resolutions shall be reported from the standing committee or permanent subcommittee to which referred with such recommendations as the standing committee or permanent subcommittee may desire to make **except in the case where the principal introducer requests in writing to the Chair(s) of the standing committee or permanent subcommittee that the bill not be considered.**

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MEMORANDUM

TO: **Representative Warner**

FROM: **Representative Shubert**
Bill Sponsor

SUBJECT: **HB 1206, TEACHER RECRUITMENT INCENTIVES/LOCAL FUNDS.** (Short Title)

I request that HB 1206 not be considered by the Committee on EDUCATION.

_____
(Sponsor's Signature)

_____Date

MEMORANDUM

DATE: **10-1-02**

TO: **Representative Shubert**

FROM: **Representative Warner**

SUBJECT: **Bills Pending in the Committee on EDUCATION**

Pursuant to House Rule 36(a) all House bills and resolutions shall be reported from the standing committee or permanent subcommittee to which referred with such recommendations as the standing committee or permanent subcommittee may desire to make **except in the case where the principal introducer requests in writing to the Chair(s) of the standing committee or permanent subcommittee that the bill not be considered.**

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MEMORANDUM

TO: **Representative Warner**

FROM: **Representative Shubert**
Bill Sponsor

SUBJECT: **HB 1208, RETIRED SCHOOL PERSONNEL ENCOURAGED TO WORK.** (Short Title)

I request that HB 1208 not be considered by the Committee on EDUCATION.

_____
(Sponsor's Signature)

_____ Date

MEMORANDUM

DATE: **10-1-02**

TO: **Representative Shubert**

FROM: **Representative Warner**

SUBJECT: **Bills Pending in the Committee on EDUCATION**

Pursuant to House Rule 36(a) all House bills and resolutions shall be reported from the standing committee or permanent subcommittee to which referred with such recommendations as the standing committee or permanent subcommittee may desire to make **except in the case where the principal introducer requests in writing to the Chair(s) of the standing committee or permanent subcommittee that the bill not be considered.**

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MEMORANDUM

TO: **Representative Warner**

FROM: **Representative Shubert**
Bill Sponsor

SUBJECT: **HB 1209, INCREASE SUBSTITUE TEACHER PAY.** (Short Title)

I request that HB 1209 not be considered by the Committee on EDUCATION.

_____
(Sponsor's Signature)

_____ Date

MEMORANDUM

DATE: **10-1-02**

TO: **Representative Shubert**

FROM: **Representative Warner**

SUBJECT: **Bills Pending in the Committee on EDUCATION**

Pursuant to House Rule 36(a) all House bills and resolutions shall be reported from the standing committee or permanent subcommittee to which referred with such recommendations as the standing committee or permanent subcommittee may desire to make **except in the case where the principal introducer requests in writing to the Chair(s) of the standing committee or permanent subcommittee that the bill not be considered.**

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MEMORANDUM

TO: **Representative Warner**

FROM: **Representative Shubert**
Bill Sponsor

SUBJECT: **HB 1210, COMMUNITY COLLEGE TEACHERS PAY.** (Short Title)

I request that HB 1210 not be considered by the Committee on EDUCATION.

_____
(Sponsor's Signature)

_____ Date

MEMORANDUM

DATE: **10-1-02**

TO: **Representative Shubert**

FROM: **Representative Warner**

SUBJECT: **Bills Pending in the Committee on EDUCATION**

Pursuant to House Rule 36(a) all House bills and resolutions shall be reported from the standing committee or permanent subcommittee to which referred with such recommendations as the standing committee or permanent subcommittee may desire to make **except in the case where the principal introducer requests in writing to the Chair(s) of the standing committee or permanent subcommittee that the bill not be considered.**

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MEMORANDUM

TO: **Representative Warner**

FROM: **Representative Shubert**
Bill Sponsor

SUBJECT: **HB 1212, NOTIFY PARENTS OF WRITING CURRICULUM & RESULTS.** (Short Title)

I request that HB 1212 not be considered by the Committee on EDUCATION.

_____
(Sponsor's Signature)

_____ Date

MEMORANDUM

DATE: **10-1-02**

TO: **Representative Shubert**

FROM: **Representative Warner**

SUBJECT: **Bills Pending in the Committee on EDUCATION**

Pursuant to House Rule 36(a) all House bills and resolutions shall be reported from the standing committee or permanent subcommittee to which referred with such recommendations as the standing committee or permanent subcommittee may desire to make **except in the case where the principal introducer requests in writing to the Chair(s) of the standing committee or permanent subcommittee that the bill not be considered.**

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MEMORANDUM

TO: **Representative Warner**

FROM: **Representative Shubert**
Bill Sponsor

SUBJECT: **HB 1234, MAKE NC LIVE UNIVERSALLY AVAILABLE TO SCHOOLS.** (Short Title)

I request that HB 1234 not be considered by the Committee on EDUCATION.

_____
(Sponsor's Signature)

_____Date

MEMORANDUM

DATE: **10-1-02**

TO: **Representative BLUST**

FROM: **Representative Warner**

SUBJECT: **Bills Pending in the Committee on EDUCATION**

Pursuant to House Rule 36(a) all House bills and resolutions shall be reported from the standing committee or permanent subcommittee to which referred with such recommendations as the standing committee or permanent subcommittee may desire to make **except in the case where the principal introducer requests in writing to the Chair(s) of the standing committee or permanent subcommittee that the bill not be considered.**

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MEMORANDUM

TO: **Representative Warner**

FROM: **Representative Blust**
Bill Sponsor

SUBJECT: **HB 1242, AN ACT TO ENACT THE MODEL EDUCATION QUALITY AND TEACHER PROTECTION ACT.** (Short Title)

I request that HB 1242 not be considered by the Committee on EDUCATION.

_____
(Sponsor's Signature)

_____ Date

MEMORANDUM

DATE: **10-1-02**

TO: **Representative Allred**

FROM: **Representative Warner**

SUBJECT: **Bills Pending in the Committee on EDUCATION**

Pursuant to House Rule 36(a) all House bills and resolutions shall be reported from the standing committee or permanent subcommittee to which referred with such recommendations as the standing committee or permanent subcommittee may desire to make **except in the case where the principal introducer requests in writing to the Chair(s) of the standing committee or permanent subcommittee that the bill not be considered.**

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MEMORANDUM

TO: **Representative Warner**

FROM: **Representative Allred**
Bill Sponsor

SUBJECT: **HB 1447, AN ACT TO PROVIDE THAT OUT-OT-STATE TUITION MUST BE SET AT A LEVEL TO RECOVER FULL COST OF THE EDUCATION.** (Short Title)

I request that HB 1447 not be considered by the Committee on EDUCATION.

_____
(Sponsor's Signature)

_____Date